

By: White, et al.

H.B. No. 1394

A BILL TO BE ENTITLED

AN ACT

relating to automatic orders of nondisclosure of criminal history record information for certain misdemeanor defendants.

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 411.0719 to read as follows:

Sec. 411.0719. AUTOMATIC ORDER OF NONDISCLOSURE FOR CERTAIN MISDEMEANORS. (a) This section applies only to a person who:

(1) was convicted of or placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for a misdemeanor other than:

(A) a traffic offense that is punishable by fine only; or

(B) a misdemeanor under Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.05, 49.06, or 49.065, Penal Code;

(2) completed the person's sentence, including any term of confinement or period of community supervision imposed and payment of all fines, costs, and restitution imposed, for the offense described by Subdivision (1) or who has received a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, for the offense described by Subdivision (1), as applicable; and

(3) has not previously received an order of

1 nondisclosure of criminal history record information under this
2 subchapter or other law for the offense described by Subdivision
3 (1).

4 (b) Notwithstanding any other provision of this subchapter
5 or Subchapter F, if a person described by Subsection (a) satisfies
6 the requirements of Section 411.074, the court that convicted the
7 person or placed the person on deferred adjudication community
8 supervision shall issue an order of nondisclosure of criminal
9 history record information under this subchapter prohibiting
10 criminal justice agencies from disclosing to the public criminal
11 history record information related to the offense for which the
12 person was convicted or placed on deferred adjudication community
13 supervision. The court shall determine whether the person
14 satisfies the requirements of Section 411.074, and if the court
15 makes a finding that the requirements of that section are
16 satisfied, the court shall issue the order of nondisclosure of
17 criminal history record information as soon as practicable after
18 the seventh anniversary of either of the following, as applicable:

- 19 (1) the date of completion of the person's sentence; or
20 (2) the date of the discharge and dismissal under
21 Article 42A.111, Code of Criminal Procedure.

22 SECTION 2. If a person described by Section 411.0719(a),
23 Government Code, as added by this Act, completed the person's
24 sentence or received a discharge and dismissal before September 1,
25 2014, and if the person otherwise satisfies the requirements of
26 Section 411.0719, Government Code, as added by this Act, the court
27 that convicted the person or placed the person on deferred

1 adjudication community supervision shall issue an order of
2 nondisclosure of criminal history record information under that
3 section as soon as practicable after the effective date of this Act
4 but not later than August 31, 2023.

5 SECTION 3. This Act takes effect September 1, 2021.