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FACT SHEET

H.B. 800 WILL IMPROVE DEFERRED ADJUDICATION

ALLOWING EXPUNCTION OF ARRESTS FOR DEFERRED ADJUDICATION DEFENDANTS IMPROVES RE-INTEGRATION AND JUDICIAL FAIRNESS

WHAT DOES THE BILL DO?

Currently, defendants who successfully complete deferred adjudication still retain an arrest record for the offense, even if it has been discharged and dismissed by a judge. H.B. 800 would allow district courts to expunge the arrest records of certain defendants upon successful completion of their deferred adjudication and after the discharge and dismissal of the charge.

Expunction would NOT be available to defendants charged with murder, capital murder, manslaughter, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual.

H.B. 800 ALIGNS THE EXPUNCTIONS STATUTE WITH THE INTENT AND PROCEDURE OF DEFERRED ADJUDICATION.

Deferred adjudication is a tool that enables judges to give a fresh start to defendants who they believe can be successfully reformed and deserve a second chance. By allowing for the discharge and dismissal of charges, judges can give individuals a chance to move forward and avoid the obstacles and stigmatization brought on by a criminal conviction. However, deferred adjudication must be corrected to include the expunction of arrest records in order to properly serve its intended purpose. Many obstacles are associated not only with conviction but with an arrest record itself:

- Licensing agencies may deny licensure to individuals with an arrest record. Licensing requirements affect a significant number of occupations, including doctors, air conditioning and refrigeration contractors, talent agents, electricians, water well drillers, and many others.
- Potential employers have access to arrest records but not deferred adjudication records, leading to misconceptions that an individual has not paid his debt to society or constitutes a public safety risk.
- An arrest record may lead to difficulties finding housing due to landlord reluctance to accept tenants with criminal history.
- An arrest record results in possible disqualification for scholarships, federal aid, and other benefits.

OFFENDERS WHO SUCCESSFULLY RE-INTEGRATE BY SECURING EMPLOYMENT, HOUSING, AND PROGRAM ACCESS ARE LESS LIKELY TO RETURN TO CRIME; THIS IMPROVES PUBLIC SAFETY AND SAVES TAXPAYER DOLLARS.

Non-dangerous individuals who face fewer obstacles to re-integration have a greater chance of avoiding recidivism, thereby increasing public safety and reducing the costs to taxpayers who must otherwise foot the bill for prison expansion necessitated by offender re-incarceration. Fewer obstacles to re-integration also allow individuals to take personal responsibility through work, civic participation, and other community activities. By facilitating the occupational, residential, and financial needs of these individuals through expungement and deferred adjudication, judges can give offenders a true second chance to improve their lives and become productive, contributing, and law-abiding members of society.