

By: Leach

H.B. No. 2507

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article 66.102(e), Code of Criminal Procedure, is amended to read as follows:

(e) Information in the computerized criminal history system relating to the disposition of a case other than a rejected case must include:

(1) the final pleading to each charged offense and the level of the offense;

(2) a listing of each charged offense disposed of by the court and:

(A) the date of disposition;

(B) the offense code for the disposed charge and incident number; and

(C) the type of disposition; ~~and~~

(3) for a case in which the judge placed the defendant on deferred adjudication community supervision, whether an affirmative finding under Article 42A.105(f) or former Section 5(k), Article 42.12, was filed in the papers of the case; and

(4) for a conviction that is appealed, the final court

1 decision and the final disposition of the offender's case on
2 appeal.

3 SECTION 2. Section 411.0716, Government Code, is amended to
4 read as follows:

5 Sec. 411.0716. APPLICABILITY OF SUBCHAPTER. ~~[(a)]~~ Except
6 as provided by Section 411.072 ~~[Subsection (b)]~~, this subchapter
7 applies to the issuance of an order of nondisclosure of criminal
8 history record information for an offense committed before, on, or
9 after September 1, 2017.

10 ~~[(b) Section 411.072 applies only to a person described by~~
11 ~~Subsection (a) of that section who receives a discharge and~~
12 ~~dismissal under Article 42A.111, Code of Criminal Procedure, on or~~
13 ~~after September 1, 2017.]~~

14 SECTION 3. Section 411.072, Government Code, is amended to
15 read as follows:

16 Sec. 411.072. AUTOMATIC ORDER OF NONDISCLOSURE FOLLOWING
17 COMPLETION OF [PROCEDURE FOR] DEFERRED ADJUDICATION COMMUNITY
18 SUPERVISION; CERTAIN NONVIOLENT MISDEMEANORS. (a) A person is
19 entitled to an order of nondisclosure of criminal history record
20 information under this [This] section if ~~[applies only to a person~~
21 ~~who]~~:

22 (1) the person was placed on deferred adjudication
23 community supervision under Subchapter C, Chapter 42A, Code of
24 Criminal Procedure, for a misdemeanor other than a misdemeanor:

25 (A) under:

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

27 (ii) Chapter 20, 21, 22, 25, 42, 43, 46, or

1 71, Penal Code; or

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

6 (2) the person received a dismissal and discharge
7 under Article 42A.111, Code of Criminal Procedure, on or after
8 January 1, 1993, for the offense described by Subdivision (1);

9 (3) at least 180 days have elapsed from the date the
10 person was placed on deferred adjudication community supervision
11 for the offense described by Subdivision (1);

12 (4) the person satisfies the requirements of Section
13 411.074;

14 (5) the person has never been previously convicted of
15 or placed on deferred adjudication community supervision for
16 another offense other than a traffic offense that is punishable by
17 fine only; and

18 (6) the person has not received an order of
19 nondisclosure of criminal history record information under this
20 section.

21 (b) Not later than the 15th day of each month, the
22 department shall:

23 (1) electronically review the records in the
24 department's computerized criminal history system and, based on the
25 relevant information present in the system, identify each person
26 who satisfies the requirements of Subsection (a) and received the
27 dismissal and discharge described by Subsection (a)(2) on or after

1 January 1, 2028; and

2 (2) electronically provide notice in the manner
3 prescribed by the Office of Court Administration of the Texas
4 Judicial System to the clerk of the applicable court for each person
5 identified under Subdivision (1) indicating that the person
6 satisfies the requirements for an order of nondisclosure of
7 criminal history record information under this section.

8 (c) For purposes of electronically identifying persons
9 under Subsection (b)(1), if the computerized criminal history
10 system records do not indicate whether a person received a
11 dismissal and discharge, the person is considered to satisfy the
12 requirements of Subsection (a)(2) if:

13 (1) the applicable records do not contain an order
14 revoking the person's deferred adjudication community supervision;
15 and

16 (2) the expiration date for the period of deferred
17 adjudication community supervision imposed in the person's case has
18 passed.

