

1-1 By: Huffman S.B. No. 1224
1-2 (In the Senate - Filed March 2, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 20, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1224 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a waiver of fees imposed for certain expunctions.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Article 102.006, Code of Criminal Procedure, is
1-13 amended to read as follows:

1-14 Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. (a) In
1-15 addition to any other fees required by other law and except as
1-16 provided by Subsection (b), a petitioner seeking expunction of a
1-17 criminal record shall pay the following fees:

1-18 (1) the fee charged for filing an ex parte petition in
1-19 a civil action in district court;

1-20 (2) \$1 plus postage for each certified mailing of
1-21 notice of the hearing date; and

1-22 (3) \$2 plus postage for each certified mailing of
1-23 certified copies of an order of expunction.

1-24 (b) The fees under Subsection (a) shall be waived if:

1-25 (1) the petitioner seeks expunction of a criminal
1-26 record that relates to an arrest for an offense of which the person
1-27 was acquitted, other than an acquittal for an offense described by
1-28 Article 55.01(c); and

1-29 (2) the petition for expunction is filed not later
1-30 than the 30th day after the date of the acquittal.

1-31 SECTION 2. The change in law made by this Act applies only
1-32 to a petition for expunction filed on or after the effective date of
1-33 this Act. A petition for expunction filed before the effective date
1-34 of this Act is governed by the law in effect on the date the petition
1-35 was filed, and the former law is continued in effect for that
1-36 purpose.

1-37 SECTION 3. This Act takes effect September 1, 2009.

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