

By: Johnson

H.B. No. 1106

Substitute the following for H.B. No. 1106:

By: Hartnett

C.S.H.B. No. 1106

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to providing certain information to a criminal defendant  
3 at the time the defendant is placed on deferred adjudication  
4 community supervision and at the time of the dismissal of certain  
5 proceedings against the defendant.

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

7 SECTION 1. Section 5, Article 42.12, Code of Criminal  
8 Procedure, is amended by adding Subsections (a-1) and (c-1) to read  
9 as follows:

10 (a-1) Before placing a defendant on deferred adjudication  
11 community supervision under this section, the court shall inform  
12 the defendant of the defendant's right to petition the court for an  
13 order of nondisclosure under Section 411.081, Government Code,  
14 unless the defendant is ineligible to pursue that right because of:

15 (1) the nature of the offense for which the defendant  
16 is placed on deferred adjudication community supervision; or

17 (2) the defendant's criminal history.

18 (c-1) A judge who dismisses the proceedings against a  
19 defendant and discharges the defendant under Subsection (c) shall:

20 (1) provide the defendant with a copy of the order of  
21 dismissal and discharge; and

22 (2) if applicable, inform the defendant of the  
23 defendant's eligibility to petition the court for an order of  
24 nondisclosure under Section 411.081, Government Code, and the

1 earliest date the defendant is eligible to file the petition for the  
2 order of nondisclosure.

3 SECTION 2. Section 5(a-1), Article 42.12, Code of Criminal  
4 Procedure, as added by this Act, applies to a defendant placed on  
5 deferred adjudication community supervision on or after the  
6 effective date of this Act, regardless of whether the offense for  
7 which the defendant is placed on deferred adjudication community  
8 supervision is committed before, on, or after that date.

9 SECTION 3. Section 5(c-1), Article 42.12, Code of Criminal  
10 Procedure, as added by this Act, applies to an order of dismissal  
11 and discharge entered on or after the effective date of this Act,  
12 regardless of whether the defendant is placed on deferred  
13 adjudication community supervision before, on, or after that date.

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