

By: White, Wu

H.B. No. 566

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 411.0726 to read as follows:

Sec. 411.0726. PROCEDURE FOR CERTAIN CHARGED OFFENSES NOT RESULTING 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) who satisfies the requirements of this section may petition the court with jurisdiction over the offense described by Subsection (a)(2) for an order of nondisclosure of criminal history record information under

1 this section with respect to an offense described by Subsection
2 (a)(3).

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

9 (d) A person may petition the court with jurisdiction over
10 the offense described by Subsection (a)(2) for an order of
11 nondisclosure of criminal history record information under this
12 section with respect to an offense described by Subsection (a)(3)
13 only on or after the second anniversary of the date on which, for
14 all offenses described by Subsection (a)(2), the person is fully
15 discharged from the person's sentence or has successfully completed
16 the person's term of deferred adjudication community supervision,
17 as applicable.

18 (e) A person is entitled to petition the court to receive an
19 order of nondisclosure of criminal history record information
20 under this section only if, during the period after the court
21 pronounced the sentence or placed the person on community
22 supervision, including deferred adjudication community
23 supervision, and during the waiting period required by Subsection
24 (d), the person is not convicted of or placed on deferred
25 adjudication community supervision under Subchapter C, Chapter
26 42A, Code of Criminal Procedure, for any offense other than a
27 traffic offense that is punishable by fine only.

1 (f) A person may not be granted an order of nondisclosure of
2 criminal history record information under this section and is not
3 entitled to petition the court for an order under this section if,
4 as described by Subsection (a)(2) or at any time before the petition
5 is filed, the person has been convicted of or placed on deferred
6 adjudication community supervision for:

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

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

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

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

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

19 (c) This section does not apply to an order of nondisclosure
20 of criminal history record information under Section 411.0726.

21 SECTION 3. Section 411.0726, Government Code, as added by
22 this Act, applies to a person who petitions the court for an order
23 of nondisclosure of criminal history record information on or after
24 the effective date of this Act, regardless of whether the charged
25 offense that is the subject of the petition was allegedly committed
26 before, on, or after the effective date of this Act.

27 SECTION 4. This Act takes effect September 1, 2019.