

By: West

S.B. No. 166

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, maintenance, 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 Department of Public Safety of the State of Texas shall as soon as practicable take action as necessary to ensure compliance with Subdivision (1), Article 55.03, Code of Criminal Procedure, as amended by this Act, including the destruction of information that has been maintained by the department solely to enable the department to comply with

1 Subdivision (1), Article 55.03, Code of Criminal Procedure, as that
2 law existed immediately before the effective date of this Act.

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