

By: Dutton

H.B. No. 1596

Substitute the following for H.B. No. 1596:

By: Madden

C.S.H.B. No. 1596

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the restoration of certain rights to a criminal
3 defendant.

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

5 SECTION 1. Article 48.05, Code of Criminal Procedure, is
6 amended by amending Subsections (a)(2) and (b) to read as follows:

7 (2) This article applies to:

8 (A) a federal offense, other than an offense
9 involving:

10 (i) violence or the threat of violence;

11 (ii) drugs; or

12 (iii) firearms; [and]

13 (B) an offense under the laws of another country,
14 other than an offense involving:

15 (i) violence or the threat of violence;

16 (ii) drugs; or

17 (iii) firearms, if the elements of the
18 offense are substantially similar to elements of an offense under
19 the laws of this state punishable as a felony; and

20 (C) any offense under the laws of this state.

21 (b) An individual may not apply for restoration of civil
22 rights under this article unless:

23 (1) the individual has completed the sentence for the
24 offense;

- 1 (2) the conviction occurred:
- 2 (A) three or more years before the date of
- 3 application, if the offense is a federal or state offense; or
- 4 (B) two or more years before the date of
- 5 application, if the offense is an offense under the laws of another
- 6 country; and
- 7 (3) the individual has not been convicted at any other
- 8 time of an offense under the laws of this state, another state, or
- 9 the United States.

10 SECTION 2. This Act applies to a defendant who is convicted

11 of an offense before, on, or after the effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2007.