

SENATE AMENDMENTS

2nd Printing

By: Collier, Minjarez

H.B. No. 557

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the expunction of arrest records and files for certain
3 persons who are tried for an offense and subsequently acquitted;
4 authorizing a fee.

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

6 SECTION 1. Article 55.01, Code of Criminal Procedure, is
7 amended by amending Subsection (b) and adding Subsection (b-1) to
8 read as follows:

9 (b) Except as provided by Subsection (c) and subject to
10 Subsection (b-1), a district court, a justice court, or a municipal
11 court of record may expunge all records and files relating to the
12 arrest of a person [~~who has been arrested for commission of a felony~~
13 ~~or misdemeanor~~] under the procedure established under Article 55.02
14 if:

15 (1) the person is:

16 (A) tried for the offense for which the person
17 was arrested;

18 (B) convicted of the offense; and

19 (C) acquitted by the court of criminal appeals
20 or, if the period for granting a petition for discretionary review
21 has expired, by a court of appeals; or

22 (2) an office of the attorney representing the state
23 authorized by law to prosecute the offense for which the person was
24 arrested recommends the expunction to the [~~appropriate district~~]

1 court before the person is tried for the offense, regardless of
2 whether an indictment or information has been presented against the
3 person in relation to the offense.

4 (b-1) A justice court or a municipal court of record may
5 only expunge records and files under Subsection (b) that relate to
6 the arrest of a person for an offense punishable by fine only.

7 SECTION 2. Section 1, Article 55.02, Code of Criminal
8 Procedure, is amended to read as follows:

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

1 signature.

2 SECTION 3. Section 1a(a), Article 55.02, Code of Criminal
3 Procedure, is amended to read as follows:

4 (a) The trial court presiding over a case in which a person
5 [~~defendant~~] is convicted and subsequently granted relief or
6 pardoned on the basis of actual innocence of the offense of which
7 the person [~~defendant~~] was convicted, if the trial court is a
8 district court, a justice court, or a municipal court of record, or
9 a district court in the county in which the trial court is located
10 shall enter an order of expunction for a person entitled to
11 expunction under Article 55.01(a)(1)(B)(ii) not later than the 30th
12 day after the date the court receives notice of the pardon or other
13 grant of relief. The person shall provide to the [~~district~~] court
14 all of the information required in a petition for expunction under
15 Section 2(b).

16 SECTION 4. Section 2, Article 55.02, Code of Criminal
17 Procedure, is amended by amending Subsections (a) and (b) and
18 adding Subsection (a-1) to read as follows:

19 (a) A person who is entitled to expunction of records and
20 files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i), or
21 55.01(a)(2) or a person who is eligible for expunction of records
22 and files under Article 55.01(b) may file an ex parte petition for
23 expunction in a district court for the county in which:

24 (1) the petitioner was arrested; or

25 (2) the offense was alleged to have occurred.

26 (a-1) If the arrest for which expunction is sought is for an
27 offense punishable by fine only, a person who is entitled to

1 expunction of records and files under Article 55.01(a) or a person
2 who is eligible for expunction of records and files under Article
3 55.01(b) may file an ex parte petition for expunction in a justice
4 court or a municipal court of record in the county in which:

5 (1) the petitioner was arrested; or

6 (2) the offense was alleged to have occurred.

7 (b) A [The] petition filed under Subsection (a) or (a-1)
8 must be verified and must include the following or an explanation
9 for why one or more of the following is not included:

10 (1) the petitioner's:

11 (A) full name;

12 (B) sex;

13 (C) race;

14 (D) date of birth;

15 (E) driver's license number;

16 (F) social security number; and

17 (G) address at the time of the arrest;

18 (2) the offense charged against the petitioner;

19 (3) the date the offense charged against the
20 petitioner was alleged to have been committed;

21 (4) the date the petitioner was arrested;

22 (5) the name of the county where the petitioner was
23 arrested and if the arrest occurred in a municipality, the name of
24 the municipality;

25 (6) the name of the agency that arrested the
26 petitioner;

