

CHAPTER 1025

H.B. No. 2761

AN ACT

relating to the criminal history records system and to record keeping and reporting requirements of certain agencies and district courts.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 60.01, Code of Criminal Procedure, is amended by adding Subdivision (16) to read as follows:

(16) *“Electronic means” means the transmission of data between word processors, data processors, or similar automated information equipment over dedicated cables, commercial lines, or other similar methods of transmission.*

SECTION 2. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.061 to read as follows:

*Art. 60.061. INFORMATION ON PERSONS LICENSED BY CERTAIN AGENCIES. (a) The Texas State Board of Medical Examiners, the Texas State Board of Podiatry Examiners, the State Board of Dental Examiners, the Texas State Board of Pharmacy, and the State Board of Veterinary Medical Examiners shall provide to the Department of Public Safety through electronic means or disk or magnetic tape to be developed by the department a list including the name, date of birth, and any other personal descriptive information required by the department for each person licensed by the respective agency. Each agency shall update this information and submit to the Department of Public Safety the updated information monthly.*

*(b) The Department of Public Safety shall not less than monthly perform a computer match of the licensing list against the convictions maintained in the computerized criminal history system. The Department of Public Safety shall report to the appropriate licensing agency for verification and administrative action, as considered appropriate by the licensing agency, the name of any person found to have a record of conviction, except a defendant whose prosecution is deferred during a period of probation without an adjudication or plea of guilt.*

*(c) The transmission of information by electronic means under Subsection (a) of this article does not affect whether the information is subject to disclosure under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).*

SECTION 3. Article 60.07, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

*(c) Subject to available telecommunications capacity, the Department of Public Safety shall develop the capability to receive by electronic means from a law enforcement agency the information on the uniform incident fingerprint card. The information must be in a form that is compatible to the form required of data supplied to the criminal justice information system.*

SECTION 4. Article 60.12(a), Code of Criminal Procedure, is amended to read as follows:

*(a) The Department of Public Safety shall, when a jurisdiction transmits fingerprints and arrest information by a remote terminal accessing the statewide automated fingerprint identification system, use that transmission either to create a permanent record in the criminal justice information system or to create a temporary arrest record in the criminal justice information system to be maintained by the department until the department receives and processes the physical copy of the arrest information.*

SECTION 5. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.18 to read as follows:

*Art. 60.18. INFORMATION ON SUBSEQUENT ARREST OF CERTAIN INDIVIDUALS. The Texas Department of Criminal Justice and the Department of Public Safety shall develop the capability to send to a community supervision and corrections department, district parole office, and county data processing department by electronic means information about the subsequent arrest of a person under the supervision of the office or department.*

SECTION 6. Section 413.009, Government Code, is amended to read as follows:

Sec. 413.009. DUTIES OF POLICY COUNCIL. To accomplish its duties the policy council shall:

- (1) conduct an in-depth analysis of the criminal justice system;
- (2) determine the long-range needs of the criminal justice system and recommend policy priorities for the system;
- (3) identify critical problems in the criminal justice system and recommend strategies to solve those problems;
- (4) assess the cost-effectiveness of the use of state and local funds in the criminal justice system;

(5) recommend the goals, priorities, and standards for the allocation of criminal justice planning funds administered by the criminal justice division;

(6) recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice system;

(7) advise and assist the legislature in developing plans, programs, and proposed legislation for improving the effectiveness of the criminal justice system;

(8) make computations of daily costs and compare interagency costs on services provided by agencies that are a part of the criminal justice system;

(9) make population computations for use in planning for the long-range needs of the criminal justice system;

(10) determine long-range information needs of the criminal justice system and acquire that information; *and*

(11) engage in other activities consistent with the responsibilities of the policy council[; *and*

~~[(12) implement the criminal justice data report].~~

SECTION 7. Section 5.07, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.07. REPORT OF CERTAIN CONVICTIONS OR DETERMINATIONS. (a) Within 30 days after the initial conviction or the initial finding of the trier of fact of guilt of a person known to be a physician, licensed or otherwise lawfully practicing in this state or applying to be so licensed to practice, of a felony, a misdemeanor involving moral turpitude, a violation of state or federal narcotics or controlled substance laws, or an offense involving fraud or abuse under the Medicare or Medicaid programs [~~or after a determination by a court that adjudges or includes a finding that a physician is mentally ill or mentally incompetent~~], whether or not the conviction, adjudication, or finding is entered, withheld, or appealed under the laws of this state, the clerk of the court of record in which the conviction, adjudication, or finding was entered shall prepare and forward to the *Department of Public Safety the information required under Chapter 60, Code of Criminal Procedure, for use in the computerized criminal history system.*

*(b) Not later than the 30th day after the date a court adjudges or finds that a physician is mentally ill or mentally incompetent, the clerk of the court of record in which the adjudication or finding was entered shall prepare and forward to the board a certified true and correct abstract of record, regardless of whether the adjudication or finding is later withheld or appealed [board a certified true and correct abstract of record of the court governing the case. The abstract shall include the name and address of the physician or applicant, the nature of the offense committed, the sentence, and the judgment of the court. The board shall prepare the form of the abstract and shall distribute copies of it to all clerks of courts of record within this state with appropriate instructions for preparation and filing].*

SECTION 8. Sections 51.305 and 413.018, Government Code, are repealed.

SECTION 9. Article 60.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) Information in the computerized criminal history system relating to an offender must include:

- (1) the offender's name, including other names by which the offender is known;
- (2) the offender's date of birth;
- (3) the offender's *physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos*; and
- (4) the offender's state identification number.

SECTION 10. The Department of Public Safety shall develop the capability to receive or send the information by the means required by Articles 60.061, 60.07(c), and 60.18, Code of Criminal Procedure, as added by this Act, not later than January 1, 1995.

SECTION 11. This Act takes effect September 1, 1993.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 7, 1993, by a non-record vote; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 19, 1993.

Effective Sept. 1, 1993.