

By: Farrar

H.B. No. 181

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the disclosure of certain criminal history record  
3 information related to an individual placed on deferred  
4 adjudication community supervision.

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

6 SECTION 1. Section 411.081, Government Code, is amended by  
7 adding Subsections (d), (e), and (f) to read as follows:

8 (d) Notwithstanding any other provision of this subchapter,  
9 if a person is placed on deferred adjudication community  
10 supervision under Section 5, Article 42.12, Code of Criminal  
11 Procedure, subsequently receives a discharge and dismissal under  
12 Section 5(c), Article 42.12, and satisfies the requirements of  
13 Subsection (e), a criminal justice agency may not disclose to the  
14 public criminal history record information related to the offense  
15 giving rise to the deferred adjudication on or after:

16 (1) the discharge and dismissal, if the offense for  
17 which the person was placed on deferred adjudication was a  
18 misdemeanor other than a misdemeanor described by Subdivision (2);

19 (2) the fifth anniversary of the discharge and  
20 dismissal, if the offense for which the person was placed on  
21 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,  
22 25, 42, or 46, Penal Code; or

23 (3) the 10th anniversary of the discharge and  
24 dismissal, if the offense for which the person was placed on

1 deferred adjudication was a felony.

2 (e) A person is entitled to the benefit provided under  
3 Subsection (d) only if during the applicable period described by  
4 Subsection (d)(1), (2), or (3), as appropriate, the person is not  
5 convicted of or placed on deferred adjudication community  
6 supervision under Section 5, Article 42.12, Code of Criminal  
7 Procedure, for any offense other than an offense under the  
8 Transportation Code punishable by fine only. A person is not  
9 entitled to the benefit provided under Subsection (d) during any  
10 period in which the person is required to register as a sex offender  
11 under Chapter 62, Code of Criminal Procedure.

12 (f) For purposes of Subsection (d), a person is considered  
13 to have been placed on deferred adjudication community supervision  
14 if, regardless of the statutory authorization:

15 (1) the person entered a plea of guilty or nolo  
16 contendere;

17 (2) the person was placed under the supervision of the  
18 court or an officer under the supervision of the court; and

19 (3) at the end of the period of supervision the judge  
20 dismissed the proceedings and discharged the person.

21 SECTION 2. Subchapter C, Chapter 552, Government Code, is  
22 amended by adding Section 552.142 to read as follows:

23 Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED  
24 ADJUDICATIONS. (a) Subject to the dates provided by Subsection (b)  
25 and the requirements of Subsection (c), information is excepted  
26 from the requirements of Section 552.021 if the information relates  
27 to an arrest and the prosecution of an offense for which a person is

1 placed on deferred adjudication community supervision under  
2 Section 5, Article 42.12, Code of Criminal Procedure, and  
3 subsequently receives a discharge and dismissal under Section 5(c),  
4 Article 42.12.

5 (b) The exception provided by Subsection (a) for  
6 information related to an arrest and the prosecution of an offense  
7 for which a person is placed on deferred adjudication is available  
8 only on or after:

9 (1) the discharge and dismissal, if the offense for  
10 which the person was placed on deferred adjudication was a  
11 misdemeanor other than a misdemeanor described by Subdivision (2);

12 (2) the fifth anniversary of the discharge and  
13 dismissal, if the offense for which the person was placed on  
14 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,  
15 25, 42, or 46, Penal Code; or

16 (3) the 10th anniversary of the discharge and  
17 dismissal, if the offense for which the person was placed on  
18 deferred adjudication was a felony.

19 (c) A person is entitled to the benefit provided under  
20 Subsection (a) only if during the applicable period described by  
21 Subsection (b)(1), (2), or (3), as appropriate, the person is not  
22 convicted of or placed on deferred adjudication community  
23 supervision under Section 5, Article 42.12, Code of Criminal  
24 Procedure, for any offense other than an offense under the  
25 Transportation Code punishable by fine only. A person is not  
26 entitled to the benefit provided under Subsection (a) during any  
27 period in which the person is required to register as a sex offender

1 under Chapter 62, Code of Criminal Procedure.

2 (d) For purposes of Subsections (a) and (b), a person is  
3 considered to have been placed on deferred adjudication community  
4 supervision if, regardless of the statutory authorization:

5 (1) the person entered a plea of guilty or nolo  
6 contendere;

7 (2) the person was placed under the supervision of the  
8 court or an officer under the supervision of the court; and

9 (3) at the end of the period of supervision the judge  
10 dismissed the proceedings and discharged the person.

11 (e) A person who is the subject of information that is  
12 excepted under this section from the requirements of Section  
13 552.021 may deny the occurrence of the arrest and prosecution to  
14 which the information relates and the exception of the information  
15 under this section, unless the information is being used against  
16 the person in a subsequent criminal proceeding.

17 SECTION 3. The change in law made by this Act applies to  
18 information related to a deferred adjudication or similar procedure  
19 described by Section 411.081(f), Government Code, as added by this  
20 Act, regardless of whether the deferred adjudication or procedure  
21 is entered before, on, or after the effective date of this Act.

22 SECTION 4. This Act takes effect September 1, 2003.