

By: Dutton

H.B. No. 945

A BILL TO BE ENTITLED

AN ACT

relating to permitting certain persons placed on deferred adjudication to seek an expunction of arrest records and files.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 55.01(b), Code of Criminal Procedure, is amended to read as follows:

(b) Except as provided by Subsection (c) of this section, a district court may expunge all records and files relating to the arrest of a person who has been arrested for commission of a felony or misdemeanor under the procedure established under Article 55.02 of this code if the person is:

(1) tried for the offense for which the person was arrested, ~~and~~ +

~~[(2)]~~ convicted of the offense, ~~and~~ + and

~~[(3)]~~ acquitted by the court of criminal appeals; or

(2) placed on deferred adjudication community supervision under Section 5, Article 42.12, for the offense for which the person was arrested, if the judge subsequently discharges the person and dismisses the proceedings, unless the offense for which the person was placed on deferred adjudication community supervision was an offense under Section 19.02, 19.03, 20.04, 21.11, 22.011, 22.02, 22.021, or 22.04, Penal Code.

SECTION 2. This Act takes effect September 1, 2009.