

By: Alonzo

H.B. No. 4143

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. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0729 to read as follows:

Sec. 411.0729. PROCEDURE FOR CERTAIN FINE-ONLY MISDEMEANORS. (a) This section applies only to a person who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for a misdemeanor offense punishable by fine only, other than an offense under the Transportation Code or an offense under a municipal ordinance or county order.

(b) Notwithstanding any other provision of this chapter or Subchapter F, a person described by Subsection (a) may petition the court that convicted or granted a dismissal to the person for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of Section 411.074; and
(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only, regardless of whether that offense is subject to an order of nondisclosure of criminal history record information granted under

1 this subchapter or any other law.

2 (c) After notice to the state, the court shall hold a
3 hearing on whether the person is entitled to file the petition and
4 whether issuance of the order is in the best interest of justice.
5 In determining whether granting the order is in the best interest of
6 justice, the court may consider the person's criminal history
7 record information among any other factors the court considers
8 relevant. If the court determines that granting the order is in the
9 best interest of justice, the court shall issue an order
10 prohibiting criminal justice agencies from disclosing to the public
11 criminal history record information related to the misdemeanor
12 offense that is the subject of the petition. As a condition of
13 granting the petition under this section for a person convicted of
14 the offense, a court may require the person to perform community
15 service, pay a fee, or both perform the community service and pay
16 the fee as if the person had been placed on probation pending
17 deferred disposition under Article 45.051, Code of Criminal
18 Procedure.

19 (d) A person may petition the court for an order of
20 nondisclosure of criminal history record information under this
21 section only on or after the first anniversary of the conviction or
22 dismissal, as applicable.

23 SECTION 2. Section 411.077, Government Code, is amended by
24 amending Subsection (a) and adding Subsection (a-1) to read as
25 follows:

26 (a) Except as provided by Subsection (a-1), the ~~The~~ clerk
27 of a court that collects a fee in connection with a petition or

1 order for nondisclosure of criminal history record information
2 under this subchapter shall remit the fee to the comptroller not
3 later than the last day of the month following the end of the
4 calendar quarter in which the fee is collected, and the comptroller
5 shall deposit the fee in the general revenue fund.

6 (a-1) The clerk of a court that collects a fee paid under
7 Section 411.0745 for a petition filed under Section 411.0729 shall
8 deposit the fee to the credit of the general fund of the
9 municipality or county, as applicable.

10 SECTION 3. Section 411.0729, Government Code, as added by
11 this Act, applies to a person who petitions the court for an order
12 of nondisclosure of criminal history record information on or after
13 the effective date of this Act, regardless of whether the offense
14 that is the subject of the petition was committed before, on, or
15 after the effective date of this Act.

16 SECTION 4. This Act takes effect September 1, 2017.