

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

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

**May 3, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB1454** by West (Relating to the right to an expunction of records and files relating to a person's arrest. ), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure as it relates to the right to an expunction of records and files relating to a person's arrest. The bill would allow for an expunction in certain cases if a person has been released and the charge, if any, has not resulted in a final conviction, is no longer pending, and there was no court-ordered community supervision. The provisions for an expunction would not apply to a Class C misdemeanor. The bill would expand the pool of persons who are eligible to seek an expunction of records and files relating to a person's arrest, which would likely cause an increase in the number of petitions filed in district courts. However, it is assumed that the increase in petitions could be reasonably handled within current resources and funding. The bill would also repeal Article 55.01(a-1), Code of Criminal Procedure. 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.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, MWU