

By: Gallego

H.B. No. 3695

A BILL TO BE ENTITLED

AN ACT

relating to confidentiality of Class C misdemeanor records related to the conviction of a child.

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

SECTION 1. Amend Chapter 44, Code of Criminal Procedure, by adding Article 44.2811 as follows:

Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF FINE-ONLY MISDEMEANORS. All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public except as provided under Article 45.0217(b). All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child whose conviction for a fine-only misdemeanor other than a traffic offense is affirmed are confidential upon satisfaction of the judgment and may not be disclosed to the public except as provided under Article 45.0217(b).

SECTION 2. Amend Chapter 45, Code of Criminal Procedure, by adding Article 45.0217 as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE CONVICTION OF A CHILD. (a) Except as provided by Article 15.27, Code of Criminal Procedure, and Subsection (b) of this section, all records and

1 files, including those held by law enforcement, and information
2 stored by electronic means or otherwise, from which a record or file
3 could be generated, relating to a child who is convicted of and has
4 satisfied the judgment for a fine-only misdemeanor offense other
5 than a traffic offense are confidential and may not be disclosed to
6 the public.

7 (b) Information subject to Subsection (a) may be open to
8 inspection only by:

9 (1) judges or court staff;

10 (2) a criminal justice agency for a criminal justice
11 purpose, as those terms are defined by Section 411.082, Government
12 Code;

13 (3) the Department of Public Safety;

14 (4) an attorney for a party to the proceeding;

15 (5) the child defendant; or

16 (6) the defendant's parent, guardian, or managing
17 conservator.

18 SECTION 3. Repeal subsections (f-1) and (j) Government Code Sec.
19 411.081.

20 SECTION 4. Amend Government Code Sec. 411.0851 as follows:

21 411.0851. DUTY OF PRIVATE ENTITY TO UPDATE CRIMINAL HISTORY RECORD
22 INFORMATION; CIVIL LIABILITY. (a) A private entity that compiles
23 and disseminates for compensation criminal history record
24 information shall destroy and may not disseminate any information
25 in the possession of the entity with respect to which the entity has
26 received notice that:

27 (1) an order of expunction has been issued under Article

1 55.02, Code of Criminal Procedure; or

2 (2) an order of nondisclosure has been issued under Section
3 411.081(d) ~~or (f 1)~~.

4 SECTION 5. Amend Government Code Sec. 552.142 as follows:

5 Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED
6 ADJUDICATIONS ~~AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY~~. (a)
7 Information is excepted from the requirements of Section 552.021 if
8 an order of nondisclosure with respect to the information has been
9 issued under Section 411.081(d) ~~or (f 1)~~.

10 SECTION 6. Amend Government Code Sec. 552.1425 as follows:

11 Sec. 552.1425. CIVIL PENALTY: DISSEMINATION OF CERTAIN CRIMINAL
12 HISTORY INFORMATION. (a) A private entity that compiles and
13 disseminates for compensation criminal history record information
14 may not compile or disseminate information with respect to which
15 the entity has received notice that:

16 (1) an order of expunction has been issued under Article
17 55.02, Code of Criminal Procedure; or

18 (2) an order of nondisclosure has been issued under Section
19 411.081(d) ~~or (f 1)~~.

20 SECTION 7. Amend Chapter 58, Family Code, by adding Section
21 58.00711 as follows:

22 Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF
23 FINE-ONLY MISDEMEANORS. Except as provided by Article 45.0217(b),
24 Code of Criminal Procedure, all records and files and information
25 stored by electronic means or otherwise, from which a record or file
26 could be generated, relating to a child who is convicted of and has
27 satisfied the judgment for a fine-only misdemeanor offense other

1 than a traffic offense are confidential and may not be disclosed to
2 the public.

3 SECTION 8. The changes in law made by this Act apply to
4 convictions before, on, or after the effective date of this Act.

5 SECTION 9. This Act takes effect September 1, 2011.