

By: Johnson

H.B. No. 3261

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Crime Reduction and Economic Growth Act.

SECTION 2. Section 126.004(d), Government Code, is amended to read as follows:

(d) A program established under this chapter shall provide each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information under Section 411.0727 or 411.0728.

SECTION 3. Section 411.0725(e), Government Code, is amended to read as follows:

(e) A person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (3) [~~(2)~~];

(2) the first anniversary of the discharge and dismissal, if the offense for which the person was placed on

1 deferred adjudication was a state jail felony other than a state
2 jail felony under Chapter 20, 21, 22, 25, 42, 43, 46, 49, or 71,
3 Penal Code;

4 (3) the second anniversary of the discharge and
5 dismissal, if the offense for which the person was placed on
6 deferred adjudication was a misdemeanor under Chapter 20, 21, 22,
7 25, 42, 43, or 46, Penal Code; or

8 (4) [~~3~~] the third [~~fifth~~] anniversary of the
9 discharge and dismissal, if the offense for which the person was
10 placed on deferred adjudication was a felony other than a state jail
11 felony described by Subdivision (2).

12 SECTION 4. Section 411.0727, Government Code, is amended to
13 read as follows:

14 Sec. 411.0727. PROCEDURE FOLLOWING SUCCESSFUL COMPLETION
15 OF SPECIALTY [~~VETERANS TREATMENT~~] COURT PROGRAM. (a) This section
16 applies only to a person who successfully completes a specialty
17 [~~veterans treatment~~] court program under Subtitle K, Title 2,
18 [~~Chapter 124~~] or former law.

19 (b) Notwithstanding any other provision of this subchapter
20 or Subchapter F, a person described by Subsection (a) is entitled to
21 file with the court that placed the person in the specialty
22 [~~veterans treatment~~] court program a petition for an order of
23 nondisclosure of criminal history record information under this
24 section if the person:

25 (1) satisfies the requirements of this section and
26 Section 411.074;

27 (2) has never been previously convicted of an offense

1 listed in Article 42A.054(a), Code of Criminal Procedure, or a
2 sexually violent offense, as defined by Article 62.001, Code of
3 Criminal Procedure; and

4 (3) is not convicted of any felony offense between the
5 date on which the person successfully completed the program and the
6 second anniversary of that date.

7 (c) Regardless of whether the person was convicted of or
8 placed on deferred adjudication community supervision for the
9 offense for which the person entered the specialty [~~veterans~~
10 ~~treatment~~] court program or whether the case against the person was
11 dismissed following successful completion of the applicable
12 specialty court program [~~under Section 124.001(b)~~], after notice to
13 the state, an opportunity for a hearing, and a determination that
14 the person is entitled to file the petition and issuance of the
15 order is in the best interest of justice, the court shall issue an
16 order prohibiting criminal justice agencies from disclosing to the
17 public criminal history record information related to the offense
18 for which the person entered the specialty [~~veterans treatment~~]
19 court program.

20 (d) A person may file with the court that placed the person
21 in the specialty [~~veterans treatment~~] court program a petition for
22 an order of nondisclosure of criminal history record information
23 under this section only on or after the second anniversary of the
24 date the person successfully completed the program.

25 (e) A person is not entitled to petition the court for an
26 order of nondisclosure of criminal history record information under
27 this section if the person's entry into the specialty [~~veterans~~

1 ~~treatment]~~ court program arose as the result of a conviction of an
2 offense involving the operation of a motor vehicle while
3 intoxicated.

4 SECTION 5. The heading to Section 411.073, Government Code,
5 is amended to read as follows:

6 Sec. 411.073. PROCEDURE FOR COMMUNITY SUPERVISION
7 FOLLOWING CONVICTION; CERTAIN MISDEMEANORS AND STATE JAIL
8 FELONIES.

9 SECTION 6. Section 411.073, Government Code, is amended by
10 amending Subsections (a) and (d) and adding Subsection (e) to read
11 as follows:

12 (a) This section applies only to a person placed on
13 community supervision under Chapter 42A, Code of Criminal
14 Procedure:

15 (1) following a conviction of:

16 (A) a misdemeanor other than a misdemeanor under
17 Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05,
18 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; or

19 (B) a state jail felony other than a state jail
20 felony under Chapter 20, 21, 22, 25, 42, 43, 46, 49, or 71, Penal
21 Code; and

22 (2) under a provision of Chapter 42A, Code of Criminal
23 Procedure, other than Subchapter C, including:

24 (A) a provision that requires the person to serve
25 a term of confinement as a condition of community supervision; or

26 (B) another provision that authorizes placing a
27 person on community supervision after the person has served part of

1 a term of confinement imposed for the offense.

