

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB107 by West (Relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to prohibit a court from disclosing to the public any information contained in the court record that is the subject of a final nondisclosure order. After issuing a nondisclosure order, the court may only disclose information contained in the court records to the criminal justice or regulatory agencies listed in Texas Government Code section 411.081(i).

The bill would also amend the Government Code to specify that a person who petitions the court for an order of nondisclosure may do so in person, electronically, or by mail. The bill would require the Office of Court Administration to prescribe and make available on its website a form for the electronic filing of such a petition, and requires counties or district clerk's offices with Internet websites to link to that form. The bill specifies the circumstances in which a court shall hold a hearing before determining whether to issue the order of nondisclosure. The change in law from these provisions of the bill would apply only a person who petitions the court for an order of nondisclosure on or after the bill's effective date.

It is assumed any costs associated with implementing the provisions of the bill can be absorbed within current appropriations. The bill would take effect on September 1, 2013.

Local Government Impact

The bill would require counties to prosecute any criminal violations for release of information by courts subject to a nondisclosure order. Also, the bill may require court clerks to perform additional administrative tasks, such as providing copies of the sealed records. However, both the Department of Public Safety and the Office of Court Administration anticipate no significant fiscal implication to local courts.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, ESi, AI, JAW