

By: Taylor of Collin  
(Parker)

S.B. No. 1504

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain victims of trafficking of  
persons for an order of nondisclosure.

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

SECTION 1. Sections 411.0728(a), (c), and (d), Government  
Code, are amended to read as follows:

(a) This section applies only to a person:

(1) who ~~[on conviction for an offense under Section~~  
~~43.02, Penal Code,~~ is placed on community supervision under  
Chapter 42A [Article 42.12], Code of Criminal Procedure, after  
conviction for an offense under:

(A) Section 481.120, Health and Safety Code, if  
the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if  
the offense is punishable under Subsection (b)(1);

(C) Section 30.05, Penal Code;

(D) Section 31.03, Penal Code, if the offense is  
punishable under Subsection (e)(1) or (2);

(E) Section 43.02, Penal Code; or

(F) Section 43.03(a)(2), Penal Code, if the  
offense is punishable as a Class A misdemeanor;[7] and

(2) with respect to whom the conviction is  
subsequently set aside by the court under Article 42A.701, Code of  
Criminal Procedure [Section 20(a) of that article].

1           (c) After notice to the state, an opportunity for a hearing,  
2 and a determination by the court that the person committed the  
3 offense solely as a victim of trafficking of persons and that  
4 issuance of the order is in the best interest of justice, the court  
5 shall issue an order prohibiting criminal justice agencies from  
6 disclosing to the public criminal history record information  
7 related to the offense for which the defendant was placed on  
8 community supervision as described by Subsection (a) [~~under Section~~  
9 ~~43.02, Penal Code, giving rise to the community supervision~~].

10           (d) A person may petition the court that placed the person  
11 on community supervision for an order of nondisclosure of criminal  
12 history record information under this section only after the  
13 person's conviction [~~under Section 43.02, Penal Code,~~] is set aside  
14 as described by Subsection (a).

15           SECTION 2. The change in law made by this Act applies to a  
16 person whose conviction for an offense is set aside under Article  
17 42A.701, Code of Criminal Procedure, on or after the effective date  
18 of this Act, regardless of when the person committed the offense for  
19 which the person was convicted.

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

24           SECTION 4. This Act takes effect September 1, 2017.