

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 2669  
 1-2 (In the Senate - Received from the House April 19, 2021;  
 1-3 May 3, 2021, read first time and referred to Committee on Criminal  
 1-4 Justice; May 13, 2021, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 13, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the confidentiality of a child's criminal records  
 1-18 related to certain misdemeanor offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 44.2811, Code of Criminal Procedure, as  
 1-21 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.  
 1-22 393), Acts of the 83rd Legislature, Regular Session, 2013, is  
 1-23 reenacted and amended to read as follows:

1-24 Art. 44.2811. RECORDS RELATING TO CERTAIN ~~[OR RECEIVING~~  
 1-25 ~~DEFERRED DISPOSITION FOR]~~ FINE-ONLY MISDEMEANORS COMMITTED BY A  
 1-26 CHILD. All records and files and information stored by electronic  
 1-27 means or otherwise, from which a record or file could be generated,  
 1-28 relating to a criminal case for a fine-only misdemeanor, other than  
 1-29 a traffic offense, that is committed by a child and that is appealed  
 1-30 are confidential and may not be disclosed to the public except as  
 1-31 provided under Article 45.0217(b). ~~[(a) This article applies only~~  
 1-32 ~~to a misdemeanor offense punishable by fine only, other than a~~  
 1-33 ~~traffic offense.~~

1-34 ~~[(b) All records and files and information stored by~~  
 1-35 ~~electronic means or otherwise, from which a record or file could be~~  
 1-36 ~~generated, relating to a child who is convicted of and has satisfied~~  
 1-37 ~~the judgment for or who has received a dismissal after deferral of~~  
 1-38 ~~disposition for an offense described by Subsection (a) are~~  
 1-39 ~~confidential and may not be disclosed to the public except as~~  
 1-40 ~~provided under Article 45.0217(b).]~~

1-41 SECTION 2. Article 45.0217, Code of Criminal Procedure, as  
 1-42 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.  
 1-43 393), Acts of the 83rd Legislature, Regular Session, 2013, is  
 1-44 reenacted and amended to read as follows:

1-45 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES  
 1-46 AGAINST OR ~~[THE]~~ CONVICTION OF ~~[OR DEFERRAL OF DISPOSITION FOR]~~ A  
 1-47 CHILD. (a) ~~[This article applies only to a misdemeanor offense~~  
 1-48 ~~punishable by fine only, other than a traffic offense.~~

1-49 ~~[(a-1)]~~ Except as provided by Article 15.27 and Subsection  
 1-50 (b), all records and files, including those held by law  
 1-51 enforcement, and information stored by electronic means or  
 1-52 otherwise, from which a record or file could be generated, relating  
 1-53 to a child who is charged with, is convicted of, is found not guilty  
 1-54 of, had a charge dismissed for, or is granted deferred disposition  
 1-55 for a fine-only misdemeanor ~~[for or who has received a dismissal~~  
 1-56 ~~after deferral of disposition for an]~~ offense other than a traffic  
 1-57 offense ~~[described by Subsection (a)]~~ are confidential and may not  
 1-58 be disclosed to the public.

1-59 (b) Information subject to Subsection (a) ~~[(a-1)]~~ may be  
 1-60 open to inspection only by:

1-61 (1) judges or court staff;

2-1 (2) a criminal justice agency for a criminal justice  
2-2 purpose, as those terms are defined by Section 411.082, Government  
2-3 Code;

2-4 (3) the Department of Public Safety;

2-5 (4) an attorney for a party to the proceeding;

2-6 (5) the child defendant; or

2-7 (6) the defendant's parent, guardian, or managing  
2-8 conservator.

2-9 (c) In this article, "child" has the meaning assigned by  
2-10 Article 45.058(h).

2-11 SECTION 3. This Act takes effect September 1, 2021.

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