

SUBJECT: Making fine-only misdemeanor records confidential after five years

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Moody, Canales, Hefner, Lang, Wilson

0 nays

2 absent — Hunter, Gervin-Hawkins

WITNESSES: For — (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Rob Kohler, Christian Life Commission of Baptist General Convention of Texas; Reginald Smith, Communities for Recovery; Gyl Switzer, Mental Health America of Texas; Mary Mergler, Texas Appleseed; Douglas Smith, Texas Criminal Justice Coalition; Sacha Jacobson; Danielle King)

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association (TDCAA)

BACKGROUND: Some have raised concerns that allowing criminal records of fine-only misdemeanors to exist indefinitely is a burden to people seeking jobs, education, or housing.

DIGEST: HB 681 would make confidential, on the fifth anniversary of a final conviction or dismissal of a fine-only misdemeanor offense, all records, files, and information related to that offense from which a record or file could be generated, that were stored by or for a municipal or justice court. These records could be opened only by:

- judges or court staff;
- a criminal justice agency for a criminal justice purpose;
- the Department of Public Safety;

- the attorney representing the state;
- the defendant or the defendant's counsel; or
- an insurance company or surety company authorized to write motor vehicle liability insurance in Texas, if the offense was a traffic offense.

On the fifth anniversary of a final conviction or dismissal of a fine-only misdemeanor, all records, files, and information related to that offense from which a record or file could be generated, that were stored by or for an appellate court, would become confidential and could not be disclosed to the public. Opinions issued by an appellate court would not become confidential.

The bill would take effect September 1, 2017, and would apply to the disclosure of information on or after that date.