

BILL ANALYSIS

H.B. 3800
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Statistics have shown that every few hours, someone is killed in an alcohol-related car accident in Texas. Interested parties assert that it will take a concerted effort by every citizen to change what has become all too common and alarming behavior. Those parties contend that this staggering accident statistic could be reduced by equipping citizens and law enforcement with easier access to information regarding a person's history of certain intoxication offenses. H.B. 3800 seeks to help remove dangerous individuals from the road.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3800 amends the Government Code to make criminal history record information that concerns a person's conviction within the preceding 10-year period for driving while intoxicated, driving while intoxicated with a child, intoxication assault, and intoxication manslaughter public information, with the exception of any information regarding the person's social security number, driver's license number, or telephone number and any information that would identify a victim of the offense. The bill entitles any person to obtain any of that information from the Department of Public Safety (DPS). The bill requires DPS to implement, not later than May 1, 2016, and maintain a website to allow any person, free of charge, to electronically search for and receive such information and requires the website to be searchable by zip code, city, county, or the name of the person convicted. The bill requires the search results to include for each person convicted the person's full name and last known address and a recent photograph of the person, if a photograph is available to DPS. The bill requires DPS to remove the criminal history record information concerning a person's conviction for an applicable offense from the website as soon as practicable after the earliest of the 10th anniversary of the date of the conviction, the date on which the conviction is reversed on appeal, or the date on which an order of expunction is entered with respect to records and files in the case.

H.B. 3800 requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license number, personal identification certificate number, or license plate number may be provided any criminal history record information maintained by DPS concerning a conviction of the person to whom the license, certificate, or plate is issued for an intoxication offense included on the website within the preceding 10-year period. The bill requires such a procedure to allow a peace officer to request

the information from the location of a motor vehicle stop and to receive a response to the request within the duration of a reasonable motor vehicle stop. The bill requires DPS, not later than May 1, 2016, to make available to a requesting person or peace officer or employee of a law enforcement agency criminal history record information concerning certain intoxication offenses, as applicable.

EFFECTIVE DATE

September 1, 2015.