

By: Hernandez Luna

H.B. No. 497

A BILL TO BE ENTITLED

AN ACT

relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses.

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

SECTION 1. Article 44.2811, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 2. The heading to Article 45.0217, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES

1 AGAINST OR THE CONVICTION OF A CHILD.

2 SECTION 3. Article 45.0217(a), Code of Criminal Procedure,  
3 is amended to read as follows:

4 (a) Except as provided by Article 15.27 and Subsection (b),  
5 all records and files, including those held by law enforcement, and  
6 information stored by electronic means or otherwise, from which a  
7 record or file could be generated, relating to a child who is  
8 charged with or convicted of [~~and has satisfied the judgment for~~] a  
9 fine-only misdemeanor offense other than a traffic offense are  
10 confidential and may not be disclosed to the public.

11 SECTION 4. Section 58.00711, Family Code, is amended to  
12 read as follows:

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

21 SECTION 5. Articles 44.2811 and 45.0217, Code of Criminal  
22 Procedure, and Section 58.00711, Family Code, as amended by this  
23 Act, apply to an offense committed before, on, or after the  
24 effective date of this Act.

25 SECTION 6. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2013.