

## **BILL ANALYSIS**

Senate Research Center  
85R1595 JRR-D

H.B. 681  
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Criminal Justice  
5/18/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Class C misdemeanor offenses are the lowest level criminal offenses, and are punishable by fine only. These presently include indiscretions such as truancy, traffic tickets, public intoxication, bounced checks, public fighting, and petty theft (under \$50), among others. Employers and universities frequently require criminal background checks when making admissions and employment decisions. Though Class C misdemeanor offenses are minor, they can derail college and career plans when they turn up on criminal history reports. Public availability of these records may similarly carry a stigma that can limit housing and other opportunities. Additionally, maintaining court records and related documents in perpetuity has a significant financial burden for Texas counties and cities. H.B. 681 would delete all Class C misdemeanors records and convictions after five years following conviction.

H.B. 681 amends current law relating to restricting access to certain information that relates to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 44, Code of Criminal Procedure, by adding Article 44.2812, as follows:

Art. 44.2812. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR. (a) Provides that, except as provided by Subsection (b) and Article 45.0218(b), following the fifth anniversary of the date of a final conviction of, or of a dismissal after deferral of disposition for, a misdemeanor offense punishable by fine only, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, that are held or stored by or for an appellate court and relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and prohibited from being disclosed to the public.

(b) Provides that this article does not apply to an opinion issued by an appellate court.

SECTION 2. Amends Subchapter B, Chapter 45, Code of Criminal Procedure, by adding Article 45.0218, as follows:

Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR. (a) Provides that, except as provided by Subsection (b), following the fifth anniversary of the date of a final conviction of, or of a dismissal after deferral of disposition for, a misdemeanor offense punishable by fine only, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, that are held or stored by or for a municipal or justice court and related to the

person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and prohibited from being disclosed to the public.

(b) Authorizes information subject to Subsection (a) to be open to inspection only by judges or court staff, a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082 (Definitions), Government Code, the Department of Public Safety, the attorney representing the state, the defendant or the defendant's counsel, or if the offense is a traffic offense, an insurance company or surety company authorized to write motor vehicle liability insurance in this state.

SECTION 3. Provides that the change in law made by this Act applies to the disclosure of information on or after the effective date of this Act regardless of whether the offense that is the subject of the information was committed before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2017.