

By: West, Royce

S.B. No. 1293

A BILL TO BE ENTITLED

AN ACT

relating to a person's eligibility for an order of nondisclosure of certain criminal history records.

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

SECTION 1. Section 411.081(e), Government Code, is amended to read as follows:

(e) A person is entitled to petition the court under Subsection (d) only if during the period of the deferred adjudication community supervision for which the order of nondisclosure is requested and during the applicable period described by Subsection (d)(1), (2), or (3), as appropriate, the person is not convicted of or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only. A person is not entitled to petition the court under Subsection (d) if the person was placed on the deferred adjudication community supervision for or has been previously convicted or placed on any other deferred adjudication for:

(1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal

1 Procedure;

2 (3) an offense under Section 19.02, 19.03, 22.04,
3 22.041, 25.07, or 42.072, Penal Code; or

4 (4) any other offense involving family violence, as
5 defined by Section 71.004, Family Code.

6 SECTION 2. Section 411.081(e), Government Code, as amended
7 by this Act for purposes of clarification, applies to any person who
8 on or after the effective date of this Act petitions the court for
9 an order of nondisclosure under Section 411.081(d), Government
10 Code, regardless of whether the order of nondisclosure was
11 requested for conduct occurring before, on, or after the effective
12 date of this Act.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.