

By: Raymond

H.B. No. 3054

A BILL TO BE ENTITLED

AN ACT

relating to the dissemination of criminal history record information by the Department of Public Safety concerning the offense of intoxication manslaughter and to a task force to reduce habitual driving while intoxicated.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.135(a), Government Code, is amended to read as follows:

(a) Any person is entitled to obtain from the department:

(1) any information described as public information under Chapter 62, Code of Criminal Procedure, including, to the extent available, a recent photograph of each person subject to registration under that chapter; ~~and~~

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication; and

(3) any information described as public information under Section 411.1356(a).

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Sections 411.1356 and 411.1357 to read as follows:

Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION CONCERNING OFFENSE OF INTOXICATION MANSLAUGHTER. (a)
2 Criminal history record information that concerns a person's
3 conviction within the preceding 10-year period for an offense under
4 Section 49.08, Penal Code, is public information, with the
5 exception of:

6 (1) any information regarding the person's social
7 security number, driver's license number, or telephone number; and

8 (2) any information that would identify a victim of
9 the offense.

10 (b) The department shall implement and maintain an Internet
11 website to allow any person, free of charge, to electronically
12 search for and receive information described by Subsection (a).
13 The website must be searchable by zip code, city, county, or the
14 name of the person convicted. The search results must include for
15 each person convicted:

16 (1) the person's full name and last known address; and

17 (2) a recent photograph of the person, if a photograph
18 is available to the department.

19 (b-1) The department shall provide written notice to the
20 convicted person not later than the 10th day after the day on which
21 the department places the person's name on the Internet website
22 described by Subsection (b).

23 (c) The department shall remove the criminal history record
24 information concerning a person's conviction for an offense under
25 Section 49.08, Penal Code, from the Internet website as soon as
26 practicable after the earliest of:

27 (1) the 10th anniversary of the date of the

1 conviction;

2 (2) the date on which the conviction is reversed on
3 appeal; or

4 (3) the date on which an order of expunction is entered
5 with respect to records and files in the case.

6 Sec. 411.1357. CRIMINAL HISTORY RECORD INFORMATION
7 CONCERNING OFFENSE OF INTOXICATION MANSLAUGHTER PROVIDED TO PEACE
8 OFFICER ON REQUEST. (a) The department shall establish a
9 procedure by which a peace officer or employee of a law enforcement
10 agency who provides the department with a driver's license number,
11 personal identification certificate number, or license plate
12 number may be provided any criminal history record information
13 maintained by the department concerning a conviction of the person
14 to whom the license, certificate, or plate is issued for an offense
15 under Section 49.08, Penal Code, within the preceding 10-year
16 period.

17 (b) The procedure established under Subsection (a) must
18 allow a peace officer to request the information from the location
19 of a motor vehicle stop and to receive a response to the request
20 within the duration of a reasonable motor vehicle stop.

21 SECTION 3. Subtitle B, Title 4, Government Code, is amended
22 by adding Chapter 424 to read as follows:

23 CHAPTER 424. TASK FORCE TO REDUCE HABITUAL INCIDENTS OF DRIVING
24 WHILE INTOXICATED

25 Sec. 424.001. DEFINITION. In this chapter, "offense
26 relating to the operating of a motor vehicle while intoxicated" has
27 the meaning assigned by Section 49.09(c), Penal Code.

1 Sec. 424.002. TASK FORCE COMPOSITION. The Task Force to
2 Reduce Habitual Incidents of Driving While Intoxicated is composed
3 of 12 members appointed as follows:

4 (1) six members appointed by the governor:

5 (A) one of whom is a judge from a specialty court;

6 (B) one of whom has expertise in specialty courts
7 designed to address addiction;

8 (C) one of whom has been charged with or
9 convicted of an offense relating to the operating of a motor vehicle
10 while intoxicated;

11 (D) one of whom has been a victim of an offense
12 relating to the operating of a motor vehicle while intoxicated;

13 (E) one of whom has expertise in criminal
14 justice; and

15 (F) one of whom has expertise in best practice
16 substance abuse treatment;

17 (2) three members appointed by the lieutenant
18 governor:

19 (A) one of whom is a prosecuting attorney;

20 (B) one of whom is a public defense attorney; and

21 (C) one of whom is a university scholar with
22 expertise in substance abuse treatment; and

23 (3) three members appointed by the speaker of the
24 house of representatives:

25 (A) one of whom is a state representative;

26 (B) one of whom is a state senator; and

27 (C) one of whom is appropriately qualified as

determined by the speaker.

Sec. 424.003. APPOINTMENT OF PRESIDING OFFICER. The governor shall designate a member of the task force to serve as presiding officer.

Sec. 424.004. DUTIES. (a) The task force shall:

(1) study the best practice responses to habitual offenses relating to the operating of a motor vehicle while intoxicated, for purposes of reducing habitual incidents of those offenses and incidents of driving fatalities among intoxicated drivers;

(2) examine first-time, repeat, and habitual driving while intoxicated data collected in this state, including data relating to:

(A) driving fatalities involving intoxicated drivers; and

(B) automatic driver's license suspensions by the Department of Public Safety for convictions of an offense relating to the operating of a motor vehicle while intoxicated;

(3) monitor other states for laws and programs that have been successful in reducing the occurrence of offenses relating to the operating of a motor vehicle while intoxicated in those states; and

(4) confer with the Texas Department of Transportation, the Department of Public Safety, the Texas Department of Criminal Justice, and the Department of State Health Services to reduce alcoholism, recidivism, and the occurrence of offenses relating to the operating of a motor vehicle while

1 intoxicated in this state.

2 (b) Not later than December 1, 2016, the task force shall
3 submit a report to the governor, the lieutenant governor, and the
4 speaker of the house of representatives that:

5 (1) describes its findings, including the success of
6 state laws and programs in reducing the occurrence of offenses
7 relating to the operating of a motor vehicle while intoxicated;

8 (2) recommends best practice responses to habitual
9 driving while intoxicated; and

10 (3) recommends legislation relating to the prevention
11 of offenses relating to the operating of a motor vehicle while
12 intoxicated in this state.

13 (c) The Texas Legislative Council and the Legislative
14 Budget Board shall assist the task force in performing its duties.

15 Sec. 424.005. EXPIRATION. The task force is abolished and
16 this chapter expires January 1, 2017.

17 SECTION 4. Not later than May 1, 2016, the Department of
18 Public Safety shall implement the Internet website required under
19 Section 411.1356, Government Code, as added by this Act, and shall
20 make available to a requesting person the information described by
21 Section 411.1356 or 411.1357, Government Code, as added by this
22 Act.

23 SECTION 5. The governor, lieutenant governor, and speaker
24 of the house of representatives shall make the appointments to the
25 Task Force to Reduce Habitual Incidents of Driving While
26 Intoxicated required by Chapter 424, Government Code, as added by
27 this Act, as soon as practicable after the effective date of this

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1 Act.

2 SECTION 6. This Act takes effect September 1, 2015.