

BILL ANALYSIS

Senate Research Center

H.B. 439
By: Dutton (Rodriguez)
Criminal Justice
5/13/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law allowing for the restoration of certain civil rights forfeited as a result of a criminal conviction currently applies with respect to certain federal offenses and offenses under the laws of another country, but not to Texas laws. H.B. 439 provides for the restoration of civil rights to criminal defendants who have committed certain offenses under Texas law.

H.B. 439 amends current law relating to the restoration of certain rights to a criminal defendant.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 48.05(a)(2), Code of Criminal Procedure, as follows:

(2) Provides that this article (Restoration of Civil Rights) applies to:

(A)-(B) Makes no change to these paragraphs; and

(C) an offense under the laws of this state, other than an offense for which an individual is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program); involving violence or the threat of violence; involving drugs; or involving firearms and punishable as a felony.

SECTION 2. Amends Article 48.05(b), Code of Criminal Procedure, to prohibit an individual from applying for restoration of civil rights under this article unless certain conditions apply, including unless the conviction occurred three or more years before the date of the application, rather than three or more years before the date of application, if the offense is a federal offense, or two or more years before the date of application, if the offense is an offense under the laws of another county.

SECTION 3. Provides that this Act applies to a defendant who is convicted of an offense before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2013.