

BILL ANALYSIS

C.S.H.B. 3016
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the stigma associated with a person's criminal record, even if the person was convicted of a low-level offense and subsequently becomes a productive member of society through law-abiding behavior. The goal of C.S.H.B. 3016 is to address this issue by extending eligibility for an order of nondisclosure of criminal history record information to these persons and by making related procedural changes.

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

C.S.H.B. 3016 amends the Government Code to make statutory provisions relating to an order of nondisclosure of criminal history record information applicable to the issuance of such an order for an offense committed before, on, or after September 1, 2017, but to make provisions relating to an automatic order of nondisclosure for a person who was placed on deferred adjudication community supervision for certain nonviolent misdemeanors applicable only to a person who receives a discharge and dismissal on or after September 1, 2017.

C.S.H.B. 3016 expands eligibility for a person placed on community supervision for a certain nonviolent offense to petition a court for an order of nondisclosure by including a person who meets existing eligibility requirements and whose conviction was for a state jail felony offense of possession of marihuana or a controlled substance listed in Penalty Group 1, 1-A, 2, or 2-A of the Texas Controlled Substances Act. The bill specifies that the period of community supervision a person must complete to so petition the court includes any term of confinement imposed and payment of all fines, costs, and restitution imposed. The bill authorizes a person whose conviction was for such a state jail felony and who was placed on community supervision to petition the court for an order of nondisclosure only on or after the fifth anniversary of the date of completion of the community supervision. The bill authorizes a person who was placed on deferred adjudication supervision for a nonviolent misdemeanor or state jail felony and who is not eligible to receive an order of nondisclosure solely because an affirmative finding that it is not in the best interest of justice that the defendant receive an automatic order of nondisclosure was filed in the papers of the case under the bill's provisions to file a petition for an order of nondisclosure under statutory provisions relating to an order of nondisclosure for a person placed on such supervision for a felony if the person otherwise satisfies the requirements of those provisions.

C.S.H.B. 3016 authorizes a person placed on community supervision, other than deferred adjudication supervision, following a conviction of a Class B misdemeanor driving while intoxicated offense whose community supervision is not revoked and who completes the period of community supervision and a person who is convicted of such an offense but is otherwise ineligible for an order of nondisclosure and who completes the person's sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, to petition the court that placed the person on community supervision or that imposed the sentence, as applicable, for an order of nondisclosure if the person satisfies the bill's requirements and the required conditions for receiving an order of nondisclosure, has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a fine-only traffic offense, and either successfully completed a condition of community supervision or the sentence, as applicable, or complied with a provision of a court order entered on or after the conviction, that for a period of not less than six months restricted the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device or agrees to comply with an order under the bill restricting the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device for a period of not less than six months. The bill requires such a petition for an order of nondisclosure to include evidence that the person is entitled to file the petition. The bill 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 an order of nondisclosure 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 or for which the person was convicted, as applicable, if the person has completed such a condition of community supervision or the sentence related to an ignition interlock device, or, as a condition of entering any future order of nondisclosure regarding a driving while intoxicated offense, to issue an order restricting the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device for a period of not less than six months if the person has agreed to comply with such an order.

C.S.H.B. 3016 requires the court that placed the person on community supervision or imposed the sentence 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 or of which the person was convicted, as applicable, on receiving evidence sufficient to the court that a person ordered to install and use an ignition interlock device under the bill successfully completed all of the terms of the order and that during the period following the issuance of that order the person has not been convicted of or placed on deferred adjudication community supervision for any offense other than a fine-only traffic offense. The bill prohibits a court from issuing such an order of nondisclosure or issuing an order restricting the person's operation of a motor vehicle to a vehicle equipped with an ignition interlock device if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle accident involving another person, including a passenger in a motor vehicle operated by the person seeking the order. The bill authorizes a person to petition the court that placed the person on community supervision for an order of nondisclosure only on or after the second anniversary of the date of completion of the community supervision and authorizes a person who was not placed on community supervision to petition the court that imposed the sentence for an order of nondisclosure on or after the third anniversary of the date of completion of the person's sentence.