27 (7) the case number and court of offense; and

1 (8) together with the applicable physical or e-mail
2 addresses, a list of all:

3 (A) law enforcement agencies, jails or other
4 detention facilities, magistrates, courts, prosecuting attorneys,
5 correctional facilities, central state depositories of criminal
6 records, and other officials or agencies or other entities of this
7 state or of any political subdivision of this state;

8 (B) central federal depositories of criminal
9 records that the petitioner has reason to believe have records or
10 files that are subject to expunction; and

11 (C) private entities that compile and
12 disseminate for compensation criminal history record information
13 that the petitioner has reason to believe have information related
14 to records or files that are subject to expunction.

15 SECTION 5. Article 102.006, Code of Criminal Procedure, is
16 amended to read as follows:

17 Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. (a) In
18 addition to any other fees required by other law and except as
19 provided by Subsection (b), a petitioner seeking expunction of a
20 criminal record in a district court shall pay the following fees:

21 (1) the fee charged for filing an ex parte petition in
22 a civil action in district court;

23 (2) \$1 plus postage for each certified mailing of
24 notice of the hearing date; and

25 (3) \$2 plus postage for each certified mailing of
26 certified copies of an order of expunction.

27 (a-1) In addition to any other fees required by other law

1 and except as provided by Subsection (b), a petitioner seeking
2 expunction of a criminal record in a justice court or a municipal
3 court of record under Chapter 55 shall pay a fee of \$100 for filing
4 an ex parte petition for expunction to defray the cost of notifying
5 state agencies of orders of expunction under that chapter.

6 (b) The fees under Subsection (a) or the fee under
7 Subsection (a-1), as applicable, shall be waived if:

8 (1) the petitioner seeks expunction of a criminal
9 record that relates to an arrest for an offense of which the person
10 was acquitted, other than an acquittal for an offense described by
11 Article 55.01(c); and

12 (2) the petition for expunction is filed not later
13 than the 30th day after the date of the acquittal.

14 SECTION 6. Section 27.031, Government Code, is amended by
15 adding Subsection (e) to read as follows:

16 (e) A justice court has concurrent jurisdiction with a
17 district court and a municipal court of record over expunction
18 proceedings relating to the arrest of a person for an offense
19 punishable by fine only.

20 SECTION 7. Section 30.00005, Government Code, is amended by
21 adding Subsection (e) to read as follows:

22 (e) The court has concurrent jurisdiction with a district
23 court and a justice court over expunction proceedings relating to
24 the arrest of a person for an offense punishable by fine only.

25 SECTION 8. Subchapter B, Chapter 103, Government Code, is
26 amended by adding Section 103.02101 to read as follows:

27 Sec. 103.02101. ADDITIONAL FEE IN CERTAIN EXPUNCTION CASES:

1 CODE OF CRIMINAL PROCEDURE. A petitioner filing an ex parte
2 petition for expunction in a justice court or a municipal court of
3 record shall pay a fee under Article 102.006, Code of Criminal
4 Procedure, of \$100 to defray the costs of notifying state agencies
5 of orders of expunction.

6 SECTION 9. Section 202.001(b), Local Government Code, is
7 amended to read as follows:

8 (b) The following records may be destroyed without meeting
9 the conditions of Subsection (a):

10 (1) records the destruction or obliteration of which
11 is directed by an expunction order issued by a [~~district~~] court
12 pursuant to state law; and

13 (2) records defined as exempt from scheduling or
14 filing requirements by rules adopted by the commission or listed as
15 exempt in a records retention schedule issued by the commission.

16 SECTION 10. (a) Except as provided by Subsection (b) of
17 this section, this Act applies to an expunction of records and files
18 relating to any criminal offense that occurred before, on, or after
19 the effective date of this Act.

20 (b) Section 1, Article 55.02, Code of Criminal Procedure, as
21 amended by this Act, applies only to the expunction of arrest
22 records and files related to a criminal offense for which the trial
23 of the offense begins on or after the effective date of this Act.
24 The expunction of arrest records and files under Section 1, Article
25 55.02, Code of Criminal Procedure, related to a criminal offense
26 for which the trial of the offense begins before the effective date
27 of this Act is governed by the law in effect on the date the trial

1 begins, and the former law is continued in effect for that purpose.

