

SUBJECT: Allowing nondisclosure of criminal history for certain young offenders

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Sherman, Toth

1 nay — Swanson

1 absent — Murr

WITNESSES: For — M Paige Williams, Dallas County Criminal District Attorney John Creuzot (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Jennifer Toon, Lioness Justice Impacted Women's Alliance; Cole Meyer, Texas Appleseed; Charlie Malouff, Texas C.U.R.E., Inc; Sarah Reyes, Texas Center for Justice and Equity; Shea Place, Texas Criminal Defense Lawyers Association; Sarah Mae Jennings, Texas Fair Defense Project; Renee Monroe, TxCURE Inc; Ashley Harris, United Ways of Texas; Eve Margolis; Charles Roberts)

Against — None

BACKGROUND: Government Code subch. E-1 establishes procedures to receive an order of nondisclosure of criminal history record information.

Government Code sec. 411.074 establishes certain conditions and offenses for which a person may not be granted an order of nondisclosure and is not entitled to petition the court for an order of nondisclosure, including offenses that require registration as a sex offender, aggravated kidnapping, murder, and capital murder.

Some have suggested that young offenders are currently limited in their ability to seek a petition for an order of nondisclosure of criminal history record information, even when their offense was nonviolent and substantial time has passed since the completion of their sentence.

DIGEST: HB 3341 would establish procedures for people under the age of 25 who

received a conviction for certain misdemeanors and felonies to petition for an order of nondisclosure of criminal history record information.

The bill would allow a person to petition the court that imposed the sentence for an order of nondisclosure of criminal history record information if they:

- were not convicted of certain severe offenses such as murder, kidnapping or human trafficking or an offense in which the judgment contained an affirmative finding of the use of a deadly weapon or firearm;
- were younger than 25 years of age at the time the offense; and
- had not previously received an order of nondisclosure of criminal history record information.

The bill would allow a person to petition regardless of whether they had been previously convicted of or placed on deferred adjudication community supervision for another offense, except for offenses listed in Government Code sec. 411.074.

The bill would allow a person who had completed the person's sentence, including any term of confinement or period of community supervision imposed and payment of all fines, costs, and restitution imposed, to petition for an order of nondisclosure.

The bill would allow for the issuing of an order after notice was provided to the state, a hearing was held, and a determination was made that the person was both entitled to file the petition and issuance of the order was in the best interest of justice.

A person could petition the court that imposed the sentence for an order of nondisclosure of eligible criminal history record information only on or after:

- 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; or
- the fifth anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a felony.

The bill would take effect September 1, 2023.