

By: Uresti

S.B. No. 1752

A BILL TO BE ENTITLED

1 AN ACT
2 relating to confidentiality of certain Class C misdemeanor records
3 related to the conviction of a child.

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

5 SECTION 1. Chapter 44, Code of Criminal Procedure, is
6 amended by adding Article 44.2811 to read as follows:

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

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

22 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE
23 CONVICTION OF A CHILD. (a) Except as provided by Article 15.27 and
24 Subsection (b), all records and files, including those held by law

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

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

8 (1) judges or court staff;

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

12 (3) the Department of Public Safety;

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

14 (5) the child defendant; or

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

17 SECTION 3. Subsections (f-1) and (j), Section 411.081,
18 Government Code, are repealed.

19 SECTION 4. Subsection (a), Section 411.0851, Government
20 Code, is amended to read as follows:

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

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

27 (2) an order of nondisclosure has been issued under

1 Section 411.081(d) [~~or (f-1)~~].

2 SECTION 5. The heading and Subsection (a), Section 552.142,
3 Government Code, are amended to read as follows:

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

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

9 SECTION 6. Subsection (a), Section 552.1425, Government
10 Code, is amended to read as follows:

11 (a) A private entity that compiles and disseminates for
12 compensation criminal history record information may not compile or
13 disseminate information with respect to which the entity has
14 received notice that:

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

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

19 SECTION 7. Subchapter A, Chapter 58, Family Code, is
20 amended by adding Section 58.00711 to read as follows:

21 Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF
22 FINE-ONLY MISDEMEANORS. Except as provided by Article 45.0217(b),
23 Code of Criminal Procedure, all records and files and information
24 stored by electronic means or otherwise, from which a record or file
25 could be generated, relating to a child who is convicted of and has
26 satisfied the judgment for a fine-only misdemeanor offense other
27 than a traffic offense are confidential and may not be disclosed to

1 the public.

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

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