

## **BILL ANALYSIS**

C.S.H.B. 800  
By: Dutton  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

While many people have accepted a conviction on deferred adjudication, they generally do so with the expectation that the offense will not affect their permanent record. However, as the law currently stands, a deferred adjudication remains on a permanent criminal record unless the person has petitioned the court for an order of nondisclosure of certain criminal records.

Nevertheless, under current Texas law, a person who has been arrested for an offense, and either the indictment has been dismissed or the person has been acquitted or subsequently pardoned may have those records relating to the arrest expunged.

C.S.H.B. 800 simply extends expunction to a person who has successfully completed deferred adjudication community supervision and who has subsequently been discharged with their conviction dismissed, however this bill will not be applicable to those offenses that are listed under Sections 19.02, 19.03, 20.04, 21.11, 22.011, 22.02, 22.021, and 22.04 of the Penal Code.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Committee Substitute to House Bill 800 amends Article 55.01(b) of the Code of Criminal Procedure by providing that a district court may expunge all records and files relating to the arrest of a person if the person was placed on deferred adjudication community supervision for the offense, was discharged, and the conviction dismissed unless the person was placed on deferred adjudication for an offense under Sections 19.02, 19.03, 20.04, 21.11, 22.011, 22.02, 22.021, or 22.04 of the Penal Code.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 800 modifies the original H.B. 800 by providing that an expunction would not apply to offenses such as murder, capital murder, aggravated kidnapping, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, and injury to a child, elderly individual or disabled individual.