

BILL ANALYSIS

H.B. 1749
By: Thompson, Senfronia
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that individuals who are eligible for an expunction of a criminal record are limited as to which court the individual may petition for the expunction, leading to unnecessary delay and the imposition of unnecessary fines. H.B. 1749 seeks to address this issue by allowing a justice or municipal court to expunge certain arrest records and files relating to an offense punishable by fine only.

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. 1749 amends the Code of Criminal Procedure to extend to a justice court and a municipal court of record the authority to expunge records and files related to the arrest of a person for a fine-only offense and to apply to such a court certain deadlines for entering an order of expunction. The bill authorizes a person who is entitled to expunction because the person was acquitted by a trial court to file an ex parte petition for expunction in the applicable district court. The bill authorizes a person who is entitled to or eligible for expunction of records and files and whose arrest for which expunction is sought is for a fine-only offense to file an ex parte petition for expunction in a justice court or a municipal court of record in the county in which the petitioner was arrested or in which the offense was alleged to have occurred. The bill requires a petitioner seeking expunction of a criminal record in a justice court or a municipal court of record to pay a filing fee of \$100 to defray the cost of notifying state agencies of orders of expunction, but requires this fee to be waived under certain conditions.

H.B. 1749 amends the Government Code to grant a justice court and a municipal court of record concurrent jurisdiction with a district court and with each other over expunction proceedings relating to the arrest of a person for a fine-only offense.

H.B. 1749 amends the Local Government Code to make a conforming change.

H.B. 1749 applies to an expunction of records and files relating to any criminal offense that occurred before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.