

By: Allen

H.B. No. 1070

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of certain alcohol- and drug-related offenses following successful treatment and rehabilitation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.012 to read as follows:

Art. 55.012. EXPUNCTION OF CERTAIN ALCOHOL- AND DRUG-RELATED OFFENSES FOLLOWING SUCCESSFUL TREATMENT. (a) A person who has been placed under a custodial or noncustodial arrest for an offense involving the possession or use of alcohol or a substance regulated under Chapter 481, Health and Safety Code, may petition a district court for the county in which the person resides to have all records and files related to the arrest expunged if the person:

(1) fully discharged the person's sentence, including any term of incarceration and parole or other form of supervision;

(2) successfully completed a substance abuse treatment course of not less than six months in duration at a treatment facility, as defined by Section 462.001, Health and Safety Code;

(3) maintained an alcohol- and drug-free lifestyle for a period of not less than two years following the substance abuse treatment course; and

(4) has not been arrested for the commission of any felony committed after the date of the arrest with respect to which

1 the person seeks an expunction.

2 (b) The person must submit a petition for expunction to a
3 district court under this article. The petition must be verified
4 and must contain:

5 (1) the information described by Section 2(b), Article
6 55.02; and

7 (2) a statement that the person meets each requirement
8 for expunction described by Subsection (a).

9 (c) After receipt of a petition under Subsection (b) and
10 notice to the state, the court may hold a hearing to determine
11 whether the petitioner meets each requirement for expunction
12 described by Subsection (a). If after the hearing the court finds
13 that the petitioner meets each requirement for expunction and the
14 issuance of an order directing expunction is in the best interest of
15 justice, the court may enter an order directing expunction in a
16 manner consistent with the procedures described by Section 1a,
17 Article 55.02.

18 SECTION 2. Section 411.0851(a), Government Code, is amended
19 to read as follows:

20 (a) A private entity that compiles and disseminates for
21 compensation criminal history record information shall destroy and
22 may not disseminate any information in the possession of the entity
23 with respect to which the entity has received notice that:

24 (1) an order of expunction has been issued under
25 Chapter 55 [Article 55.02], Code of Criminal Procedure; or

26 (2) an order of nondisclosure has been issued under
27 Section 411.081(d).

1 SECTION 3. Section 552.1425(a), Government Code, is amended
2 to read as follows:

3 (a) A private entity that compiles and disseminates for
4 compensation criminal history record information may not compile or
5 disseminate information with respect to which the entity has
6 received notice that:

7 (1) an order of expunction has been issued under
8 Chapter 55 [~~Article 55.02~~], Code of Criminal Procedure; or

9 (2) an order of nondisclosure has been issued under
10 Section 411.081(d).

11 SECTION 4. This Act takes effect September 1, 2013.