

BILL ANALYSIS

S.B. 1477
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It may be difficult to have a deferred adjudication expunged from a criminal record. While many people have accepted a conviction on deferred adjudication, they generally do so with the expectation that the offense will not affect their permanent record. However, as the law currently stands, a deferred adjudication remains on a permanent criminal record. This deferred adjudication may impede a person's ability to obtain a desired job or position for many years after the offense. Senate Bill 1477 restricts the disclosure of certain criminal records and sets forth the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 1477 amends the Code of Criminal Procedure to provide that a person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to arrest expunged under certain conditions. The bill provides that when the order of expunction is final the release, dissemination, or use of the expunged records and files for any purpose other than for use by criminal justice agencies, non criminal justice agencies authorized by federal or state law, or the person who is the subject of the information, is prohibited.

S.B. 1477 amends the Government Code to provide that if a person is placed on deferred adjudication community supervision and subsequently receives a discharge and dismissal and has not been convicted of certain offenses, the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure. The bill creates provisions governing the determination of eligibility for a nondisclosure order, the payment required to accompany petition, and to whom the nondisclosure order is to be sent.

The bill allows a person who is the subject of information that is excepted from the requirements of public availability of information to deny the occurrence of the arrest and prosecution to which the information relates and the exception of the information, unless the information is being used against the person in a subsequent criminal proceeding. The bill prohibits a private entity that compiles and disseminates for compensation criminal history record information from compiling or from disseminating information with respect to which an order of nondisclosure has been issued and sets forth penalties for entities that fail to comply.

EFFECTIVE DATE

September 1, 2003.

