

BILL ANALYSIS

H.B. 566
By: White
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Reports indicate that the criminal history record of a defendant charged with multiple offenses during the same criminal episode can include charges that have been acquitted or dismissed. It has been further noted that each refile, enhancement, or reduction of a charge generates a new case number, which remains in the defendant's criminal history. Concerns have been raised that this can lead to the perception that a defendant has a more extensive criminal record than is accurate and negatively affect the defendant's chances at rehabilitation. H.B. 566 seeks to address this issue by allowing certain criminal defendants to have these charges sealed under an order of nondisclosure of criminal history record information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 566 amends the Government Code to authorize a person who is charged with more than one offense arising out of the same criminal episode, convicted of or placed on deferred adjudication community supervision for at least one but not all of the offenses charged, and charged with another offense arising out of that criminal episode that resulted in acquittal or is dismissed by the court or the attorney representing the state to petition the court with jurisdiction over the offense for which the person is convicted or placed on the community supervision for an order of nondisclosure of criminal history record information relating to the offense arising out of the same criminal episode that resulted in acquittal or was dismissed. The bill authorizes such a person to petition the court only on or after the second anniversary of the date on which, for all offenses for which the person was convicted or placed on community supervision, the person is fully discharged from the person's sentence or has successfully completed the person's term of deferred adjudication community supervision, as applicable. The bill requires the court, after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense that resulted in acquittal or was dismissed. The bill limits this entitlement to petition the court for such an order of nondisclosure to a person who is not convicted of or placed on deferred adjudication community supervision for any offense other than a fine-only traffic offense during the period after the court pronounced the sentence or placed the person on community supervision and before the second anniversary of the applicable date on which the person is fully discharged from the sentence or has successfully completed the

term of community supervision. The bill prohibits a person from being granted such an order of nondisclosure, and establishes that a person is not entitled to petition the court for such an order of nondisclosure, if the person has been convicted of or placed on deferred adjudication community supervision for an offense requiring sex offender registration; aggravated kidnapping; stalking; murder or capital murder; trafficking of persons or continuous trafficking of persons; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; violation or repeated violation of certain court orders or bond conditions regarding certain offenses against the family; or any other offense involving family violence.

H.B. 566 applies to a person who petitions the court for an order of nondisclosure of criminal history record information on or after the bill's effective date, regardless of whether the charged offense that is the subject of the petition was allegedly committed before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2019.