

BILL ANALYSIS

H.B. 3276
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that current state law allows for the expunction of records and files relating to an arrest for certain individuals under specified conditions. These parties indicate that attorney's fees in pursuit of an expunction may cost an applicant hundreds of dollars while the entire process may take several months. H.B. 3276 seeks to address these concerns by revising provisions relating to the procedure for expunction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3276 amends the Code of Criminal Procedure to require a trial court presiding over a case in which the person was acquitted, if the trial court is a district court or a district court in the county in which the trial court is located, to enter an order of expunction for a person entitled to such an order not later than the 30th day after the date of the acquittal, regardless of whether the defendant requested the expunction or notice was provided to the state. The bill removes the requirements for the trial court to advise the defendant upon acquittal of the right to an expunction and for the defendant to provide to the district court all of the information required in a petition for expunction. The bill requires the trial court, if it is not a district court, to forward the proposed order and all information required in a petition for expunction to a district court in the county to proceed in the manner for expunction.

EFFECTIVE DATE

September 1, 2015.