A BILL TO BE ENTITLED

1         AN ACT

2    relating to the expunction of certain arrest records and files.

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

4         SECTION 1.   Article 55.01, Code of Criminal Procedure, is

5    amended by adding Subsection (e) to read as follows:

6         (e)(1)  A district court shall expunge under the procedure

7    established under Article 55.02 all records and files relating to

8    the arrest of a person for the commission of an offense punishable

9    as a misdemeanor, other than a misdemeanor described by Subdivision

10   (2), if the person:

11                  (A)  committed the offense when the person was

12   younger than 21 years of age;

13                  (B)  was  placed  on  deferred  adjudication

14   community supervision under Section 5, Article 42.12, for that

15   offense;

16                  (C)  subsequently received, at least five years

17   before filing a petition under Article 55.02, a dismissal and

18   discharge under Section 5(c), Article 42.12, with respect to that

19   offense;

20                  (D)  has not been convicted of or placed on

21   deferred adjudication community supervision for a felony or Class A

22   or Class B misdemeanor, other than the offense that is the subject

23   of the petition; and

24                  (E)  is not subject to pending charges for a

1   felony or a Class A or Class B misdemeanor at the time of filing the

2   petition.

3            (2)  This subsection does not apply to a misdemeanor

4   under Section 22.01, Penal Code, committed against a member of the

5   person's family or household.

6           SECTION 2.  The change in law made by this Act applies to a

7   defendant seeking expunction of records relating to an arrest

8   regardless of whether the arrest occurred before, on, or after the

9   effective date of this Act.

10         SECTION 3.  This Act takes effect immediately if it receives

11   a vote of two-thirds of all the members elected to each house, as

12   provided by Section 39, Article III, Texas Constitution.  If this

13   Act does not receive the vote necessary for immediate effect, this

14   Act takes effect September 1, 2003.