

SUBJECT: Commissioning a study of the availability of data on fine-only convictions

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Hunter

SENATE VOTE: On final passage, May 2 — 23-8 (Hall, Hancock, Huffines, Huffman, Nelson, Schwertner, L. Taylor, V. Taylor)

WITNESSES: No public hearing

BACKGROUND: The Rules of Judicial Administration require that courts make judicial records available to the public, with some exceptions. Implementation is left to the local courts and counties.

DIGEST: SB 47 would require the Office of Court Administration (OCA) to conduct a study on how records on misdemeanors punishable by fine only, other than traffic offenses, are held in Texas counties. The study would have to address, with respect to each county:

- the public availability of conviction or deferred adjudication records for fine-only misdemeanors, including those related to children under age 18;
- whether public access to these records has been expanded or restricted by the county over time;
- whether the county destroys these records;
- the reasons and criteria for any destruction of these records; and
- the retention schedule of each local agency holding these records.

OCA would be required to report its findings to the lieutenant governor, the House speaker, and the appropriate standing committees of the House

and Senate by January 1, 2019.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 47 would collect information that could help policymakers better understand the issues faced by local government regarding the retention of records for fine-only misdemeanors. Currently, each county adopts its own records policies in accordance with general guidelines set out by the Office of Court Administration (OCA). Records of even these minor offenses can have an impact on a person's college or career plans, and conducting a study on how this information currently is maintained in counties across the state would help guide actions by a future legislature if it determined statewide reform was warranted.

The study would have a minimal impact on local government. According to the fiscal note, OCA anticipates it could meet the bill's requirements with existing resources. The bill would not unnecessarily burden local entities because these entities would only have to provide to OCA information on any local rules or procedures they have adopted to comply with existing guidelines. This information could aid future legislatures in ensuring fairness and equitable treatment for individuals across Texas.

**OPPONENTS
SAY:**

SB 47 would create an unnecessarily broad administrative burden for counties and local governments to investigate narrow concerns that would not be well addressed by this type of inquiry.