

By: Burton, et al.

S.B. No. 325

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedure for expunction of arrest records and
3 files for certain persons who are tried for an offense and
4 subsequently acquitted.

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

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

8 Sec. 1. At the request of the acquitted person [~~defendant~~]
9 and after notice to the state, or at the request of the attorney for
10 the state, the trial court presiding over the case in which the
11 person [~~defendant~~] was acquitted, if the trial court is a district
12 court, or a district court in the county in which the trial court is
13 located shall enter an order of expunction for a person entitled to
14 expunction under Article 55.01(a)(1)(A) not later than the 30th day
15 after the date of the acquittal. On [~~Upon~~] acquittal, the trial
16 court shall advise the acquitted person [~~defendant~~] of the right to
17 expunction. The party requesting the order of expunction
18 [~~defendant~~] shall provide to the district court all of the
19 information required in a petition for expunction under Section
20 2(b). The attorney for the acquitted person [~~defendant~~] in the case
21 in which the person [~~defendant~~] was acquitted, if the person
22 [~~defendant~~] was represented by counsel, or the attorney for the
23 state, if the person [~~defendant~~] was not represented by counsel or
24 if the attorney for the state requested the order of expunction,

1 shall prepare the order for the court's signature.

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

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