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) of this subsection have been expanded or restricted by the county over time;

(5) whether local agencies holding records described by Subdivisions (1)-(3) of this subsection destroy those records;
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(6) the reasons and criteria for any destruction of records described by Subdivisions (1)-(3) of this subsection; and

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

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

(d) This section expires September 1, 2019.

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

I hereby certify that S.B. No. 47 passed the Senate on May 2, 2017, by the following vote: Yeas 23, Nays 8.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 47 passed the House on May 21, 2017, by the following vote: Yeas 91, Nays 50, one present not voting.

Chief Clerk of the House

Approved:

6 - 14 - 2017

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE 3 PM O'CLOCK

JUN 15 2017

Secretary of State
TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice
FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB47 by Zaffirini (Relating to a study on the availability of information regarding convictions and deferred dispositions for certain misdemeanors punishable by fine only.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Office of Court Administration to conduct a study to determine how records for misdemeanors punishable by fine only, other than traffic offenses, are held by the local courts. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council
LBB Staff: UP, KJo, GDz