

1-1 By: McCall, Hodge (Senate Sponsor - Ellis) H.B. No. 2002
1-2 (In the Senate - Received from the House May 14, 2009;
1-3 May 15, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2009, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a right of a close relative to seek expunction of arrest
1-9 records and files on behalf of a deceased person.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 55, Code of Criminal Procedure, is
1-12 amended by adding Article 55.011 to read as follows:

1-13 Art. 55.011. RIGHT OF CLOSE RELATIVE TO SEEK EXPUNCTION ON
1-14 BEHALF OF DECEASED PERSON. (a) In this article, "close relative of
1-15 a deceased person" means the grandparent, parent, spouse, or adult
1-16 brother, sister, or child of a deceased person.

1-17 (b) A close relative of a deceased person who, if not
1-18 deceased, would be entitled to expunction of records and files
1-19 under Article 55.01 may file on behalf of the deceased person an ex
1-20 parte petition for expunction under Section 2 or 2a, Article 55.02.
1-21 If the court finds that the deceased person would be entitled to
1-22 expunction of any record or file that is the subject of the
1-23 petition, the court shall enter an order directing expunction.

1-24 SECTION 2. This Act takes effect immediately if it receives
1-25 a vote of two-thirds of all the members elected to each house, as
1-26 provided by Section 39, Article III, Texas Constitution. If this
1-27 Act does not receive the vote necessary for immediate effect, this
1-28 Act takes effect September 1, 2009.

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