C.S.H.B. 3016 removes the condition that a person who is convicted of a misdemeanor and who was not placed on community supervision be sentenced to and serve a period of confinement to be eligible to apply for an order of nondisclosure and to instead add the condition that a person who was not placed on community supervision complete the person's sentence, including any term of confinement imposed and payment of all fines, costs, and restrictions imposed, before applying for such an order. The bill expands eligibility for a person convicted of an offense and who was not placed on community supervision to petition a court for an order of nondisclosure

by including a person who meets existing eligibility requirements and whose conviction was for a state jail felony offense of possession of marihuana or a controlled substance listed in Penalty Group 1, 1-A, 2, or 2-A of the Texas Controlled Substances Act. The bill changes the initial date on which a person who was not placed on community supervision may petition the court for an order of nondisclosure from the second anniversary of the date of completion of the person's period of confinement for any applicable offense to on or after the date of completion of the person's sentence if the offense of which the person was convicted was a fine-only misdemeanor, the second anniversary of the date of completion of the person's sentence if the offense of which the person was convicted was any other misdemeanor, or the fifth anniversary of the date of completion of the person's sentence if the offense of which the person was convicted was a state jail felony.

C.S.H.B. 3016 specifies that the required conditions for receiving an order of nondisclosure apply to a person who is placed on community supervision and expands from a fine-only offense under the Transportation Code to any fine-only traffic offense the offenses that are excluded from the offenses that make a person ineligible for an order of nondisclosure. The bill expands the purposes for which a criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to include complying with a requirement under federal law or if federal law requires the disclosure as a condition of receiving federal highway funds.

C.S.H.B. 3016 amends the Code of Criminal Procedure to require a judge who places on deferred adjudication community supervision a defendant charged with a misdemeanor other than a misdemeanor involving smuggling of a person, a sexual or assaultive offense, an offense against the family, disorderly conduct and related offenses, public indecency, weapon related offenses, or organized crime to make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that it is not in the best interest of justice that the defendant receive an automatic order of nondisclosure of criminal history record information.

C.S.H.B. 3016 repeals Section 32, Chapter 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, relating to the eligibility of criminal defendants for an order of nondisclosure of criminal history record information.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3016 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter E-1, Chapter 411, Government Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Sections 411.072(a) and (b), Government Code, are amended to read as follows:	SECTION 2. Section 411.072, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:
(a) This section applies only to a person	(a) Same as introduced version.

who:

(1) was placed on deferred adjudication community supervision under Subchapter C [~~Section 5~~], Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(A) under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(B) with respect to which an affirmative finding under [~~Section 5(k)~~] Article 42A.105(f) [~~42.12~~], Code of Criminal Procedure, was filed in the papers of the case; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic [~~an~~] offense [~~under the Transportation Code~~] that is punishable by fine only.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, if a person described by Subsection (a) receives a discharge and dismissal under [~~Section 5(e)~~] Article 42A.111 [~~42.12~~], Code of Criminal Procedure, and satisfies the requirements of Section 411.074, the court that placed the person on deferred adjudication community supervision shall issue an order of nondisclosure of criminal history record information under this subchapter prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision. The court shall determine whether the person satisfies the requirements of Section 411.074, and if the court makes a finding that the requirements of that section are satisfied, the court shall issue the order of nondisclosure of criminal history record information:

(1) at the time the court discharges and dismisses the proceedings against the person, if the discharge and dismissal occurs on or after the 180th day after the date the court placed the person on deferred adjudication community supervision; or

(2) as soon as practicable on or after the 180th day after the date the court placed the person on deferred adjudication community supervision, if the discharge and dismissal occurred before that date.

(b) Same as introduced version.

(d) A person who is not eligible to receive an order of nondisclosure of criminal history

record information under this section solely because an affirmative finding under Article 42A.105(f), Code of Criminal Procedure, was filed in the papers of the case may file a petition for an order of nondisclosure of criminal history record information under Section 411.0725 if the person otherwise satisfies the requirements of that section.

SECTION 3. The heading to Section 411.073, Government Code, is amended.

SECTION 4. Sections 411.073(a), (b), and (d), Government Code, are amended to read as follows:

(a) This section applies only to a person placed on community supervision under Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure:

(1) following a conviction of:

(A) a misdemeanor other than a misdemeanor;

(i) under Section 106.041, Alcoholic Beverage Code, Section [49.04,] 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; or

(ii) punishable under Section 49.04(d), Penal Code; or

(B) a state jail felony under Section 481.115, 481.1151, 481.116, 481.1161, or 481.121, Health and Safety Code; and

(2) under a provision of Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, other than Subchapter C [~~Section 5~~], including:

(A) a provision that requires the person to serve a term of confinement as a condition of community supervision; or

(B) another provision that authorizes placing a person on community supervision after the person has served part of a term of confinement imposed for the offense.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) whose community supervision is not revoked and who completes the period of community supervision

may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section

SECTION 3. Same as introduced version.

