

## **BILL ANALYSIS**

H.B. 2002  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recently there was a case in which a man was wrongfully charged and imprisoned for rape. After suffering from medical problems, he died in prison. DNA evidence later proved his innocence, and his family is now seeking the right to expunge his records to clear the family name of that wrongful conviction.

The purpose of H.B. 2002 is to allow immediate family members or close relatives of the deceased person to reinstate that person's good name.

H.B. 2002 authorizes a close relative of a deceased person who, if not deceased, would be entitled under state law to expunction of records and files relating to an arrest, to file an ex parte petition for the expunction of the deceased person's records. The bill requires a court that finds that the deceased person would be entitled to expunction of any record that is the subject of the petition, to enter an order directing 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**

H.B. 2002 amends the Code of Criminal Procedure to authorize a close relative of a deceased person who, if not deceased, would be entitled under state law to expunction of records and files relating to a custodial or noncustodial arrest for the commission of a felony or a misdemeanor, to file on behalf of the deceased person an ex parte petition for expunction in the manner prescribed by state law. The bill requires a court, if the court finds that the deceased person would be entitled to expunction of any record or file that is the subject of the petition, to enter an order directing expunction. The bill defines "close relative of a deceased person."

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.