

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 21, 2011**

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

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

**IN RE: HB2318** by Kolkhorst (Relating to the right to an expunction of records and files relating to a person's arrest.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

This bill would amend Article 55.01 the Code of Criminal Procedure relating to the right to an expunction of records and files relating to a person's arrest. The bill would expand the list of persons who qualify for an expunction to include a person who has had a complaint (current law only includes indictment or information) filed but not presented against them. It also includes misdemeanors in the list of crimes that one can expunge. The Department of Public Safety (DPS) estimates an increase of 600 additional expunctions as a result of this legislation. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG, YD, TB