

By: Alonzo

H.B. No. 3578

A BILL TO BE ENTITLED

AN ACT

relating to the date on which certain criminal defendants are eligible to file a petition for an order of nondisclosure.

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

SECTION 1. Section 411.081(d), Government Code, is amended to read as follows:

(d) Notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of Subsection (e), the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure under this subsection. Except as provided by Subsection (e), a person may petition the court for an order of nondisclosure regardless of whether the person has been previously placed on deferred adjudication community supervision for another offense. After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of 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 offense giving rise to the deferred adjudication. A criminal justice agency may disclose criminal history record

1 information that is the subject of the order only to other criminal  
2 justice agencies, for criminal justice or regulatory licensing  
3 purposes, an agency or entity listed in Subsection (i), or the  
4 person who is the subject of the order. A person may petition the  
5 court that placed the person on deferred adjudication for an order  
6 of nondisclosure only on or after:

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

10 (2) the first [~~second~~] anniversary of the discharge  
11 and dismissal, if the offense for which the person was placed on  
12 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,  
13 25, 42, or 46, Penal Code; or

14 (3) the third [~~fifth~~] anniversary of the discharge and  
15 dismissal, if the offense for which the person was placed on  
16 deferred adjudication was a felony.

17 SECTION 2. The change in law made by this Act in amending  
18 Section [411.081](#), Government Code, applies to a person who petitions  
19 the court for an order of nondisclosure on or after the effective  
20 date of this Act, regardless of whether the person is placed on  
21 deferred adjudication community supervision before, on, or after  
22 that date.

23 SECTION 3. This Act takes effect September 1, 2015.