

- SUBJECT:** Permitting certain defendants to petition for an order of nondisclosure
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Collier, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco
- 0 nays
- 1 absent — Zedler
- WITNESSES:** For — Haley Holik, Texas Public Policy Foundation; (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Nicholas Hudson, American Civil Liberties Union of Texas; Christel Erickson Collins, Austin Justice Coalition; Justin Keener, Doug Deason; Traci Berry, Goodwill Central Texas; Kathleen Mitchell, Just Liberty; Lori Henning, Texas Association of Goodwills; Allison Franklin, Texas Criminal Justice Coalition; Alexis Tatum, Travis County Commissioners Court; Kolby Monnig)
- Against — None
- On — (*Registered, but did not testify*: Michael Lesko, Texas Department of Public Safety)
- BACKGROUND:** Some have noted that the criminal record of individuals charged with multiple offenses during the same criminal episode can include charges that resulted in acquittal or were dismissed and that the inclusion of such charges in a person's criminal record can lead to the perception that the person has a more extensive criminal record than is accurate, which can negatively affect the person's rehabilitation.
- DIGEST:** HB 566 would allow individuals to petition a court for an order of nondisclosure of criminal history record information for charges that were dismissed or resulted in acquittal and were part of a criminal episode in which other charges resulted in conviction or deferred adjudication.

The bill would require courts to issue orders prohibiting criminal justice agencies from publicly disclosing the dismissed charges after providing notice to the state, an opportunity for a hearing, and a determination that the person was entitled to file the petition and that the order was in the best interest of justice.

An individual could petition a court for an order of nondisclosure of the dismissed charges two years after being fully discharged or after successfully completing deferred adjudication for the other offenses arising from the criminal episode. Petitions for nondisclosure could not be filed if an individual was convicted of or placed on deferred adjudication for any offense other than a fine-only traffic offense during the two-year waiting period.

Additionally, individuals could not be granted or petition for an order of nondisclosure if, at any time before the petition was filed, the individual was convicted of or placed on deferred adjudication for offenses requiring registration as a sex offender or involving aggravated kidnapping, murder, trafficking, or certain other crimes.

The bill would take effect September 1, 2019, and would apply to petitions for orders of nondisclosure of criminal history record information filed on or after that date.