

BILL ANALYSIS

C.S.H.B. 327

By: Wu

Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Class C misdemeanor offenses are the lowest classification of criminal offenses and can include truancy, traffic violations, public intoxication, bounced checks, public fighting, petty theft, and other offenses typically punishable by fine. Although these offenses may be considered minor, they can derail college and career plans when they turn up on criminal history reports, which employers and universities frequently require when making employment and admission decisions. The public availability of these records may similarly limit housing and other opportunities if a prospective landlord discovers a record in a criminal background check. Interested parties contend that variations in the way different counties handle records relating to Class C misdemeanors have serious implications for Texans who have made what many people consider minor mistakes in the past. C.S.H.B. 327 seeks to address the need for information about how Class C misdemeanor records are held in Texas counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 327 requires the Office of Court Administration of the Texas Judicial System to conduct a study on how records regarding Class C misdemeanors, other than traffic offenses, are held in different Texas counties. The bill requires the study to address, with respect to each county, the public availability of Class C misdemeanor conviction records, the public availability of any records relating to a suspension of sentence and deferral of final disposition for a Class C misdemeanor, and the public availability of either type of such records that are related to a child. The bill also requires the study to address, with respect to each county, whether public access to and availability of the records described by the bill have been expanded or restricted by the county over time, whether local agencies holding such records destroy those records, the reasons and criteria for any destruction of such records, and the retention schedule of each local agency holding such records if the agency routinely destroys the records. The bill requires the Office of Court Administration, not later than January 1, 2017, to issue a report on the study to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate. The bill's provisions expire September 1, 2017.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

84R 24605

15.111.284

Substitute Document Number: 84R 20424

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 327 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. (a) The Department of Public Safety shall conduct a study on how records regarding Class C misdemeanors, other than traffic offenses, are handled in different Texas counties.

(b) The study shall address:

- (1) the public availability of Class C misdemeanor conviction records;
- (2) the public availability of any records relating to a suspension of sentence and deferral of final disposition for a Class C misdemeanor under Article 45.051, Code of Criminal Procedure; and
- (3) the public availability of any records described by Subdivision (1) or (2) of this subsection that are related to a child.

(c) Not later than January 1, 2017, the Department of Public Safety shall issue a report on the study required under this section to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(d) This section expires September 1, 2017.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. (a) The Office of Court Administration of the Texas Judicial System shall conduct a study on how records regarding Class C misdemeanors, other than traffic offenses, are held in different Texas counties.

(b) The study shall address, with respect to each county:

- (1) the public availability of Class C misdemeanor conviction records;
- (2) the public availability of any records relating to a suspension of sentence and deferral of final disposition for a Class C misdemeanor under Article 45.051, Code of Criminal Procedure;
- (3) the public availability of any records described by Subdivision (1) or (2) of this subsection that are related to a child;
- (4) whether public access to and availability of records described by Subdivisions (1)-(3) have been expanded or restricted by the county over time;
- (5) whether local agencies holding records described by Subdivisions (1)-(3) destroy those records;
- (6) the reasons and criteria for any destruction of records described by Subdivisions (1)-(3); and
- (7) the retention schedule of each local agency holding records described by Subdivisions (1)-(3), if the agency routinely destroys the records.

(c) Not later than January 1, 2017, the Office of Court Administration shall issue a report on the study required under this section to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(d) This section expires September 1, 2017.

SECTION 2. Same as introduced version.

house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.