19 (d) Notwithstanding any other provision of this subchapter
20 or Subchapter F, if a [person described by Subsection (a) receives a
21 discharge and dismissal under Article 42A.111, Code of Criminal
22 Procedure, and satisfies the requirements of Section 411.074, the]
23 court that placed a [the] person on deferred adjudication community
24 supervision receives notice from the department under Subsection
25 (b) or (e) applicable to the person, the court shall, not later than
26 the 15th business day after the receipt of the notice, issue an
27 order of nondisclosure of criminal history record information under

1 this subchapter prohibiting criminal justice agencies from
 2 disclosing to the public criminal history record information
 3 related to the offense giving rise to the deferred adjudication
 4 community supervision. ~~[The court shall determine whether the~~
 5 ~~person satisfies the requirements of Section 411.074, and if the~~
 6 ~~court makes a finding that the requirements of that section are~~
 7 ~~satisfied, the court shall issue the order of nondisclosure of~~
 8 ~~criminal history record information:~~

9 ~~[(1) at the time the court discharges and dismisses~~
 10 ~~the proceedings against the person, if the discharge and dismissal~~
 11 ~~occurs on or after the 180th day after the date the court placed the~~
 12 ~~person on deferred adjudication community supervision; or~~

13 ~~[(2) as soon as practicable on or after the 180th day~~
 14 ~~after the date the court placed the person on deferred adjudication~~
 15 ~~community supervision, if the discharge and dismissal occurred~~
 16 ~~before that date.]~~

17 (e) A person who received a dismissal and discharge under
 18 Article 42A.111, Code of Criminal Procedure, on or after January 1,
 19 1993, may make a request to the department for a determination as to
 20 whether the person satisfies the requirements of Subsection (a).
 21 The department shall make a determination requested under this
 22 subsection based on the relevant information present in the
 23 computerized criminal history system and notify the person of the
 24 result of that determination. If the department determines the
 25 person satisfies the requirements of Subsection (a), the department
 26 shall electronically notify the clerk of the court that placed the
 27 person on deferred adjudication community supervision that

~~[(c) The person shall present to the court any evidence necessary to establish that]~~ the person is entitled to ~~[eligible to receive]~~ an order of nondisclosure of criminal history record information under this section. The department shall prescribe and make publicly available on the department's Internet website the manner in which a person may request a determination under this subsection.

(f) In addition to the procedures provided by Subsections (b) and (e), a person may present to the court that placed the person on deferred adjudication community supervision any evidence necessary to establish that the person is entitled to an order of nondisclosure of criminal history record information under this section. The court shall prescribe the manner in which the person may present the evidence to the court under this subsection. The court shall determine whether the person satisfies the requirements of Subsection (a), and if the court makes a finding that the requirements of that subsection are satisfied, the court shall issue an order of nondisclosure of criminal history record information under this subchapter prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision.

(g) Notwithstanding any other law, a [The] person who is entitled to an order of nondisclosure of criminal history record information under this section may not be required to [must] pay any [a \$28] fee relating to the issuance of [to the clerk of the court before the court issues] the order.

1 (h) [~~(d)~~] A person who is not entitled [~~eligible~~] to receive
2 an order of nondisclosure of criminal history record information
3 under this section solely because an affirmative finding under
4 Article 42A.105(f), Code of Criminal Procedure, or former Section
5 5(k), Article 42.12, Code of Criminal Procedure, was filed in the
6 papers of the case may file a petition for an order of nondisclosure
7 of criminal history record information under Section 411.0725 if
8 the person otherwise satisfies the requirements of that section.

9 SECTION 4. Section 411.0725(a), Government Code, is amended
10 to read as follows:

11 (a) This section applies only to a person placed on deferred
12 adjudication community supervision under Subchapter C, Chapter
13 42A, Code of Criminal Procedure, who:

14 (1) is not entitled [~~eligible~~] to receive an order of
15 nondisclosure of criminal history record information under Section
16 411.072; and

17 (2) was placed on deferred adjudication community
18 supervision for an offense other than an offense under Section
19 49.04 or 49.06, Penal Code.

20 SECTION 5. Not later than September 1, 2027, the Office of
21 Court Administration of the Texas Judicial System shall confer with
22 the Department of Public Safety regarding the content of the
23 electronic notice provided under Section 411.072(b)(2), Government
24 Code, as amended by this Act.

25 SECTION 6. (a) Except as provided by Subsection (b) of this
26 section, this Act takes effect January 1, 2028.

27 (b) Section 5 of this Act takes effect September 1, 2025.