

By: A. Johnson of Harris

H.B. No. 3341

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) is convicted of an offense other than an offense:

(A) listed in Article 42A.054(a), Code of Criminal Procedure; or

(B) for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure;

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

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

(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.