

BILL ANALYSIS

S.B. 665
By: Uresti
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law allows for the expunction of the record of an offense committed by a minor under Section 106.12, Alcoholic Beverage Code, when the person reaches the age of 21. Many times when a person is applying for a first-time job or for admission in a school such an offense will appear on his or her record.

S.B. 665 will allow a person convicted of a certain violations of the Alcoholic Beverage Code while a minor to apply to the court in which the person was convicted to have the conviction expunged if at least one year has elapsed since the date of the offense; the person has attained the age of 19 years; and the person has not been convicted of a violation of this code other than the conviction for which the person seeks expunction.

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

SECTION 1. Amends Section 106.12, Alcoholic Beverage Code, as follows:

Sec. 106.12. New heading: EXPUNCTION OF CONVICTION OF A MINOR. (a) Authorizes any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, to apply to the court in which the applicant was convicted to have the conviction expunged.

(a-1) Authorizes a person convicted of a violation of Section 106.02, 106.025, 106.04, or 106.05 of the Alcoholic Beverage Code, while a minor to apply to the court in which the person was convicted to have the conviction expunged if:

(1) at least one year has elapsed since the date of the offense;
(2) the person has attained the age of 19 years; and
(3) the person has not been convicted of a violation of this code other than the conviction for which the person seeks expunction.

(b) Requires an application under Subsection (a) to contain the applicant's sworn statement that the applicant was not convicted of any violation of this code while a minor other than the one the applicant seeks to have expunged. Requires an application under Subsection (a-1) to contain the applicant's sworn statement that the applicant was not convicted of any violation of this code other than the one the applicant seeks to have expunged.

(c) Requires the court to order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record if the court finds that an applicant under Subsection (a) was not convicted of any other violation of this code while the applicant was a minor or that an applicant under Subsection (a-1) was not convicted of any other violation of this code.

(d) Requires the court to charge an applicant a fee of \$30 for an application, rather than each application, for expunction, rather than expungement, filed under this section to defray the cost of notifying state agencies of orders of expunction under this section.

SECTION 2. Provides that the change in law made by this Act applies only to an application for expunction filed on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.