

AN ACT

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.

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

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

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

(b) This article does not apply to:

- (1) an opinion issued by an appellate court; or
- (2) records, files, and information described by Subsection (a) that relate to an offense that is sexual in nature, as determined by the holder of the records, files, or information.

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.

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President of the Senate

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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.

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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.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor