

SUBJECT: Expanding eligibility for nondisclosure orders of criminal history records

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For — David Emerick, JPMorgan Chase & Co; Sarah Mae Jennings, Texas Fair Defense Project (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Terra Tucker, Alliance For Safety and Justice; Howard Henderson, Center for Justice Research; Bryan Mitchell, Dallas County Criminal District Attorney; Emily Schuerman, Lone Star Justice Alliance; Cole Meyer, Texas Appleseed; Charlie Malouff, Texas C.U.R.E., Inc; Alycia Castillo, Texas Center for Justice and Equity; Shea Place, Texas Criminal Defense Lawyers Association)

Against — (*Registered, but did not testify*: Maggie Luna, Statewide Leadership Council; Richard Bohnert)

BACKGROUND: Under Government Code sec. 411.072, a person who was placed on deferred adjudication community supervision and has never been previously convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense, is eligible to receive an order of nondisclosure for the person's criminal history record information.

Concerns have been raised that misdemeanor records may adversely affect otherwise qualified job candidates who are screened during the hiring process.

DIGEST: CSHB 399 would expand eligibility under Government Code sec. 411.072 so that a person who had no more than one previous offense for which the person was never convicted or placed on deferred adjudication community supervision, other than a traffic offense, would be eligible to receive an

order of nondisclosure.

The bill would take effect September 1, 2023.