

BILL ANALYSIS

H.B. 3341
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Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Young offenders are limited in their ability to seek a petition for an order of nondisclosure of criminal history record information, even when their offense was nonviolent and substantial time has passed since the completion of their sentence. H.B. 3341 seeks to create an avenue for a petition for an order of nondisclosure for anyone age 17-25 who is convicted of a certain nonviolent offense or non-crime of moral turpitude on a determination that it is in the best interest of justice. Under the bill, those convicted of a misdemeanor may petition the court after the second anniversary of the completion date of their sentence, and those convicted of a felony may petition the court after the fifth anniversary of the completion date of their sentence.

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. 3341 amends the Government Code to authorize a convicted person who completes their sentence, including any term of confinement or period of community supervision imposed and payment of all fines, costs, and restitution imposed, to petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under the following conditions:

- the conviction is for an offense other than an offense ineligible for judge-ordered community supervision or for which the judgment contains an affirmative finding regarding the use or exhibition of a certain deadly weapon; and
- the person was younger than 25 years of age at the time the offense was committed, has not previously received an order of nondisclosure of criminal history record information for the offense, and satisfies the general requirements for receiving such an order under applicable law.

H.B. 3341 authorizes an applicable person to petition for an order of nondisclosure regardless of whether the person has been previously convicted of or placed on deferred adjudication community supervision for another offense, unless the person is barred from receiving an order of nondisclosure under that applicable law. The bill authorizes the person to petition for the court for such an order only on or after the second anniversary of the completion date of the person's sentence for a misdemeanor offense or the fifth anniversary of the sentence completion date for a felony offense. The bill requires a court to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense

for which the person was convicted after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to petition and issuance of the order is in the best interest of justice.

EFFECTIVE DATE

September 1, 2023.