

BILL ANALYSIS

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S.B. 1504
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2015, the legislature created a process through which a human trafficking victim's prior record of coerced prostitution may be sealed through a court-issued order of nondisclosure. This allows victims of human trafficking to find stable employment and education, as criminal records often obstruct the pursuit of certain professional licenses, desirable employment, and admittance into institutions of higher education.

Interested parties observe that victims of human trafficking endure frequent coercion into multiple types of criminal acts, including drug and theft-related offenses. For example, in addition to prostitution, a human trafficker may coerce their victim into stealing private property or into serving as a "mule" ferrying illegal drugs. In some cases, these trafficked individuals are caught by law enforcement and prosecuted for these crimes. Consequently, trafficking victims have criminal records that they may not have had if they were not trafficked to begin with. These coerced crimes create a criminal record that impedes a trafficking victim's ability to lead a stable life, even though they were coerced into committing the infraction.

S.B. 1504 allows human trafficking victims to petition a court to seal certain drug and theft convictions that they received while being trafficked. These offenses include misdemeanors in theft, minor drug possession, and recruitment of prostitution. This process mirrors that by which a trafficking victim may seal a prostitution conviction by receiving a court-issued order of nondisclosure.

As proposed, S.B. 1504 amends current law relating to the eligibility of certain victims of trafficking of persons for an order of nondisclosure.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 411.0728(a), (c), and (d), Government Code, as follows:

(a) Provides that this section applies only to a person:

(1) who is placed on community supervision under Chapter 42A (Community Supervision), Code of Criminal Procedure, after conviction for an offense under certain sections, rather than who on conviction for an offense under Section 43.02 (Prostitution), Penal Code, is placed on community supervision under Article 42.12 (Community Supervision), Code of Criminal Procedure; and

(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701 (Reduction or Termination of Community Supervision Period), Code of Criminal Procedure, rather than Section 20(a) of that article. Creates this subdivision from existing text.

(c) Requires the court, after certain requirements are met, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the defendant was placed on community supervision as described by Subsection (a), rather than related to the offense under Section 43.02, Penal Code, giving rise to the community supervision.

(d) Makes conforming changes.

SECTION 2. Provides that the change in law made by this Act applies to a person whose conviction for an offense is set aside under Article 42A.701, Code of Criminal Procedure, on or after the effective date of this Act, regardless of when the person committed the offense for which the person was convicted.

SECTION 3. Provides that, to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: September 1, 2017.