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Senators OK seal on records

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AUSTIN — Certain criminal records would be shielded from public view under a plan the state Senate approved Tuesday.

Senate Bill 1477 would allow certain people placed on deferred adjudication to have their records erased from public record upon completion of the sentence. Deferred adjudication is a lighter sentence than probation.

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The judge who made the original sentence would decide whether to approve the application for record deletion five or 10 years after the offender has completed the sentence, depending on whether it was for a misdemeanor or felony offense.

"You have to keep your nose clean for five to 10 years before you're even eligible," said Sen. Royce West, the bill's author.

West, D-Dallas, added a provision allowing school districts access to the deleted records.

The bill excludes anyone ever convicted or placed on deferred adjudication for sex offenses, aggravated kidnapping, murder, abandonment or endangering a child, violating a protective order, stalking, or injury to a child, elderly or disabled person. Texas law already excludes anyone convicted of an alcohol-related offense from being placed on deferred adjudication.

Sen. Jeff Wentworth, R-San Antonio, opposed the bill because he said employers should be allowed to know the criminal histories of people they hire.

"It will allow people convicted of felonies to be able truthfully to say that they don't have a criminal record," he said. "That's not a good idea."

Wentworth said it's in the best public interest to know the full criminal backgrounds of people applying for positions in daycare centers, hospitals and police departments.

The Texas Association of Broadcasters also opposes SB 1477, saying the public has a right to know about the criminal histories of public figures.

"You need to take responsibility for your actions," TAB spokesman Michael Schneider said. "It basically allows Texans to legally lie and deny the existence of their criminal records."

The governor vetoed a similar bill two years ago, but West said he has the governor's support with SB 1477.

A Perry spokesman wouldn't say whether Perry supports the bill.

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