

By: West

S.B. No. 394

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.