

By: Collier

H.B. No. 399

Substitute the following for H.B. No. 399:

By: Moody

C.S.H.B. No. 399

A BILL TO BE ENTITLED

1

AN ACT

2 relating to orders of nondisclosure of criminal history record  
3 information for certain misdemeanor defendants following  
4 successful completion of a period of deferred adjudication  
5 community supervision.

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

7 SECTION 1. Section 411.072(a), Government Code, is amended  
8 to read as follows:

9 (a) This section applies only to a person who:

10 (1) was placed on deferred adjudication community  
11 supervision under Subchapter C, Chapter 42A, Code of Criminal  
12 Procedure, for a misdemeanor other than a misdemeanor:

13 (A) under:

14 (i) Section 49.04 or 49.06, Penal Code; or

15 (ii) Chapter 20, 21, 22, 25, 42, 43, 46, or  
16 71, Penal Code; or

17 (B) with respect to which an affirmative finding  
18 under Article 42A.105(f), Code of Criminal Procedure, or former  
19 Section 5(k), Article 42.12, Code of Criminal Procedure, was filed  
20 in the papers of the case; and

21 (2) has not more than one previous offense, other than  
22 a traffic offense that is punishable by fine only, for which the  
23 person was [~~never been previously~~] convicted [~~of~~] or placed on  
24 deferred adjudication community supervision [~~for another offense~~

1 ~~other than a traffic offense that is punishable by fine only]~~.

2           SECTION 2. Notwithstanding Section 411.0716(b), Government  
3 Code, the change in law made by this Act to Section 411.072,  
4 Government Code, applies only to a person described by Subsection  
5 (a) of that section who receives a dismissal and discharge under  
6 Article 42A.111, Code of Criminal Procedure, on or after the  
7 effective date of this Act. A person who receives a dismissal and  
8 discharge under Article 42A.111, Code of Criminal Procedure, before  
9 the effective date of this Act is governed by the law in effect on  
10 the date the dismissal and discharge was received, and the former  
11 law is continued in effect for that purpose.

12           SECTION 3. This Act takes effect September 1, 2023.