

1-1 By: Johnson (Senate Sponsor - West) H.B. No. 1106
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 12, 2011, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 12, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to providing certain information to a criminal defendant
1-9 at the time the defendant is placed on deferred adjudication
1-10 community supervision and at the time of the dismissal of certain
1-11 proceedings against the defendant.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 5, Article 42.12, Code of Criminal
1-14 Procedure, is amended by adding Subsections (a-1) and (c-1) to read
1-15 as follows:

1-16 (a-1) Before placing a defendant on deferred adjudication
1-17 community supervision under this section, the court shall inform
1-18 the defendant of the defendant's right to petition the court for an
1-19 order of nondisclosure under Section 411.081, Government Code,
1-20 unless the defendant is ineligible to pursue that right because of:

1-21 (1) the nature of the offense for which the defendant
1-22 is placed on deferred adjudication community supervision; or

1-23 (2) the defendant's criminal history.

1-24 (c-1) A judge who dismisses the proceedings against a
1-25 defendant and discharges the defendant under Subsection (c) shall:

1-26 (1) provide the defendant with a copy of the order of
1-27 dismissal and discharge; and

1-28 (2) if applicable, inform the defendant of the
1-29 defendant's eligibility to petition the court for an order of
1-30 nondisclosure under Section 411.081, Government Code, and the
1-31 earliest date the defendant is eligible to file the petition for the
1-32 order of nondisclosure.

1-33 SECTION 2. Section 5(a-1), Article 42.12, Code of Criminal
1-34 Procedure, as added by this Act, applies to a defendant placed on
1-35 deferred adjudication community supervision on or after the
1-36 effective date of this Act, regardless of whether the offense for
1-37 which the defendant is placed on deferred adjudication community
1-38 supervision is committed before, on, or after that date.

1-39 SECTION 3. Section 5(c-1), Article 42.12, Code of Criminal
1-40 Procedure, as added by this Act, applies to an order of dismissal
1-41 and discharge entered on or after the effective date of this Act,
1-42 regardless of whether the defendant is placed on deferred
1-43 adjudication community supervision before, on, or after that date.

1-44 SECTION 4. This Act takes effect September 1, 2011.

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