

By: West

S.B. No. 1391

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.

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 411.0732 to read as follows:

Sec. 411.0732. PROCEDURE FOR COMMUNITY SUPERVISION FOLLOWING CONVICTION; SET-ASIDE CONVICTIONS. (a) This section applies only to a person who:

(1) on conviction is placed on community supervision under Chapter 42A, Code of Criminal Procedure, and with respect to whom the conviction is subsequently set aside by the court under Article 42A.701(f) of that chapter; and

(2) is not convicted of an offense for which the person would be ineligible for deferred adjudication community supervision under Article 42A.102(b), Code of Criminal Procedure.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074 may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section.

(c) After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition

1 and that issuance of the order is in the best interest of justice,
2 the court shall issue an order prohibiting criminal justice
3 agencies from disclosing to the public criminal history record
4 information related to the offense giving rise to the community
5 supervision.

6 (d) A person may petition the court that placed the person
7 on community supervision for an order of nondisclosure of criminal
8 history record information under this section only after:

9 (1) the second anniversary of the date the conviction
10 is set aside, if the offense for which the person was placed on
11 community supervision was a misdemeanor; or

12 (2) the fifth anniversary of the date the conviction
13 is set aside, if the offense for which the person was placed on
14 community supervision was a felony.

15 SECTION 2. This Act takes effect September 1, 2021.