

By: Gervin-Hawkins

H.B. No. 3514

A BILL TO BE ENTITLED

AN ACT

relating to restorative justice initiatives.

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

SECTION 1. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. REDUCTION OR WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS AND CHILDREN. (a) A court may waive payment of a fine or cost imposed on a defendant who defaults in payment if the court determines that:

(1) the defendant is indigent or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

(b) A court may reduce a fine imposed on an indigent defendant convicted of a nonviolent Class B or Class C misdemeanor by not more than 90 percent if the court determines that the reduction is in the interest of justice, regardless of whether the defendant has defaulted in payment.

SECTION 2. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.07 to read as follows:

Art. 55.07. TEMPORARY CONFIDENTIALITY OF RECORDS. (a) This article applies to a case in which the most serious offense of which the defendant was convicted or for which the defendant was

1 placed on deferred adjudication community supervision was a
2 nonviolent Class B or Class C misdemeanor.

3 (b) The trial court presiding over a case to which this
4 article applies shall order that all records and files relating to
5 the arrest and conviction be kept confidential and not be disclosed
6 to the public.

7 (c) Records and files made confidential under this article
8 remain confidential until expunction under Subsection (d) unless
9 the defendant is arrested for or charged with a violent offense
10 during the period before the defendant becomes eligible for
11 expunction.

12 (d) Confidential records under this article shall be
13 automatically expunged by the court not later than the 30th day
14 after:

15 (1) the six-month anniversary of the date the
16 defendant's sentence was discharged, if the most serious offense
17 that the defendant was convicted of was a Class C misdemeanor; or

18 (2) the second anniversary of the date the defendant's
19 sentence was discharged, if the most serious offense that the
20 defendant was convicted of was a Class B misdemeanor.

21 SECTION 3. Subchapter Z, Chapter 411, Government Code, is
22 amended by adding Section 411.952 to read as follows:

23 Sec. 411.952. GRANT FUNDING FOR COMMUNITY OUTREACH
24 PROGRAMS. (a) The department shall establish a grant program to
25 provide financial assistance to a local law enforcement agency
26 seeking to improve community outreach in high-crime areas through:

27 (1) amateur sports leagues;

- 1 (2) mentorship programs;
- 2 (3) school outreach activities; or
- 3 (4) similar programs.

4 (b) Any local law enforcement agency in this state may apply
5 for a grant under this section.

6 (c) The grant program established under this section may be
7 funded only by gifts, grants, and donations collected by the
8 department from any public or private source for the purposes of
9 this section.

10 SECTION 4. Chapter 171, Tax Code, is amended by adding
11 Subchapter O-1 to read as follows:

12 SUBCHAPTER O-1. TAX CREDIT FOR EMPLOYERS WHO HIRE LOW-LEVEL
13 OFFENDERS

14 Sec. 171.781. DEFINITION. In this subchapter, "low-level
15 offender" means a person who:

16 (1) has been convicted of or placed on deferred
17 adjudication community supervision for a nonviolent Class B or
18 Class C misdemeanor; and

19 (2) has never been convicted of or placed on deferred
20 adjudication community supervision for a violent offense.

21 Sec. 171.782. ENTITLEMENT TO CREDIT. A taxable entity is
22 entitled to a credit in the amount and under the conditions provided
23 by this subchapter against the tax imposed under this chapter.

24 Sec. 171.783. QUALIFICATION. A taxable entity qualifies
25 for a credit under this subchapter if the taxable entity employs at
26 least one low-level offender in a full-time employment position
27 located or based in this state during the entire period on which the

1 report is based, and the low-level offender is not arrested for or
2 charged with a violent offense during that period.

3 Sec. 171.784. AMOUNT; LIMITATIONS. (a) The amount of the
4 credit under this subchapter is \$1,000.

5 (b) A taxable entity may not claim:

6 (1) more than three credits under this subchapter in
7 an accounting period; or

8 (2) more than one credit with respect to a single
9 low-level offender.

10 Sec. 171.785. APPLICATION FOR CREDIT. (a) A taxable entity
11 must apply for a credit under this subchapter on or with the tax
12 report for the period for which the credit is claimed.

13 (b) The comptroller shall promulgate a form for the
14 application for the credit. A taxable entity must use the form in
15 applying for the credit.

16 Sec. 171.786. PERIOD FOR WHICH CREDIT MAY BE CLAIMED. A
17 taxable entity may claim a credit under this subchapter on a report
18 only in connection with the employment of a low-level offender
19 during the accounting period on which the report is based.

20 SECTION 5. (a) Article 43.091, Code of Criminal Procedure,
21 as amended by this Act, applies to a sentencing proceeding that
22 commences on or after the effective date of this Act.

23 (b) Article 55.07, Code of Criminal Procedure, as added by
24 this Act, applies to an offense committed on or after the effective
25 date of this Act. An offense committed before the effective date of
26 this Act is governed by the law in effect on the date the offense was
27 committed, and the former law is continued in effect for that

1 purpose. For purposes of this subsection, an offense was committed
2 before the effective date of this Act if any element of the offense
3 occurred before that date.

4 (c) Subchapter O-1, Chapter 171, Tax Code, as added by this
5 Act, applies only to a report originally due on or after January 1,
6 2018.

7 SECTION 6. This Act takes effect September 1, 2017.