

1-1 By: Keel (Senate Sponsor - Whitmire) H.B. No. 171
1-2 (In the Senate - Received from the House April 2, 2003;
1-3 April 7, 2003, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2003, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a district court to order the
1-9 expunction of arrest records and files for certain persons.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1, Article 55.02, Code of Criminal
1-12 Procedure, is amended to read as follows:

1-13 Sec. 1. At the request of the defendant and after notice to
1-14 the state [~~and a hearing~~], the trial court presiding over the case
1-15 in which the defendant was acquitted, if the trial court is a
1-16 district court, or a district court in the county in which the trial
1-17 court is located shall enter an order of expunction for a person
1-18 entitled to expunction under Article 55.01(a)(1)(A) not later than
1-19 the 30th day after the date of the acquittal. Upon acquittal, the
1-20 trial court shall advise the defendant of the right to expunction.
1-21 The defendant shall provide to the district court all of the
1-22 information required in a petition for expunction under Section
1-23 2(b). The attorney for the defendant in the case in which the
1-24 defendant was acquitted, if the defendant was represented by
1-25 counsel, or the attorney for the state, if the defendant was not
1-26 represented by counsel, shall prepare the order for the court's
1-27 signature.

1-28 SECTION 2. Sections 3(a) and (b), Article 55.02, Code of
1-29 Criminal Procedure, are amended to read as follows:

1-30 (a) In an order of expunction issued under this article, the
1-31 [~~trial~~] court shall require any state agency that sent information
1-32 concerning the arrest to a central federal depository to request
1-33 the [~~such~~] depository to return all records and files subject to the
1-34 order of expunction. The person who is the subject of the
1-35 expunction order or an agency protesting the expunction may appeal
1-36 the court's decision in the same manner as in other civil cases.

1-37 (b) The order of expunction entered by the [~~trial~~] court
1-38 shall have attached and incorporate by reference a copy of the
1-39 judgment of acquittal and shall include:

1-40 (1) the following information on the person who is the
1-41 subject of the expunction order:

- 1-42 (A) full name;
- 1-43 (B) sex;
- 1-44 (C) race;
- 1-45 (D) date of birth;
- 1-46 (E) driver's license number; and
- 1-47 (F) social security number;

1-48 (2) the offense charged against the person who is the
1-49 subject of the expunction order;

1-50 (3) the date the person who is the subject of the
1-51 expunction order was arrested;

1-52 (4) the case number and court of offense; and

1-53 (5) the tracking incident number (TRN) assigned to the
1-54 individual incident of arrest under Article 60.07(b)(1) by the
1-55 Department of Public Safety.

1-56 SECTION 3. This Act takes effect September 1, 2003, and
1-57 applies only to a request for expunction made on or after that date.

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