

By: Talton

H.B. No. 2725

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the destruction of records following certain
3 expunctions.

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

5 SECTION 1. Section 5(d), Article 55.02, Code of Criminal
6 Procedure, is amended to read as follows:

7 (d) Except in the case of a person who is the subject of an
8 expunction order on the basis of an acquittal or an expunction order
9 based on an entitlement under Article 55.01(d), the clerk of the
10 court shall destroy all the files or other records maintained under
11 Subsection (c) of this section not later than ~~on~~ the first
12 anniversary of the date the order of expunction is issued unless the
13 records or files were released under Subsection (b) of this
14 section.

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