

By: West

S.B. No. 1686

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 411.0732 to read as follows:

Sec. 411.0732. PROCEDURE FOR COMMUNITY SUPERVISION FOLLOWING CONVICTION: CERTAIN MISDEMEANORS AND FELONIES. (a) This section applies only to a person placed on community supervision under Chapter 42A, Code of Criminal Procedure:

(1) following a conviction of an offense other than:

(A) an offense under Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code;

(B) a felony under Title 5, Penal Code;

(C) an offense for which registration as a sex offender is required under Chapter 62, Code of Criminal Procedure;

(D) an offense under Section 25.07 or 25.072, Penal Code; or

(E) any other offense involving family violence, as defined by Section 71.004, Family Code; and

(2) under a provision of Chapter 42A, Code of Criminal Procedure, other than Subchapter C, including:

(A) a provision that requires the person to serve

1 a term of confinement as a condition of community supervision; or
2 (B) another provision that authorizes placing a
3 person on community supervision after the person has served part of
4 a term of confinement imposed for the offense.

5 (b) Notwithstanding any other provision of this subchapter
6 or Subchapter F, a person described by Subsection (a) whose
7 community supervision is not revoked and who completes the period
8 of community supervision, including any term of confinement imposed
9 and payment of all fines, costs, and restitution imposed, may
10 petition the court that placed the person on community supervision
11 for an order of nondisclosure of criminal history record
12 information under this section if the person:

13 (1) satisfies the requirements of this section; and

14 (2) has not been convicted of or placed on deferred
15 adjudication community supervision for another offense, other than
16 a traffic offense that is punishable by fine only, that was
17 committed during the seven-year period preceding the petition.

18 (c) After notice to the state, an opportunity for a hearing,
19 and a determination that the person is entitled to file the petition
20 and issuance of the order is in the best interest of justice, the
21 court shall issue an order prohibiting criminal justice agencies
22 from disclosing to the public criminal history record information
23 related to the offense giving rise to the community supervision.

24 (d) A person may petition the court that placed the person
25 on community supervision for an order of nondisclosure of criminal
26 history record information under this section only on or after:

27 (1) the 10th anniversary of the date of completion of

1 the community supervision, if the offense for which the person was
2 placed on community supervision was a misdemeanor; or

3 (2) the 15th anniversary of the date of completion of
4 the community supervision, if the offense for which the person was
5 placed on community supervision was a felony.

6 SECTION 2. This Act takes effect September 1, 2019.