

By: Dutton

H.B. No. 439

Substitute the following for H.B. No. 439:

By: Herrero

C.S.H.B. No. 439

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

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

24 (ii) involving drugs.

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

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

5 (1) the individual has completed the sentence for the
6 offense;

7 (2) the conviction occurred[+]

8 [~~(A)~~] three or more years before the date of
9 application[, ~~if the offense is a federal offense; or~~

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

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

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

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