

Amend SB 130 on third reading as follows:

(1) On page 1, strike lines 5 through 7 and substitute the following:

SECTION 1. Section 411.081, Government Code, is amended by amending Subsections (d), (e), (f), (f-1), and (h) and adding Subsections (d-1), (d-2), (e-1), (h-1), and (h-2) to read as follows:

(2) On page 3, between lines 22 and 23, insert the following:

(d-2) Notwithstanding any other provision of this chapter and subject to Subsection (e-1), a person who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for a Class C misdemeanor, other than an offense under the Transportation Code, a municipal ordinance or county order, Section 106.041, Alcoholic Beverage Code, or Chapter 71, Penal Code, may petition the court that convicted or granted a dismissal to the person for an order of nondisclosure under this subsection. 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 any 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 Class C misdemeanor offense that is the subject of the petition. As a condition of granting the petition under this subsection for a person convicted of the offense, a court may require the defendant to perform community service, pay a fee, or both perform the community service and pay the fee as if the defendant had been placed on probation pending deferred disposition under Article 45.051, Code of Criminal Procedure. A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under this subsection only to other criminal justice agencies for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i),

or the person who is the subject of the order. A person may petition the court for an order of nondisclosure under this subsection only on or after the second anniversary of the conviction or dismissal, as applicable.

(3) On page 4, between lines 20 and 21, insert the following:

(e-1) A person is not entitled to petition the court under Subsection (d-2) if the person has been previously convicted of or placed on deferred adjudication for a Class C misdemeanor, other than an offense under the Transportation Code, regardless of whether that offense is subject to an order of nondisclosure of criminal history record information granted under this section or any other law.

(4) On page 4, line 21, strike "(d) and (e)" and substitute "(d), (e), and (e-1)".

(5) On page 5, line 7, strike "(d) or (d-1)" and substitute "(d), (d-1), or (d-2)".

(6) On page 6, line 10, strike "Subsection (f-1) [~~(d)~~]" and substitute "Subsection (f-1) for a petition filed under Subsection (d) or (d-1)".

(7) On page 6, line 13, between the period and "The Department", insert the following:

(h-1) The clerk of a court that collects a fee paid under Subsection (f-1) for a petition filed under Subsection (d-2) shall deposit the fee to the credit of the general fund of the municipality or county, as applicable.

(h-2)

(8) On page 7, line 6, strike "Subsection (d) or (d-1)" and substitute "this section [~~Subsection (d)~~]".

(9) On page 9, line 13, strike "411.081(d) or (d-1)" and substitute "411.081 [~~411.081(d)~~]".

(10) On page 9, line 20, strike "411.081(d) or (d-1)" and substitute "411.081 [~~411.081(d)~~]".

(11) On page 10, line 9, strike "411.081(d) or (d-1)" and substitute "411.081 [~~411.081(d)~~]".

(12) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 109.005(a), Business and Commerce Code, as added by Chapter 1200 (SB 1289), Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

(a) A business entity may not publish any criminal record information in the business entity's possession with respect to which the business entity has knowledge or has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081 [~~411.081(d)~~], Government Code.

SECTION \_\_\_\_\_. Section 103.0211, Government Code, is amended to read as follows:

Sec. 103.0211. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: GOVERNMENT CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Government Code if ordered by the court or otherwise required:

(1) a court reporter fee when testimony is taken:

(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) . . . \$3;

(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) . . . \$3;

(C) in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3; and

(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) . . . \$3;

(2) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) . . . \$15 or, in specified counties, \$30;

(3) a speedy trial rights waiver motion filing fee in El Paso County (Sec. 54.745, Government Code) . . . \$100;

(4) the costs of a criminal magistrate if the court determines that the nonprevailing party is able to defray the costs:

(A) in Bexar County (Sec. 54.913, Government Code) . . . magistrate's fees;

(B) in Dallas County (Sec. 54.313, Government Code) . . . magistrate's fees;

(C) in Lubbock County (Sec. 54.883, Government Code) . . . magistrate's fees;

(D) in Tarrant County (Sec. 54.663, Government Code) . . . magistrate's fees; and

(E) in Travis County (Sec. 54.983, Government Code) . . . magistrate's fees;

(5) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) . . . not less than \$25 and not more than \$60 per month; and

(6) fee paid on filing a petition for an order of nondisclosure of criminal history record information in certain cases (Sec. 411.081(f-1) [~~411.081~~], Government Code) . . . \$28.

SECTION \_\_\_\_\_. The changes in law made by Sections 411.081(d-2) and (e-1), Government Code, as added by this Act, apply to a petition for an order of nondisclosure that is filed on or after the effective date of this Act, regardless of whether the Class C misdemeanor that is the subject of the petition occurred before, on, or after the effective date of this Act.