

BILL ANALYSIS

H.B. 4136
By: Collier
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, an individual who commits a nonviolent misdemeanor offense is not eligible to receive an order of nondisclosure of criminal history record information if they have been previously convicted of or placed on deferred adjudication community supervision for another offense other than a fine-only traffic offense. According to the National Conference of State Legislatures, approximately 77 million Americans, or one-third of adults, have a criminal record. Misdemeanor records do not expire and may adversely affect otherwise qualified candidates who are screened from the hiring process by employers attempting to follow state law and best practices. H.B. 4136 seeks to address this issue by expanding eligibility for automatic orders of nondisclosure to include certain nonviolent misdemeanor defendants beyond first-time offenders.

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. 4136 amends the Government Code to remove as a condition of eligibility for an automatic order of nondisclosure of criminal history record information for certain misdemeanor defendants following successful completion of a period of deferred adjudication community supervision the condition that the defendant has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a fine-only traffic offense.

EFFECTIVE DATE

September 1, 2021.