

Chapter 811

H.B. No. 681

AN ACT

1
2 relating to restricting access to certain information that relates
3 to a person convicted of or granted a dismissal after deferral of
4 disposition for a fine-only misdemeanor offense.

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

6 SECTION 1. Chapter 44, Code of Criminal Procedure, is
7 amended by adding Article 44.2812 to read as follows:

8 Art. 44.2812. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY
9 MISDEMEANOR. (a) Except as provided by Subsection (b) and Article
10 45.0218(b), following the fifth anniversary of the date of a final
11 conviction of, or of a dismissal after deferral of disposition for,
12 a misdemeanor offense punishable by fine only, all records and
13 files and information stored by electronic means or otherwise, from
14 which a record or file could be generated, that are held or stored
15 by or for an appellate court and relate to the person who was
16 convicted of, or who received a dismissal after deferral of
17 disposition for, the offense are confidential and may not be
18 disclosed to the public.

19 (b) This article does not apply to:

20 (1) an opinion issued by an appellate court; or

21 (2) records, files, and information described by
22 Subsection (a) that relate to an offense that is sexual in nature,
23 as determined by the holder of the records, files, or information.

24 SECTION 2. Subchapter B, Chapter 45, Code of Criminal

1 Procedure, is amended by adding Article 45.0218 to read as follows:

2 Art. 45.0218. CONFIDENTIAL RECORDS RELATED TO FINE-ONLY
3 MISDEMEANOR. (a) Except as provided by Subsections (b) and (c),
4 following the fifth anniversary of the date of a final conviction
5 of, or of a dismissal after deferral of disposition for, a
6 misdemeanor offense punishable by fine only, all records and files
7 and information stored by electronic means or otherwise, from which
8 a record or file could be generated, that are held or stored by or
9 for a municipal or justice court and relate to the person who was
10 convicted of, or who received a dismissal after deferral of
11 disposition for, the offense are confidential and may not be
12 disclosed to the public.

13 (b) Records, files, and information subject to Subsection
14 (a) may be open to inspection only:

15 (1) by judges or court staff;

16 (2) by a criminal justice agency for a criminal
17 justice purpose, as those terms are defined by Section 411.082,
18 Government Code;

19 (3) by the Department of Public Safety;

20 (4) by the attorney representing the state;

21 (5) by the defendant or the defendant's counsel;

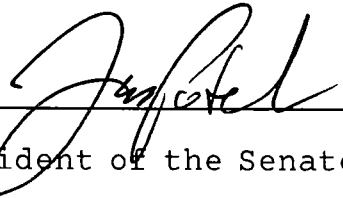
22 (6) if the offense is a traffic offense, an insurance
23 company or surety company authorized to write motor vehicle
24 liability insurance in this state; or

25 (7) for the purpose of complying with a requirement
26 under federal law or if federal law requires the disclosure as a
27 condition of receiving federal highway funds.

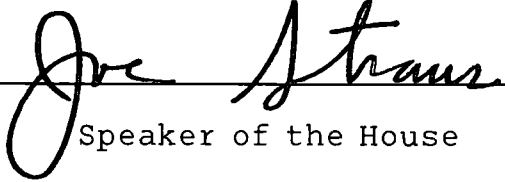
1 (c) This article does not apply to records, files, and
2 information described by Subsection (a) that relate to an offense
3 that is sexual in nature, as determined by the holder of the
4 records, files, or information.

5 SECTION 3. The change in law made by this Act applies to the
6 disclosure of information on or after the effective date of this Act
7 regardless of whether the offense that is the subject of the
8 information was committed before, on, or after the effective date
9 of this Act.

10 SECTION 4. This Act takes effect September 1, 2017.




President of the Senate



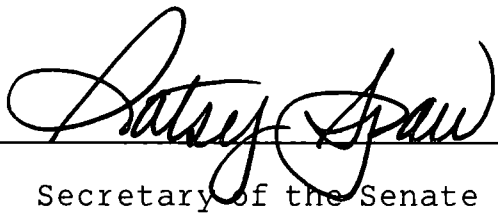
Speaker of the House

I certify that H.B. No. 681 was passed by the House on May 3, 2017, by the following vote: Yeas 142, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 681 on May 25, 2017, by the following vote: Yeas 136, Nays 7, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 681 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 30, Nays 1.




Secretary of the Senate

APPROVED: 6-10-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK
JUN 15 2017


Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB681 by Wu (Relating to restricting access to certain information that relates to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to restrict public access to information, records, and files relating to certain misdemeanors punishable by fine only. Information would become restricted five years after a final disposition. The Office of Court Administration has indicated that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, ZB, MW, PBO, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB681** by Wu (Relating to restricting access to certain information that relates to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to restrict public access to information relating to certain misdemeanors punishable by fine only. Information would become restricted five years after a final disposition. The Office of Court Administration has indicated that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, ZB, MW, PBO, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 18, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB681 by Wu (Relating to restricting access to certain information that relates to a person convicted of or granted a dismissal after deferral of disposition for a fine-only misdemeanor offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to restrict public access to information relating to certain misdemeanors punishable by fine only. Information would become restricted five years after a final disposition. The Office of Court Administration has indicated that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, MW, PBO, JGA