

## **BILL ANALYSIS**

H.B. 392  
By: Thompson, Senfronia  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

An order of nondisclosure of criminal history record information offers rehabilitated individuals the chance to put a criminal past behind them. However, a person who has successfully completed their deferred adjudication probation must wait a period of time before they can file for a petition for such an order. This wait time may hinder those individuals from moving on with their lives. H.B. 392 seeks to address this issue by shortening those requisite waiting periods for individuals whose placement on deferred adjudication community supervision pertains to certain offenses.

### **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. 392 amends the Government Code to authorize a person to petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information related to the offense giving rise to the deferred adjudication only on or after the first anniversary of the discharge and dismissal if the offense for which the person was placed on deferred adjudication was one of the following state jail felony offenses:

- possession of certain prohibited amounts of marihuana or a controlled substance listed in Penalty Groups 1, 1-B, 1-A, 2, or 2-A; or
- fraud involving possession of a prescription form or a prescription for a controlled substance listed in Schedule II or III.

H.B. 392 changes the earliest date on which a person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure as follows:

- from the fifth anniversary of the discharge and dismissal to the third such anniversary if the offense for which the person was placed on deferred adjudication was a felony, other than a state jail felony designated by the bill as eligible for such an order on or after the first such anniversary; and
- from the second anniversary of the discharge and dismissal to the first such anniversary if the offense for which the person was placed on deferred adjudication was a misdemeanor offense as follows:
  - an unlawful restraint offense;
  - an operation of stash house offense;

- a homosexual conduct offense;
- a public lewdness offense;
- an indecent exposure offense;
- a voyeurism offense;
- an offense for the unlawful electronic transmission of sexually explicit visual material;
- an assaultive offense;
- an offense against the family;
- a disorderly conduct or related offense;
- a public indecency offense; or
- a weapons offense.

**EFFECTIVE DATE**

September 1, 2023.