

BILL ANALYSIS

C.S.H.B. 433
By: Dutton
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law restricts the disclosure of certain criminal records concerning certain defendants who receive deferred adjudication probation. A court can now prohibit criminal justice agencies from disclosing to the public criminal history record information related to certain offenses for which the offender was placed on deferred adjudication probation. For misdemeanor offenses, a defendant must wait a period of five years after the date of discharge and dismissal, and for felony offenses, a defendant must wait ten years after the date of discharge and dismissal before filing for a petition of nondisclosure.

C.S.H.B. 433 expands the nondisclosure provision to all forms of community supervision.

RULEMAKING AUTHORITY

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

ANALYSIS

- Section 1.** Amends Section 411.081(d) Government Code, by providing that a person who successfully completes a period of community supervision, may petition the court for an order of nondisclosure. He may do so on payment of a \$28 fee to the clerk of the court only on or after the date on which the period of community supervision expires or, for a person who was placed on deferred adjudication community supervision, the date on which the proceedings are dismissed and the person is discharged under Section 5(c), Article 42.12, Code of Criminal Procedure.
- Section 2.** The heading to Section 552.142, Government Code, is amended to read as follows: EXCEPTION: CERTAIN CRIMINAL HISTORY RECORDS.
- Section 3.** The heading to Section 552.1425, Government Code, is amended to read as follows: CIVIL PENALTY: CERTAIN CRIMINAL HISTORY RECORDS.
- Section 4.** Prospective Clause
- Section 5.** This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 433 modifies the original H.B. 433 by striking SECTION 4 of the original bill.