

By: Dutton

H.B. No. 728

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(a)(2), Code of Criminal Procedure,  
6 is amended 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 SECTION 2. Article 48.05(b), Code of Criminal Procedure, is  
22 amended to read as follows:

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

1           (1) the individual has completed the sentence for the  
2 offense;

3           (2) the conviction occurred:

4                 (A) three or more years before the date of  
5 application, if the offense is a federal or state offense; or

6                 (B) two or more years before the date of  
7 application, if the offense is an offense under the laws of another  
8 country; and

9           (3) the individual has not been convicted at any other  
10 time of an offense under the laws of this state, another state, or  
11 the United States.

12           SECTION 3. This Act applies to a defendant who is convicted  
13 of an offense before, on, or after the effective date of this Act.

14           SECTION 4. This Act takes effect September 1, 2011.