

- SUBJECT:** Amending eligibility requirements for certain orders of nondisclosure
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 6 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Sherman
- 2 nays — Swanson, Toth
- 1 absent — Murr
- WITNESSES:** For — Mandi Zapata, Lioness Justice Impacted Women’s Alliance; Lori Mellinger, Lioness, Statewide Leadership Council; Marci Simmons, Statewide Leadership Council, Lioness Justice Impacted Womens Alliance; Cole Meyer, Texas Appleseed; Charlie Malouff, Texas C.U.R.E., Inc (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Terra Tucker, Alliance for Safety and Justice; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Jennifer Carter, Goodwill Central Texas; Jennifer Owens, Lioness; Jennifer Toon, Lioness Justice Impacted Women’s Alliance, Statewide Leadership Council; Maggie Luna, Statewide Leadership Council; Lori Henning, Texas Association of Goodwills; Justin Martinez, Texas Center for Justice and Equity; Sarah Mae Jennings, Texas Fair Defense Project; Steven Price, The VOICES of Our Veterans; Julie Wheeler, Travis County Commissioners Court; Ramsey Bissex; Grace Pankl)
- Against — None
- BACKGROUND:** Under Government Code sec. 411.0725(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 only on or after:
- the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor, excluding certain misdemeanors;
 - the second anniversary of the discharge and dismissal, if the

- offense for which the person was placed on deferred adjudication was a certain misdemeanor; or
- the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

Under Government Code sec. 411.073(d), a person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information only on or after the completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor, excluding certain misdemeanors, or the second anniversary of the date of completion of the community supervision, if the offense for which the person was placed on community supervision was a certain misdemeanor.

Government Code sec. 411.0735(c-1) provides that a court cannot issue an order of nondisclosure of criminal history record information if the court determines that the offense for which the order is sought, excluding certain offenses, was violent or sexual in nature.

Under Government Code sec. 411.0735(d), a person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information only on or after the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor punishable by fine only or the second anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor other than a misdemeanor punishable by fine only.

Concerns have been raised that only certain people are entitled to petition a court for an order of nondisclosure of criminal history record information, which can be important to allow formerly incarcerated people to access stable housing and employment.

DIGEST: HB 2300 would amend Government Code sec. 411.0725(e) to allow a person to petition the court that placed the person on deferred adjudication

community supervision for an order of nondisclosure of criminal history record information only on or after:

- the discharge and dismissal if the offense was any misdemeanor;
- the first anniversary of the discharge and dismissal if the offense was a state-jail felony; or
- the second anniversary of the discharge and dismissal if the offense was a felony other than a state-jail felony.

The bill would amend Government Code sec. 411.073(d) to allow a person to petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information only on or after:

- the completion of the community supervision if the offense was a misdemeanor;
- the second anniversary of the date of completion of the community supervision if the offense was a state-jail felony;
- the fifth anniversary of the date of completion of the community supervision if the offense was a third-degree felony;
- the seventh anniversary of the date of completion of the community supervision if the offense was a second-degree felony; or
- the 10th anniversary of the date of completion of the community supervision if the offense was a first-degree felony.

The bill would amend Government Code sec. 411.0735(d) to allow a person to petition the court that imposed the sentence for an order of nondisclosure of criminal history record information only on or after:

- the date of completion of the person's sentence, if the offense was a misdemeanor punishable by fine only;
- the first anniversary of the date of completion of the person's sentence if the offense was a misdemeanor other than a misdemeanor described above;
- the fifth anniversary of the date of completion of the person's

- sentence if the offense was a state-jail felony;
- the seventh anniversary of the date of completion of the person's sentence if the offense was a third-degree felony;
- the 10th anniversary of the date of completion of the person's sentence if the offense was a second-degree felony; or
- the 12th anniversary of the date of completion of the person's sentence if the offense was a first-degree felony.

For people who completed their sentences, the bill would remove the requirement that the person never have been convicted of or placed on deferred adjudication community supervision for another offense to qualify to petition the court that imposed the sentence for an order of nondisclosure of criminal history record information.

HB 2300 would repeal Government Code sec. 411.0735(c-1) and make conforming changes.

The bill would take effect September 1, 2023.