

By: Allen

H.B. No. 3799

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of certain drug-related offenses following successful treatment and rehabilitation.

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

SECTION 1. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.012 to read as follows:

Art. 55.012. EXPUNCTION OF CERTAIN DRUG-RELATED OFFENSES FOLLOWING SUCCESSFUL TREATMENT. (a) A person who has been placed under a custodial or noncustodial arrest for an offense involving the possession of a substance regulated under Chapter 481, Health and Safety Code, that is punishable as a felony of the third degree or as any lower category of offense may petition a district court for the county in which the person resides to have all records and files related to the arrest expunged if the person:

(1) is fully discharged from the person's sentence, including any term of deferred adjudication community supervision and any term of incarceration and parole or other form of supervision imposed following conviction of the offense, as applicable;

(2) submits to a screening and evaluation procedure developed or approved by the community justice assistance division of the Texas Department of Criminal Justice under Section 509.003, Government Code, and, if the evaluation indicates a need for a prescribed course of drug-related treatment, submits to that

1 treatment;

2 (3) has not previously been finally convicted of any
3 felony offense involving the possession of a substance regulated
4 under Chapter 481, Health and Safety Code; and

5 (4) is not arrested for the commission of any felony
6 offense committed after the date of the arrest with respect to which
7 the person seeks an expunction.

8 (b) The person must submit a petition for expunction to a
9 district court under this article. The petition must be verified
10 and must contain:

11 (1) the information described by Section 2(b), Article
12 55.02; and

13 (2) a statement that the person meets each requirement
14 for expunction described by Subsection (a).

15 (c) After receipt of a petition under Subsection (b) and
16 notice to the state, the court shall hold a hearing to determine
17 whether the petitioner meets each requirement for expunction
18 described by Subsection (a). If after the hearing the court finds
19 that the petitioner meets each requirement for expunction and the
20 issuance of an order directing expunction is in the best interest of
21 justice, the court shall enter an order directing expunction in a
22 manner consistent with the procedures described by Section 1a,
23 Article 55.02.

24 SECTION 2. Section 411.0851(a), Government Code, is amended
25 to read as follows:

26 (a) A private entity that compiles and disseminates for
27 compensation criminal history record information shall destroy and

1 may not disseminate any information in the possession of the entity
2 with respect to which the entity has received notice that:

3 (1) an order of expunction has been issued under
4 Chapter 55 [~~Article 55.02~~], Code of Criminal Procedure; or

5 (2) an order of nondisclosure has been issued under
6 Section 411.081(d).

7 SECTION 3. Section 552.1425(a), Government Code, is amended
8 to read as follows:

9 (a) A private entity that compiles and disseminates for
10 compensation criminal history record information may not compile or
11 disseminate information with respect to which the entity has
12 received notice that:

13 (1) an order of expunction has been issued under
14 Chapter 55 [~~Article 55.02~~], Code of Criminal Procedure; or

15 (2) an order of nondisclosure has been issued under
16 Section 411.081(d).

17 SECTION 4. This Act takes effect September 1, 2015.