

BILL ANALYSIS

H.B. 681
By: Wu
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that the stigma associated with having a minor offense, such as a fine-only misdemeanor offense, appear on a person's record can disproportionately compromise the person's college and career plans and even jeopardize housing and other opportunities as these low-level offenses may be included in certain criminal record history reports. H.B. 681 seeks to address this issue by providing for the confidentiality of certain criminal records.

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

H.B. 681 amends the Code of Criminal Procedure to make the following information confidential and to prohibit the public disclosure of such information following the fifth anniversary of the date of a person's final conviction of or of a dismissal after deferral of disposition for a fine-only misdemeanor offense: all records, files, and information stored by electronic means or otherwise from which a record or file could be generated that relate to the person and are held or stored by or for a municipal, justice, or appellate court, except an opinion issued by an appellate court. The bill restricts the individuals and entities who may inspect such information stored by or for a municipal or justice court to judges or court staff, certain criminal justice agencies for a criminal justice purpose, 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 Texas. The bill applies to the disclosure of information on or after the bill's effective date regardless of whether the offense that is the subject of the information was committed before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.