

BILL ANALYSIS

H.B. 1014
By: Canales
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to a state agency, nearly two million Texans have been placed on deferred adjudication. Although people frequently believe deferred adjudication will erase their criminal records, interested parties note that deferred adjudication does not remove an initial criminal arrest from a person's record, which may inhibit a person's ability to secure employment and housing. While a person can file a petition for nondisclosure to limit access to the person's criminal record, certain designated entities are still allowed to view the record. The goal of H.B. 1014 is to give a person the opportunity to leave the past behind.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1014 amends the Code of Criminal Procedure to entitle a person who has been placed under a custodial or noncustodial arrest for an offense other than an offense against the person to have all records and files related to the arrest expunged if:

- the person was placed on deferred adjudication community supervision for the offense and subsequently received a discharge and dismissal in the case;
- 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
- since the date on which the person received a discharge and dismissal 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 a period of not less than 10 years has passed, if the offense for which the person received the discharge and dismissal was a felony.

H.B. 1014 requires the person to submit an ex parte petition for expunction to the court that granted the deferred adjudication community supervision. The bill requires the petition to be verified and to contain the information that is required under law to be included in an ex parte petition for expunction and a statement that 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. The bill requires the court, if the court finds that the petitioner is entitled to expunction of any arrest

records and files that are the subject of the petition, to enter an order directing expunction in a manner consistent with the procedures for granting an expunction order for a defendant who is convicted and subsequently granted relief or pardoned on the basis of actual innocence.

H.B. 1014 amends the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2015.