

BILL ANALYSIS

C.S.H.B. 599
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, a person who has successfully completed deferred adjudication community supervision may petition the court that placed the individual on the supervision for an order of nondisclosure. Even though a person who has successfully completed deferred adjudication has never been convicted of that crime and has had the record relating to the person's arrest sealed, criminal justice agencies are permitted to release the sealed criminal history record information to criminal justice agencies, certain authorized noncriminal justice agencies, and the individual who is the subject of the criminal history record information. Private employers in Texas do not receive the same treatment relating to access to the sealed information as those noncriminal justice entities and agencies specified under that law.

C.S.H.B. 599 seeks to limit the criminal history record information subject to an order of nondisclosure to which authorized noncriminal justice agencies currently have access.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 599 amends the Government Code to make a criminal justice agency's authority to disclose to certain noncriminal justice agencies and entities criminal history record information that is the subject of a court order of nondisclosure involving a person placed on deferred adjudication conditional on the offense giving rise to the deferred adjudication being a felony or the noncriminal justice entity to which such information is disclosed being the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, or the credit union commissioner, regardless of whether the offense for which the person was placed on deferred adjudication was a felony or a misdemeanor. The bill removes certain noncriminal justice agencies and entities from those entities to whom a criminal justice agency is authorized to disclose criminal history record information that is the subject of a court order of nondisclosure involving a child convicted of a misdemeanor offense that is punishable by a fine only and that does not constitute conduct indicating a need for supervision and makes a conforming change by repealing a provision of law listing those agencies and entities. The bill makes nonsubstantive and conforming changes.

C.S.H.B. 599 reenacts and amends Section 411.081(i), Government Code, as amended by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and 1027 (H.B. 4343), Acts of the 81st Legislature, Regular Session, 2009, to make a conforming change.

C.S.H.B. 599 establishes that, to the extent of any conflict, the bill's provisions prevail over another act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

C.S.H.B. 599 repeals Section 411.081(j), Government Code.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 599 differs from the original by making a criminal justice agency's authority to disclose to certain noncriminal justice agencies and entities criminal history record information that is the subject of a court order of nondisclosure involving a person placed on deferred adjudication conditional on the offense giving rise to the deferred adjudication being a felony or the noncriminal justice entity to which such information is disclosed being specified commissioners who regulate the financial services industry, whereas the original removes all noncriminal justice agencies and entities from the entities to whom a criminal justice agency is authorized to disclose such criminal history record information. The substitute differs from the original by making conforming changes to reflect the conditioned authority relating to disclosing such criminal history information, whereas the original makes conforming changes to reflect the removal of the authority to disclose the information to certain noncriminal justice agencies and entities.

C.S.H.B. 599 contains a provision not included in the original establishing that, to the extent of any conflict, the bill's provisions prevail over another act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

C.S.H.B. 599 differs from the original in nonsubstantive ways.