

AN ACT

relating to the destruction of records following certain expunctions.

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

SECTION 1. Section 5, Article 55.02, Code of Criminal Procedure, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except in the case of a person who is the subject of an expunction order on the basis of an acquittal or an expunction order based on an entitlement under Article 55.01(d), the clerk of the court shall destroy all the files or other records maintained under Subsection (c) not earlier than the 60th day after ~~[of this section on the first anniversary of]~~ the date the order of expunction is issued or later than the first anniversary of that date unless the records or files were released under Subsection (b) ~~[of this section]~~.

(d-1) Not later than the 30th day before the date on which the clerk destroys files or other records under Subsection (d), the clerk shall provide notice by mail, electronic mail, or facsimile transmission to the attorney representing the state in the expunction proceeding. If the attorney representing the state in the expunction proceeding objects to the destruction not later than the 20th day after receiving notice under this subsection, the clerk may not destroy the files or other records until the first

1 anniversary of the date the order of expunction is issued or the
2 first business day after that date.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 2725 was passed by the House on May 9, 2003, by the following vote: Yeas 133, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2725 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor