86R10620 JRR-F

By:  Moody H.B. No. 2917

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.  Section 411.0725(e), Government Code, is amended to read as follows:

(e)  A person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section only on or after:

(1)  the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (3) [~~(2)~~];

(2)  the first anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a state jail felony under Section 481.115(b) or 481.116(b), Health and Safety Code;

(3)  the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code; [~~or~~]

(4)  the third anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was:

(A)  a state jail felony other than a state jail felony described by Subdivision (2); or

(B)  a felony of the third degree; or

(5) [~~(3)~~]  the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony other than a felony described by Subdivision (2) or (4).

SECTION 2.  Section 411.0735(d), Government Code, is amended to read as follows:

(d)  A person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section only on or after:

(1)  the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor punishable by fine only; [~~or~~]

(2)  subject to Subdivision (3), the first anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor other than a misdemeanor described by Subdivision (1); or

(3)  the second anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code, other than a misdemeanor described by Subdivision (1).

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.