

By: Uresti

H.B. No. 4224

A BILL TO BE ENTITLED

AN ACT

1
2 Relating to the expunction of certain records involving marihuana
3 possession.

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

5 SECTION 1. Chapter 411, Government Code, is amended by
6 amending Section 411.074 to read as follows:

7 Sec. 411.074. REQUIRED CONDITIONS FOR RECEIVING AN ORDER OF
8 ~~[NONDISCLOSURE]~~ EXPUNCTION.

9 (a) A person may be granted an order of ~~[nondisclosure]~~
10 expunction of criminal history record information under this
11 subchapter and, when applicable, is entitled to petition the court
12 to receive an order under this subchapter only if, during the period
13 after the court pronounced the sentence or placed the person on
14 deferred adjudication community supervision for the offense for
15 which the order of ~~[nondisclosure]~~ expunction is requested, and
16 during any applicable waiting period after completion of the
17 sentence or deferred adjudication community supervision required
18 by this subchapter, the person is not convicted of or placed on
19 deferred adjudication community supervision under Subchapter C,
20 Chapter 42A, Code of Criminal Procedure, for any offense other than
21 an offense under the Transportation Code punishable by fine only.

22 (b) A person may not be granted an order of ~~[nondisclosure]~~
23 expunction of criminal history record information under this
24 subchapter and is not entitled to petition the court for an order

1 under this subchapter if:

2 (1) the person was convicted or placed on deferred
3 adjudication community supervision for or has been previously
4 convicted or placed on any other deferred adjudication community
5 supervision for:

6 (A) an offense requiring registration as a sex
7 offender under Chapter 62, Code of Criminal Procedure;

8 (B) an offense under Section 20.04, Penal Code,
9 regardless of whether the offense is a reportable conviction or
10 adjudication for purposes of Chapter 62, Code of Criminal
11 Procedure;

12 (C) an offense under Section 19.02, 19.03,
13 20A.02, 20A.03, 22.04, 22.041, 25.07, 25.072, or 42.072, Penal
14 Code; or

15 (D) any other offense involving family violence,
16 as defined by Section 71.004, Family Code; or

17 (2) the court makes an affirmative finding that the
18 offense for which the order of [~~nondisclosure~~] expunction of
19 criminal history record information is requested involved family
20 violence, as defined by Section 71.004, Family Code.

21 SECTION 2. This Act takes effect September 1, 2017.