

By: White

H.B. No. 691

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 411.072(a), Government Code, is amended to read as follows:

(a) This section applies only to a person who[+]

~~(1)~~ was placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(1) ~~(A)~~ under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(2) ~~(B)~~ with respect to which an affirmative finding under Article 42A.105(f), Code of Criminal Procedure, or former Section 5(k), Article 42.12, Code of Criminal Procedure, was filed in the papers of the case[+ and

~~(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only].~~

SECTION 2. Section 411.073(b), Government Code, is amended to read as follows:

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) whose community supervision is not revoked and who completes the period

1 of community supervision, including any term of confinement imposed  
2 and payment of all fines, costs, and restitution imposed, may  
3 petition the court that placed the person on community supervision  
4 for an order of nondisclosure of criminal history record  
5 information under this section if the person[+]

6 [~~(1)~~] satisfies the requirements of this section and  
7 Section 411.074[+, and

8 [~~(2)~~ has never been previously convicted of or placed  
9 on deferred adjudication community supervision for another offense  
10 other than a traffic offense that is punishable by fine only].

11 SECTION 3. Section 411.0731(b), Government Code, is amended  
12 to read as follows:

13 (b) Notwithstanding any other provision of this subchapter  
14 or Subchapter F, a person described by Subsection (a) whose  
15 community supervision is not revoked and who completes the period  
16 of community supervision, including any term of confinement imposed  
17 and payment of all fines, costs, and restitution imposed, may  
18 petition the court that placed the person on community supervision  
19 for an order of nondisclosure of criminal history record  
20 information under this section if the person[+]

21 [~~(1)~~] satisfies the requirements of this section and  
22 Section 411.074[+, and

23 [~~(2)~~ has never been previously convicted of or placed  
24 on deferred adjudication community supervision for another offense  
25 other than a traffic offense that is punishable by fine only].

26 SECTION 4. Section 411.0735(b), Government Code, is amended  
27 to read as follows:

1 (b) Notwithstanding any other provision of this subchapter  
2 or Subchapter F, a person described by Subsection (a) who completes  
3 the person's sentence, including any term of confinement imposed  
4 and payment of all fines, costs, and restitution imposed, may  
5 petition the court that imposed the sentence for an order of  
6 nondisclosure of criminal history record information under this  
7 section if the person[+]

8 [(1)] satisfies the requirements of this section and  
9 Section 411.074[+, and

10 [(2) ~~has never been previously convicted of or placed~~  
11 ~~on deferred adjudication community supervision for another offense~~  
12 ~~other than a traffic offense that is punishable by fine only~~].

13 SECTION 5. Section 411.0736(b), Government Code, is amended  
14 to read as follows:

15 (b) Notwithstanding any other provision of this subchapter  
16 or Subchapter F, a person described by Subsection (a) who completes  
17 the person's sentence, including any term of confinement imposed  
18 and payment of all fines, costs, and restitution imposed, may  
19 petition the court that imposed the sentence for an order of  
20 nondisclosure of criminal history record information under this  
21 section if the person[+]

22 [(1)] satisfies the requirements of this section and  
23 Section 411.074[+, and

24 [(2) ~~has never been previously convicted of or placed~~  
25 ~~on deferred adjudication community supervision for another offense~~  
26 ~~other than a traffic offense that is punishable by fine only~~].

27 SECTION 6. This Act takes effect September 1, 2019.