

1-1 By: Armbrister S.B. No. 987
1-2 (In the Senate - Filed March 7, 2003; March 13, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 29, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 29, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 987 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the expunction of certain arrest records and files.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 55.01, Code of Criminal Procedure, is
1-13 amended by adding Subsection (e) to read as follows:

1-14 (e)(1) A district court shall expunge under the procedure
1-15 established under Article 55.02 all records and files relating to
1-16 the arrest of a person for the commission of an offense punishable
1-17 as a misdemeanor, other than a misdemeanor described by Subdivision
1-18 (2), if the person:

1-19 (A) committed the offense when the person was
1-20 younger than 21 years of age;

1-21 (B) was placed on deferred adjudication
1-22 community supervision under Section 5, Article 42.12, for that
1-23 offense;

1-24 (C) subsequently received, at least five years
1-25 before filing a petition under Article 55.02, a dismissal and
1-26 discharge under Section 5(c), Article 42.12, with respect to that
1-27 offense;

1-28 (D) has not been convicted of or placed on
1-29 deferred adjudication community supervision for a felony or Class A
1-30 or Class B misdemeanor, other than the offense that is the subject
1-31 of the petition; and

1-32 (E) is not subject to pending charges for a
1-33 felony or a Class A or Class B misdemeanor at the time of filing the
1-34 petition.

1-35 (2) This subsection does not apply to a misdemeanor
1-36 under Section 22.01, Penal Code, committed against a member of the
1-37 person's family or household.

1-38 SECTION 2. The change in law made by this Act applies to a
1-39 defendant seeking expunction of records relating to an arrest
1-40 regardless of whether the arrest occurred before, on, or after the
1-41 effective date of this Act.

1-42 SECTION 3. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2003.

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