

BILL ANALYSIS

Senate Research Center
87R10102 ADM-F

H.B. 2669
By: Guillen (Zaffirini)
Criminal Justice
5/7/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the Code of Criminal Procedure, there is repeated language relating to the confidentiality of a child's criminal records for some misdemeanor offenses. This language may result in confusion and misinterpretation of the law, which could be resolved by eliminating repetition in the code relating to juvenile criminal records.

H.B. 2669 would ensure the confidentiality of these records relating to a child who is charged with or convicted of a fine-only misdemeanor other than a traffic offense or whose conviction for such an offense is appealed.

H.B. 2669 amends current law relating to the confidentiality of a child's criminal records related to certain misdemeanor offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Article 44.2811, Code of Criminal Procedure, as amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, and amends it as follows:

Art. 44.2811. New heading: RECORDS RELATING TO CERTAIN FINE-ONLY MISDEMEANORS COMMITTED BY A CHILD. Provides that all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor, other than a traffic offense, that is committed by a child and that is appealed are confidential and are prohibited from being disclosed to the public except as provided under Article 45.0217(b). Makes conforming and nonsubstantive changes.

SECTION 2. Reenacts Article 45.0217, Code of Criminal Procedure, as amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, and amends it as follows:

Art. 45.0217. New heading: CONFIDENTIAL RECORDS RELATED TO CHARGES AGAINST OR CONVICTION OF A CHILD. (a) Provides that, except as provided by Article 15.27 (Notification to Schools Required) and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor offense other than a traffic offense, rather than for or who has received a dismissal after deferral of disposition for an offense described by Subsection (a), are confidential and are prohibited from being disclosed to the public. Deletes existing text providing that this article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense. Makes a nonsubstantive change.

(b) Makes conforming changes.

(c) Defines "child" for Article 45.0217.

SECTION 3. Effective date: September 1, 2021.