

## **BILL ANALYSIS**

C.S.H.B. 399  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Misdemeanor records may adversely affect otherwise qualified candidates who are screened during the hiring process by employers attempting to follow state law and best practices. According to a 2020 report by the National Conference of State Legislatures, approximately 70 million adults in America have a criminal record. State law restricts consumer reporting agencies from retrieving records predating a consumer report by more than seven years in a background check for most jobs unless the annual salary exceeds \$75,000. However, if an employer performs the check internally, they can retrieve records as far back as they choose to. Under current law, an individual who commits a nonviolent misdemeanor offense is not eligible to receive an automatic order of nondisclosure of criminal history record information if they have ever been previously convicted of, or placed on deferred adjudication community supervision for, another offense other than a fine-only traffic offense. Individuals with a limited, nonviolent criminal history should be given a second chance and be allowed to rejoin the workforce. C.S.H.B. 399 seeks to provide this opportunity by revising the conditions of eligibility for an order of nondisclosure of criminal history record information for certain nonviolent offenders.

### **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**

C.S.H.B. 399 amends the Government Code to revise the conditions of eligibility for an automatic order of nondisclosure of criminal history record information for certain misdemeanor defendants following successful completion of a period of deferred adjudication community supervision. The bill replaces the condition that the defendant has not been previously convicted of or placed on deferred adjudication community supervision for another offense other than a fine-only traffic offense with the condition that the defendant has not been convicted of or placed on deferred adjudication community supervision for more than one previous offense, other than a fine-only traffic offense.

C.S.H.B. 399 applies only to such a defendant who receives a dismissal and discharge on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2023.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 399 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced removed the condition that a defendant has not been previously convicted of or placed on deferred adjudication community supervision for another offense other than a fine-only traffic offense for purposes of eligibility for an automatic order of nondisclosure, the substitute does not outright remove that condition. The substitute instead replaces that condition with the condition that the defendant has not been convicted of or placed on deferred adjudication community supervision for more than one previous offense, other than a fine-only traffic offense.