

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 17, 2013

TO: Honorable Tan Parker, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3371 by Giddings (Relating to automatic expunction of a conviction and records relating to certain misdemeanor offenses committed by a minor; providing a criminal penalty.), **As Introduced**

Although the bill is expected to result in a cost to both the state and local governmental entities, the fiscal implications of the bill cannot be determined at this time due to a lack of data on the number of expunction applications that would be superseded by the bill's provisions.

The bill would amend the Code of Criminal Procedure to require automatic expunction of conviction and related records in certain misdemeanor cases. The bill's expunction process would apply to Class C misdemeanors other than traffic or certain assaultive offenses received before a person's 17th birthday. The bill specifies that no later than 15 days following a person's 17th birthday, the attorney for the state shall prepare an expunction order for the court, notify the convicting court, and notify the eligible person of the expunction. The bill also authorizes a person whose 17th birthday occurs after the bill's effective date to petition for and receive an expunction, without fee, pursuant to the terms of the bill. The bill would also repeal the Code of Criminal Procedure Article 45.055 relating to expunction of conviction and records in failure to attend school cases. The repealed provision requires an expunction application fee of \$30. The bill would take effect September 1, 2013.

Existing statutes in addition to the repealed Code of Criminal Procedure Article 45.055 specify expunction procedures for Class C misdemeanor offenses received by minors. These expunction statutes specify a fee of \$30 to defray expenses associated with expunctions.

The Office of Court Administration (OCA) reports that the bill will result in a negative fiscal impact because the bill will replace the statutory expunction procedures that contain a \$30 fee with a procedure that has no fee. However, OCA reports that the impact of the bill cannot be determined because of a lack of data regarding the number of applications for expunction accompanied by a \$30 fee that would be replaced by the bill's provisions.

The Department of Public Safety does not anticipate a fiscal impact resulting from the bill.

Local Government Impact

The clerks would have to notify law enforcement entities of expunction orders, which would have a negative fiscal impact. The impact will vary by county depending on the number of expunction

orders issued in the county.

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

LBB Staff: UP, ESi, ZS, AM, KKR