

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 30, 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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit the release, maintenance, 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 the requisite two-thirds vote in each house; otherwise, it would take 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