

By: Taylor of Collin

S.B. No. 1504

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain victims of trafficking of persons for an order of nondisclosure.

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

SECTION 1. Sections 411.0728(a), (c), and (d), Government Code, are amended to read as follows:

(a) This section applies only to a person:

(1) who ~~[on conviction for an offense under Section 43.02, Penal Code,~~] is placed on community supervision under Chapter 42A ~~[Article 42.12]~~, Code of Criminal Procedure, after conviction for an offense under:

(A) Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(C) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2);

(D) Section 43.02, Penal Code; or

(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor;[7] and

(2) with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure ~~[Section 20(a) of that article]~~.

(c) After notice to the state, an opportunity for a hearing,

1 and a determination by the court that the person committed the  
2 offense solely as a victim of trafficking of persons and that  
3 issuance of the order is in the best interest of justice, the court  
4 shall issue an order prohibiting criminal justice agencies from  
5 disclosing to the public criminal history record information  
6 related to the offense for which the defendant was placed on  
7 community supervision as described by Subsection (a) [~~under Section~~  
8 ~~43.02, Penal Code, giving rise to the community supervision~~].

9 (d) A person may petition the court that placed the person  
10 on community supervision for an order of nondisclosure of criminal  
11 history record information under this section only after the  
12 person's conviction [~~under Section 43.02, Penal Code,~~] is set aside  
13 as described by Subsection (a).

14 SECTION 2. The change in law made by this Act applies to a  
15 person whose conviction for an offense is set aside under Article  
16 42A.701, Code of Criminal Procedure, on or after the effective date  
17 of this Act, regardless of when the person committed the offense for  
18 which the person was convicted.

19 SECTION 3. To the extent of any conflict, this Act prevails  
20 over another Act of the 85th Legislature, Regular Session, 2017,  
21 relating to nonsubstantive additions to and corrections in enacted  
22 codes.

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