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H.B. No. 2906

A BILL TO BE ENTITLED

AN ACT

relating to orders of nondisclosure for certain victims of
trafficking of persons.

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

SECTION 1. Section 411.0728, Government Code, is amended to
read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING
OF PERSONS. (a) This section applies only to a person who is
convicted of or ~~+~~

~~[(1) who is]~~ placed on deferred adjudication community
supervision ~~[under Chapter 42A, Code of Criminal Procedure, after~~
~~conviction]~~ for an offense under:

(1) ~~[(A)]~~ Section 481.120, Health and Safety Code, if
the offense is punishable under Subsection (b)(1);

(2) ~~[(B)]~~ Section 481.121, Health and Safety Code, if
the offense is punishable under Subsection (b)(1);

(3) Section 30.05, Penal Code;

(4) ~~[(C)]~~ Section 31.03, Penal Code, if the offense is
punishable under Subsection (e)(1) or (2);

(5) ~~[(D)]~~ Section 43.02, Penal Code; or

(6) ~~[(E)]~~ Section 43.03(a)(2), Penal Code, if the
offense is punishable as a state jail felony or as any lower
category of offense ~~[Class A misdemeanor, and~~

~~[(2) with respect to whom the conviction is~~

1 ~~subsequently set aside by the court under Article 42A.701, Code of~~
2 ~~Criminal Procedure~~].

3 (b) Notwithstanding any other provision of this subchapter
4 or Subchapter F, a person described by Subsection (a) who satisfies
5 the requirements of Section 411.074 may petition the court that
6 convicted the person or placed the person on deferred adjudication
7 community supervision for an order of nondisclosure of criminal
8 history record information under this section on the grounds that
9 the person committed the offense solely as a victim of trafficking
10 of persons.

11 (b-1) A petition under Subsection (b) must:

12 (1) assert that the person seeking an order of
13 nondisclosure under this section has not previously received an
14 order of nondisclosure under this section; and

15 (2) allege specific facts that, if proved, would
16 establish that the petitioner committed the offense described by
17 Subsection (a) solely as a victim of trafficking of persons.

18 (c) After notice to the state, an opportunity for a hearing,
19 a determination by the court that the person has not previously
20 received an order of nondisclosure under this section, and a
21 determination by the court that the person committed the offense
22 described by Subsection (a) solely as a victim of trafficking of
23 persons and that issuance of the order is in the best interest of
24 justice, the court shall issue an order prohibiting criminal
25 justice agencies from disclosing [to the public] criminal history
26 record information related to the offense except as provided by
27 Section 411.0765(a) [for which the defendant was placed on

~~community supervision as described by Subsection (a)]~~.

(d) A person may petition the court that convicted the person or 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 the 90th day after the date the person:

(1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or

(2) received a dismissal and discharge under Article 42A.111, Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision ~~[person's conviction is set aside as described by Subsection (a)]~~.

SECTION 2. Section [411.0765](#), Government Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this section, a criminal justice agency may not disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under Section [411.0728](#) for regulatory licensing purposes or to an agency or entity listed in Subsection (b).

SECTION 3. This Act takes effect September 1, 2019.