

By: A. Johnson of Harris, Gamez, Frazier

H.B. No. 3341

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the eligibility of criminal defendants for an order of  
3 nondisclosure of criminal history record information for certain  
4 offenses committed when younger than 25 years of age.

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

6 SECTION 1. Subchapter E-1, Chapter 411, Government Code, is  
7 amended by adding Section 411.0739 to read as follows:

8 Sec. 411.0739. PROCEDURE FOR CONVICTION FOLLOWING  
9 SUCCESSFUL COMPLETION OF SENTENCE; CERTAIN MISDEMEANORS AND  
10 FELONIES COMMITTED WHEN YOUNGER THAN 25 YEARS OF AGE. (a) This  
11 section applies only to a person who:

12 (1) is convicted of an offense other than an offense:  
13 (A) listed in Article 42A.054(a), Code of  
14 Criminal Procedure; or  
15 (B) for which the judgment contains an  
16 affirmative finding under Article 42A.054(c) or (d), Code of  
17 Criminal Procedure;

18 (2) was younger than 25 years of age at the time the  
19 offense described by Subdivision (1) was committed; and

20 (3) has not previously received an order of  
21 nondisclosure of criminal history record information under this  
22 subchapter or other law for the offense described by Subdivision  
23 (1).

24 (b) Notwithstanding any other provision of this subchapter

1 or Subchapter F, a person described by Subsection (a) who completes  
2 the person's sentence, including any term of confinement or period  
3 of community supervision imposed and payment of all fines, costs,  
4 and restitution imposed, may petition the court that imposed the  
5 sentence for an order of nondisclosure of criminal history record  
6 information under this section if the person satisfies the  
7 requirements of this section and Section 411.074.

8 (c) Except as provided by Section 411.074, a person may  
9 petition the court for an order of nondisclosure of criminal  
10 history record information under this section regardless of whether  
11 the person has been previously convicted of or placed on deferred  
12 adjudication community supervision for another offense.

13 (d) After notice to the state, an opportunity for a hearing,  
14 and a determination that the person is entitled to file the petition  
15 and issuance of the order is in the best interest of justice, the  
16 court shall issue an order prohibiting criminal justice agencies  
17 from disclosing to the public criminal history record information  
18 related to the offense for which the person was convicted.

19 (e) A person may petition the court that imposed the  
20 sentence for an order of nondisclosure of criminal history record  
21 information under this section only on or after:

22 (1) the second anniversary of the date of completion  
23 of the person's sentence, if the offense of which the person was  
24 convicted was a misdemeanor; or

25 (2) the fifth anniversary of the date of completion of  
26 the person's sentence, if the offense of which the person was  
27 convicted was a felony.

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