

## **BILL ANALYSIS**

Senate Research Center  
89R2613 JSC-D

S.B. 958  
By: Parker  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Human trafficking survivors often have criminal records as a result of actions they were forced to take by their traffickers, such as prostitution, drug offenses, or theft. These criminal records can make it difficult for survivors to find employment, housing, and other resources they need to rebuild their lives. Expunging or sealing these records can help survivors move forward. Additionally, survivors of human trafficking can face stigma and discrimination because of their criminal records, which can create additional barriers to their recovery and reintegration into society. Therefore, expungement of criminal records serves as a significant tool to support human trafficking survivors and help them move on from their past experiences.

Currently, the records of trafficking survivors can only be sealed for misdemeanor theft, prostitution, and marijuana offenses. S.B. 958 will expand the list of sealable offenses to include all misdemeanor drugs offenses, forgery of government documents, and public intoxication. Each of these offenses are tools used by traffickers to coerce and control their victims. Therefore, S.B. 958 will allow survivors to seal those offenses that were committed as victims of trafficking.

A note that S.B. 958 does not alter the sealing process whatsoever. Survivors still must go through the same process of proving to a judge the crime on their record was due to their being trafficked. S.B. 958 simply expands the list of crimes for which a survivor may request sealing.

As proposed, S.B. 958 amends current law relating to the eligibility of certain victims of trafficking of persons or compelling prostitution for an order of nondisclosure of criminal history record information.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 411.0728(a), (b), (b-1), (b-3), (c), and (c-1), Government Code, as follows:

(a) Provides that Section 411.0728 (Procedure for Certain Victims of Trafficking of Persons or Compelling Prostitution) applies only to a person:

(1) who is convicted of or placed on deferred adjudication community supervision for:

(A) a misdemeanor, rather than an offense, under Subchapter D (Offenses and Penalties), Chapter 481 (Texas Controlled Substances Act), Health and Safety Code or Section 30.05 (Criminal Trespass), 31.03 (Theft), 37.10 (Tampering with Governmental Record), or 49.02 (Public Intoxication), Penal Code; or

(B) an offense under Section 43.02 (Prostitution), Penal Code; and

(2) makes no changes to this subdivision.

Deletes existing text providing that this section applies only to a person who is convicted of or placed on deferred adjudication community supervision for an offense, if the offense is punishable under certain provisions. Makes nonsubstantive changes.

(b) Authorizes a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) (relating to prohibiting a person from being granted an order of nondisclosure of criminal history record information and is not entitled to petition the court for an order of nondisclosure if certain circumstances are met), notwithstanding any other provision of Subchapter E-1 (Order of Nondisclosure of Criminal History Record Information) or Subchapter F (Criminal History Record Information), to petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense as a victim of, rather than solely as a victim, or in connection with being a victim of, an offense under Section 20A.02 (Trafficking of Persons), 20A.03 (Continuous Trafficking of Persons), or 43.05 (Compelling Prostitution), Penal Code.

(b-1)-(c-1) Makes conforming changes to these subsections.

SECTION 2. Amends Article 56A.052(e), Code of Criminal Procedure, as follows:

(e) Provides that a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed, in the manner provided by Article 56A.0525 (Authorized Form of Notifications), that the victim is authorized to petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim committed that offense as a victim of, rather than solely as a victim, or in connection with being a victim of, an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 3. Effective date: September 1, 2025.