

BILL ANALYSIS

Senate Research Center

S.B. 1426
By: Gallegos
Jurisprudence
7/6/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

S.B. 1426 states that a juvenile who desires to have his or her criminal record expunged will have to pay a \$30 fee to defray the cost of notifying state agencies of orders of expungement. Otherwise, the court and Texas taxpayers have to pay the cost of sending out notices.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 106.12, Alcoholic Beverage Code, by adding Subsection (d) to require the court to charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

SECTION 2. Amends Article 45.0216(i), Code of Criminal Procedure, to require the justice or municipal court to require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article, rather than to pay any fee or court costs. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Article 45.055(d), Code of Criminal Procedure, to make conforming and nonsubstantive changes. Deletes existing text relating to court costs for seeking expunction.

SECTION 4. Amends Article 102.006, Code of Criminal Procedure, as follows:

Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. Requires, in addition to any other fees required by other law, a petitioner seeking expunction of a criminal record to pay certain fees. Makes a nonsubstantive change.

SECTION 5. Amends Section 161.255, Health and Safety Code, as follows:

Sec. 161.255. EXPUNGEMENT OF CONVICTION. (a) Subsection created from existing text.

(b) Requires the court to charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

SECTION 6. Amends Section 103.021, Government Code, as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES. Includes specific court fees relating to orders of expungement in the list of fees an accused or defendant is required to pay.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2005.