

BILL ANALYSIS

H.B. 3147
By: White
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that arrest record expunction should be more readily available to certain individuals. H.B. 3147 seeks to address this issue by expediting the expunction process for certain persons who are arrested solely as a result of inaccurate identifying information.

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. 3147 amends the Code of Criminal Procedure to entitle a person to obtain the expunction of any information that identifies the person contained in records and files relating to the person's arrest if the expunction of identifying information is sought with respect to the person's arrest and the person was arrested solely as a result of identifying information that was inaccurate due to a clerical error. The bill includes among the required contents of an application for such an expunction a statement that the applicant was arrested solely as a result of identifying information that was inaccurate due to a clerical error. The bill changes one of the conditions of entitlement to the expunction of identifying information sought with respect to the arrest of a person other than the person asserting the entitlement from the information identifying the person asserting the entitlement being contained in the arrest records and files of the arrested person only because the information was falsely given by the arrested person as the arrested person's identifying information to the information being in those records and files only because of the deception of the arrested person. The bill applies to the expunction of arrest records and files for a person whose entitlement to expunction under the bill's provisions arises before, on, or after the bill's effective date, regardless of when the underlying arrest occurred.

EFFECTIVE DATE

September 1, 2017.