| **House Bill 681**  Senate Amendments  Section-by-Section Analysis | | |
| --- | --- | --- |
| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| SECTION 1. Chapter 44, Code of Criminal Procedure, is amended by adding Article 44.2812 to read as follows:  Art. 44.2812. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR. (a) 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 may not be disclosed to the public.  (b) This article does not apply to an opinion issued by an appellate court. | SECTION 1. Chapter 44, Code of Criminal Procedure, is amended by adding Article 44.2812 to read as follows:  Art. 44.2812. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR. (a) 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 may not be disclosed to the public.  (b) This article does not apply to:  (1) an opinion issued by an appellate court; or  (2) records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information. [FA2(1)] |  |
| SECTION 2. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0218 to read as follows:  Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR. (a) 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 relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and may not be disclosed to the public.  (b) Information subject to Subsection (a) may be open to inspection only by:  (1) judges or court staff;  (2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;  (3) the Department of Public Safety;  (4) the attorney representing the state;  (5) the defendant or the defendant's counsel; or  (6) if the offense is a traffic offense, an insurance company or surety company authorized to write motor vehicle liability insurance in this state. | SECTION 2. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0218 to read as follows:  Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY MISDEMEANOR. (a) Except as provided by Subsections (b) and (c), 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 relate to the person who was convicted of, or who received a dismissal after deferral of disposition for, the offense are confidential and may not be disclosed to the public. [FA2(2)]  (b) Records, files, and information subject to Subsection (a) may be open to inspection only: [FA1;FA2(3)]  (1) by judges or court staff;  (2) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;  (3) by the Department of Public Safety;  (4) by the attorney representing the state;  (5) by the defendant or the defendant's counsel;  (6) if the offense is a traffic offense, an insurance company or surety company authorized to write motor vehicle liability insurance in this state; or  (7) for the purpose of complying with a requirement under federal law or if federal law requires the disclosure as a condition of receiving federal highway funds. [FA1]  (c) This article does not apply to records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information. [FA2(4)] |  |
| SECTION 3. 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 3. Same as House version. |  |
| SECTION 4. This Act takes effect September 1, 2017. | SECTION 4. Same as House version. |  |