

BILL ANALYSIS

Senate Research Center

H.B. 528
By: Turner, Sylvester et al. (Whitmire)
Jurisprudence
5/13/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the records of a child convicted of a fine-only misdemeanor, other than a traffic offense, are confidential. Interested parties contend that the intent of this provision is to prevent the release of information of a child convicted in this type of case, but that the records of a child who has been charged with or who is appealing the case are not protected. H.B. 528 seeks to close this unintended loophole in current law.

H.B. 528 amends current law relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only 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. Amends Article 44.2811, Code of Criminal Procedure, 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) (relating to authorizing information to be opened to inspection only by certain individuals), rather than providing 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 child whose conviction for a fine-only misdemeanor other than a traffic offense is affirmed are confidential upon satisfaction of the judgment and are prohibited from being disclosed to the public except as provided under Article 45.0217(b). Deletes existing text providing 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 child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and are prohibited from being disclosed to the public except as provided under Article 45.0217(b).

SECTION 2. Amends the heading to Article 45.0217, Code of Criminal Procedure, to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES AGAINST OR THE CONVICTION OF A CHILD.

SECTION 3. Amends Article 45.0217(a), Code of Criminal Procedure, to provide 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 are confidential and prohibited from being disclosed to the public, rather than relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and prohibited from being disclosed to the public.

SECTION 4. Amends Section 58.00711, Family Code, as follows:

Sec. 58.00711. New heading: RECORDS RELATING TO CHILDREN CHARGED WITH OR CONVICTED OF FINE-ONLY MISDEMEANORS. Provides that, except as provided by Article 45.0217(b), Code of Criminal Procedure, all records and files 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 are confidential and prohibited from being disclosed to the public, rather than relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and prohibited from being disclosed to the public.

SECTION 5. Provides that Articles 44.2811 and 45.0217, Code of Criminal Procedure, and Section 58.00711, Family Code, as amended by this Act, apply to an offense committed before, on, or after the effective date of this Act.

SECTION 6. Effective date: January 1, 2014.