

By: Hodge

H.B. No. 2664

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of certain misdemeanor arrest records and files.

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

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person not otherwise entitled to expunction under Subsection (a) is entitled to have all records and files relating to the arrest of the person for the commission of a Class C misdemeanor expunged if the person:

(1) committed the Class C misdemeanor not less than five years before filing a petition for expunction with respect to the offense;

(2) has not been convicted of or placed on deferred adjudication community supervision for any other offense after the date on which the Class C misdemeanor was committed; and

(3) is not subject to pending charges for any other offense at the time of filing the petition.

SECTION 2. Section 2(a), Article 55.02, Code of Criminal Procedure, as amended by Section 2, Chapter 339, and Section 2, Chapter 1236, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) A person who is entitled to expunction of records and files under Article 55.01(a) or (a-1) or a person who is eligible

1 for expunction of records and files under Article 55.01(b) may file
2 an ex parte petition for expunction in a district court for the
3 county in which:

4 (1) the petitioner was arrested; or

5 (2) the offense was alleged to have occurred.

6 SECTION 3. The change in law made by this Act applies to a
7 defendant seeking expunction of records relating to an arrest
8 regardless of whether the arrest occurred before, on, or after the
9 effective date of this Act.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.