

By: West

S.B. No. 1211

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the expunction of arrest records and files relating to  
3 an offense for which the person received a discharge and dismissal  
4 after successfully completing a term of deferred adjudication  
5 community supervision.

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

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

9 Art. 55.012. EXPUNCTION OF RECORDS AND FILES FOR CERTAIN  
10 DEFENDANTS. (a) A person who has been placed under a custodial or  
11 noncustodial arrest for an offense is entitled to have all arrest  
12 records and files related to the arrest expunged if:

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

17 (2) the person has not been convicted of or placed on  
18 deferred adjudication community supervision for the commission of  
19 any Class B misdemeanor, Class A misdemeanor, or felony committed  
20 in the 10-year period preceding the date the petition for  
21 expunction is filed; and

22 (3) the person has never been convicted of or placed on  
23 deferred adjudication community supervision for:

24 (A) an offense requiring registration as a sex

1 offender under Chapter 62; or

2 (B) an offense listed in Section 3g(a)(1),  
3 Article 42.12.

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;

10 (2) a statement that the person has not been convicted  
11 of or placed on deferred adjudication community supervision for the  
12 commission of any Class B misdemeanor, Class A misdemeanor, or  
13 felony committed in the 10-year period preceding the date the  
14 petition for expunction is filed; and

15 (3) a statement that the person has never been  
16 convicted of or placed on deferred adjudication community  
17 supervision for:

18 (A) an offense requiring registration as a sex  
19 offender under Chapter 62; or

20 (B) an offense listed in Section 3g(a)(1),  
21 Article 42.12.

22 (c) The petition under this article may be filed only on or  
23 after:

24 (1) the fifth anniversary of the discharge and  
25 dismissal, if the offense for which the person was placed on  
26 deferred adjudication community supervision was a misdemeanor; or

27 (2) the 10th anniversary of the discharge and

1 dismissal, if the offense for which the person was placed on  
2 deferred adjudication community supervision was a felony.

3 (d) If the court finds that the petitioner is entitled to  
4 expunction of any arrest records and files that are the subject of  
5 the petition, the court shall enter an order directing expunction  
6 in a manner consistent with the procedures described by Section 1a,  
7 Article 55.02.

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

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

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

16 (2) an order of nondisclosure has been issued under  
17 Section 411.081(d).

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

20 (a) A private entity that compiles and disseminates for  
21 compensation criminal history record information may not compile or  
22 disseminate information with respect to which the entity has  
23 received notice that:

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

26 (2) an order of nondisclosure has been issued under  
27 Section 411.081(d).

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