

By: Parker

S.B. No. 958

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain victims of trafficking of persons or compelling prostitution for an order of nondisclosure of criminal history record information.

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

SECTION 1. Sections 411.0728(a), (b), (b-1), (b-3), (c), and (c-1), Government Code, are amended to read as follows:

(a) This section applies only to a person:

(1) who is convicted of or placed on deferred adjudication community supervision for:

(A) a misdemeanor [an offense] under:

(i) Subchapter D, Chapter 481 [(A) Section 481.120], Health and Safety Code[, if the offense is punishable under Subsection (b)(1)]; or

(ii) [(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1),

[(C)] Section 30.05, 31.03, 37.10, or 49.02, Penal Code[, if the offense is punishable under Subsection (e)(1) or (2)]; or

(B) an offense under [(D)] Section 43.02, Penal Code; and

(2) who, if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of an offense under Section

1 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
2 containing elements that are substantially similar to the elements
3 of an offense under any of those sections:

4 (A) provided assistance in the investigation or
5 prosecution of the offense; or

6 (B) did not provide assistance in the
7 investigation or prosecution of the offense due to the person's age
8 or a physical or mental disability resulting from being a victim of
9 an offense described by this subdivision.

10 (b) Notwithstanding any other provision of this subchapter
11 or Subchapter F, a person described by Subsection (a) who satisfies
12 the requirements of Section 411.074(b) may petition the court that
13 convicted the person or placed the person on deferred adjudication
14 community supervision for an order of nondisclosure of criminal
15 history record information under this section on the grounds that
16 the person committed the offense [~~solely~~] as a victim of, or in
17 connection with being a victim of, an offense under Section 20A.02,
18 20A.03, or 43.05, Penal Code.

19 (b-1) A petition under Subsection (b) must:

20 (1) be in writing;

21 (2) allege specific facts that, if proved, would
22 establish that the petitioner committed the offense described by
23 Subsection (a)(1) [~~solely~~] as a victim of, or in connection with
24 being a victim of, an offense under Section 20A.02, 20A.03, or
25 43.05, Penal Code; and

26 (3) assert that if the person has previously submitted
27 a petition for an order of nondisclosure under this section, the

1 person has not committed an offense described by Subsection (a)(1)
 2 on or after the date on which the person's first petition under this
 3 section was submitted.

4 (b-3) A person convicted of or placed on deferred
 5 adjudication community supervision for more than one offense
 6 described by Subsection (a)(1) that the person committed [~~solely~~]
 7 as a victim of, or in connection with being a victim of, an offense
 8 under Section 20A.02, 20A.03, or 43.05, Penal Code, may file a
 9 petition for an order of nondisclosure of criminal history record
 10 information under this section with respect to each offense, and
 11 may request consolidation of those petitions, in a district court
 12 in the county where the person was most recently convicted or placed
 13 on deferred adjudication community supervision as described by this
 14 subsection. On receipt of a request for consolidation, the court
 15 shall consolidate the petitions and exercise jurisdiction over the
 16 petitions, regardless of the county in which the offenses described
 17 by Subsection (a)(1) occurred. For each offense that is the subject
 18 of a consolidated petition and that occurred in a county other than
 19 the county in which the court consolidating the petitions is
 20 located, the clerk of the court, in addition to the clerk's duties
 21 under Subsection (b-2), shall promptly serve a copy of the
 22 consolidated petition and any supporting document related to the
 23 applicable offense on the appropriate office of the attorney
 24 representing the state on behalf of the other county. Each attorney
 25 representing the state who receives a copy of a consolidated
 26 petition under this subsection may file a response to the petition
 27 in accordance with Subsection (b-2).

1 (c) After notice to the state and an opportunity for a
2 hearing, the court having jurisdiction over the petition shall
3 issue an order prohibiting criminal justice agencies from
4 disclosing to the public criminal history record information
5 related to the offense if the court determines that:

6 (1) the person committed the offense described by
7 Subsection (a)(1) [~~solely~~] as a victim of, or in connection with
8 being a victim of, an offense under Section 20A.02, 20A.03, or
9 43.05, Penal Code;

10 (2) if applicable, the person did not commit another
11 offense described by Subsection (a)(1) on or after the date on which
12 the person's first petition for an order of nondisclosure under
13 this section was submitted; and

14 (3) issuance of the order is in the best interest of
15 justice.

16 (c-1) In determining whether a person committed an offense
17 described by Subsection (a)(1) [~~solely~~] as a victim of, or in
18 connection with being a victim of, an offense under Section 20A.02,
19 20A.03, or 43.05, Penal Code, the court may consider any order of
20 nondisclosure previously granted to the person under this section.

21 SECTION 2. Article 56A.052(e), Code of Criminal Procedure,
22 is amended to read as follows:

23 (e) A victim of an offense under Section 20A.02, 20A.03, or
24 43.05, Penal Code, is entitled to be informed, in the manner
25 provided by Article 56A.0525, that the victim may petition for an
26 order of nondisclosure of criminal history record information under
27 Section 411.0728, Government Code, if the victim:

1 (1) has been convicted of or placed on deferred
2 adjudication community supervision for an offense described by
3 Subsection (a)(1) of that section; and

4 (2) committed that offense [~~solely~~] as a victim of, or
5 in connection with being a victim of, an offense under Section
6 [20A.02](#), [20A.03](#), or [43.05](#), Penal Code.

7 SECTION 3. This Act takes effect September 1, 2025.