

1-1 By: Wu, Thompson of Harris, Moody H.B. No. 681
 1-2 (Senate Sponsor - Zaffirini)
 1-3 (In the Senate - Received from the House May 3, 2017;
 1-4 May 8, 2017, read first time and referred to Committee on Criminal
 1-5 Justice; May 19, 2017, reported favorably by the following vote:
 1-6 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to restricting access to certain information that relates
 1-21 to a person convicted of or granted a dismissal after deferral of
 1-22 disposition for a fine-only misdemeanor offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 44, Code of Criminal Procedure, is
 1-25 amended by adding Article 44.2812 to read as follows:

1-26 Art. 44.2812. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY
 1-27 MISDEMEANOR. (a) Except as provided by Subsection (b) and Article
 1-28 45.0218(b), following the fifth anniversary of the date of a final
 1-29 conviction of, or of a dismissal after deferral of disposition for,
 1-30 a misdemeanor offense punishable by fine only, all records and
 1-31 files and information stored by electronic means or otherwise, from
 1-32 which a record or file could be generated, that are held or stored
 1-33 by or for an appellate court and relate to the person who was
 1-34 convicted of, or who received a dismissal after deferral of
 1-35 disposition for, the offense are confidential and may not be
 1-36 disclosed to the public.

1-37 (b) This article does not apply to an opinion issued by an
 1-38 appellate court.

1-39 SECTION 2. Subchapter B, Chapter 45, Code of Criminal
 1-40 Procedure, is amended by adding Article 45.0218 to read as follows:

1-41 Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY
 1-42 MISDEMEANOR. (a) Except as provided by Subsection (b), following
 1-43 the fifth anniversary of the date of a final conviction of, or of a
 1-44 dismissal after deferral of disposition for, a misdemeanor offense
 1-45 punishable by fine only, all records and files and information
 1-46 stored by electronic means or otherwise, from which a record or file
 1-47 could be generated, that are held or stored by or for a municipal or
 1-48 justice court and relate to the person who was convicted of, or who
 1-49 received a dismissal after deferral of disposition for, the offense
 1-50 are confidential and may not be disclosed to the public.

1-51 (b) Information subject to Subsection (a) may be open to
 1-52 inspection only by:

1-53 (1) judges or court staff;

1-54 (2) a criminal justice agency for a criminal justice
 1-55 purpose, as those terms are defined by Section 411.082, Government
 1-56 Code;

1-57 (3) the Department of Public Safety;

1-58 (4) the attorney representing the state;

1-59 (5) the defendant or the defendant's counsel; or

1-60 (6) if the offense is a traffic offense, an insurance
 1-61 company or surety company authorized to write motor vehicle

2-1 liability insurance in this state.

2-2 SECTION 3. The change in law made by this Act applies to the
2-3 disclosure of information on or after the effective date of this Act
2-4 regardless of whether the offense that is the subject of the
2-5 information was committed before, on, or after the effective date
2-6 of this Act.

2-7 SECTION 4. This Act takes effect September 1, 2017.

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