

By: Canales

H.B. No. 1344

Substitute the following for H.B. No. 1344:

By: Herrero

C.S.H.B. No. 1344

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of arrest records and files relating to certain nonviolent offenses.

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

SECTION 1. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.012 to read as follows:

Art. 55.012. EXPUNCTION OF CERTAIN NONVIOLENT OFFENSES.

(a) A person who has been placed under a custodial or noncustodial arrest for an offense other than an offense under Title 5, Penal Code, is entitled to have all records and files related to the arrest expunged if:

(1) the person was placed on deferred adjudication community supervision under Section 5, Article 42.12, for the offense and subsequently received a discharge and dismissal in the case under Section 5(c), Article 42.12;

(2) the person has not been arrested for the commission of any Class B misdemeanor, Class A misdemeanor, or felony committed after the date of the offense for which the person was placed on deferred adjudication community supervision; and

(3) since the date on which the person received a discharge and dismissal under Subdivision (1):

(A) a period of not less than five years has passed, if the offense for which the person received the discharge and dismissal was a misdemeanor; or

1           (B) a period of not less than 10 years has passed,  
2 if the offense for which the person received the discharge and  
3 dismissal was a felony.

4           (b) The person must submit an ex parte petition for  
5 expunction to the court that granted the deferred adjudication  
6 community supervision. The petition must be verified and must  
7 contain:

8           (1) the information described by Section 2(b), Article  
9 55.02; and

10           (2) a statement that the person has not been arrested  
11 for the commission of any Class B misdemeanor, Class A misdemeanor,  
12 or felony committed after the date of the offense for which the  
13 person was placed on deferred adjudication community supervision.

14           (c) If the court finds that the petitioner is entitled to  
15 expunction of any arrest records and files that are the subject of  
16 the petition, the court shall enter an order directing expunction  
17 in a manner consistent with the procedures described by Section 1a,  
18 Article 55.02.

19           SECTION 2. Section 411.0851(a), Government Code, is amended  
20 to read as follows:

21           (a) A private entity that compiles and disseminates for  
22 compensation criminal history record information shall destroy and  
23 may not disseminate any information in the possession of the entity  
24 with respect to which the entity has received notice that:

25           (1) an order of expunction has been issued under  
26 Chapter 55 [Article 55.02], Code of Criminal Procedure; or

27           (2) an order of nondisclosure has been issued under

1 Section 411.081(d).

2 SECTION 3. Section 552.1425(a), Government Code, is amended  
3 to read as follows:

4 (a) A private entity that compiles and disseminates for  
5 compensation criminal history record information may not compile or  
6 disseminate information with respect to which the entity has  
7 received notice that:

8 (1) an order of expunction has been issued under  
9 Chapter 55 [~~Article 55.02~~], Code of Criminal Procedure; or

10 (2) an order of nondisclosure has been issued under  
11 Section 411.081(d).

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