

By: Herrero

H.B. No. 3058

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to restricting access to records of children convicted of  
3 or receiving deferred disposition for certain fine-only  
4 misdemeanors.

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

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

8 Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF OR  
9 RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS.

10 (a) This article applies only to a misdemeanor offense punishable  
11 by fine only, other than a traffic offense.

12 (b) All records and files and information stored by  
13 electronic means or otherwise, from which a record or file could be  
14 generated, relating to a child who is convicted of and has satisfied  
15 the judgment for or who has received a dismissal after deferral of  
16 disposition for an [a fine-only misdemeanor] offense described by  
17 Subsection (a) [other than a traffic offense] are confidential and  
18 may not be disclosed to the public except as provided under Article  
19 45.0217(b). [All records and files and information stored by  
20 electronic means or otherwise, from which a record or file could be  
21 generated, relating to a child whose conviction for a fine-only  
22 misdemeanor other than a traffic offense is affirmed are  
23 confidential upon satisfaction of the judgment and may not be  
24 disclosed to the public except as provided under Article

1 ~~45.0217(b).~~]

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

4 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE  
5 CONVICTION OF OR DEFERRAL OF DISPOSITION FOR A CHILD. (a) This  
6 article applies only to a misdemeanor offense punishable by fine  
7 only, other than a traffic offense.

8 (a-1) Except as provided by Article 15.27 and Subsection  
9 (b), all records and files, including those held by law  
10 enforcement, and information stored by electronic means or  
11 otherwise, from which a record or file could be generated, relating  
12 to a child who is convicted of and has satisfied the judgment for or  
13 who has received a dismissal after deferral of disposition for an [a  
14 fine-only misdemeanor] offense described by Subsection (a) [other  
15 than a traffic offense] are confidential and may not be disclosed to  
16 the public.

17 (b) Information subject to Subsection (a-1) [~~(a)~~] may be  
18 open to inspection only by:

- 19 (1) judges or court staff;
- 20 (2) a criminal justice agency for a criminal justice  
21 purpose, as those terms are defined by Section 411.082, Government  
22 Code;
- 23 (3) the Department of Public Safety;
- 24 (4) an attorney for a party to the proceeding;
- 25 (5) the child defendant; or
- 26 (6) the defendant's parent, guardian, or managing  
27 conservator.

1 SECTION 3. Section 58.00711, Family Code, is amended to  
2 read as follows:

3 Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF OR  
4 RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS.

5 (a) This section applies only to a misdemeanor offense punishable  
6 by fine only, other than a traffic offense.

7 (b) Except as provided by Article 45.0217(b), Code of  
8 Criminal Procedure, all records and files and information stored by  
9 electronic means or otherwise, from which a record or file could be  
10 generated, relating to a child who is convicted of and has satisfied  
11 the judgment for or who has received a dismissal after deferral of  
12 disposition for an [a fine-only misdemeanor] offense described by  
13 Subsection (a) [other than a traffic offense] are confidential and  
14 may not be disclosed to the public.

15 SECTION 4. Articles 44.2811 and 45.0217, Code of Criminal  
16 Procedure, and Section 58.00711, Family Code, as amended by this  
17 Act, apply to the disclosure of a record or file on or after the  
18 effective date of this Act regardless of whether the offense that is  
19 the subject of the record or file was committed before, on, or after  
20 the effective date of this Act.

21 SECTION 5. This Act takes effect September 1, 2013.