

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB557** by Collier (relating to the expunction of arrest records and files for certain persons and to the return of certain fees to a person whose criminal record has been expunged or who is the subject of an order of nondisclosure of criminal history record information; authorizing a fee.), **Committee Report 2nd House, Substituted**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Code of Criminal Procedure to authorize an acquitted individual, or an attorney for the state acting with the consent of the acquitted individual, to request an expunction order. The bill would define under what conditions either the attorney for the acquitted individual, or the attorney for the state, shall prepare the order of expunction for the court's signature. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within current resources.

The bill would amend the Code of Criminal Procedure allowing a justice court or a municipal court of record to expunge records and files related to the arrest of a person for an offense punishable by fine only. The bill would require a person seeking an expunction to pay a fee of \$100 for filing an ex parte petition to defray the costs of notifying state agencies of order of expunction. A court that grants a petition for expunction of criminal record may order that an fee, or portion of a fee, required to be paid in relation to the petition be returned to the petitioner.

According to the Office of Court Administration, no significant fiscal impact to the state court system is anticipated.

The bill would take effect September 1, 2017.

Local Government Impact

According to Williamson County, no significant fiscal impact is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, KK, KJo, AI, JAW, JGA, WP