

## **BILL ANALYSIS**

H.B. 413  
By: Turner  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Code of Criminal Procedure currently specifies that the court shall give reasonable notice of a hearing to consider a petition for expunction under Article 55.02, Section (2)(c) to each official or agency or other entity named in the petition by certified mail, return receipt requested. Also, notice of an order of expunction shall be sent by the clerk of the court by certified mail, return receipt requested, to the Crime Records Service of the Department of Public Safety and by hand delivery or certified mail to each official agency or other entity of this state or of any political subdivision of this state designated by the person who is the subject of the order Article 55.02, Section (3)(c). For 2002- 443 expunctions were filed, 2003-615 and 531 as of October 1 in Harris County.

Currently, Section 411.081(g) of the Texas Government Code specifies that when an order of non-disclosure is issued, the clerk of court shall send a copy of the order by certified mail, return receipt requested to the Crime Records Service of the Department of Public Safety. As of October 1, 2004 Harris County averages 75 (900 per year) applications for non-disclosure per month. To date 575 applications for non-disclosure have been approved. The applications increase each month. Each notice by certified mail costs \$3.80 per letter.

H.B. 413 will amend the Code of Criminal Procedure to permit notices of hearing for an expunction and the final order of expunction to be sent by secure electronic mail or facsimile transmission to agencies and other parties. HB 413 will also permit final orders of non-disclosure to be sent by secure electronic mail or facsimile transmission. With these provisions, members of the public should have their records closed sooner with notice of non-disclosure being sent to the Crime Records Service by secure electronic mail or facsimile transmission.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 413 amends Articles 55.02, Section (2) and 55.02, Section (3) to allow notices of expunction hearings and the final order of expunction to be sent by secure electronic mail or facsimile transmission. Providing notices and the final order by secure electronic mail should allow notices to be received within minutes versus days. For the public this means records may be sealed sooner. For agencies it means more time is provided for planning to attend hearings.

H.B. 413 amends Government Code 411.081, to permit the final order of non disclosure to be sent by secure electronic mail or facsimile transmission. With these provisions, Harris County alone should save thousands of dollars in postage and man hours.

### **EFFECTIVE DATE**

September 1, 2005.