

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 19, 2015**

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

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

**IN RE: HB1655** by Reynolds (Relating to the expunction of certain files and records arising from a criminal investigation; creating a criminal offense.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure to authorize the expunction of certain records and files relating to a grand jury investigation. Under the provisions of the bill, an individual entitled to the expunction would be required to file a petition in district court. The bill provides requirements for the petition. The bill would require a court to hold a hearing on the matter and if the court finds that the individual is entitled to expunction, the court would be required to order governmental entities to return all applicable records and delete certain information from public records. The bill would require a clerk of court to provide notice to the attorney representing the state before destroying the files. Under the provisions of the bill, if the attorney representing the state objects to the destruction by a certain date, the clerk would not be permitted to destroy files until the first anniversary of the date of the order of expunction.

The bill would create a Class B misdemeanor for an individual who knowingly releases expunged records or who knowingly fails to destroy identifying portions of an expunged record.

The Office of Court Administration reported no significant fiscal impact to the state court system is anticipated.

**Local Government Impact**

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, SD, EK