

BILL ANALYSIS

H.B. 2059
By: Phillips
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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. 2059 amends the Alcoholic Beverage Code to include prosecutorial and law enforcement records relating to an offense committed by an applicant for expunction for which the applicant was convicted among the documents that a court is required to order to be expunged from the applicant's record if the court finds that the applicant was not convicted of any other violation of the Alcoholic Beverage Code while the applicant was a minor. The bill authorizes any person placed under a custodial or noncustodial arrest for not more than one violation of the Alcoholic Beverage 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 and requires such an application to contain the applicant's sworn statement that the applicant was not arrested for any other Alcoholic Beverage Code violation other than the arrest the applicant seeks to expunge. The bill requires the court on finding the applicant was not arrested for any other such violation 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. The bill establishes that the procedures for expunction of an Alcoholic Beverage Code violation committed by a minor are separate and distinct from certain Code of Criminal Procedure expunction procedures.

EFFECTIVE DATE

September 1, 2017.