

By: Dutton

H.B. No. 748

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the restoration of civil rights to a criminal  
3 defendant.

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

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

7 (2) This article applies to:

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

10 (i) violence or the threat of violence;

11 (ii) drugs; or

12 (iii) firearms; ~~and~~

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

15 (i) violence or the threat of violence;

16 (ii) drugs; or

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

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

22 (i) violence or the threat of violence;

23 (ii) drugs; or

24 (iii) firearms, if the offense is

1 punishable as a felony.

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

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

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

8 (2) the conviction occurred[+]

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

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

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

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

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