

1-1 By: West S.B. No. 2224  
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 30, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 30, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2224 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to orders of nondisclosure for the records of children  
1-11 convicted of certain offenses punishable by fine only.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 411.081, Government Code, is amended by  
1-14 adding Subsections (f-1) and (j) and amending Subsection (i) to  
1-15 read as follows:

1-16 (f-1) In this subsection, "child" has the meaning assigned  
1-17 by Section 51.02, Family Code. Notwithstanding any other provision  
1-18 of this subchapter, on conviction of a child for a misdemeanor  
1-19 offense punishable by fine only that does not constitute conduct  
1-20 indicating a need for supervision under Section 51.03, Family Code,  
1-21 the convicting court shall immediately issue an order prohibiting  
1-22 criminal justice agencies from disclosing to the public criminal  
1-23 history record information related to the offense. A criminal  
1-24 justice agency may disclose criminal history record information  
1-25 that is the subject of the order only to other criminal justice  
1-26 agencies for criminal justice purposes, to an agency or entity  
1-27 listed in Subsection (j), or to the person who is the subject of the  
1-28 order.

1-29 (i) A criminal justice agency may disclose criminal history  
1-30 record information that is the subject of an order of nondisclosure  
1-31 under Subsection (d) to the following noncriminal justice agencies  
1-32 or entities only:

- 1-33 (1) the State Board for Educator Certification;
- 1-34 (2) a school district, charter school, private school,  
1-35 regional education service center, commercial transportation  
1-36 company, or education shared service arrangement;
- 1-37 (3) the Texas Medical Board;
- 1-38 (4) the Texas School for the Blind and Visually  
1-39 Impaired;
- 1-40 (5) the Board of Law Examiners;
- 1-41 (6) the State Bar of Texas;
- 1-42 (7) a district court regarding a petition for name  
1-43 change under Subchapter B, Chapter 45, Family Code;
- 1-44 (8) the Texas School for the Deaf;
- 1-45 (9) the Department of Family and Protective Services;
- 1-46 (10) the Texas Youth Commission;
- 1-47 (11) the Department of Assistive and Rehabilitative  
1-48 Services;
- 1-49 (12) the Department of State Health Services, a local  
1-50 mental health service, a local mental retardation authority, or a  
1-51 community center providing services to persons with mental illness  
1-52 or retardation;
- 1-53 (13) the Texas Private Security Board;
- 1-54 (14) a municipal or volunteer fire department;
- 1-55 (15) the Texas Board of Nursing;
- 1-56 (16) a safe house providing shelter to children in  
1-57 harmful situations;
- 1-58 (17) a public or nonprofit hospital or hospital  
1-59 district;
- 1-60 (18) the Texas Juvenile Probation Commission;
- 1-61 (19) the securities commissioner, the banking  
1-62 commissioner, the savings and mortgage lending commissioner, or the  
1-63 credit union commissioner;

- 2-1 (20) the Texas State Board of Public Accountancy;
- 2-2 (21) the Texas Department of Licensing and Regulation;
- 2-3 (22) the Health and Human Services Commission;
- 2-4 (23) the Department of Aging and Disability Services;
- 2-5 and
- 2-6 (24) the Texas Education Agency.

2-7 (j) A criminal justice agency may disclose criminal history  
 2-8 record information that is the subject of an order of nondisclosure  
 2-9 under Subsection (f-1) to the following agencies or entities only:

- 2-10 (1) the Texas Youth Commission;
- 2-11 (2) the Texas Juvenile Probation Commission;
- 2-12 (3) the Department of State Health Services, a local  
 2-13 mental health or mental retardation authority, or a community  
 2-14 center providing services to persons with mental illness or  
 2-15 retardation;
- 2-16 (4) the Department of Family and Protective Services;
- 2-17 (5) a juvenile probation department;
- 2-18 (6) a municipal or county health department;
- 2-19 (7) a public or nonprofit hospital or hospital  
 2-20 district;
- 2-21 (8) a county department that provides services to  
 2-22 at-risk youth or their families;
- 2-23 (9) a children's advocacy center established under  
 2-24 Section 264.402, Family Code;
- 2-25 (10) a school district, charter school, private  
 2-26 school, regional education service center, commercial  
 2-27 transportation company, or education shared service arrangement;  
 2-28 and
- 2-29 (11) a safe house providing shelter to children in  
 2-30 harmful situations.

2-31 SECTION 2. Subsection (a), Section 411.0851, Government  
 2-32 Code, is amended to read as follows:

2-33 (a) A private entity that compiles and disseminates for  
 2-34 compensation criminal history record information shall destroy and  
 2-35 may not disseminate any information in the possession of the entity  
 2-36 with respect to which the entity has received notice that:

- 2-37 (1) an order of expunction has been issued under  
 2-38 Article 55.02, Code of Criminal Procedure; or
- 2-39 (2) an order of nondisclosure has been issued under  
 2-40 Section 411.081(d) or (f-1).

2-41 SECTION 3. The heading to Section 552.142, Government Code,  
 2-42 is amended to read as follows:

2-43 Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED  
 2-44 ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

2-45 SECTION 4. Subsection (a), Section 552.142, Government  
 2-46 Code, is amended to read as follows:

2-47 (a) Information is excepted from the requirements of  
 2-48 Section 552.021 if an order of nondisclosure with respect to the  
 2-49 information has been issued under Section 411.081(d) or (f-1).

2-50 SECTION 5. Subsection (a), Section 552.1425, Government  
 2-51 Code, is amended to read as follows:

2-52 (a) A private entity that compiles and disseminates for  
 2-53 compensation criminal history record information may not compile or  
 2-54 disseminate information with respect to which the entity has  
 2-55 received notice that:

- 2-56 (1) an order of expunction has been issued under  
 2-57 Article 55.02, Code of Criminal Procedure; or
- 2-58 (2) an order of nondisclosure has been issued under  
 2-59 Section 411.081(d) or (f-1).

2-60 SECTION 6. The change in law made by this Act applies to a  
 2-61 conviction that occurs on or after the effective date of this Act,  
 2-62 regardless of whether the offense was committed before, on, or  
 2-63 after the effective date of this Act.

2-64 SECTION 7. Notwithstanding Section 6 of this Act, a child,  
 2-65 as that term is defined by Section 51.02, Family Code, who is  
 2-66 convicted of a misdemeanor offense punishable by fine only that  
 2-67 does not constitute conduct indicating a need for supervision under  
 2-68 Section 51.03, Family Code, before the effective date of this Act  
 2-69 may petition the court for an order of nondisclosure, and the court

3-1 shall issue the order under Subsection (f-1), Section 411.081,  
3-2 Government Code, as added by this Act.

3-3 SECTION 8. This Act takes effect September 1, 2009.

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