

By: Miles

S.B. No. 1872

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the eligibility of certain criminal defendants for an  
3 order of nondisclosure of criminal history record information for  
4 certain past misdemeanors and felonies.

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

6 SECTION 1. Subchapter E-1, Government Code, is amended by  
7 adding Section 411.0739 to read as follows:

8 Sec. 411.0739. PROCEDURE FOR CONVICTION FOLLOWING  
9 SUCCESSFUL COMPLETION OF SENTENCE; CERTAIN PAST MISDEMEANORS AND  
10 FELONIES. (a) This section applies only to a person who:

11 (1) is convicted of a misdemeanor or felony; and

12 (2) has not previously received an order of  
13 nondisclosure of criminal history record information under this  
14 subchapter or other law for the offense described by Subdivision  
15 (1).

16 (b) Notwithstanding any other provision of this subchapter  
17 or Subchapter F, a person described by Subsection (a) who completes  
18 the person's sentence, including any term of confinement or period  
19 of community supervision imposed and payment of all fines, costs,  
20 and restitution imposed, may petition the court that imposed the  
21 sentence for an order of nondisclosure of criminal history record  
22 information under this section if the person satisfies the  
23 requirements of this section and Section [411.074](#).

24 (c) After notice to the state, an opportunity for a hearing,

1 and a determination that the person is entitled to file the petition  
2 and issuance of the order is in the best interest of justice, the  
3 court shall issue an order prohibiting criminal justice agencies  
4 from disclosing to the public criminal history record information  
5 related to the offense for which the person was convicted.

6 (d) A person may petition the court that imposed the  
7 sentence for an order of nondisclosure of criminal history record  
8 information under this section only on or after the 25th  
9 anniversary of the date of completion of the person's sentence.

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