

By signing you are urging the governor to champion deferred adjudication reform. Please attach any other testimonials if you wish.  
(Texan) for the **Reform of Deferred Adjudication**

Dear Governor,

**Please support deferred adjudication/criminal record expunction relief by supporting additional legislation to make it possible to expunge deferred adjudication related records.** I am signing my name in support of this issue to urge you to please support new legislation to help correct this problem. During the most recent legislative session (78th), the Texas legislature drafted, and signed into law by your signature, Senate Bill 1477. SB1477 only provided limited access to criminal records to a segment of the Texas population whose reputations were being irreparably harmed due to (deferred adjudication). While the intentions behind the passage of SB1477 were good, the law as it is, is too restrictive in whom it helps and how it helps them. Furthermore, public and private entities still manage to ignore the message, that a person who successfully completes all of the court mandated provisions of a deferred adjudication order is not defined as having been convicted by the current Texas Criminal Code. **In signing this letter of support I urge that the 79<sup>th</sup> legislative session, to be convened in 2005, should have your support for drafting a bill which will truly make it possible to expunge a successfully completed order of deferred adjudication. The current law, as amended by SB1477, falls way short of this goal and should be fixed next session. SB1477 is proof that, the executive and legislative branches of Texas effectively acknowledge, that deferred adjudication records create a very negative effect on the lives of millions of Texas citizens and their families.**

Due to passage of SB1477 into law, select groups of people can now apply for an order of nondisclosure after 5 years have passed for a deferred adjudicated misdemeanor, and 10 years for a deferred adjudicated felony, assuming that all of the conditions under rule of law have been met. **It is my will, and understanding, that once a person has completely satisfied the terms of a court ordered deferred adjudication probation, then the state of Texas should honor the original intentions and spirit of the law concerning deferred adjudication, which is that the state is willing to give the individual the benefit of not treating them as convicts. This is what is written in Texas Code of Criminal Procedure Article 42.12 Sec. 5(c):**

**"Except as provided by Section 12.42(g), Penal Code, a dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense".**

I would also remind the legislature that in SB1477, there are several groups that are excluded from taking advantage of the new "non-disclosure" benefit as provided by the new bill. The United States Constitution guarantees equal protection under the law, this should include all parties, even those individuals whose arrest record is excluded by the provisions of the bill. **To continue to subject the many millions of Texas citizens and their families to this type of unwarranted and illegal invasion of privacy, will have the following consequences:**

1. **Misery for all:** If they cannot find a job they will end up on welfare, or worse yet, they will be faced with turning to a life of crime, in our neighborhoods, in a desperate bid to feed themselves and their loved ones.
2. **Lost productivity:** When a person is out of work, then that is one less person productively employed to contribute to the state's economy. That person can should and would have been paying taxes!
3. **Human Costs:** Few things are more devastating to a family than to see their loved one's completely robbed of dignity as a human beings. How many more have to suffer for deferred adjudication?

**Whenever a person who has been arrested is awarded deferred adjudication from a criminal court judge, that judge ALWAYS makes the award based on what "best suits the needs of society".** In other words, the judge feels that such a person merits the opportunity to reintegrate back into society. This can only happen if such individuals are allowed to fairly compete for employment and business opportunities in the job market. Anytime an individual is not allowed to have gainful employment due to companies conducting background checks and denying such person employment because of their deferred adjudication, then the vicious cycle of joblessness and poverty becomes "self-perpetuating". **Keeping people who do not belong in prison, out of prison should be a top priority of the Texas state legislature and the governor. Governor, please support this for the benefit of all Texans!!**

**I offer you my support for your signature on reform legislation in the 79<sup>th</sup>.**

Thanks, (Please Print Name below, address optional)

(Sign name)

X \_\_\_\_\_

Thank you for your support.  
Mail this letter to:  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

**DeferredAdjudication.org**  
Texans for the Reform of Deferred Adjudication