

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 15, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3695 by Gallego (Relating to the confidentiality of records and files related to a child who is charged with or convicted of certain misdemeanors punishable by a fine only or is found to have engaged in certain conduct indicating a need for supervision.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure, the Government Code and the Family Code to make all records and files and information relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense confidential except under certain circumstances. Information could only be open to inspection by a judge or court staff, criminal justice agency, the Department of Public Safety, an attorney for the party, prosecuting attorney, the superintendent of a school district, or the defendant's parent, guardian or managing conservator.

The bill would repeal Section 411.081(f-1) and (j) of the Government Code to prevent the release of information to disallowed entities.

The bill would take effect September 1, 2011.

Local Government Impact

There could be a fiscal impact to some local governmental entities depending on what the current procedures were regarding notifying the requisite agencies after a judgment had been satisfied. There could also be costs to provide training to a court clerk regarding discerning cases that are subject to the nondisclosure provisions and those that are not which could result in the elimination of court consideration of nondisclosure petitions. No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, JB