

By: Keel, Casteel, Hupp, Hodge, Talton,
et al.

H.B. No. 269

A BILL TO BE ENTITLED

AN ACT

relating to the effect of an expunction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 55.03, Code of Criminal Procedure, is amended to read as follows:

Art. 55.03. EFFECT OF EXPUNCTION. When the order of expunction is final:

(1) the release, dissemination, or use of the expunged records and files for any purpose [~~other than a purpose described by Section 411.083(a) or (b)(1), (2), or (3), Government Code,~~] is prohibited;

(2) except as provided in Subdivision (3) [~~3~~] of this article, the person arrested may deny the occurrence of the arrest and the existence of the expunction order; and

(3) the person arrested or any other person, when questioned under oath in a criminal proceeding about an arrest for which the records have been expunged, may state only that the matter in question has been expunged.

SECTION 2. The change in law made by this Act applies to any records and files relating to an arrest that are the subject of an order of expunction under Chapter 55, Code of Criminal Procedure, regardless of whether the order is entered before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.