

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 Subsection (f-1) to read as follows:

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

20 SECTION 2. Section 411.0851(a), Government Code, is amended  
21 to read as follows:

22 (a) A private entity that compiles and disseminates for  
23 compensation criminal history record information shall destroy and  
24 may not disseminate any information in the possession of the entity

1 with respect to which the entity has received notice that:

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

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

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

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

10 SECTION 4. Section 552.142(a), Government Code, is amended  
11 to read as follows:

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

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

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

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

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

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

1 after the effective date of this Act.

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

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