87R5051 JSC-D

By:  Dutton H.B. No. 748

A BILL TO BE ENTITLED

AN ACT

relating to the restoration of civil rights to a criminal defendant.

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

SECTION 1.  Article 48.05(a)(2), Code of Criminal Procedure, is amended to read as follows:

(2)  This article applies to:

(A)  a federal offense, other than an offense involving:

(i)  violence or the threat of violence;

(ii)  drugs; or

(iii)  firearms; [~~and~~]

(B)  an offense under the laws of another country, other than an offense involving:

(i)  violence or the threat of violence;

(ii)  drugs; or

(iii)  firearms, if the elements of the offense are substantially similar to elements of an offense under the laws of this state punishable as a felony; and

(C)  an offense under the laws of this state, other than an offense involving:

(i)  violence or the threat of violence;

(ii)  drugs; or

(iii)  firearms, if the offense is punishable as a felony.

SECTION 2.  Article 48.05(b), Code of Criminal Procedure, is amended to read as follows:

(b)  An individual may not apply for restoration of civil rights under this article unless:

(1)  the individual has completed the sentence for the offense; and

(2)  the conviction occurred[~~:~~

[~~(A)~~]  three or more years before the date of application[~~, if the offense is a federal offense; or~~

[~~(B)  two or more years before the date of application, if the offense is an offense under the laws of another country; and~~

[~~(3)  the individual has not been convicted at any other time of an offense under the laws of this state, another state, or the United States~~].

SECTION 3.  This Act applies to a defendant who is convicted of an offense before, on, or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2021.