

By: Anchía

H.B. No. 1907

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the procedures for the expunction of arrest records and  
3 files for persons who complete certain court programs or pretrial  
4 intervention programs.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 1a(a-1) and (a-2), Article 55.02, Code  
7 of Criminal Procedure, are redesignated as Section 1b, Article  
8 55.02, Code of Criminal Procedure, and amended to read as follows:

9 Sec. 1b. (a) [(a-1)] A trial court dismissing a case  
10 following a person's successful completion of a veterans treatment  
11 court program created under Chapter 124, Government Code, or former  
12 law, if the trial court is a district court, or a district court in  
13 the county in which the trial court is located shall [~~may, with the~~  
14 ~~consent of the attorney representing the state,~~] enter an order of  
15 expunction for a person entitled to expunction under Article  
16 55.01(a)(2)(A)(ii)(a) not later than the 30th day after the date  
17 the court dismisses the case or receives the information regarding  
18 that dismissal, as applicable. [~~Notwithstanding any other law, a~~  
19 ~~court that enters an order for expunction under this subsection may~~  
20 ~~not charge any fee or assess any cost for the expunction.~~]

21 (b) [(a-2)] A trial court dismissing a case following a  
22 person's successful completion of a mental health court program  
23 created under Chapter 125, Government Code, or former law, if the  
24 trial court is a district court, or a district court in the county

1 in which the trial court is located shall [~~may, with the consent of~~  
2 ~~the attorney representing the state,~~] enter an order of expunction  
3 for a person entitled to expunction under Article  
4 55.01(a)(2)(A)(ii)(b) not later than the 30th day after the date  
5 the court dismisses the case or receives the information regarding  
6 that dismissal, as applicable. [~~Notwithstanding any other law, a~~  
7 ~~court that enters an order for expunction under this subsection may~~  
8 ~~not charge any fee or assess any cost for the expunction.~~]

9 SECTION 2. Section 1b, Article 55.02, Code of Criminal  
10 Procedure, as added by this Act, is amended by adding Subsections  
11 (c), (d), and (e) to read as follows:

12 (c) This subsection applies only to a pretrial intervention  
13 program authorized under Section 76.011, Government Code, other  
14 than a program described by Subsection (a) or (b) of this section.  
15 A trial court dismissing a case following a person's successful  
16 completion of a program to which this subsection applies, if the  
17 trial court dismissing the case is a district court, or a district  
18 court in the county in which the trial court is located shall enter  
19 an order of expunction for a person entitled to expunction under  
20 Article 55.01(a)(2)(A)(ii)(c) not later than the 30th day after the  
21 date the court dismisses the case or receives the information  
22 regarding that dismissal, as applicable.

23 (d) The person for whom a court is required to enter an order  
24 of expunction under Subsection (a), (b), or (c), as applicable,  
25 shall provide to the attorney representing the state all of the  
26 information required in a petition for expunction under Section  
27 2(b). The attorney representing the state shall prepare an

1 expunction order under this section for the court's signature.

2 (e) Notwithstanding any other law, a court that enters an  
3 order for expunction under this section may not charge any fee or  
4 assess any cost for the expunction.

5 SECTION 3. Section 5, Article 55.02, Code of Criminal  
6 Procedure, is amended by adding Subsection (h) to read as follows:

7 (h) Notwithstanding any other provision of this section, a  
8 community supervision and corrections department established under  
9 Chapter 76, Government Code, or an office of an attorney  
10 representing the state, in possession of records and files subject  
11 to an expunction order based on an entitlement under Article  
12 55.01(a)(2)(A)(ii)(a), (b), or (c) may retain and use those records  
13 and files only for the purpose of developing and operating pretrial  
14 intervention programs in a judicial district served by the  
15 department or office.

16 SECTION 4. Article 102.006(b-1), Code of Criminal  
17 Procedure, is amended to read as follows:

18 (b-1) The fees under Subsection (a) shall be waived if the  
19 petitioner is entitled to expunction:

20 (1) under Article 55.01(a)(2)(A)(ii)(a) after  
21 successful completion of a veterans treatment court program created  
22 under Chapter 124, Government Code, or former law; ~~or~~

23 (2) under Article 55.01(a)(2)(A)(ii)(b) after  
24 successful completion of a mental health court program created  
25 under Chapter 125, Government Code, or former law; or

26 (3) under Article 55.01(a)(2)(A)(ii)(c) after  
27 successful completion of a pretrial intervention program

1 authorized under Section 76.011, Government Code.

2 SECTION 5. (a) Except as provided by Subsection (b) of  
3 this section and subject to Subsection (c) of this section, this Act  
4 applies, regardless of when the underlying arrest occurred, to the  
5 expunction of arrest records and files for a person who  
6 successfully completes any of the following programs before, on, or  
7 after the effective date of this Act:

8 (1) a veterans treatment court program under Chapter  
9 124, Government Code, or former law;

10 (2) a mental health court program under Chapter 125,  
11 Government Code, or former law; or

12 (3) a pretrial intervention program authorized under  
13 Section 76.011, Government Code.

14 (b) The change in law made by this Act to Article 102.006,  
15 Code of Criminal Procedure, applies to the fees charged or costs  
16 assessed for an expunction order entered on or after the effective  
17 date of this Act, regardless of whether the underlying arrest  
18 occurred before, on, or after the effective date of this Act.

19 (c) For a person who is entitled to expunction under Article  
20 55.01(a)(2)(A)(ii)(a), (b), or (c), Code of Criminal Procedure,  
21 based on a successful completion of a program described by  
22 Subsection (a) of this section before the effective date of this  
23 Act, notwithstanding the 30-day time limit provided for the court  
24 to enter an automatic order of expunction under Section 1b, Article  
25 55.02, Code of Criminal Procedure, as added by this Act, the court  
26 shall enter the required order of expunction for the person as soon  
27 as practicable after the court receives written notice from any

H.B. No. 1907

1 party to the case about the person's entitlement to the expunction.

2 SECTION 6. This Act takes effect September 1, 2023.