

By: Moody

H.B. No. 2916

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 411.073(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 of community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for:

(A) a felony; or

(B) a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code ~~[another offense other than a traffic offense that is punishable by fine only]~~.

SECTION 2. Section 411.0735(b), Government Code, is amended 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:

12 (A) a felony; or

13 (B) a misdemeanor under Chapter 20, 21, 22, 25,
14 42, 43, 46, or 71, Penal Code ~~[another offense other than a traffic~~
15 ~~offense that is punishable by fine only]~~.

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