

**SUBJECT:** Eligibility for order of nondisclosure for certain victims of trafficking

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 5 ayes — Moody, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

2 absent — Hunter, Canales

**SENATE VOTE:** On final passage, April 20 — 29-2 (Nichols, Schwertner)

**WITNESSES:** *On House companion bill, HB 2509:*

For — Marc Levin, Texas Public Policy Foundation, Mackenzie Wortley, New Friends New Life; (*Registered, but did not testify:* Michael Barba, Texas Catholic Conference of Bishops; Mary Kate Bevel, Texas Criminal Justice Coalition; Ruby Dodson, TxAPN; Dorothy Dundas, House of Accord; Kathryn Freeman, Christian Life Commission; Judy Gautreaux, Mt. Pleasant Prayer Network; Ann Hettinger, Center for the Preservation of American Ideals, Joshua Houston, Texas Impact; Chris Kaiser, Texas Association Against Sexual Assault; Tiana Sanford, Montgomery County District Attorney's Office; Suzanne Vincent, Trinity Fellowship Church; Thomas Parkinson)

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association; Floyd Goodwin, Texas Department of Public Safety

**BACKGROUND:** Government Code, sec. 411.0728 allows certain individuals placed on probation for prostitution to ask a court for an order of nondisclosure for the records of their offense if they committed prostitution solely as a victim of human trafficking. This applies only to those who had their convictions set aside under the current process that allows judges to set aside convictions after the court reduced or terminated probation.

**DIGEST:** SB 1504 would expand the types of offenses eligible for an order of nondisclosure if the individual committed the offense solely as a victim of human trafficking. The bill would expand eligibility to include:

- possession and delivery of marijuana as a class B misdemeanors (up to 180 days in jail and/or a maximum fine of \$2,000);
- criminal trespass;
- theft as a class C (maximum fine of \$500) or class B misdemeanor;
- certain promotion of prostitution punished as a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

As under current law, those asking for the order of nondisclosure would be required to have had their convictions set aside under the process that allows judges to set aside convictions after the court reduced or terminated probation.

The bill would take effect September 1, 2017, and would apply to a person whose convictions were set aside on or after that date, regardless of when the offense was committed. The bill would prevail over another act of the 85th Legislature relating to nonsubstantive additions and corrections.

**NOTES:** The companion bill, HB 2509 by Parker, was approved by the House on May 4.