

## **BILL ANALYSIS**

H.B. 322  
By: Canales  
Defense & Veterans' Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that certain veterans, even after participating in a veterans treatment court program for an offense with which the veteran was charged, must still petition to have the records and files related to that offense expunged, a process that often involves hiring a lawyer and paying a fee. H.B. 322 seeks to address these concerns by entitling a person who completes such a program to an expunction of the applicable records and files and prohibiting the court entering the expunction order from charging any fee or assessing any cost for entering the order.

### **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. 322 amends the Code of Criminal Procedure to entitle a person to expunction of all records and files relating to the person's arrest for the commission of a felony or misdemeanor if the person has been released and any charge has not resulted in a final conviction and is no longer pending, and there was no court-ordered community supervision for the offense, unless the offense is a Class C misdemeanor, provided that, at any time following the arrest, the court finds that the indictment or information charging the person with the commission of the offense was dismissed or quashed because the person completed a certain veterans treatment court program. The bill requires a trial court dismissing a case following a person's successful completion of such a veterans treatment court program, 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 not later than the 30th day after the date the court dismisses the case or receives the information regarding that dismissal, as applicable. The bill requires the court, notwithstanding the 30-day time limit, to enter an order of expunction for a person who is entitled to an expunction based on the successful completion of such a veterans treatment court program before the bill's effective date as soon as practicable after the court receives written notice from any party to the case about the person's entitlement to the expunction. The bill prohibits the court from charging any fee or assessing any cost for such an expunction.

H.B. 322 amends the Government Code to require the veterans treatment court to provide to the court in which the criminal case is pending information about the dismissal and to include all of the information required about the defendant for a petition for expunction if a defendant successfully completes a veterans treatment court program and after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines

that a dismissal is in the best interest of justice. The bill requires the court in which the criminal case is pending to dismiss the case against the defendant and either requires the court to enter an order of expunction on behalf of the defendant if that trial court is a district court or requires the court to forward the appropriate dismissal and expunction information to a district court with jurisdiction to enter an order of expunction on behalf of the defendant if that trial court is not a district court.

H.B. 322 applies to the expunction of arrest records and files for a person who successfully completes a certain veterans treatment court program before, on, or after the bill's effective date, with the exception of the provisions relating to the fees charged or costs assessed, which apply to an expunction order entered on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2017.