

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 24, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB166** by West, Royce (Relating to the effect of an expunction.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to prohibit the release, dissemination, or use of expunged records and files for any purpose upon a final order of expunction. Current law allows the Department of Public Safety (DPS) to disseminate criminal history records subject to an expunction order to criminal justice agencies, authorized noncriminal justice agencies, and the person who is the subject of the expunction order. The bill also instructs DPS to take action as soon as practicable to ensure compliance with the prohibition of any release of information under the bill. This would include the destruction of any information that was maintained by DPS solely to comply with current law. The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. If the bill does not receive the necessary vote, it takes effect September 1, 2005.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, VDS, SJ