

By: Moody

H.B. No. 2864

A BILL TO BE ENTITLED

AN ACT

relating to a waiver of the fee imposed for certain expunctions.

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

SECTION 1. Article 102.006, Code of Criminal Procedure, is amended to read as follows:

Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. (a) In addition to any other fees required by other law, a petitioner seeking expunction of a criminal record shall pay the following fees:

(1) except as provided by Subsection (b), the fee charged for filing an ex parte petition in a civil action in district court;

(2) \$1 plus postage for each certified mailing of notice of the hearing date; and

(3) \$2 plus postage for each certified mailing of certified copies of an order of expunction.

(b) The fee under Subsection (a)(1) shall be waived if:

(1) the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c); and

(2) the petition for expunction is filed not later than the 30th day after the date of the acquittal.

SECTION 2. The change in law made by this Act applies only

1 to a petition for expunction filed on or after the effective date of  
2 this Act. A petition for expunction filed before the effective date  
3 of this Act is governed by the law in effect on the date the petition  
4 was filed, and the former law is continued in effect for that  
5 purpose.

6 SECTION 3. This Act takes effect September 1, 2009.