

BILL ANALYSIS

H.B. 1082
By: Driver
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a minor convicted of certain status offenses may have that conviction expunged upon application to the court, as long as only one offense was committed while the applicant was still a minor. At the present time, courts bear the costs related to the expungement, which includes postage required to send court orders by certified mail to relevant entities, whether governmental or non-governmental.

House Bill 1082 necessitates the court to require an applicant to pay court costs sufficient to cover the costs associated with the expungement.

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

- Section 1.** Amends Section 106.12 of the Alcoholic Beverage Code by adding Subsection (d) to provide that the court require an applicant for expungement of an offense committed while a minor, to pay a fee in an amount sufficient to cover the costs of the expungement.
- Section 2.** Amends Section 161.255 of the Health and Safety Code by adding Subsection (b) which would postulate the court to require that an applicant for expungement of an offense committed while a minor, to pay a fee in an amount sufficient to cover the costs of the expungement.
- Section 3.** Amends Section 103.021 of the Government Code by adding Subsection (39)(A) and (B) to provide that a fee be paid on applications for expungement, including actual costs of the expungement for an alcohol or tobacco-related offense committed by a minor.
- Section 4.** This Act applies only to an application for expungement filed with a court on or after September 1, 2005. An application for expungement filed before September 1, 2005, is governed by the law in effect when the application is filed, and the former law is continued in effect for that purpose.
- Section 5.** This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.