

BILL ANALYSIS

S.B. 550
By: West
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that current Texas law does not provide a means of relief to address certain records relating to a case that has been dismissed following completion of community supervision after the judgment in the case has been set aside by a court. It has been suggested that making a defendant who has such a set-aside conviction and who has successfully completed community supervision eligible to petition a court for an order of nondisclosure of criminal history record information would provide this relief for such a defendant while still allowing the information to be available to the courts for possible future use. S.B. 550 seeks to address this issue by expanding the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 550 amends the Government Code to authorize a person who on conviction is placed on community supervision to petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information if:

- the conviction is subsequently set aside by the court;
- the person is not convicted of an offense for which the person would be ineligible for deferred adjudication community supervision; and
- the person satisfies the required conditions for receiving an order of nondisclosure.

S.B. 550 requires the court, after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and that issuance of the order is in the best interest of justice, to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the community supervision. The bill restricts a person's eligibility to petition the applicable court to a time after:

- the second anniversary of the date the conviction is set aside, if the offense for which the person was placed on community supervision was a misdemeanor; or
- the fifth anniversary of the date the conviction is set aside, if the offense for which the person was placed on community supervision was a felony.

EFFECTIVE DATE

September 1, 2019.