BILL ANALYSIS

BACKGROUND AND PURPOSE

Current law regarding the disclosure of criminal history record information allows a person who is placed on deferred adjudication, who subsequently receives a discharge and dismissal, and who satisfies certain requirements to petition a court for an order of nondisclosure, thereby prohibiting the disclosure of the person's criminal history record information to the public. Critics assert that the law is unclear and could be interpreted as not expressly requiring court clerks to keep certain court records confidential. S.B. 107 seeks to close potential loopholes relating to the disclosure of information contained in court records subject to an order of nondisclosure.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 107 amends the Government Code to prohibit a court from disclosing to the public any information contained in the court records that is the subject of an order of nondisclosure issued for a person who was placed on deferred adjudication community supervision and subsequently received a discharge and dismissal. The bill authorizes the court to disclose information contained in the court records that is the subject of an order of nondisclosure only to criminal justice agencies for criminal justice or regulatory licensing purposes, to certain specified noncriminal justice agencies and entities, or to the person who is the subject of the order. The bill requires the clerk of the court issuing the order of nondisclosure to seal any court records containing information that is the subject of the order as soon as practicable after the date the clerk of the court sends all relevant criminal history record information contained in the order or a copy of the order to the Department of Public Safety as required by law.

EFFECTIVE DATE

September 1, 2013.