

1-1 By: Uresti S.B. No. 1752
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 13, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 13, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to confidentiality of certain Class C misdemeanor records
1-9 related to the conviction of a child.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 44, Code of Criminal Procedure, is
1-12 amended by adding Article 44.2811 to read as follows:

1-13 Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF
1-14 FINE-ONLY MISDEMEANORS. All records and files and information
1-15 stored by electronic means or otherwise, from which a record or file
1-16 could be generated, relating to a child who is convicted of and has
1-17 satisfied the judgment for a fine-only misdemeanor offense other
1-18 than a traffic offense are confidential and may not be disclosed to
1-19 the public except as provided under Article 45.0217(b). All
1-20 records and files and information stored by electronic means or
1-21 otherwise, from which a record or file could be generated, relating
1-22 to a child whose conviction for a fine-only misdemeanor other than a
1-23 traffic offense is affirmed are confidential upon satisfaction of
1-24 the judgment and may not be disclosed to the public except as
1-25 provided under Article 45.0217(b).

1-26 SECTION 2. Chapter 45, Code of Criminal Procedure, is
1-27 amended by adding Article 45.0217 to read as follows:

1-28 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE
1-29 CONVICTION OF A CHILD. (a) Except as provided by Article 15.27 and
1-30 Subsection (b), all records and files, including those held by law
1-31 enforcement, and information stored by electronic means or
1-32 otherwise, from which a record or file could be generated, relating
1-33 to a child who is convicted of and has satisfied the judgment for a
1-34 fine-only misdemeanor offense other than a traffic offense are
1-35 confidential and may not be disclosed to the public.

1-36 (b) Information subject to Subsection (a) may be open to
1-37 inspection only by:

1-38 (1) judges or court staff;
1-39 (2) a criminal justice agency for a criminal justice
1-40 purpose, as those terms are defined by Section 411.082, Government
1-41 Code;

1-42 (3) the Department of Public Safety;
1-43 (4) an attorney for a party to the proceeding;
1-44 (5) the child defendant; or
1-45 (6) the defendant's parent, guardian, or managing
1-46 conservator.

1-47 SECTION 3. Subsections (f-1) and (j), Section 411.081,
1-48 Government Code, are repealed.

1-49 SECTION 4. Subsection (a), Section 411.0851, Government
1-50 Code, is amended to read as follows:

1-51 (a) A private entity that compiles and disseminates for
1-52 compensation criminal history record information shall destroy and
1-53 may not disseminate any information in the possession of the entity
1-54 with respect to which the entity has received notice that:

1-55 (1) an order of expunction has been issued under
1-56 Article 55.02, Code of Criminal Procedure; or

1-57 (2) an order of nondisclosure has been issued under
1-58 Section 411.081(d) [~~or (f-1)~~].

1-59 SECTION 5. The heading and Subsection (a), Section 552.142,
1-60 Government Code, are amended to read as follows:

1-61 Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED
1-62 ADJUDICATIONS [~~AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY~~].

1-63 (a) Information is excepted from the requirements of
1-64 Section 552.021 if an order of nondisclosure with respect to the

2-1 information has been issued under Section 411.081(d) [~~or (f-1)~~].
2-2 SECTION 6. Subsection (a), Section 552.1425, Government
2-3 Code, is amended to read as follows:

2-4 (a) A private entity that compiles and disseminates for
2-5 compensation criminal history record information may not compile or
2-6 disseminate information with respect to which the entity has
2-7 received notice that:

2-8 (1) an order of expunction has been issued under
2-9 Article 55.02, Code of Criminal Procedure; or

2-10 (2) an order of nondisclosure has been issued under
2-11 Section 411.081(d) [~~or (f-1)~~].

2-12 SECTION 7. Subchapter A, Chapter 58, Family Code, is
2-13 amended by adding Section 58.00711 to read as follows:

2-14 Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF
2-15 FINE-ONLY MISDEMEANORS. Except as provided by Article 45.0217(b),
2-16 Code of Criminal Procedure, all records and files and information
2-17 stored by electronic means or otherwise, from which a record or file
2-18 could be generated, relating to a child who is convicted of and has
2-19 satisfied the judgment for a fine-only misdemeanor offense other
2-20 than a traffic offense are confidential and may not be disclosed to
2-21 the public.

2-22 SECTION 8. The changes in law made by this Act apply to
2-23 convictions before, on, or after the effective date of this Act.

2-24 SECTION 9. This Act takes effect September 1, 2011.

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