

BILL ANALYSIS

C.S.H.B. 3261
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that numerous Texans currently have a nonviolent criminal background that can reduce their chances for economic opportunity and employment and potentially increase their chances of recidivism. The bill author has also informed the committee that, once an individual has completed a sentence imposed on them, securing employment can reduce their odds of reoffending. An order of nondisclosure of criminal history record information issued to a person prohibits criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted. However, under current state law orders of nondisclosure are only available to certain offenders. C.S.H.B. 3261 seeks to promote rehabilitation and reduce recidivism by authorizing certain persons who were convicted of certain offenses when they were younger than 25 years of age to petition the court that imposed the sentence for an order of nondisclosure.

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. 3261 amends the Government Code to authorize a person who is convicted of an offense, other than an offense that renders the defendant ineligible for judge-ordered community supervision or for which the judgment contains an affirmative finding regarding the use or exhibition of a deadly weapon in connection with a felony, who was younger than 25 years of age at the time the offense was committed, who has not previously received an order of nondisclosure of criminal history record information under state law for the offense, and who completes the person's 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 if the person satisfies the requirements of these bill provisions and statutory requirements relating to the required conditions for receiving an order of nondisclosure. The bill authorizes an applicable person, except as provided by those statutory requirements, to petition the court for an order of nondisclosure under these bill provisions regardless of whether the person has been previously convicted of or placed on deferred adjudication community supervision for another offense. The bill requires the court, after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, 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.

The bill authorizes an applicable person to petition the court under these bill provisions only on or after the following:

- the second anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor; or
- the fifth anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a felony.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3261 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.

The substitute omits the provisions from the introduced that did the following:

- established that the introduced shall be known as the Crime Reduction and Economic Growth Act;
- expanded the applicability of statutory provisions relating to the entitlement of an otherwise eligible person who successfully completes a veterans treatment court program to file a petition for an order of nondisclosure and to the issuance of such an order to include an otherwise eligible person who completes any specialty court program;
- included information relating to the right to petition for an order of nondisclosure following successful completion of a specialty court program in the information required to be provided by a commercially sexually exploited persons court program to each program participant;
- changed the date on which an applicable person who was placed on deferred adjudication community supervision for certain felony offenses may petition an applicable court for an order of nondisclosure;
- revised statutory provisions relating to the entitlement of an applicable person placed on community supervision following a conviction of certain misdemeanors to petition an applicable court for an order of nondisclosure and to the issuance of such an order as follows:
 - expanded the applicability of those provisions to include an applicable person placed on community supervision following a conviction of certain state jail felonies;
 - authorized an applicable person placed on community supervision following a conviction of a state jail felony to petition an applicable court for an order of nondisclosure only on or after the first anniversary of the date of completion of the community supervision; and
 - authorized a court that issues such an order to an applicable person who successfully completes community supervision following a conviction of a certain misdemeanors and state jail felonies to include in the order any offense arising out of the same transaction as the offense for which the order is sought if the other offense satisfies certain requirements;
- revised statutory provisions relating to the entitlement of an applicable person who is convicted of certain misdemeanors to petition an applicable court for an order of nondisclosure and to the issuance of such an order as follows:
 - expanded the applicability of those provisions to include an applicable person who is convicted of certain state jail felonies;
 - authorized an applicable person who was convicted of such a state jail felony to petition an applicable court for an order of nondisclosure only on or after the second anniversary of the date of completion of the person's sentence;

- changed the date on which an applicable person who was convicted of a misdemeanor other than a fine-only misdemeanor may petition an applicable court for an order of nondisclosure; and
- authorized a court that issues such an order to an applicable person following conviction of certain misdemeanors and state jail felonies to include in the order any offense arising out of the same transaction as the offense for which the order is sought if the other offense satisfies certain requirements;
- authorized an applicable person who has more than one conviction for certain misdemeanors or state jail felonies and who has completed each sentence imposed to petition any applicable court for an order of nondisclosure if the person satisfies certain requirements and required a court to issue an such an order to an applicable person if certain requirements are satisfied; and
- repealed provisions relating to the conditions under which a court is required to issue an order of nondisclosure of criminal history record information for a defendant who successfully completes a drug court program and under which such a defendant is not entitled to petition the court for such an order.