

Dear Legislator,

Please support deferred adjudication expunction relief by offering legislation to make it possible to expunge deferred adjudication in the next Texas legislative session.

I am giving you my support to urge you to please sponsor new legislation to help correct the problem of deferred adjudication in Texas. Currently, thanks to SB 1477 passed during the 78th session, after a person applies for an order of nondisclosure their criminal record is still viewable to certain entities. Also, there were two bills passed during the 78th session that contradict each other. SB 1477 and SB1577, both laws dealt with deferred adjudication. It is unacceptable that SB 1577 prevents people who have had deferred adjudication from applying to be real-estate agents.

Because of SB 1577, and the language of SB 1477 it seems it is possible that people with deferred adjudication can still be turned down for occupational licensing. It is not fair that SB1477 allows Licensing Agencies to still view a persons record, and SB1577 mandates that a deferred adjudication is the same as a conviction. Rights and privileges that were intended to be restored after a successful completion of deferred adjudication are not being restored! As a result of these obtuse laws, law abiding people who have complied with their deferred adjudication sentences are being considered convicted for purposes of disqualification of an occupational license imposed by law through SB1577. I would like to urge you to offer legislation to help return deferred adjudication punishment back into a sentence for first time offenders who would pose no future risk to society. It is alarming that we are in an age when a person who commits a crime and who then successfully completes his sentence is denied the chance to become a contributing member of society.

Since SB 1477 has passed people can now get a chance to apply for an order of nondisclosure after 5 years have passed for a deferred adjudicated misdemeanor, or 10 years for a deferred adjudicated felony. 10 years for felonies is just to long a time for people to have to wait to reintegrate with society. I want our legislators to set good policy that will empower individuals to contribute to society. I support shortening the time that a felony deferred adjudication has to spend to 7 years. Most people already believe that a persons criminal record is sealed after 7 years. 7 years is a good amount of time for individuals who are on deferred adjudication to experience life on probation. It will serve as a good deterrent to crime. Many people affected by deferred adjudication are youths who commit a once only offense. According to Criminal Justice Policy Council statistics, in deferred adjudication cases, over 72 % of defendants are never arrested again after successfully completing the terms of their community supervision/probation. We should also remove the horrendous consequences for violating the terms of Deferred Adjudication. Instead of automatically sending an individual to rot in prison, A court proceeding should be set aside to see if the violation merits prison. Also, if it does then he should be brought before a judge one more time and assigned a proper punishment for his crime. Otherwise an individual who stole a pack of gum from a store, who plead nolo contentre to a felony deferred adjudication will be given 20 years of prison if he violates probation. Once an individual goes to prison we have failed as a society. Once an individual is indoctrinated into the prison system, upon their release they will not be scared of prison, and it is removing the fear of prison time that breads crime. Keeping people who do not merit prison, out of prison, should be the number one priority for the government of Texas.

If nothing is done then the state of Texas will unwittingly continue creating a new underclass of citizens who are unable to find gainful employment, and who are experiencing a wide array of discrimination including (1) being denied apartment housing (2) being denied the opportunity to participate in their child's after-school extra curricular activities (3) being denied certain types of vocational/occupational licenses (4) being denied insurance coverage, etc, etc. Deferred Adjudication is not considered a conviction, but according to current employment form applications, a person who successfully completes their deferred adjudication is still disqualified from being able to obtain employment, housing, insurance, and jobs. I believe that these obstacles imposed on people are wrong and they need to be fixed. The people who would benefit from this bill are good citizens already contributing to their communities whose only desire is to remain law-abiding, hard working people.

Please offer legislation for further deferred adjudication reform legislation.
Thanks, (Please Print Name below, address optional)

(Sign name)

X _____

Thank you for your support!

Mail this letter to your State Representative.
Find out who that is at the Texas rep. website at:
<http://www.house.state.tx.us/members/welcome.htm>
Or if not sure who that is mail to:
Representative Jessica Farrar
P.O. Box 30099
Houston, TX 77249
(713) 691-6912