

- SUBJECT:** Reducing the wait to seek nondisclosure in deferred adjudication cases
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson
- 0 nays
- WITNESSES:** For — Allen Place, Texas Criminal Defense Lawyers Association; (*Registered, but did not testify:* Lauren Johnson, ACLU of Texas; Pamela Brubaker, Austin Justice Coalition; Traci Berry, Goodwill Central Texas; Cate Graziani, Grassroots Leadership and Texas Advocates for Justice; Kathleen Mitchell, Just Liberty; Julia Egler, National Alliance on Mental Illness-Texas; Lori Henning, Texas Association of Goodwills; Douglas Smith, Texas Criminal Justice Coalition; Emily Gerrick, Texas Fair Defense Project; Charlie Malouff, Texas Inmate Families Association; Amite Duncan, Texas Prisons Air Conditioning Advocates; Jason Vaughn, Texas Young Republicans; Alexis Tatum, Travis County Commissioners Court; Carl F. Hunter II; Maria Person; Sandra Wolff)
- Against — None
- On — (*Registered, but did not testify:* Laurie Pherigo)
- BACKGROUND:** Government Code sec. 411.0725 allows individuals who were placed on deferred adjudication for certain offenses that were then discharged and dismissed to petition the court that placed them on deferred adjudication for an order of nondisclosure of criminal history record information within certain time frames.
- A person may petition the court for an order of nondisclosure only on or after:
- the discharge and dismissal of charges, for certain misdemeanor offenses;

- the second anniversary after the person's charges were discharged and dismissed, if the offense for which the person was placed on deferred adjudication was a misdemeanor that involved kidnapping, unlawful restraint, public indecency, certain weapons offenses, certain sexual and assault offenses, disorderly conduct, or related offenses as specified in statute; or
- five years after the charges were discharged and dismissed if the offense for which the person was placed on deferred adjudication was a felony.

Some suggest that the length of the waiting periods to petition for nondisclosure can prevent discharged individuals from moving on with their lives in a timely manner.

DIGEST:

HB 1452 would allow individuals placed on deferred adjudication to petition a court for an order of nondisclosure of criminal history record information one year after the discharge and dismissal of charges for misdemeanor offenses that involved kidnapping, unlawful restraint, public indecency, certain weapons offenses, certain sexual and assault offenses, disorderly conduct, or related offenses as specified in the bill.

An individual could petition a court for an order of nondisclosure of criminal record information three years after the discharge and dismissal of charges for certain felony offenses.

The bill would take effect September 1, 2019.