

By: Rodriguez

H.B. No. 3299

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of misdemeanor arrest records and files.

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

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e)(1) A district court shall expunge under the procedure established under Article 55.02 all records and files relating to the arrest of a person for the commission of a misdemeanor if the person:

(A) committed the offense not less than 10 years before filing a petition for expunction with respect to the offense;

(B) has not been convicted of or placed on deferred adjudication community supervision for a felony or Class A or Class B misdemeanor, other than the offense that is the subject of the petition; and

(C) is not subject to pending charges for a felony or a Class A or Class B misdemeanor at the time of filing the petition.

(2) This subsection applies only to a defendant not otherwise entitled to expunction under Subsection (a) or (b).

SECTION 2. The change in law made by this Act applies to a defendant seeking expunction of records relating to an arrest regardless of whether the arrest occurred before, on, or after the

1 effective date of this Act.

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