2 (d) A person may petition the court that placed the person
3 on community supervision for an order of nondisclosure of criminal
4 history record information under this section only on or after:

5 (1) the completion of the community supervision, if
6 the offense for which the person was placed on community
7 supervision was a misdemeanor other than a misdemeanor described by
8 Subdivision (3) [~~(2)~~]; [~~or~~]

9 (2) the first anniversary of the date of completion of
10 the community supervision, if the offense for which the person was
11 placed on community supervision was a state jail felony; or

12 (3) the second anniversary of the date of completion
13 of the community supervision, if the offense for which the person
14 was placed on community supervision was a misdemeanor under Chapter
15 20, 21, 22, 25, 42, 43, or 46, Penal Code.

16 (e) A court that issues an order of nondisclosure of
17 criminal history record information may include in the order any
18 offense arising out of the same transaction as the offense for which
19 the order is sought if the other offense:

20 (1) satisfies the requirements for issuance of an
21 order of nondisclosure of criminal history record information under
22 this section or another provision of this subchapter; or

23 (2) has not resulted in a conviction or a dismissal and
24 discharge under Article 42A.111, Code of Criminal Procedure, and is
25 no longer pending.

26 SECTION 7. The heading to Section 411.0735, Government
27 Code, is amended to read as follows:

1 Sec. 411.0735. PROCEDURE FOR CONVICTION; CERTAIN
2 MISDEMEANORS AND STATE JAIL FELONIES.

3 SECTION 8. Section 411.0735, Government Code, is amended by
4 amending Subsections (a) and (d) and adding Subsection (e) to read
5 as follows:

6 (a) This section applies only to a person who:

7 (1) is convicted of:

8 (A) a misdemeanor other than a misdemeanor under
9 Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05,
10 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; or

11 (B) a state jail felony other than a state jail
12 felony under Chapter 20, 21, 22, 25, 42, 43, 46, 49, or 71, Penal
13 Code; and

14 (2) is not eligible for an order of nondisclosure of
15 criminal history record information under Section 411.073.

16 (d) A person may petition the court that imposed the
17 sentence for an order of nondisclosure of criminal history record
18 information under this section only on or after:

19 (1) the date of completion of the person's sentence, if
20 the offense of which the person was convicted was a misdemeanor
21 punishable by fine only; ~~or~~

22 (2) the first ~~second~~ anniversary of the date of
23 completion of the person's sentence, if the offense of which the
24 person was convicted was a misdemeanor other than a misdemeanor
25 described by Subdivision (1) or (3)(A); or

26 (3) the second anniversary of the date of completion
27 of the person's sentence, if the offense of which the person was

1 convicted was:

2 (A) a misdemeanor under Chapter 20, 21, 22, 25,
3 42, 43, or 46, Penal Code; or

4 (B) a state jail felony.

5 (e) A court that issues an order of nondisclosure of
6 criminal history record information may include in the order any
7 offense arising out of the same transaction as the offense for which
8 the order is sought if the other offense:

9 (1) satisfies the requirements for issuance of an
10 order of nondisclosure of criminal history record information under
11 this section or another provision of this subchapter; or

12 (2) has not resulted in a conviction or a dismissal and
13 discharge under Article 42A.111, Code of Criminal Procedure, and is
14 no longer pending.

15 SECTION 9. Subchapter E-1, Chapter 411, Government Code, is
16 amended by adding Sections 411.0738 and 411.0739 to read as
17 follows:

18 Sec. 411.0738. PROCEDURE FOR MORE THAN ONE CONVICTION.

19 (a) This section applies only to a person who:

20 (1) has more than one conviction for an offense that is
21 a misdemeanor or state jail felony other than:

22 (A) a misdemeanor under Section 106.041,
23 Alcoholic Beverage Code, Section 49.04, 49.05, 49.06, or 49.065,
24 Penal Code, or Chapter 71, Penal Code; or

25 (B) a state jail felony under Chapter 19, 20, 21,
26 22, 25, 42, 43, 46, 49, or 71, Penal Code; and

27 (2) is not eligible for an order of nondisclosure of

1 criminal history record information under Section 411.073 or
2 411.0735.

3 (b) Notwithstanding any other provision of this subchapter
4 or Subchapter F, a person described by Subsection (a) who has
5 completed each sentence imposed, including any term of confinement
6 or period of community supervision imposed and payment of all
7 finer, costs, and restitution imposed, may petition any court that
8 imposed at least one of those sentences for an order of
9 nondisclosure of criminal history record information under this
10 section if the person satisfies the requirements of this section
11 and Section 411.074.

12 (c) Except as provided by Subsection (d), after notice to
13 the state, an opportunity for a hearing, and a determination that
14 the person is entitled to file the petition and issuance of the
15 order is in the best interest of justice, the court shall issue an
16 order prohibiting criminal justice agencies from disclosing to the
17 public criminal history record information related to the offenses
18 for which the person was convicted.

19 (d) A court may issue an order of nondisclosure of criminal
20 history record information under this section for a misdemeanor
21 under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code, other than a
22 misdemeanor under Section 22.01 of that code, only if the person:

23 (1) was placed on community supervision for the
24 offense; and

25 (2) completed the period of community supervision
26 imposed for the offense.

27 (e) A person may petition a court described by Subsection

1 (b) for an order of nondisclosure of criminal history record
2 information under this section only on or after:

3 (1) the third anniversary of the date of the
4 completion of all sentences imposed if the most serious offense for
5 which the order is sought is a misdemeanor;

6 (2) the fourth anniversary of the date of the
7 completion of all sentences imposed if:

8 (A) the most serious offense for which the order
9 is sought is a state jail felony; and

10 (B) the person's last sentence included a period
11 of community supervision that the person completed; or

12 (3) if neither Subdivision (1) nor (2) applies, the
13 fifth anniversary of the date of the completion of all sentences
14 imposed.

15 Sec. 411.0739. PROCEDURE FOR CONVICTION FOLLOWING
16 SUCCESSFUL COMPLETION OF SENTENCE; CERTAIN MISDEMEANORS AND
17 FELONIES COMMITTED WHEN YOUNGER THAN 25 YEARS OF AGE. (a) This
18 section applies only to a person who:

19 (1) is convicted of an offense other than an offense:

20 (A) listed in Article 42A.054(a), Code of
21 Criminal Procedure; or

22 (B) for which the judgment contains an
23 affirmative finding under Article 42A.054(c) or (d), Code of
24 Criminal Procedure;

25 (2) was younger than 25 years of age at the time the
26 offense described by Subdivision (1) was committed; and

27 (3) has not previously received an order of

1 nondisclosure of criminal history record information under this
2 subchapter or other law for the offense described by Subdivision
3 (1).

4 (b) Notwithstanding any other provision of this subchapter
5 or Subchapter F, a person described by Subsection (a) who completes
6 the person's sentence, including any term of confinement or period
7 of community supervision imposed and payment of all fines, costs,
8 and restitution imposed, may petition the court that imposed the
9 sentence for an order of nondisclosure of criminal history record
10 information under this section if the person satisfies the
11 requirements of this section and Section 411.074.

12 (c) Except as provided by Section 411.074, a person may
13 petition the court for an order of nondisclosure of criminal
14 history record information under this section regardless of whether
15 the person has been previously convicted of or placed on deferred
16 adjudication community supervision for another offense.

17 (d) After notice to the state, an opportunity for a hearing,
18 and a determination that the person is entitled to file the petition
19 and issuance of the order is in the best interest of justice, the
20 court shall issue an order prohibiting criminal justice agencies
21 from disclosing to the public criminal history record information
22 related to the offense for which the person was convicted.

23 (e) A person may petition the court that imposed the
24 sentence for an order of nondisclosure of criminal history record
25 information under this section only on or after:

26 (1) the second anniversary of the date of completion
27 of the person's sentence, if the offense of which the person was

1 convicted was a misdemeanor; or

2 (2) the fifth anniversary of the date of completion of
3 the person's sentence, if the offense of which the person was
4 convicted was a felony.

5 SECTION 10. Sections 123.001(b) and (c), Government Code,
6 are repealed.

7 SECTION 11. This Act takes effect September 1, 2025.