

By: Zaffirini

S.B. No. 47

A BILL TO BE ENTITLED

AN ACT

relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.

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

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

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

(1) the public availability of conviction records for misdemeanors punishable by fine only;

(2) the public availability of records relating to suspension of sentence and deferral of final disposition under Article 45.051, Code of Criminal Procedure, for misdemeanors punishable by fine only;

(3) the public availability of records described by Subdivision (1) or (2) of this subsection that are related to a child younger than 18 years of age;

(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;

1 (6) the reasons and criteria for any destruction of
2 records described by Subdivisions (1)-(3); and

3 (7) the retention schedule of each local agency
4 holding records described by Subdivisions (1)-(3), if the agency
5 routinely destroys those records.

6 (c) Not later than January 1, 2019, the Office of Court
7 Administration shall issue a report on the study required under
8 this section to the lieutenant governor, the speaker of the house of
9 representatives, and the appropriate standing committees of the
10 house of representatives and the senate.

11 (d) This section expires September 1, 2019.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.