

1 AN ACT

2 relating to a right of a close relative to seek expunction of arrest  
3 records and files on behalf of a deceased person.

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

5 SECTION 1. Chapter 55, Code of Criminal Procedure, is  
6 amended by adding Article 55.011 to read as follows:

7 Art. 55.011. RIGHT OF CLOSE RELATIVE TO SEEK EXPUNCTION ON  
8 BEHALF OF DECEASED PERSON. (a) In this article, "close relative of  
9 a deceased person" means the grandparent, parent, spouse, or adult  
10 brother, sister, or child of a deceased person.

11 (b) A close relative of a deceased person who, if not  
12 deceased, would be entitled to expunction of records and files  
13 under Article 55.01 may file on behalf of the deceased person an ex  
14 parte petition for expunction under Section 2 or 2a, Article 55.02.  
15 If the court finds that the deceased person would be entitled to  
16 expunction of any record or file that is the subject of the  
17 petition, the court shall enter an order directing expunction.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2002 was passed by the House on May 13, 2009, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 2002 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor