

By: Hughes, Miles

S.B. No. 1725

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.

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

SECTION 1. The heading to Section 106.12, Alcoholic Beverage Code, is amended to read as follows:

Sec. 106.12. EXPUNCTION OF CONVICTION OR ARREST RECORDS OF A MINOR.

SECTION 2. Section 106.12, Alcoholic Beverage Code, is amended by amending Subsections (c), (d), (e), and (f) to read as follows:

(c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, prosecutorial and law enforcement records, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

(d) Any person placed under a custodial or noncustodial arrest for not more than one incident in violation of this code while a minor and who was not convicted of the violation may apply to the court in which the person was charged to have the records of the arrest expunged. The application must contain the applicant's

1 sworn statement that the applicant was not arrested for an event
2 leading to a violation of this code other than the arrest the
3 applicant seeks to expunge. If the court finds the applicant was
4 not arrested for any other event leading to a violation of this code
5 while a minor, the court shall order all complaints, verdicts,
6 prosecutorial and law enforcement records, and other documents
7 relating to the violation to be expunged from the applicant's
8 record. If the event leading to a violation of this code included
9 multiple violations during this event all violations from this
10 event are eligible for expungement.

11 (e) The court shall charge an applicant a [~~reimbursement~~]
12 fee in the amount of \$30 for each application for expunction filed
13 under this section to defray the cost of notifying state agencies of
14 orders of expunction under this section.

15 (f) The procedures for expunction provided under this
16 section are separate and distinct from the expunction procedures
17 under Chapter 55, Code of Criminal Procedure.

18 SECTION 3. The change in law made by this Act to Section
19 106.12, Alcoholic Beverage Code, applies to the expunction of
20 records of a conviction or arrest made before, on, or after the
21 effective date of this Act.

22 SECTION 4. This Act takes effect September 1, 2023.