

Amend CSHB 3579 (senate committee printing) as follows:

(1) Designate SECTIONS 1 through 6 of the bill (page 1, line 22, through page 4, line 8) and SECTIONS 16 and 17 of the bill (page 7, line 58, through page 8, line 45) as ARTICLE 1 of the bill and renumber those SECTIONS appropriately.

(2) Designate SECTIONS 7 through 15 of the bill (page 4, line 9, through page 7, line 57) as ARTICLE 2 of the bill and renumber those SECTIONS appropriately.

(3) Add the following appropriately numbered SECTION to the end of ARTICLE 2 of the bill:

SECTION 2.____. This article takes effect only if S.B. 1902, Acts of the 84th Legislature, Regular Session, 2015, does not become law. If that bill becomes law, this article has no effect.

(4) After added ARTICLE 2 of the bill, add a new ARTICLE 3 of the bill to read as follows:

ARTICLE 3

SECTION 3.01. Subchapter E-1, Chapter 411, Government Code, as effective September 1, 2015, is amended by adding Section 411.0729 to read as follows:

Sec. 411.0729. PROCEDURE FOR CERTAIN FINE-ONLY MISDEMEANORS. (a) This section applies only to a person who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for a fine-only misdemeanor, other than an offense under the Transportation Code or an offense under a municipal ordinance or county order.

(b) Notwithstanding any other provision of this chapter or Subchapter F, a person described by Subsection (a) may petition the court that convicted or granted a dismissal to the person for an order of nondisclosure of criminal history record information under this section if the person:

- (1) satisfies the requirements of Section 411.074; and
- (2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than an offense under the Transportation Code that is punishable by fine only, regardless of whether that offense is subject to an order of nondisclosure of criminal history record information granted under this subchapter or any other law.

(c) After notice to the state, the court shall hold a hearing on whether the person is entitled to file the petition and whether issuance of the order is in the best interest of justice. In determining whether granting the order is in the best interest of justice, the court may consider the person's criminal history record information among any other factors the court considers relevant. If the court determines that granting the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the fine-only misdemeanor offense that is the subject of the petition. As a condition of granting the petition under this section for a person convicted of the offense, a court may require the person to perform community service, pay a fee, or both perform the community service and pay the fee as if the person had been placed on probation pending deferred disposition under Article 45.051, Code of Criminal Procedure.

(d) A person may petition the court for an order of nondisclosure of criminal history record information under this section only on or after the first anniversary of the conviction or dismissal, as applicable.

SECTION 3.02. Section 411.077, Government Code, as effective September 1, 2015, is amended by adding Subsection (a-1) to read as follows:

(a-1) The clerk of a court that collects a fee paid under Section 411.0745 for a petition filed under Section 411.0729 shall deposit the fee to the credit of the general fund of the municipality or county, as applicable.

SECTION 3.03. This article takes effect only if S.B. 1902, Acts of the 84th Legislature, Regular Session, 2015, becomes law. If that bill does not become law, this article has no effect.

(5) Designate SECTIONS 18 through 21 of the bill (page 8, lines 46-65) as ARTICLE 4 of the bill and renumber those SECTIONS appropriately.