

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 28, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2864** by Moody (Relating to a waiver of the fee imposed for certain expunctions.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure relating to a waiver of the fee imposed for certain expunctions. According to the Office of Court Administration, under current law, a petitioner seeking expunction of a criminal record is required to file a petition in district court and to pay the regular civil case filing fee. This is the case even if the petitioner is seeking an expunction because he or she was acquitted. This bill would require the filing fee to be waived if the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted (with a minor exception). To the extent the bill would result in a loss of revenue to the State from the loss of the filing fees that would normally be collected in these expunction cases, the loss is expected to be minimal statewide, and no significant fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

The fiscal impact to units of local government would depend on the number of petitions for expunction that meet the criteria established in provisions of the bill, and would therefore result in a loss of revenue by waiving the fee. The fiscal impact is not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, ESi, TB, TP