

By: West

S.B. No. 1933

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.

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

SECTION 1. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0727 to read as follows:

Sec. 411.0727. PROCEDURE FOR CERTAIN CHARGED OFFENSES THAT DID NOT RESULT IN CONVICTION OR DEFERRED ADJUDICATION. (a) This section applies only to a person who is:

(1) charged with more than one offense arising out of the same criminal episode;

(2) convicted of or placed on deferred adjudication community supervision for at least one but not all of the offenses charged; and

(3) charged with another offense arising out of that criminal episode that:

(A) resulted in acquittal; or

(B) is dismissed by the court or the attorney representing the state.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) may petition the court that imposed the sentence or placed the person on community supervision, including deferred adjudication community supervision, as applicable, for the offense described by Subsection

1 (a)(2) for an order of nondisclosure of criminal history record
2 information under this section if:

3 (1) the person satisfies the requirements of this
4 section; and

5 (2) the order is sought for an offense described by
6 Subsection (a)(3).

7 (c) After notice to the state, an opportunity for a hearing,
8 and a determination that the person is entitled to file the petition
9 and issuance of the order is in the best interest of justice, the
10 court shall issue an order prohibiting criminal justice agencies
11 from disclosing to the public criminal history record information
12 related to an offense described by Subsection (a)(3).

13 (d) A person may petition the court that imposed the
14 sentence or placed the person on community supervision, including
15 deferred adjudication community supervision, as applicable, for
16 the offense described by Subsection (a)(2) for an order of
17 nondisclosure of criminal history record information under this
18 section with respect to an offense described by Subsection (a)(3)
19 only on or after the second anniversary of, as applicable:

20 (1) the date of completion of:

21 (A) the person's sentence for each offense
22 described by Subsection (a)(2); or

23 (B) the community supervision for each offense
24 described by Subsection (a)(2); or

25 (2) the discharge and dismissal under Article [42A.111](#),
26 Code of Criminal Procedure, for each offense described by
27 Subsection (a)(2).

1 (e) A person is entitled to petition the court to receive an
2 order of nondisclosure of criminal history record information
3 under this section only if, during the period after the court
4 pronounced the sentence or placed the person on community
5 supervision, including deferred adjudication community
6 supervision, and during the waiting period required by Subsection
7 (d), the person is not convicted of or placed on deferred
8 adjudication community supervision under Subchapter C, Chapter
9 42A, Code of Criminal Procedure, for any offense other than a
10 traffic offense that is punishable by fine only.

11 (f) A person may not be granted an order of nondisclosure of
12 criminal history record information under this section and is not
13 entitled to petition the court for an order under this section if
14 the person was convicted or placed on deferred adjudication
15 community supervision under Subsection (a)(2) for or has been
16 previously convicted or placed on any other deferred adjudication
17 community supervision for:

18 (1) an offense requiring registration as a sex
19 offender under Chapter 62, Code of Criminal Procedure;

20 (2) an offense under Section 20.04, Penal Code,
21 regardless of whether the offense is a reportable conviction or
22 adjudication for purposes of Chapter 62, Code of Criminal
23 Procedure;

24 (3) an offense under Section 19.02, 19.03, 20A.02,
25 20A.03, 22.04, 22.041, 25.07, 25.072, or 42.072, Penal Code; or

26 (4) any other offense involving family violence, as
27 defined by Section 71.004, Family Code.

1 SECTION 2. Section 411.074, Government Code, is amended by
2 adding Subsection (c) to read as follows:

3 (c) This section does not apply to an order of nondisclosure
4 of criminal history record information under Section 411.0727.

5 SECTION 3. Section 411.0727, Government Code, as added by
6 this Act, applies to a person who petitions the court for an order
7 of nondisclosure of criminal history record information on or after
8 the effective date of this Act, regardless of whether the charged
9 offense that is the subject of the petition was allegedly committed
10 before, on, or after the effective date of this Act.

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