

By: Moody

H.B. No. 2917

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the eligibility of certain criminal defendants for an  
3 order of nondisclosure of criminal history record information.

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

5 SECTION 1. Section 411.0725(e), Government Code, is amended  
6 to read as follows:

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

11 (1) the discharge and dismissal, if the offense for  
12 which the person was placed on deferred adjudication was a  
13 misdemeanor other than a misdemeanor described by Subdivision (3)  
14 [~~(2)~~];

15 (2) the first anniversary of the discharge and  
16 dismissal, if the offense for which the person was placed on  
17 deferred adjudication was a state jail felony under Section  
18 481.115(b) or 481.116(b), Health and Safety Code;

19 (3) (3) the second anniversary of the discharge and  
20 dismissal, if the offense for which the person was placed on  
21 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,  
22 25, 42, 43, or 46, Penal Code; [~~or~~]

23 (4) the third anniversary of the discharge and  
24 dismissal, if the offense for which the person was placed on

1 deferred adjudication was:

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

4 (B) a felony of the third degree; or

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

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

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

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

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

21 (3) the second anniversary of the date of completion  
22 of the person's sentence, if the offense of which the person was  
23 convicted was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or  
24 46, Penal Code, other than a misdemeanor described by Subdivision  
25 (1).

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2019.