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| BILL ANALYSIS |

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| H.B. 2300 |
| By: Allen |
| Corrections |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  Currently, only certain people are entitled to petition a court for an order of nondisclosure of criminal history record information. Orders of nondisclosure are critical to allow formerly incarcerated people access to stable housing and employment, and this opportunity should be afforded to more people who otherwise meet the eligibility requirements. H.B. 2300 seeks to address this issue by expanding eligibility for people to petition a court for an order of nondisclosure after a certain period based on their offense. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  H.B. 2300 amends the Government Code to authorize a person who is placed on deferred adjudication community supervision for any misdemeanor offense to petition the court for an order of nondisclosure of criminal history record information on or after the date of the discharge and dismissal. The bill revises the date on or after which a person who is placed on deferred adjudication community supervision for certain felony offenses may petition the court for an order of nondisclosure of criminal history record information as follows:   * by changing the date from the second anniversary of the discharge and dismissal to the first anniversary of the discharge and dismissal for a person who is placed on deferred adjudication for a state jail felony offense; and * by changing the date from the fifth anniversary of the discharge and dismissal to the second anniversary of the discharge and dismissal for a person who is placed on deferred adjudication for any other felony offense.   H.B. 2300 expands the eligibility of a person who is placed on community supervision or a person who is convicted and completes their sentence, including payment of all fines, costs, and restitution, to petition a court for an order of nondisclosure by including a person who is placed on community supervision or a person who is convicted and completes their sentence, including payment of all fines, costs, and restitution, for any offense, including an organized crime offense, but excluding certain intoxication and alcoholic beverage offenses. The bill removes as a condition of eligibility for the order of nondisclosure that the person has not been previously convicted of or placed on deferred adjudication community supervision for another offense other than a fine-only traffic offense. The bill repeals the prohibition against a court's issuance of an order of nondisclosure if the court determines that the offense for which the order is sought was violent or sexual in nature.  H.B. 2300 authorizes an eligible person who is placed on community supervision for any misdemeanor offense to petition the court for an order of nondisclosure on or after the date of completion of the community supervision. The bill sets the following dates on or after which an eligible person who is placed on community supervision for a felony offense may petition the court for an order of nondisclosure:   * the second anniversary of the date of completion of the community supervision for a state jail felony; * the fifth anniversary of the date of completion of the community supervision for a third degree felony; * the seventh anniversary of the date of completion of the community supervision for a second degree felony; and * the 10th anniversary of the date of completion of the community supervision for a first degree felony.   H.B. 2300 changes the date on or after which an eligible person who is convicted and completes their sentence for any misdemeanor offense may petition the court for an order of nondisclosure from the second anniversary of the date of the completion of the person's sentence to the first anniversary of that date. The bill sets the following dates on or after which an eligible person who is convicted and completes a sentence for a felony offense may petition the court for an order of nondisclosure:   * the fifth anniversary of the date of completion of a sentence for a state jail felony; * the seventh anniversary of the date of completion of a sentence for a third degree felony; * the 10th anniversary of the date of completion of a sentence for a second degree felony; and * the 12th anniversary of the date of completion of a sentence for a first degree felony.   H.B. 2300 repeals Section 411.0735(c-1), Government Code. |
| **EFFECTIVE DATE**  September 1, 2023. |