

By: Wu, Thompson of Harris, Moody

H.B. No. 681

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to restricting access to certain information that relates  
3 to a person convicted of or granted a dismissal after deferral of  
4 disposition for a fine-only misdemeanor offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 44, Code of Criminal Procedure, is  
7 amended by adding Article 44.2812 to read as follows:

8 Art. 44.2812. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY  
9 MISDEMEANOR. (a) Except as provided by Subsection (b) and Article  
10 45.0218(b), following the fifth anniversary of the date of a final  
11 conviction of, or of a dismissal after deferral of disposition for,  
12 a misdemeanor offense punishable by fine only, all records and  
13 files and information stored by electronic means or otherwise, from  
14 which a record or file could be generated, that are held or stored  
15 by or for an appellate court and relate to the person who was  
16 convicted of, or who received a dismissal after deferral of  
17 disposition for, the offense are confidential and may not be  
18 disclosed to the public.

19 (b) This article does not apply to an opinion issued by an  
20 appellate court.

21 SECTION 2. Subchapter B, Chapter 45, Code of Criminal  
22 Procedure, is amended by adding Article 45.0218 to read as follows:

23 Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY  
24 MISDEMEANOR. (a) Except as provided by Subsection (b), following

1 the fifth anniversary of the date of a final conviction of, or of a  
2 dismissal after deferral of disposition for, a misdemeanor offense  
3 punishable by fine only, all records and files and information  
4 stored by electronic means or otherwise, from which a record or file  
5 could be generated, that are held or stored by or for a municipal or  
6 justice court and relate to the person who was convicted of, or who  
7 received a dismissal after deferral of disposition for, the offense  
8 are confidential and may not be disclosed to the public.

9 (b) Information subject to Subsection (a) may be open to  
10 inspection only by:

11 (1) judges or court staff;

12 (2) a criminal justice agency for a criminal justice  
13 purpose, as those terms are defined by Section 411.082, Government  
14 Code;

15 (3) the Department of Public Safety;

16 (4) the attorney representing the state;

17 (5) the defendant or the defendant's counsel; or

18 (6) if the offense is a traffic offense, an insurance  
19 company or surety company authorized to write motor vehicle  
20 liability insurance in this state.

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

26 SECTION 4. This Act takes effect September 1, 2017.