

## **BILL ANALYSIS**

S.B. 47  
By: Zaffirini  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that Class C misdemeanor offenses punishable by fine only are typically considered minor, but that these offenses can derail an individual's college and career plans when contained in criminal history reports frequently required by employers and universities making employment and admissions decisions. Additionally, the public availability of these records can limit housing and other opportunities. S.B. 47 seeks to address this issue by providing for a study of Class C misdemeanor records retention practices in Texas counties.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 47 requires the Office of Court Administration of the Texas Judicial System (OCA) to conduct a study on how records regarding misdemeanors punishable by fine only, other than traffic offenses, are held in different Texas counties. The bill requires the study to address, with respect to each county, the public availability of conviction records for misdemeanors punishable by fine only, the public availability of records relating to suspension of sentence and deferral of final disposition for misdemeanors punishable by fine only, the public availability of those conviction and suspension and deferral records that are related to a child younger than 18 years of age, whether public access to and availability of those aforementioned records have been expanded or restricted by the county over time, whether local agencies holding those records destroy those records, the reasons and criteria for any destruction of those records, and the retention schedule of each local agency holding those records, if the agency routinely destroys those records. The bill requires OCA, not later than January 1, 2019, to issue a report on the study to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate. The bill expires September 1, 2019.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.