

By: Bettencourt

S.B. No. 1335

A BILL TO BE ENTITLED

AN ACT

relating to the period after which a governmental entity must execute an expunction order.

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

SECTION 1. Sections 5(a) and (f), Article 55.02, Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsections (f) and (g), on receipt of the order and after the court's plenary power expires, any post-judgment activity in the case is resolved, and the disposition of the case becomes final, each official or agency or other governmental entity named in the order shall:

(1) return all records and files that are subject to the expunction order to the court or in cases other than those described by Section 1a, if removal is impracticable, obliterate all portions of the record or file that identify the person who is the subject of the order and notify the court of its action; and

(2) delete from its public records all index references to the records and files that are subject to the expunction order.

(f) On receipt of an order granting expunction to a person entitled to expunction under Article 55.01(d) and after the court's plenary power expires, any post-judgment activity in the case is resolved, and the disposition of the case becomes final, each official, agency, or other governmental entity named in the order:

1           (1) shall:

2                   (A) obliterate all portions of the record or file  
3 that identify the petitioner; and

4                   (B) substitute for all obliterated portions of  
5 the record or file any available information that identifies the  
6 person arrested; and

7           (2) may not return the record or file or delete index  
8 references to the record or file.

9           SECTION 2. This Act takes effect September 1, 2015.