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

ADOPTED

MAY 24 2017

Atty. Gen. Lew
Secretary of the Senate

By: *Yorri Burton*

H.B. No. 551

Substitute the following for ___B. No. _____:

By: *Royce West*

C.S. ___B. No. _____

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the expunction of arrest records and files for certain
3 persons and to the return of certain fees to a person whose criminal
4 record has been expunged or who is the subject of an order of
5 nondisclosure of criminal history record information; authorizing
6 a fee.

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

8 SECTION 1. Article 55.01, Code of Criminal Procedure, is
9 amended by amending Subsection (b) and adding Subsection (b-1) to
10 read as follows:

11 (b) Except as provided by Subsection (c) and subject to
12 Subsection (b-1), a district court, a justice court, or a municipal
13 court of record may expunge all records and files relating to the
14 arrest of a person [~~who has been arrested for commission of a felony~~
15 ~~or misdemeanor~~] under the procedure established under Article 55.02
16 if:

17 (1) the person is:

18 (A) tried for the offense for which the person
19 was arrested;

20 (B) convicted of the offense; and

21 (C) acquitted by the court of criminal appeals
22 or, if the period for granting a petition for discretionary review
23 has expired, by a court of appeals; or

24 (2) an office of the attorney representing the state

1 authorized by law to prosecute the offense for which the person was
2 arrested recommends the expunction to the [~~appropriate district~~]
3 court before the person is tried for the offense, regardless of
4 whether an indictment or information has been presented against the
5 person in relation to the offense.

6 (b-1) A justice court or a municipal court of record may
7 only expunge records and files under Subsection (b) that relate to
8 the arrest of a person for an offense punishable by fine only.

9 SECTION 2. Section 1, Article 55.02, Code of Criminal
10 Procedure, is amended to read as follows:

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

1 represented by counsel or if the attorney for the state requested
2 the order of expunction, shall prepare the order for the court's
3 signature.

4 SECTION 3. Section 1a(a), Article 55.02, Code of Criminal
5 Procedure, is amended to read as follows:

6 (a) The trial court presiding over a case in which a person
7 [~~defendant~~] is convicted and subsequently granted relief or
8 pardoned on the basis of actual innocence of the offense of which
9 the person [~~defendant~~] was convicted, if the trial court is a
10 district court, a justice court, or a municipal court of record, or
11 a district court in the county in which the trial court is located
12 shall enter an order of expunction for a person entitled to
13 expunction under Article 55.01(a)(1)(B)(ii) not later than the 30th
14 day after the date the court receives notice of the pardon or other
15 grant of relief. The person shall provide to the [~~district~~] court
16 all of the information required in a petition for expunction under
17 Section 2(b).

18 SECTION 4. Section 2, Article 55.02, Code of Criminal
19 Procedure, is amended by amending Subsections (a) and (b) and
20 adding Subsection (a-1) to read as follows:

21 (a) A person who is entitled to expunction of records and
22 files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i), or
23 55.01(a)(2) or a person who is eligible for expunction of records
24 and files under Article 55.01(b) may file an ex parte petition for
25 expunction in a district court for the county in which:

- 26 (1) the petitioner was arrested; or
27 (2) the offense was alleged to have occurred.

1 (a-1) If the arrest for which expunction is sought is for an
2 offense punishable by fine only, a person who is entitled to
3 expunction of records and files under Article 55.01(a) or a person
4 who is eligible for expunction of records and files under Article
5 55.01(b) may file an ex parte petition for expunction in a justice
6 court or a municipal court of record in the county in which:

7 (1) the petitioner was arrested; or

8 (2) the offense was alleged to have occurred.

