

1-1 By: Phillips, Canales (Senate Sponsor - Hughes) H.B. No. 2059  
 1-2 (In the Senate - Received from the House May 1, 2017;  
 1-3 May 4, 2017, read first time and referred to Committee on Criminal  
 1-4 Justice; May 19, 2017, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the expunction of certain convictions or arrests of a  
 1-20 minor for certain alcohol-related offenses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section 106.12, Alcoholic  
 1-23 Beverage Code, is amended to read as follows:

1-24 Sec. 106.12. EXPUNCTION [~~EXPUNGEMENT~~] OF CONVICTION OR  
 1-25 ARREST RECORDS OF A MINOR.

1-26 SECTION 2. Section 106.12, Alcoholic Beverage Code, is  
 1-27 amended by amending Subsections (c) and (d) and adding Subsections  
 1-28 (e) and (f) to read as follows:

1-29 (c) If the court finds that the applicant was not convicted  
 1-30 of any other violation of this code while he was a minor, the court  
 1-31 shall order the conviction, together with all complaints, verdicts,  
 1-32 sentences, prosecutorial and law enforcement records, and other  
 1-33 documents relating to the offense, to be expunged from the  
 1-34 applicant's record. After entry of the order, the applicant shall  
 1-35 be released from all disabilities resulting from the conviction,  
 1-36 and the conviction may not be shown or made known for any purpose.

1-37 (d) Any person placed under a custodial or noncustodial  
 1-38 arrest for not more than one violation of this code while a minor  
 1-39 and who was not convicted of the violation may apply to the court in  
 1-40 which the person was charged to have the records of the arrest  
 1-41 expunged. The application must contain the applicant's sworn  
 1-42 statement that the applicant was not arrested for a violation of  
 1-43 this code other than the arrest the applicant seeks to expunge. If  
 1-44 the court finds the applicant was not arrested for any other  
 1-45 violation of this code while a minor, the court shall order all  
 1-46 complaints, verdicts, prosecutorial and law enforcement records,  
 1-47 and other documents relating to the violation to be expunged from  
 1-48 the applicant's record.

1-49 (e) The court shall charge an applicant a fee in the amount  
 1-50 of \$30 for each application for expunction [~~expungement~~] filed  
 1-51 under this section to defray the cost of notifying state agencies of  
 1-52 orders of expunction [~~expungement~~] under this section.

1-53 (f) The procedures for expunction provided under this  
 1-54 section are separate and distinct from the expunction procedures  
 1-55 under Chapter 55, Code of Criminal Procedure.

1-56 SECTION 3. The change in law made by this Act to Section  
 1-57 106.12, Alcoholic Beverage Code, applies to the expunction of  
 1-58 records of a conviction or arrest made before, on, or after the  
 1-59 effective date of this Act.

1-60 SECTION 4. This Act takes effect September 1, 2017.

1-61 \* \* \* \* \*