

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 20, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1071 by West, Royce (Relating to a person's eligibility for an order of nondisclosure with respect to certain criminal history records and to certain law enforcement duties that result from the issuance of an order.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and the Code of Criminal Procedure as it relates to a person's eligibility for an order of nondisclosure with respect to certain criminal history records and to certain law enforcement duties that result from the issuance of an order.

The bill would allow persons placed on deferred adjudication community supervision that subsequently receive a discharge and dismissal to file an ex parte petition with the district court for an order of nondisclosure, regardless of whether the person has been previously convicted or placed on deferred adjudication community supervision for an offense. Under current law, persons with previous convictions and deferred adjudications are not eligible.

The bill also modifies the eligibility and payment dates and requires the Department of Public Safety (DPS) to send a copy of the order by mail or electronic means to all private entities that purchase criminal history record information from DPS, in addition to law enforcement agencies and federal depositories. DPS would also be required to include in the report submitted to the Legislature, the number of persons who are the subject of an order of nondisclosure and who became the subject of criminal charges for an offense after the order was issued.

A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to certain noncriminal justice agencies or entities only for criminal justice or regulatory licensing purposes. A person whose criminal history has been sealed would not be required to state in any proceeding they had been the subject of any criminal proceeding related to the order issued.

The bill instructs DPS not to release criminal history record information to entities that have purchased the information and violated Government Code, Section 552.1425, five or more time, until the first anniversary of the date of the most recent violation.

DPS estimates that system modifications would costs \$28,500 in fiscal year 2006; however, it is assumed this can be accomplished within existing resources.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, LB, VDS, SJ, LM, KJG