

By: Solomons

H.B. No. 501

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the establishment of civil liability and injunctive
3 relief for the dissemination of certain criminal history record
4 information.

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

6 SECTION 1. Subchapter F, Chapter 411, Government Code, is
7 amended by adding Section 411.0853 to read as follows:

8 Sec. 411.0853. DISSEMINATION OF CERTAIN CRIMINAL HISTORY
9 RECORD INFORMATION PROHIBITED; CIVIL LIABILITY. (a) Except as
10 otherwise provided by this subchapter, a person may not disseminate
11 any criminal history record information in the person's possession
12 with respect to which the person has knowledge or has received
13 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 (b) A person that disseminates information in violation of
19 Subsection (a) is liable to the individual who is the subject of the
20 information in an amount not to exceed \$25,000 for each separate
21 violation and, in the case of a continuing violation, \$5,000 for
22 each subsequent day on which the violation occurs.

23 (c) In an action brought under this section, the court may
24 grant injunctive relief to prevent or restrain a violation of this

1 section.

2 (d) An individual who prevails in an action brought under
3 this section is also entitled to recover court costs and reasonable
4 attorney's fees.

5 SECTION 2. The changes in law made by this Act apply to the
6 release of criminal history record information on or after the
7 effective date of this Act, regardless of whether the criminal
8 offense to which the information relates is committed before, on,
9 or after that date.

10 SECTION 3. This Act takes effect September 1, 2011.