

By: Gallegos

S.B. No. 1783

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the consequences of a prosecution or conviction of an
3 offense in justice or municipal court and to the disposition of
4 certain records relating to those prosecutions and convictions.

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

6 SECTION 1. Section 12.03, Penal Code, is amended by adding
7 Subsection (d) to read as follows:

8 (d)(1) Notwithstanding any other law, after the fifth
9 anniversary of the date of final disposition of the matter, a person
10 is released from any legal disability or disadvantage resulting
11 from the prosecution or conviction of an offense in a justice or
12 municipal court. This subdivision does not apply to an offense that
13 involves an act of theft or moral turpitude.

14 (2) A justice or municipal court maintaining a record
15 relating to the prosecution and final disposition of a matter with
16 respect to which a person is released from any legal disability or
17 disadvantage under Subdivision (1) may not release information
18 contained in the record and shall take action as necessary to
19 destroy the record, regardless of whether the record is maintained
20 electronically or otherwise.

21 (3) For purposes of this subsection, "final
22 disposition" means a judgement of acquittal, a judgement of
23 conviction that has been satisfied, or an order of dismissal.

24 SECTION 2. The change in the law made by this Act applies to

1 the release from a legal disability or disadvantage arising from
2 the commission of an offense, regardless of whether the offense is
3 committed before, on, or after the effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2005.