

By: Armbrister

S.B. No. 987

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of certain 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) 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 an offense punishable as a misdemeanor if the person:

(1) committed the offense when the person was younger than 21 years of age;

(2) was placed on deferred adjudication community supervision under Section 5, Article 42.12, for that offense;

(3) subsequently received, at least five years before filing a petition under Article 55.02, a dismissal and discharge under Section 5(c), Article 42.12, with respect to that offense;

(4) 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

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

SECTION 2. The change in law made by this Act applies to a defendant seeking expunction of records relating to an arrest

1 regardless of whether the arrest occurred before, on, or after the
2 effective date of this Act.

3 SECTION 3. 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.