

By: Canales

H.B. No. 2684

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the expunction of arrest records and files and the  
3 issuance of orders of nondisclosure of criminal history record  
4 information for certain persons.

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

6 SECTION 1. Article 55.01(c), Code of Criminal Procedure, is  
7 amended to read as follows:

8 (c) A court may not order the expunction of records and  
9 files relating to an arrest for an offense for which a person is  
10 subsequently acquitted, whether by the trial court, a court of  
11 appeals, or the court of criminal appeals, if the offense for which  
12 the person was acquitted arose out of a criminal episode described  
13 [~~as defined~~] by Section 3.01(1) [~~3.01~~], Penal Code, and the person  
14 was convicted of or remains subject to prosecution for at least one  
15 other offense occurring during the criminal episode.

16 SECTION 2. Subchapter E-1, Chapter 411, Government Code, is  
17 amended by adding Section 411.0717 to read as follows:

18 Sec. 411.0717. CERTAIN RELATED OFFENSES INCLUDED IN ORDER.

19 A court that issues an order of nondisclosure of criminal history  
20 record information under this subchapter shall include in the order  
21 any other offense arising out of the same transaction as the offense  
22 for which the order is sought if:

23 (1) the other offense has not resulted in a final  
24 conviction and is no longer pending; and

1           (2) there was no court-ordered community supervision  
2 under Chapter 42A, Code of Criminal Procedure, for the other  
3 offense.

4           SECTION 3. Sections 411.073(b) and (d), Government Code,  
5 are amended to read as follows:

6           (b) Notwithstanding any other provision of this subchapter  
7 or Subchapter F, a person described by Subsection (a) whose  
8 community supervision is not revoked and who completes the period  
9 of community supervision, including any term of confinement imposed  
10 and payment of all fines, costs, and restitution imposed, may  
11 petition the court that placed the person on community supervision  
12 for an order of nondisclosure of criminal history record  
13 information under this section if the person[+]

14           ~~[(1)]~~ satisfies the requirements of this section and  
15 Section 411.074[+ and

16           ~~[(2) has never been previously convicted of or placed~~  
17 ~~on deferred adjudication community supervision for another offense~~  
18 ~~other than a traffic offense that is punishable by fine only].~~

19           (d) A person may petition the court that placed the person  
20 on community supervision for an order of nondisclosure of criminal  
21 history record information under this section only on or after[+]

22           ~~[(1)]~~ the completion of the community supervision[+ if  
23 ~~the offense for which the person was placed on community~~  
24 ~~supervision was a misdemeanor other than a misdemeanor described by~~  
25 ~~Subdivision (2), or~~

26           ~~[(2) the second anniversary of the date of completion~~  
27 ~~of the community supervision, if the offense for which the person~~

1 ~~was placed on community supervision was a misdemeanor under Chapter~~  
2 ~~20, 21, 22, 25, 42, 43, or 46, Penal Code].~~

3 SECTION 4. Section 411.0735(b), Government Code, is amended  
4 to read as follows:

5 (b) Notwithstanding any other provision of this subchapter  
6 or Subchapter F, a person described by Subsection (a) who completes  
7 the person's sentence, including any term of confinement imposed  
8 and payment of all fines, costs, and restitution imposed, may  
9 petition the court that imposed the sentence for an order of  
10 nondisclosure of criminal history record information under this  
11 section if the person[+

12 [~~(1)~~] satisfies the requirements of this section and  
13 Section 411.074[~~+~~ and

14 [~~(2) has never been previously convicted of or placed~~  
15 ~~on deferred adjudication community supervision for another offense~~  
16 ~~other than a traffic offense that is punishable by fine only].~~

17 SECTION 5. Article 55.01(c), Code of Criminal Procedure, as  
18 amended by this Act, applies to the expunction of arrest records and  
19 files for any criminal offense that occurred before, on, or after  
20 the effective date of this Act.

21 SECTION 6. This Act takes effect September 1, 2021.