

By: West

S.B. No. 2224

A BILL TO BE ENTITLED

AN ACT

1
2 relating to orders of nondisclosure for the records of children
3 convicted of certain offenses punishable by fine only.

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

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

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

21 (i) A criminal justice agency may disclose criminal history
22 record information that is the subject of an order of nondisclosure
23 under Subsection (d) to the following noncriminal justice agencies
24 or entities only:

- 1 (1) the State Board for Educator Certification;
- 2 (2) a school district, charter school, private school,
3 regional education service center, commercial transportation
4 company, or education shared service arrangement;
- 5 (3) the Texas Medical Board;
- 6 (4) the Texas School for the Blind and Visually
7 Impaired;
- 8 (5) the Board of Law Examiners;
- 9 (6) the State Bar of Texas;
- 10 (7) a district court regarding a petition for name
11 change under Subchapter B, Chapter 45, Family Code;
- 12 (8) the Texas School for the Deaf;
- 13 (9) the Department of Family and Protective Services;
- 14 (10) the Texas Youth Commission;
- 15 (11) the Department of Assistive and Rehabilitative
16 Services;
- 17 (12) the Department of State Health Services, a local
18 mental health service, a local mental retardation authority, or a
19 community center providing services to persons with mental illness
20 or retardation;
- 21 (13) the Texas Private Security Board;
- 22 (14) a municipal or volunteer fire department;
- 23 (15) the Texas Board of Nursing;
- 24 (16) a safe house providing shelter to children in
25 harmful situations;
- 26 (17) a public or nonprofit hospital or hospital
27 district;

- 1 (18) the Texas Juvenile Probation Commission;
- 2 (19) the securities commissioner, the banking
- 3 commissioner, the savings and mortgage lending commissioner, or the
- 4 credit union commissioner;
- 5 (20) the Texas State Board of Public Accountancy;
- 6 (21) the Texas Department of Licensing and Regulation;
- 7 (22) the Health and Human Services Commission;
- 8 (23) the Department of Aging and Disability Services;
- 9 and
- 10 (24) the Texas Education Agency.

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

- 14 (1) the Texas Youth Commission;
- 15 (2) the Texas Juvenile Probation Commission;
- 16 (3) the Department of State Health Services, a local
17 mental health or mental retardation authority, or a community
18 center providing services to persons with mental illness or
19 retardation;
- 20 (4) the Department of Family and Protective Services;
- 21 (5) a juvenile probation department;
- 22 (6) a municipal or county health department;
- 23 (7) a public or nonprofit hospital or hospital
24 district;
- 25 (8) a county department that provides services to
26 at-risk youth or their families;
- 27 (9) a children's advocacy center established under

1 Section 264.402, Family Code;

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

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

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

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

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

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

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

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

22 SECTION 4. Subsection (a), Section 552.142, Government
23 Code, is amended to read as follows:

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

27 SECTION 5. Subsection (a), Section 552.1425, Government

1 Code, is amended to read as follows:

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

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

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

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

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

22 SECTION 8. This Act takes effect September 1, 2009.