

## **BILL ANALYSIS**

Senate Research Center

H.B. 1176  
By: Allen (Brown)  
State Affairs  
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Engrossed

### **DIGEST**

Currently, Department of Public Safety (DPS) records on all convictions and deferred adjudications are closed. Because they are not available at DPS, some citizens believe that these records are closed to them. In actuality, these records are a matter of open public record in the counties and are available for use by the public. H.B. 1176 would create a database composed of open records already available to the public.

### **PURPOSE**

As proposed, H.B. 1176 outlines provisions regarding public access to conviction and deferred adjudication information and to certain sex offender registration information maintained by the Department of Public Safety.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Department of Public Safety under SECTION 2 (Section 411.135, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.088, Government Code, to authorize the Department of Public Safety (DPS) to charge a person that is not primarily a criminal justice agency a fee for processing inquiries for criminal history record information and information described as public information under Section 5, Article 6252-13c.1, V.T.C.S. Sets forth fees DPS is authorized to charge. Makes conforming changes.

SECTION 2. Amends Chapter 411F, Government Code, by adding Section 411.135, as follows:

Sec. 411.135. ACCESS TO CERTAIN INFORMATION BY PUBLIC. Sets forth information any person is entitled to obtain from DPS. Requires DPS, by rule, to design and implement a system to respond to electronic inquiries and other inquiries for information described by Subsection (a). Authorizes any person who obtains information from DPS to use the information for any purpose or release the information to any other person.

SECTION 3. Requires DPS to implement a system described by Section 411.135, Government Code, as added by this Act, no later than January 1, 1998.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.