

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

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

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB3481** by Veasey (Relating to the right to an expunction of records and files relating to a person's arrest. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to allow for the expunction of records and files relating to a person's arrest 180 days after the arrest if an indictment was not presented, 180 days after a felony indictment or information was dismissed or quashed, if the dismissal or quash was due to mistake, false information or other similar reason, or if the prosecutor recommends expunction before the person is tried for the offense.

The bill would also amend the Code of Criminal Procedure to require a trial court to enter an expunction order if the defendant is subsequently pardoned or a grant of certain other relief, within 30 days of receiving notice of the pardon. The order must include a list of each entity of the state believed to hold any record or file that is subject to the order, and it must request that all records and files subject to the expunction order be returned to the court. The court must retain the records and files until the statute of limitations has run for any civil case or proceeding relating to the wrongful imprisonment of the person subject to the expunction order.

The bill would take effect immediately if it receives a two-thirds vote of all the members in each house, otherwise it would take effect on September 1, 2009. This analysis assumes that the bill would pose no significant fiscal impact to the state.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

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