

AN ACT

relating to authorizing a criminal justice agency to disclose certain criminal history record information and to orders of disclosure regarding such information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.081, Government Code, is amended by adding Subsections (f-1) and (j) and amending Subsection (i) to read as follows:

(f-1) In this subsection, "child" has the meaning assigned by Section 51.02, Family Code. Notwithstanding any other provision of this subchapter, on conviction of a child for a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code, the convicting court shall immediately issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies for criminal justice purposes, to an agency or entity listed in Subsection (j), or to the person who is the subject of the order.

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies

or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Youth Commission;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital

1 district;

2 (18) the Texas Juvenile Probation Commission;

3 (19) the securities commissioner, the banking
4 commissioner, the savings and mortgage lending commissioner, or the
5 credit union commissioner;

6 (20) the Texas State Board of Public Accountancy;

7 (21) the Texas Department of Licensing and Regulation;

8 (22) the Health and Human Services Commission;

9 (23) the Department of Aging and Disability Services;

10 [~~and~~]

11 (24) the Texas Education Agency;

12 (25) the Guardianship Certification Board; and

13 (26) a county clerk's office in relation to a
14 proceeding for the appointment of a guardian under Chapter XIII,
15 Texas Probate Code.

16 (j) A criminal justice agency may disclose criminal history
17 record information that is the subject of an order of nondisclosure
18 under Subsection (f-1) to the following agencies or entities only:

19 (1) the Texas Youth Commission;

20 (2) the Texas Juvenile Probation Commission;

21 (3) the Department of State Health Services, a local
22 mental health or mental retardation authority, or a community
23 center providing services to persons with mental illness or
24 retardation;

25 (4) the Department of Family and Protective Services;

26 (5) a juvenile probation department;

27 (6) a municipal or county health department;

1 (7) a public or nonprofit hospital or hospital
2 district;

3 (8) a county department that provides services to
4 at-risk youth or their families;

5 (9) a children's advocacy center established under
6 Section 264.402, Family Code;

7 (10) a school district, charter school, private
8 school, regional education service center, commercial
9 transportation company, or education shared service arrangement;
10 and

11 (11) a safe house providing shelter to children in
12 harmful situations.

13 SECTION 2. Subsection (a), Section 411.0851, Government
14 Code, is amended to read as follows:

15 (a) A private entity that compiles and disseminates for
16 compensation criminal history record information shall destroy and
17 may not disseminate any information in the possession of the entity
18 with respect to which the entity has received notice that:

19 (1) an order of expunction has been issued under
20 Article 55.02, Code of Criminal Procedure; or

21 (2) an order of nondisclosure has been issued under
22 Section 411.081(d) or (f-1).

23 SECTION 3. The heading to Section 552.142, Government Code,
24 is amended to read as follows:

25 Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED
26 ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

27 SECTION 4. Subsection (a), Section 552.142, Government

Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081(d) or (f-1).

SECTION 5. Subsection (a), Section 552.1425, Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d) or (f-1).

SECTION 6. The change in law made by this Act applies to a conviction that occurs on or after the effective date of this Act, regardless of whether the offense was committed before, on, or after the effective date of this Act.

SECTION 7. Notwithstanding Section 6 of this Act, a child, as that term is defined by Section 51.02, Family Code, who is convicted of a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code, before the effective date of this Act may petition the court for an order of nondisclosure, and the court shall issue the order under Subsection (f-1), Section 411.081, Government Code, as added by this Act.

SECTION 8. This Act takes effect immediately if it receives

S.B. No. 1056

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1056 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1056 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 142, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor