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HOUSE BILL 1106**

Dear Members of the Committee,

Thank you for allowing me the opportunity to present testimony on House Bill 1106. This bill is an important step to ensure that defendants that receive deferred adjudication community supervision after entering a plea of guilty or nolo contendere, are aware of their rights regarding nondisclosure as they endeavor to lead a law-abiding life.

**PROBLEM**

A criminal record is a difficult obstacle for any person to overcome. Many people placed on deferred adjudication community supervision after offering a plea of guilty or nolo contendere, however, are unaware of their right to petition the court for an order of nondisclosure. Furthermore, in the event that the court discharges or dismisses a person's charges after serving a period of time on community supervision, the record-keeping functions of the criminal justice system might not reflect the dismissal of the charge. The presence of criminal charges on the record of a person that has plead guilty or nolo contender, and successfully completed a period of community supervision in lieu of an adjudication of guilt, can be a serious and difficult impediment to that individual's participation in society.

Defendants that have pleaded in this manner must be apprised of their rights and privileges, and the effects of the offense on their progress as a productive member of society. It is important to support policies that give individuals with a criminal offense on their record an opportunity to maximize their contribution to free society. Providing them with the tools to take responsibility for their record, and how it might affect their ability to move forward, is an important step toward rehabilitation and reducing the likelihood that they will commit a new offense.

H.B. 1106 requires that, for those individuals to whom the court grants deferred adjudication community supervision, the court must provide notice of that person's right to petition for an order of nondisclosure, provided they are eligible for the order.

H.B. 1106 also requires that when a court dismisses or discharges any proceedings against an individual that has pleaded guilty or nolo contendere, and served a period of community supervision, the court must provide a copy of the order of dismissal and notice of the right to petition the court for an order of nondisclosure when that person is eligible for such an order.

**KEY FINDINGS**

- Job seekers with criminal records receive half as many job offers as job seekers with no such history.<sup>1</sup>
- Research has shown that 5 years of a clean record, the probability of an individual re-offending declines dramatically.<sup>2</sup>
- Defendants that plead guilty or nolo contendere are often unaware of the fact that criminal charges remain on their record before discharge, and that they may in fact have the right petition the court for an order of nondisclosure.
- Ensuring that defendants offering pleas of guilty or nolo contendere have been apprised of all of their rights serves the interests of justice.

**SOLUTION: SUPPORT H.B. 1106**

- **H.B. 1106 gives notice to defendants that enter a plea of guilty or nolo contendere of their rights regarding their criminal record.**

<sup>1</sup> Pew Center on the States, "Collateral Costs: Incarceration's Effect on Economic Mobility." [http://www.pewcenteronthestates.org/uploadedFiles/Collateral\\_Costs.pdf?n=8653](http://www.pewcenteronthestates.org/uploadedFiles/Collateral_Costs.pdf?n=8653), 22.

<sup>2</sup> Megan C. Kurlychek, Robert Brame, Shawn D. Bushway, "Enduring Risk? Old Criminal Records and Short-Term Predictions of Criminal Involvement," <http://www.reentry.net/library.cfm?fa=download&resourceID=81140&print>