

By: Gallego, Mallory Caraway

H.B. No. 3695

Substitute the following for H.B. No. 3695:

By: Gallego

C.S.H.B. No. 3695

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confidentiality of records and files related to a
3 child who is charged with or convicted of certain misdemeanors
4 punishable by a fine only or is found to have engaged in certain
5 conduct indicating a need for supervision.

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

7 SECTION 1. Chapter 44, Code of Criminal Procedure, is
8 amended by adding Article 44.282 to read as follows:

9 Art. 44.282. RECORDS AND FILES RELATING TO CERTAIN
10 CHILDREN. (a) In this article, "child" has the meaning assigned by
11 Section 51.02, Family Code.

12 (b) All records and files relating to a child who is
13 appealing a conviction from a municipal court or a justice court for
14 a misdemeanor offense punishable by a fine only, other than a
15 traffic offense, are confidential during the pendency of the appeal
16 and may not be disclosed except as provided by Article 45.0217(c).

17 (c) All records and files relating to a child whose
18 conviction from a municipal court or a justice court for a
19 misdemeanor offense punishable by a fine only, other than a traffic
20 offense, was appealed are confidential following the disposition of
21 the appeal and may not be disclosed except as provided by Article
22 45.0217(c):

23 (1) on satisfaction of the judgment, if the conviction
24 is affirmed; or

1 (2) on reversal or remand of the conviction.

2 SECTION 2. Chapter 45, Code of Criminal Procedure, is
3 amended by adding Article 45.0217 to read as follows:

4 Art. 45.0217. CONFIDENTIALITY OF CERTAIN CONVICTION
5 RECORDS AND FILES OF CHILDREN. (a) In this article, "child" has
6 the meaning assigned by Section 51.02, Family Code.

7 (b) Except as provided by Subsection (c), on satisfaction of
8 the judgment, all records and files relating to a child who is
9 convicted of a misdemeanor offense punishable by a fine only, other
10 than a traffic offense, including records and files held by a law
11 enforcement agency, are confidential and may not be disclosed.

12 (c) Records and files relating to a child convicted of a
13 misdemeanor offense punishable by a fine only, other than a traffic
14 offense, may be disclosed to:

15 (1) a judge or magistrate, including the staff of a
16 judge or magistrate;

17 (2) the Department of Public Safety or another
18 criminal justice agency, for a criminal justice purpose, as those
19 terms are defined by Section 411.082, Government Code;

20 (3) the attorney for the child;

21 (4) the prosecuting attorney;

22 (5) the child and the child's parent, guardian, or
23 managing conservator; and

24 (6) a person to whom information is required to be
25 disclosed under Article 15.27.

26 SECTION 3. Section 411.0851(a), Government Code, is amended
27 to read as follows:

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

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

7 (2) an order of nondisclosure has been issued under
8 Section 411.081(d) [~~or (f-1)~~].

9 SECTION 4. The heading to Section 552.142, Government Code,
10 is amended to read as follows:

11 Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED
12 ADJUDICATIONS [~~AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY~~].

13 SECTION 5. Section 552.142(a), Government Code, is amended
14 to read as follows:

15 (a) Information is excepted from the requirements of
16 Section 552.021 if an order of nondisclosure with respect to the
17 information has been issued under Section 411.081(d) [~~or (f-1)~~].

18 SECTION 6. Section 552.1425(a), Government Code, is amended
19 to read as follows:

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

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

26 (2) an order of nondisclosure has been issued under
27 Section 411.081(d) [~~or (f-1)~~].

1 SECTION 7. Section 58.005, Family Code, is amended by
2 amending Subsection (b) and adding Subsection (c) to read as
3 follows:

4 (b) Subsection (a) [~~This section~~] does not apply to
5 information collected under Section 58.104 or under Subchapter D-1.

6 (c) Except as provided by Article 45.0217(c), Code of
7 Criminal Procedure, all records and files relating to a child who is
8 convicted of a misdemeanor offense punishable by a fine only, other
9 than a traffic offense, or is found to have engaged in conduct
10 indicating a need for supervision that is described by Section
11 51.03(b)(1), are confidential and may not be disclosed:

12 (1) on satisfaction of the judgment, if the records
13 and files relate to a child who is convicted of a misdemeanor
14 offense punishable by a fine only, other than a traffic offense; or

15 (2) on completion of the terms of the disposition, if
16 the records and files relate to a child found to have engaged in
17 conduct indicating a need for supervision that is described by
18 Section 51.03(b)(1).

19 SECTION 8. Sections 411.081(f-1) and (j), Government Code,
20 are repealed.

21 SECTION 9. The changes in law made by this Act apply to all
22 records and files that exist on or after the effective date of this
23 Act, regardless of when the conviction or the finding that is the
24 subject of the records and files occurred or when the judgment
25 contained in the records and files was satisfied or the terms of the
26 disposition contained in the records and files was completed.

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