

Amend CSSB 1902 (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 411.072, Government Code (page 1, lines 54 through 58), strike added Subsection (a) and substitute the following:

(a) This section applies only to a person who:

(1) was placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(A) under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(B) with respect to which an affirmative finding under Section 5(k), Article 42.12, Code of Criminal Procedure, was filed in the papers of the case; 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.

(2) In SECTION 3 of the bill, in added Section 411.072, Government Code (page 2, lines 21 through 25), strike added Subsection (c), reletter the subsequent subsections of that section, and correct the cross-references to those subsections accordingly.

(3) In SECTION 4 of the bill, in added Section 411.0725(a), Government Code (page 2, lines 39 through 41), strike "for a felony or a misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code" and substitute the following:
who is not eligible to receive an order of nondisclosure of criminal history record information under Section 411.072

(4) In SECTION 4 of the bill, in added Section 411.0725(e), Government Code (page 3, lines 3 through 12), strike Subdivisions (1) and (2) and substitute the following:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);

(2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22,

25, 42, 43, or 46, Penal Code; or

(3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

(5) Strike the recital to SECTION 16 of the bill (page 8, lines 54 and 55) and substitute the following:

SECTION 16. Section 5, Article 42.12, Code of Criminal Procedure, is amended by amending Subsections (a-1) and (c-1) and adding Subsection (k) to read as follows:

(6) In SECTION 16 of the bill, immediately following amended Section 5(c-1), Article 42.12, Code of Criminal Procedure (page 9, between lines 16 and 17), insert the following:

(k) If a judge places on deferred adjudication community supervision a defendant charged with a misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that it is not in the best interest of justice that the defendant receive an automatic order of nondisclosure under Section 411.072, Government Code.