SECTION 4. Sections 411.073(a), (b), and (d), Government Code, are amended to read as follows:

(a) This section applies only to a person placed on community supervision under Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure:

(1) following a conviction of:

(A) a misdemeanor other than a misdemeanor

under Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; or

(B) a state jail felony under Section 481.115, 481.1151, 481.116, 481.1161, or 481.121, Health and Safety Code; and

(2) under a provision of Chapter 42A [~~Article 42.12~~], Code of Criminal Procedure, other than Subchapter C [~~Section 5~~], including:

(A) a provision that requires the person to serve a term of confinement as a condition of community supervision; or

(B) another provision that authorizes placing a person on community supervision after the person has served part of a term of confinement imposed for the offense.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) whose community supervision is not revoked and who completes the period of community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution imposed,

may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section

and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic ~~[an]~~ offense ~~[under the Transportation Code]~~ that is punishable by fine only.

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor other than a misdemeanor described by Subdivision (2); ~~[or]~~

(2) the second anniversary of the date of completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code; or

(3) the fifth anniversary of the date of completion of the community supervision, if the offense for which the person was placed on community supervision was a state jail felony.

No equivalent provision.

and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic ~~[an]~~ offense ~~[under the Transportation Code]~~ that is punishable by fine only.

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor other than a misdemeanor described by Subdivision (2); ~~[or]~~

(2) the second anniversary of the date of completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code; or

(3) the fifth anniversary of the date of completion of the community supervision, if the offense for which the person was placed on community supervision was a state jail felony.

SECTION 5. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0731 to read as follows:

Sec. 411.0731. PROCEDURE FOR COMMUNITY SUPERVISION FOLLOWING CONVICTION; CERTAIN DRIVING WHILE INTOXICATED CONVICTIONS. (a) This section applies only to a person placed on community supervision under Chapter 42A, Code of Criminal Procedure:

(1) following a conviction of an offense under Section 49.04, Penal Code, other than an offense punishable under Subsection (d) of that section; and

(2) under a provision of Chapter 42A, Code of Criminal Procedure, other than Subchapter C, including:

(A) a provision that requires the person to serve a term of confinement as a condition of community supervision; or

(B) another provision that authorizes placing a person on community supervision after the person has served part of a term of confinement imposed for the offense.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) whose community supervision is not revoked and who completes the period of community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section if the person:

- (1) satisfies the requirements of this section and Section 411.074;
- (2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only; and
- (3) either:
 - (A) successfully completed a condition of community supervision, or complied with a provision of a court order entered on or after the conviction, that, for a period of not less than six months, restricted the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device; or
 - (B) agrees to comply with an order issued under Subsection (d)(2) restricting the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device for a period of not less than six months.

(c) A petition for an order of nondisclosure of criminal history record information filed under this section must include evidence that the person is entitled to file the petition.

(d) Except as provided by Subsection (f), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, the court shall:

- (1) 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, if the person satisfied the requirement of Subsection (b)(3)(A); or
- (2) as a condition of entering any future order of nondisclosure of criminal history record information regarding the offense

under Section 49.04, Penal Code, issue an order in a manner consistent with Section 521.246, Transportation Code, restricting the person's operation of a motor vehicle, for a period of not less than six months, to a motor vehicle equipped with an ignition interlock device, if the person satisfied the requirement of Subsection (b)(3)(B).

(e) On receiving evidence sufficient to the court that a person ordered to install and use an ignition interlock device under Subsection (d)(2) successfully completed all of the terms of the order and that during the period following the issuance of that order the person has not been convicted of or placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for any offense other than a traffic offense that is punishable by fine only, the court that placed the person on community supervision shall 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.

(f) A court may not issue an order of nondisclosure of criminal history record information under this section or issue an order under Subsection (d)(2) if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle accident involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

(g) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only on or after the second anniversary of the date of completion of the community supervision.

SECTION 5. Section 411.0735, Government Code, is amended to read as follows:

Sec. 411.0735. PROCEDURE FOR CONVICTION [~~AND CONFINEMENT~~]; CERTAIN MISDEMEANORS AND STATE JAIL FELONIES. (a) This section applies only to a person who:
(1) is convicted of;

SECTION 6. Section 411.0735, Government Code, is amended to read as follows:

Sec. 411.0735. PROCEDURE FOR CONVICTION [~~AND CONFINEMENT~~]; CERTAIN MISDEMEANORS AND STATE JAIL FELONIES. (a) This section applies only to a person who:
(1) is convicted of;

(A) a misdemeanor other than a misdemeanor;

(i) under Section 106.041, Alcoholic Beverage Code, Section ~~[49.04,]~~ 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; or

(ii) punishable under Section 49.04(d), Penal Code; or

(B) a state jail felony under Section 481.115, 481.1151, 481.116, 481.1161, or 481.121, Health and Safety Code; and

(2) ~~[is sentenced to and serves a period of confinement; and~~

~~[(3)]~~ is not eligible for an order of nondisclosure of criminal history record information under Section 411.073.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who completes the person's sentence

~~[period of confinement and is released]~~ may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic [an] offense that is [under the Transportation Code] punishable by fine only.

(c) After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted [giving rise to the confinement].

(d) A person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor punishable by fine only;

(2) the second anniversary of the date of

(A) a misdemeanor other than a misdemeanor

under Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; or

(B) a state jail felony under Section 481.115, 481.1151, 481.116, 481.1161, or 481.121, Health and Safety Code; and

(2) ~~[is sentenced to and serves a period of confinement; and~~

~~[(3)]~~ is not eligible for an order of nondisclosure of criminal history record information under Section 411.073.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who completes the person's sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed.

~~[period of confinement and is released]~~ may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic [an] offense that is [under the Transportation Code] punishable by fine only.

(c) After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted [giving rise to the confinement].

(d) A person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor punishable by fine only;

(2) the second anniversary of the date of

completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor other than a misdemeanor described by Subdivision (1);
or
(3) the fifth anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a state jail felony [period of confinement].

No equivalent provision.

completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor other than a misdemeanor described by Subdivision (1);
or
(3) the fifth anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a state jail felony [period of confinement].

SECTION 7. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0736 to read as follows:

Sec. 411.0736. PROCEDURE FOR CONVICTION; CERTAIN DRIVING WHILE INTOXICATED CONVICTIONS.

(a) This section applies only to a person who:

(1) is convicted of an offense under Section 49.04, Penal Code, other than an offense punishable under Subsection (d) of that section; and

(2) is not eligible for an order of nondisclosure of criminal history record information under Section 411.0731.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who completes the person's sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074;

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only; and

(3) either:

(A) successfully completed a condition of the sentence, or complied with a provision of a court order entered on or after conviction, that, for a period of not less than six months, restricted the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device;

or

(B) agrees to comply with an order issued under Subsection (d)(2) restricting the

person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device for a period not to exceed six months.

(c) A petition for an order of nondisclosure of criminal history record information filed under this section must include evidence that the person is entitled to file the petition.

(d) Except as provided by Subsection (f), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, the court shall:

(1) issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted, if the person satisfied the requirement of Subsection (b)(3)(A); or

(2) as a condition of entering any future order of nondisclosure of criminal history record information regarding the offense under Section 49.04, Penal Code, issue an order in a manner consistent with Section 521.246, Transportation Code, restricting the person's operation of a motor vehicle, for a period of not less than six months, to a motor vehicle equipped with an ignition interlock device, if the person satisfied the requirement of Subsection (b)(3)(B).

(e) On receiving evidence sufficient to the court that a person ordered to install and use an ignition interlock device under Subsection (d)(2) successfully completed all of the terms of the order and that during the period following the issuance of that order the person has not been convicted of or placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for any offense other than a traffic offense that is punishable by fine only, the court that imposed the sentence shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense of which the person was convicted.

(f) A court may not issue an order of nondisclosure of criminal history record information under this section or issue an order under Subsection (d)(2) if the attorney representing the state presents evidence sufficient to the court demonstrating that the

commission of the offense for which the order is sought resulted in a motor vehicle accident involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

(g) A person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section on or after the third anniversary of the date of completion of the person's sentence.

SECTION 6. Section 411.074, Government Code, is amended.

No equivalent provision.

SECTION 8. Same as introduced version.

SECTION 9. Section 411.0765(a), Government Code, is amended to read as follows:

(a) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under this subchapter only:

(1) to other criminal justice agencies;

(2) [;] for criminal justice or regulatory licensing purposes;

(3) to [;] an agency or entity listed in Subsection (b);

(4) to [~~;~~] the person who is the subject of the order; or

(5) for the purpose of complying with a requirement under federal law or if federal law requires the disclosure as a condition of receiving federal highway funds.

SECTION 7. Article 42A.105, Code of Criminal Procedure, is amended.

SECTION 8. Section 32, Chapter 1279 (S.B. 1902), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 9. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. This Act takes effect September 1, 2017.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.