

By: Canales

H.B. No. 667

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting a person's waiver of a right to an  
3 expunction or to an order of nondisclosure of criminal history  
4 record information with respect to a criminal offense.

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

6 SECTION 1. Article 55.01, Code of Criminal Procedure, is  
7 amended by adding Subsection (e) to read as follows:

8 (e) Notwithstanding Article 1.14(a), a person may not  
9 waive, as part of an agreement regarding the disposition of  
10 criminal charges based on the person's commission of an alleged  
11 offense, any right of the person to an expunction under this chapter  
12 that may exist in relation to that offense on or after the date the  
13 waiver is signed. A purported waiver of that right is void.

14 SECTION 2. Subchapter E-1, Chapter 411, Government Code, is  
15 amended by adding Section 411.078 to read as follows:

16 Sec. 411.078. WAIVER OF RIGHT TO ORDER OF NONDISCLOSURE  
17 PROHIBITED. Notwithstanding Article 1.14(a), Code of Criminal  
18 Procedure, a person may not waive, as part of an agreement regarding  
19 the disposition of criminal charges based on the person's  
20 commission of an alleged offense, any right of the person to an  
21 order of nondisclosure of criminal history record information under  
22 this subchapter that may exist in relation to that offense on or  
23 after the date the waiver is signed. A purported waiver of that  
24 right is void.

1           SECTION 3. The changes in law made by this Act apply only to  
2 a waiver of a person's right to an expunction or an order of  
3 nondisclosure of criminal history record information made on or  
4 after the effective date of this Act. A waiver made before the  
5 effective date of this Act is governed by the law in effect on the  
6 date the waiver was made, and the former law is continued in effect  
7 for that purpose.

8           SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2017.