

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 24, 2003

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1477 by West (Relating to the expunction of criminal records and to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure, Article 55 relating to the expunction of criminal records and to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication. The bill would provide that any person who has been placed under a custodial or noncustodial arrest for certain criminal offenses, other than a Class C misdemeanor, may have their criminal records expunged, provided certain conditions are met.

The bill would amend Government Code, Chapter 411 by adding provisions for expunction of records for persons who receive community supervision or deferred adjudication. The bill would amend Government Code, Chapter 552 by providing an exception to public information requirements under Article 552.021, Government Code, for information which relates to an arrest and prosecution of an offense for which a person is placed on deferred adjudication community supervision, provided certain conditions are met.

This estimate assumes to the extent the bill provides for additional categories of persons eligible for the expunction of criminal records and to the extent the bill requires additional duties of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication, the fiscal implication is not anticipated to be significant. The Department of Public Safety has indicated possible costs from the implementation of the bill; however, to the extent the agency may handle additional petitions for expunctions or records maintenance each year, the possible costs are not anticipated to be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. To the extent that local courts or law enforcement agencies may handle additional petitions for expunctions or records maintenance each year, the possible costs are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 407 Commission on Law Enforcement Officer Standards and Education, 665 Juvenile Probation Commission, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

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