

BILL ANALYSIS

H.B. 525
By: Villalba
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that dating violence and violence against children and family members are significant problems that can destroy families and negatively affect large numbers of people. H.B. 525 seeks to aid in the efforts to reduce such violence by establishing a public database containing information regarding persons convicted of certain offenses involving such violence.

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. 525 amends the Government Code to require the Department of Public Safety (DPS) to maintain a computerized central database regarding persons who on three or more occasions have been convicted of an offense for which an affirmative finding was made relating to an offense involving family violence or relating to an offense against a person where the victim or intended victim was younger than 17 years of age and the person committing the offense was 17 years of age or older on the date at least three of the offenses were committed. The bill makes the information contained in the database public, with certain specified exceptions. The bill prohibits DPS from charging for the processing of an electronic inquiry made through the use of the Internet for the database's public information and entitles any person to obtain that information from DPS.

H.B. 525 sets out the required contents of the database, requires DPS to permit a person whose name is included in the database to petition DPS for removal of the person's name from the database, and sets out the conditions under which DPS is required to remove the name from the database. The bill requires the website through which a person may search the database to include information regarding the manner in which a person may petition the department for removal of the person's name from the database, the circumstances under which the department will grant the petition, and contact information for family violence organizations. The bill requires DPS to consult with a representative of a statewide advocacy organization for issues related to family violence regarding implementation of the database and regarding the required contact information for family violence organizations. The bill requires the database to be designed and implemented not later than January 1, 2018, and limits the information to be included in the database to information concerning persons convicted of at least one offense committed on or after the bill's effective date for which an affirmative finding is made relating to an offense involving family violence or an offense against a person where the victim or intended

victim was younger than 17 years of age.

H.B. 525 amends the Code of Criminal Procedure to expand the category of offenses for which a judge is required to make an affirmative finding of fact and to enter that finding in the judgment in the case on a determination that the victim or intended victim was younger than 17 years of age at the time of the offense to include any offense against a person under the Penal Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.