

## **BILL ANALYSIS**

Senate Research Center  
85R11075 JAM-F

H.B. 2059  
By: Phillips; Canales (Hughes)  
Criminal Justice  
5/18/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that existing procedures regarding a request for expunction of certain records relating to an offense involving alcohol for which a person was arrested while a minor but not convicted are more time consuming and expensive than the procedures for expunction of records relating to an offense that resulted in a conviction. H.B. 2059 seeks to address this issue by authorizing certain persons who were arrested as minors but not convicted of an offense relating to alcoholic beverages to petition the court with original jurisdiction of the offense to have the records of the arrest expunged.

H.B. 2059 amends current law relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 106.12, Alcoholic Beverage Code, to read as follows:

Sec. 106.12. EXPUNCTION OF CONVICTION OR ARREST RECORDS OF A MINOR.

SECTION 2. Amends Section 106.12, Alcoholic Beverage Code, by amending Subsections (c) and (d) and adding Subsections (e) and (f), as follows:

(c) Requires the court, if the court finds that the applicant was not convicted of any other violation of this code while he was a minor, to order prosecutorial and law enforcement records, among certain other items, to be expunged from the applicant's record.

(d) Authorizes any person placed under a custodial or noncustodial arrest for not more than one violation of this code while a minor and who was not convicted of the violation to apply to the court in which the person was charged to have the records of the arrest expunged. Requires that the application contain the applicant's sworn statement that the applicant was not arrested for a violation of this code other than the arrest the applicant seeks to expunge. Requires the court, if the court finds the applicant was not arrested for any other violation of this code while a minor, to order all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation to be expunged from the applicant's record.

(e) Creates this subsection from existing text and changes references to expungement to expunction.

(f) Provides that the procedures for expunction provided under this section are separate and distinct from the expunction procedures under Chapter 55 (Expunction of Criminal Records), Code of Criminal Procedure.

SECTION 3. Provides that the change in law made by this Act to Section 106.12, Alcoholic Beverage Code, applies to the expunction of records of a conviction or arrest made before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2017.