

1-1 By: West S.B. No. 166  
1-2 (In the Senate - Filed January 10, 2005; February 1, 2005,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 31, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; March 31, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 166 By: Seliger

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the effect of an expunction.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 55.03, Code of Criminal Procedure, is  
1-13 amended to read as follows:

1-14 Art. 55.03. EFFECT OF EXPUNCTION. When the order of  
1-15 expunction is final:

1-16 (1) the release, maintenance, dissemination, or use of  
1-17 the expunged records and files for any purpose [~~other than a purpose~~  
1-18 ~~described by Section 411.083(a) or (b)(1), (2), or (3), Government~~  
1-19 ~~Code,~~] is prohibited;

1-20 (2) except as provided in Subdivision (3) [~~3~~] of this  
1-21 article, the person arrested may deny the occurrence of the arrest  
1-22 and the existence of the expunction order; and

1-23 (3) the person arrested or any other person, when  
1-24 questioned under oath in a criminal proceeding about an arrest for  
1-25 which the records have been expunged, may state only that the matter  
1-26 in question has been expunged.

1-27 SECTION 2. The Department of Public Safety of the State of  
1-28 Texas shall as soon as practicable take action as necessary to  
1-29 ensure compliance with Subdivision (1), Article 55.03, Code of  
1-30 Criminal Procedure, as amended by this Act, including the  
1-31 destruction of information that has been maintained by the  
1-32 department solely to enable the department to comply with  
1-33 Subdivision (1), Article 55.03, Code of Criminal Procedure, as that  
1-34 law existed immediately before the effective date of this Act.

1-35 SECTION 3. This Act takes effect immediately if it receives  
1-36 a vote of two-thirds of all the members elected to each house, as  
1-37 provided by Section 39, Article III, Texas Constitution. If this  
1-38 Act does not receive the vote necessary for immediate effect, this  
1-39 Act takes effect September 1, 2005.

1-40 \* \* \* \* \*