

By: Jackson

H.B. No. 599

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release of certain criminal history record
3 information subject to an order of nondisclosure.

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

5 SECTION 1. Sections 411.081(d) and (f-1), Government Code,
6 are amended to read as follows:

7 (d) Notwithstanding any other provision of this subchapter,
8 if a person is placed on deferred adjudication community
9 supervision under Section 5, Article 42.12, Code of Criminal
10 Procedure, subsequently receives a discharge and dismissal under
11 Section 5(c), Article 42.12, and satisfies the requirements of
12 Subsection (e), the person may petition the court that placed the
13 defendant on deferred adjudication for an order of nondisclosure
14 under this subsection. Except as provided by Subsection (e), a
15 person may petition the court under this subsection regardless of
16 whether the person has been previously placed on deferred
17 adjudication community supervision for another offense. After
18 notice to the state and a hearing on whether the person is entitled
19 to file the petition and issuance of the order is in the best
20 interest of justice, the court shall issue an order prohibiting
21 criminal justice agencies from disclosing to the public criminal
22 history record information related to the offense giving rise to
23 the deferred adjudication. A criminal justice agency may disclose
24 criminal history record information that is the subject of the

1 order only to other criminal justice agencies[~~7~~] for criminal
2 justice or regulatory licensing purposes[~~7, an agency or entity~~
3 ~~listed in Subsection (i),~~] or to the person who is the subject of
4 the order. A person may petition the court that placed the person
5 on deferred adjudication for an order of nondisclosure on payment
6 of a \$28 fee to the clerk of the court in addition to any other fee
7 that generally applies to the filing of a civil petition. The
8 payment may be made only on or after:

9 (1) the discharge and dismissal, if the offense for
10 which the person was placed on deferred adjudication was a
11 misdemeanor other than a misdemeanor described by Subdivision (2);

12 (2) the second anniversary of the discharge and
13 dismissal, if the offense for which the person was placed on
14 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,
15 25, 42, or 46, Penal Code; or

16 (3) the fifth anniversary of the discharge and
17 dismissal, if the offense for which the person was placed on
18 deferred adjudication was a felony.

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

1 record information that is the subject of the order only to other
2 criminal justice agencies for criminal justice purposes[~~, to an~~
3 ~~agency or entity listed in Subsection (j),~~] or to the person who is
4 the subject of the order.

5 SECTION 2. Section 53.021(e), Occupations Code, is amended
6 to read as follows:

7 (e) Subsection (c) does not apply if the person is an
8 applicant for or the holder of a license that authorizes the person
9 to provide:

10 (1) law enforcement or public health, education, or
11 safety services; or

12 (2) financial services in an industry regulated by the
13 securities commissioner, the banking commissioner, the savings and
14 mortgage lending commissioner, or the credit union commissioner [~~a~~
15 ~~person listed in Section 411.081(i)(19), Government Code]~~.

16 SECTION 3. The following are repealed:

17 (1) Section 411.081(i), Government Code, as amended by
18 Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and 1027
19 (H.B. 4343), Acts of the 81st Legislature, Regular Session, 2009;
20 and

21 (2) Section 411.081(j), Government Code.

22 SECTION 4. The change in law made by this Act to Section
23 411.081, Government Code, applies to the disclosure on or after the
24 effective date of this Act of criminal history record information
25 that is the subject of an order of nondisclosure, regardless of
26 whether the order is issued before, on, or after the effective date
27 of this Act.

1 SECTION 5. This Act takes effect September 1, 2011.