

By: A. Johnson of Harris

H.B. No. 252

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility for an order of nondisclosure of
3 criminal history record information of a criminal defendant who has
4 successfully completed a specialty court program.

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

6 SECTION 1. Section [411.0727](#), Government Code, is amended to
7 read as follows:

8 Sec. 411.0727. PROCEDURE FOLLOWING SUCCESSFUL COMPLETION
9 OF SPECIALTY [~~VETERANS TREATMENT~~] COURT PROGRAM. (a) This section
10 applies only to a person who successfully completes a specialty
11 [~~veterans treatment~~] court program under Subtitle K, Title 2,
12 [~~Chapter 124~~] or former law.

13 (b) Notwithstanding any other provision of this subchapter
14 or Subchapter F, a person described by Subsection (a) is entitled to
15 file with the court that placed the person in the specialty
16 [~~veterans treatment~~] court program a petition for an order of
17 nondisclosure of criminal history record information under this
18 section if the person:

19 (1) satisfies the requirements of this section and
20 Section [411.074](#);

21 (2) has never been previously convicted of an offense
22 listed in Article [42A.054](#)(a), Code of Criminal Procedure, or a
23 sexually violent offense, as defined by Article [62.001](#), Code of
24 Criminal Procedure; and

1 (3) is not convicted of any felony offense between the
2 date on which the person successfully completed the program and the
3 second anniversary of that date.

4 (c) Regardless of whether the person was convicted of or
5 placed on deferred adjudication community supervision for the
6 offense for which the person entered the specialty [~~veterans~~
7 ~~treatment~~] court program or whether the case against the person was
8 dismissed following successful completion of the applicable
9 specialty court program [~~under Section 124.001(b)~~], after notice to
10 the state, an opportunity for a hearing, and a determination that
11 the person is entitled to file the petition and issuance of the
12 order is in the best interest of justice, the court shall issue an
13 order prohibiting criminal justice agencies from disclosing to the
14 public criminal history record information related to the offense
15 for which the person entered the specialty [~~veterans treatment~~]
16 court program.

17 (d) A person may file with the court that placed the person
18 in the specialty [~~veterans treatment~~] court program a petition for
19 an order of nondisclosure of criminal history record information
20 under this section only on or after the second anniversary of the
21 date the person successfully completed the program.

22 (e) A person is not entitled to petition the court for an
23 order of nondisclosure of criminal history record information under
24 this section if the person's entry into the specialty [~~veterans~~
25 ~~treatment~~] court program arose as the result of a conviction of an
26 offense involving the operation of a motor vehicle while
27 intoxicated.

1 SECTION 2. This Act takes effect September 1, 2023.