

By: Giddings

H.B. No. 3371

A BILL TO BE ENTITLED

AN ACT

1
2 relating to automatic expunction of a conviction and records
3 relating to certain misdemeanor offenses committed by a minor;
4 providing a criminal penalty.

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

6 SECTION 1. Subchapter B, Chapter 45, Code of Criminal
7 Procedure, is amended by adding Article 45.0551 to read as follows:

8 Art. 45.0551. AUTOMATIC EXPUNCTION OF CONVICTION AND
9 RECORDS IN CERTAIN MISDEMEANOR CASES. (a) Except as provided by
10 Subsection (i), this article applies only to a person whose 17th
11 birthday occurs on or after September 1, 2013.

12 (b) Notwithstanding Chapter 55, a person who before the
13 person's 17th birthday has been convicted of a Class C misdemeanor,
14 other than a traffic offense or an offense under Section 22.01,
15 Penal Code, is entitled to have the conviction and records related
16 to the conviction expunged on the individual's 17th birthday.

17 (c) Not later than the 15th day after a person becomes
18 entitled to expunction under Subsection (b), the attorney for the
19 state shall prepare an expunction order for the court, notify the
20 convicting court, and notify the person that the person's record is
21 being expunged of offenses described by that subsection.

22 (d) Not later than the 15th day after a court receives
23 notice under Subsection (c), the court shall expunge without a
24 hearing the conviction and records relating to the conviction,

1 including complaints, verdicts, sentences, and other documents
2 relating to the offense, including any documents in the possession
3 of a school district or law enforcement agency.

4 (e) When an order of expunction is final under this article:

5 (1) the release, maintenance, dissemination, or use of
6 the expunged records and files for any purpose is prohibited; and

7 (2) the conviction may not be shown or made known for
8 any purpose.

9 (f) A person commits an offense if the person:

10 (1) acquires knowledge of a conviction of a child for
11 an offense described by Subsection (b) while acting as a public
12 officer, employee, or agent;

13 (2) knows of an order expunging the records and files
14 relating to the conviction; and

15 (3) knowingly releases, disseminates, or otherwise
16 uses the information, records, or files.

17 (g) A person commits an offense if the person:

18 (1) is ordered by a court to return or to destroy
19 identifying portions of a record or file ordered expunged under
20 this section; and

21 (2) knowingly fails to return or destroy the record or
22 file.

23 (h) An offense under Subsection (f) or (g) is a Class B
24 misdemeanor.

25 (i) A person whose 17th birthday occurs before September 1,
26 2013, may submit a petition to the convicting court for an
27 expunction under this article. The person is entitled to

1 expunction on presentation of the petition, in a form determined by
2 the petitioner and without payment of a fee, not later than the 30th
3 day after the petition is filed with the court.

4 SECTION 2. Article 45.055, Code of Criminal Procedure, is
5 repealed.

6 SECTION 3. This Act takes effect September 1, 2013.