

By: West

S.B. No. 417

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disclosure by a court of criminal history record
3 information that is the subject of an order of nondisclosure.

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

5 SECTION 1. Section 411.081, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (g-3) to read as
7 follows:

8 (a) This subchapter does not apply to criminal history
9 record information that is contained in:

10 (1) posters, announcements, or lists for identifying
11 or apprehending fugitives or wanted persons;

12 (2) original records of entry, including police
13 blotters maintained by a criminal justice agency that are compiled
14 chronologically and required by law or long-standing practice to be
15 available to the public;

16 (3) public judicial, administrative, or legislative
17 proceedings;

18 (4) court records of public judicial proceedings,
19 except as provided by Subsection (g-3);

20 (5) published judicial or administrative opinions; or

21 (6) announcements of executive clemency.

22 (g-3) A court may not disclose to the public any information
23 contained in the court records that is the subject of an order of
24 nondisclosure issued under this section. The court may disclose

1 information contained in the court records that is the subject of an
2 order of nondisclosure only to criminal justice agencies for
3 criminal justice or regulatory licensing purposes, to an agency or
4 entity listed in Subsection (i) or (j), or to the person who is the
5 subject of the order. The clerk of the court issuing an order of
6 nondisclosure under this section shall seal any court records
7 containing information that is the subject of the order as soon as
8 practicable after the date the clerk of the court sends all relevant
9 criminal history record information contained in the order or a
10 copy of the order to the Department of Public Safety under
11 Subsection (g).

12 SECTION 2. The change in law made by this Act applies to the
13 disclosure on or after the effective date of this Act of information
14 that is the subject of an order of nondisclosure issued under
15 Section 411.081, Government Code, regardless of whether the order
16 is issued before, on, or after the effective date of this Act.

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