

By: Dutton

H.B. No. 439

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article 48.05(a)(2), Code of Criminal Procedure, is amended to read as follows:

(2) This article applies to:

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

(i) violence or the threat of violence;

(ii) drugs; or

(iii) firearms; ~~and~~

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

(i) violence or the threat of violence;

(ii) drugs; or

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

(C) an offense under the laws of this state, other than an offense:

(i) for which an individual is required to register as a sex offender under Chapter 62;

(ii) involving violence or the threat of

1 violence;
2 (iii) involving drugs; or
3 (iv) involving firearms and punishable as a
4 felony.

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

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

9 (1) the individual has completed the sentence for the
10 offense;

11 (2) the conviction occurred[+
12 [~~(A)~~] three or more years before the date of
13 application[, ~~if the offense is a federal offense; or~~

14 [~~(B)~~ two or more years before the date of
15 application, ~~if the offense is an offense under the laws of another~~
16 ~~country~~]; and

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

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

22 SECTION 4. This Act takes effect September 1, 2013.