

By: Collier, Minjarez

H.B. No. 557

Substitute the following for H.B. No. 557:

By: Moody

C.S.H.B. No. 557

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for expunction of arrest records and files for certain persons who are tried for an offense and subsequently acquitted.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1, Article 55.02, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. At the request of the acquitted person ~~[defendant]~~ and after notice to the state, or at the request of the attorney for the state with the consent of the acquitted person, the trial court presiding over the case in which the person ~~[defendant]~~ was acquitted, if the trial court is a district court, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(A) not later than the 30th day after the date of the acquittal. On ~~Upon~~ acquittal, the trial court shall advise the acquitted person ~~[defendant]~~ of the right to expunction. The party requesting the order of expunction ~~[defendant]~~ shall provide to the district court all of the information required in a petition for expunction under Section 2(b). The attorney for the acquitted person ~~[defendant]~~ in the case in which the person ~~[defendant]~~ was acquitted, if the person ~~[defendant]~~ was represented by counsel, or the attorney for the state, if the person ~~[defendant]~~ was not represented by counsel or if the attorney for the state requested

1 the order of expunction, shall prepare the order for the court's
2 signature.

3 SECTION 2. The change in law made by this Act applies only
4 to the expunction of arrest records and files related to a criminal
5 offense for which the trial of the offense begins on or after the
6 effective date of this Act. The expunction of arrest records and
7 files related to a criminal offense for which the trial of the
8 offense begins before the effective date of this Act is governed by
9 the law in effect on the date the trial begins, and the former law is
10 continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2017.