

By: Guillen

H.B. No. 3647

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confidentiality of a child's criminal records
3 related to certain misdemeanor offenses.

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

5 SECTION 1. Article 44.2811, Code of Criminal Procedure, as
6 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.
7 393), Acts of the 83rd Legislature, Regular Session, 2013, is
8 reenacted and amended to read as follows:

9 Art. 44.2811. RECORDS RELATING TO CERTAIN [~~OR RECEIVING~~
10 ~~DEFERRED DISPOSITION FOR~~] FINE-ONLY MISDEMEANORS COMMITTED BY A
11 CHILD. All records and files and information stored by electronic
12 means or otherwise, from which a record or file could be generated,
13 relating to a criminal case for a fine-only misdemeanor, other than
14 a traffic offense, that is committed by a child and that is appealed
15 are confidential and may not be disclosed to the public except as
16 provided under Article 45.0217(b). [~~(a) This article applies only~~
17 ~~to a misdemeanor offense punishable by fine only, other than a~~
18 ~~traffic offense.~~

19 [~~(b) All records and files and information stored by~~
20 ~~electronic means or otherwise, from which a record or file could be~~
21 ~~generated, relating to a child who is convicted of and has satisfied~~
22 ~~the judgment for or who has received a dismissal after deferral of~~
23 ~~disposition for an offense described by Subsection (a) are~~
24 ~~confidential and may not be disclosed to the public except as~~

1 ~~provided under Article 45.0217(b).]~~

2 SECTION 2. Article 45.0217, Code of Criminal Procedure, as
3 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.
4 393), Acts of the 83rd Legislature, Regular Session, 2013, is
5 reenacted and amended to read as follows:

6 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES
7 AGAINST OR ~~[THE]~~ CONVICTION OF ~~[OR DEFERRAL OF DISPOSITION FOR]~~ A
8 CHILD. (a) ~~[This article applies only to a misdemeanor offense~~
9 ~~punishable by fine only, other than a traffic offense.]~~

10 ~~[(a-1)]~~ Except as provided by Article 15.27 and Subsection
11 (b), all records and files, including those held by law
12 enforcement, and information stored by electronic means or
13 otherwise, from which a record or file could be generated, relating
14 to a child who is charged with, is convicted of, is found not guilty
15 of, had a charge dismissed for, or is granted deferred disposition
16 for a fine-only misdemeanor ~~[for or who has received a dismissal~~
17 ~~after deferral of disposition for an]~~ offense other than a traffic
18 offense ~~[described by Subsection (a)]~~ are confidential and may not
19 be disclosed to the public.

20 (b) Information subject to Subsection (a) ~~[(a-1)]~~ may be
21 open to inspection only by:

- 22 (1) judges or court staff;
- 23 (2) a criminal justice agency for a criminal justice
24 purpose, as those terms are defined by Section 411.082, Government
25 Code;
- 26 (3) the Department of Public Safety;
- 27 (4) an attorney for a party to the proceeding;

1 (5) the child defendant; or

2 (6) the defendant's parent, guardian, or managing
3 conservator.

4 (c) In this section, "child" has the meaning assigned by
5 Article 45.058(h).

6 SECTION 3. This Act takes effect September 1, 2019.