

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 16, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3818** by Collier (Relating to the automatic expunction of criminal records; repealing certain fees.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3818, As Introduced: a negative impact of (\$16,167,040) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	(\$8,083,520)
2015	(\$8,083,520)
2016	(\$8,083,520)
2017	(\$8,083,520)
2018	(\$8,083,520)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2013</b>
2014	(\$8,083,520)	178.5
2015	(\$8,083,520)	178.5
2016	(\$8,083,520)	178.5
2017	(\$8,083,520)	178.5
2018	(\$8,083,520)	178.5

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure and the Government Code relating to the automatic expunction of criminal records. The bill requires automatic expunction of criminal records when the person charged with an offense was acquitted, pardoned, or the offense was dismissed. The bill applies only to the expunction of arrest records related to: (1) a criminal

offense for which an acquittal occurred on or after the effective date of the bill; (2) a charge for an offense that was dismissed on or after the effective date of the bill; or (3) an arrest made on or after the effective date of the bill. Expunction for an acquittal, dismissal, or arrest that occurred before the effective date of the bill is governed by the law in effect at that time, and the former law is continued in effect for that purpose. In addition to automatic expunctions, the bill also eliminates civil filing fees for expunction suits. The bill would take effect on September 1, 2013.

### **Methodology**

Based on existing records maintained in the criminal history file, the Department of Public Safety (DPS) estimates an additional 150,000 offenses per year would qualify for an automatic order of expunction. Based on the increased volume of expunctions, it is assumed that DPS will require 178.5 additional full-time equivalents, including 48 Public Safety Records Technician I positions, 11.5 Micrographics Technician II positions, 12.5 Fingerprint Technician II positions, 69 Administrative Assistant III positions, 27 Clerk III positions, and 10.5 Program Specialist V positions. This will result in additional annual salary costs of \$6,154,314 and annual benefits costs of \$1,830,293. Estimated annual miscellaneous operating costs are \$98,913.

The bill would also result in an indeterminate loss of state revenue from the elimination of filing fees for expunction suits. Filing fees currently provide revenue to both the state and local governments.

### **Technology**

The bill would not result in additional technology costs.

### **Local Government Impact**

There will still be persons who are not entitled to an automatic expunction, but who are eligible to file a civil expunction suit. These individuals will no longer be required to pay civil filing fees in their expunction suits. The filing fees in an expunction case range from \$177 to \$277 depending on the county in which the suit is filed. The fiscal impact on local governments is indeterminate.

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

**LBB Staff:** UP, ESi, AI, KNi, TB