

BILL ANALYSIS

H.B. 1394
By: White
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The expungement process can be difficult and expensive, creating barriers for those who have committed low-level crimes to seal their records. There is a need to expedite this process, not only for defendants but also for those who process these requests. In light of the passage of clean slate laws in Utah and Massachusetts, there have been calls to replicate that process for Texas. H.B. 1394 seeks to make the nondisclosure of criminal history record information automatic for certain misdemeanor defendants.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1394 amends the Government Code to provide for an automatic order of nondisclosure of criminal history record information for a person who meets the following criteria:

- was convicted of or placed on deferred adjudication community supervision for a misdemeanor other than an offense involving the operation of a vehicle while intoxicated or a fine-only traffic offense;
- completed their sentence, including any confinement or supervision period imposed and payment of all fines, costs, and restitution imposed, for the offense or has received a discharge and dismissal for the offense on or before expiration of the supervision period; and
- has not previously received an order of nondisclosure of criminal history record information for the offense.

H.B. 1394 requires a court that convicted the person or placed the person on deferred adjudication community supervision to do the following:

- determine whether the person satisfies the statutory requirements for receiving an order of nondisclosure of criminal history record information; and
- if it makes a finding that those requirements are satisfied, issue an order of nondisclosure prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense.

The bill requires the court to issue the order as soon as practicable after the seventh anniversary of the date of completion of the person's sentence or the date of the person's discharge and dismissal, as applicable. With respect to a person who qualifies for an order of nondisclosure under the bill's provisions and completed the person's sentence or received a discharge and

dismissal before September 1, 2014, the applicable court must issue the order as soon as practicable after the bill's effective date but not later than August 31, 2023.

EFFECTIVE DATE

September 1, 2021.