



# HB 5433/SB 696

## FACT SHEET

April 2025

### OVERVIEW

The proposed piece of legislation prevents consumer reporting agencies (CRAs) from reporting criminal history information that did not lead to a conviction or deferred adjudication (e.g., arrest, charge, or indictment).

The bill amends parts of the Business and Commerce Code to remove the language allowing arrests and indictments to be reported within the seven-year look-back period. It also adds to the list of prohibited items on a consumer report records of arrests, charges, or indictments for alleged crimes that never resulted in a conviction or grant of deferred adjudication.

### RESEARCH SUPPORTING POLICY CHANGE

More than 9 million people in Texas have a criminal legal record.<sup>1</sup> This is a concerning proliferation from the 4.7 million Texans with a criminal legal record in 2013, exemplifying the pervasive impact of law enforcement making over 1 million arrests annually statewide.<sup>2</sup> **Minor convictions that took place decades ago, and even arrests that did not result in conviction, are included in one's record.** Thus, even when someone is legally innocent of a crime, they could have criminal history information published on a consumer report.

State law currently permits individuals who have been acquitted of their charges or have had their charges dismissed to have their records expunged. Thus, the state has already recognized the importance of not including an arrest or non-conviction on someone's record. **Over 4 million individuals are currently eligible for expunction across the state**, largely stemming from cases that have been dismissed by a judge.<sup>3</sup> Amongst all individuals eligible for record relief, the average length of time since one's arrest is over 15 years, and the average length of time since one's eligibility began is over 12 years. That is millions of people whom the state could have spared the consequences of a record for in the first place.

The impact of a criminal legal record extends far beyond what might seem immediately apparent. Housing, employment, and education are three critical pillars for reintegration into society and long-term success. Nearly 9 out of 10 employers, 4 out of 5 landlords, and 3 out of 5 colleges rely on background checks when screening applicants.<sup>4</sup> Additionally, almost 40 percent of schools do not admit students who have not completed their term of community supervision which creates another obstacle to upward mobility.<sup>5</sup>

More than **9 million** people in Texas have a criminal legal record



3 in 5 colleges



4 in 5 landlords



9 in 10 employers

use background checks to screen for applicants' records

Texans from all backgrounds understand the difficulties associated with having a criminal legal record and overwhelmingly support initiatives that promote positive reentry. Seven in ten Texans say that denying people opportunities for housing, education, and employment hinders their reintegration efforts.<sup>6</sup> Moreover, two-thirds of registered voters in Texas agree that the state should take action to remove these barriers to reentry.<sup>7</sup>

By only selling the criminal legal records of arrests leading to convictions, the state of Texas can drastically reduce inaccuracies and outdated information in an individual's criminal history.

## RECOMMENDATION

Texas Appleseed recommends that the Texas Legislature vote to remove the barriers to successful social integration for individuals who have not been convicted of a crime by limiting the records accessed by consumer reporting agencies to criminal legal records that only involve convictions. Benefits of doing so include:

- ✓ **Increasing access to stable jobs, housing, and higher education opportunities.**
- ✓ **Promoting economic growth across Texas communities and the state as a whole.**
- ✓ **Supporting ongoing efforts to reduce recidivism.**

## REFERENCES & ENDNOTES

<sup>1</sup> *Electronic communication with the Texas Department of Public Safety* (March 31, 2022). Note: Per DPS representative H. Morris, 9,083,237 “unique individuals” have some sort of criminal record in the state’s system. This includes arrests through convictions.

<sup>2</sup> Gaebler, H. (2013). criminal records in the digital age: A review of current practices and recommendations for reform in Texas. *William Wayne Justice Center for Public Interest Law*. [https://www.reentryroundtable.org/wp-content/uploads/2013/10/criminalrecords\\_report1.pdf](https://www.reentryroundtable.org/wp-content/uploads/2013/10/criminalrecords_report1.pdf)

<sup>3</sup> Texas Appleseed and January Advisors (2023). [Unpublished raw data on all records in the Computerized Criminal History database]. Texas Department of Public Safety.

<sup>4</sup> Lo, K. (2020). Expunging and sealing criminal records: How jurisdictions can expand access to second chances. *Center for American Progress*. [https://www.americanprogress.org/wpcontent/uploads/2020/04/04-23\\_Expunging-and-Sealing.pdf](https://www.americanprogress.org/wpcontent/uploads/2020/04/04-23_Expunging-and-Sealing.pdf).

<sup>5</sup> Center for Community Alternatives. (n.d.). The use of criminal history records in college admissions: Reconsidered. *Prison Policy*. [https://www.prisonpolicy.org/scans/communityalternatives/reconsidered\\_criminal\\_hist\\_recs\\_in\\_college\\_admissions.pdf](https://www.prisonpolicy.org/scans/communityalternatives/reconsidered_criminal_hist_recs_in_college_admissions.pdf).

<sup>6</sup> Change Research & WPAi (November 2022). *Texans’ support for change*. Clean Slate Texas. <https://www.cleanslatetexas.org/texans-support-for-change>.

<sup>7</sup> *Ibid.*



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