9 (b) A [The] petition filed under Subsection (a) or (a-1)
10 must be verified and must include the following or an explanation
11 for why one or more of the following is not included:

12 (1) the petitioner's:

13 (A) full name;

14 (B) sex;

15 (C) race;

16 (D) date of birth;

17 (E) driver's license number;

18 (F) social security number; and

19 (G) address at the time of the arrest;

20 (2) the offense charged against the petitioner;

21 (3) the date the offense charged against the
22 petitioner was alleged to have been committed;

23 (4) the date the petitioner was arrested;

24 (5) the name of the county where the petitioner was
25 arrested and if the arrest occurred in a municipality, the name of
26 the municipality;

27 (6) the name of the agency that arrested the

1 petitioner;

2 (7) the case number and court of offense; and

3 (8) together with the applicable physical or e-mail
4 addresses, a list of all:

5 (A) law enforcement agencies, jails or other
6 detention facilities, magistrates, courts, prosecuting attorneys,
7 correctional facilities, central state depositories of criminal
8 records, and other officials or agencies or other entities of this
9 state or of any political subdivision of this state;

10 (B) central federal depositories of criminal
11 records that the petitioner has reason to believe have records or
12 files that are subject to expunction; and

13 (C) private entities that compile and
14 disseminate for compensation criminal history record information
15 that the petitioner has reason to believe have information related
16 to records or files that are subject to expunction.

17 SECTION 5. Article 102.006, Code of Criminal Procedure, is
18 amended to read as follows:

19 Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. (a) In
20 addition to any other fees required by other law and except as
21 provided by Subsection (b), a petitioner seeking expunction of a
22 criminal record in a district court shall pay the following fees:

23 (1) the fee charged for filing an ex parte petition in
24 a civil action in district court;

25 (2) \$1 plus postage for each certified mailing of
26 notice of the hearing date; and

27 (3) \$2 plus postage for each certified mailing of

1 certified copies of an order of expunction.

2 (a-1) In addition to any other fees required by other law
3 and except as provided by Subsection (b), a petitioner seeking
4 expunction of a criminal record in a justice court or a municipal
5 court of record under Chapter 55 shall pay a fee of \$100 for filing
6 an ex parte petition for expunction to defray the cost of notifying
7 state agencies of orders of expunction under that chapter.

8 (b) The fees under Subsection (a) or the fee under
9 Subsection (a-1), as applicable, shall be waived if:

10 (1) the petitioner seeks expunction of a criminal
11 record that relates to an arrest for an offense of which the person
12 was acquitted, other than an acquittal for an offense described by
13 Article 55.01(c); and

14 (2) the petition for expunction is filed not later
15 than the 30th day after the date of the acquittal.

16 (c) A court that grants a petition for expunction of a
17 criminal record may order that any fee, or portion of a fee,
18 required to be paid under this article or other law in relation to
19 the petition be returned to the petitioner.

20 SECTION 6. Section 27.031, Government Code, is amended by
21 adding Subsection (e) to read as follows:

22 (e) A justice court has concurrent jurisdiction with a
23 district court and a municipal court of record over expunction
24 proceedings relating to the arrest of a person for an offense
25 punishable by fine only.

26 SECTION 7. Section 30.00005, Government Code, is amended by
27 adding Subsection (e) to read as follows:

1 (e) The court has concurrent jurisdiction with a district
2 court and a justice court over expunction proceedings relating to
3 the arrest of a person for an offense punishable by fine only.

4 SECTION 8. Subchapter B, Chapter 103, Government Code, is
5 amended by adding Section 103.02101 to read as follows:

6 Sec. 103.02101. ADDITIONAL FEE IN CERTAIN EXPUNCTION CASES:
7 CODE OF CRIMINAL PROCEDURE. A petitioner filing an ex parte
8 petition for expunction in a justice court or a municipal court of
9 record shall pay a fee under Article 102.006, Code of Criminal
10 Procedure, of \$100 to defray the costs of notifying state agencies
11 of orders of expunction.

12 SECTION 9. Subchapter E-1, Chapter 411, Government Code, is
13 amended by adding Section 411.0746 to read as follows:

14 Sec. 411.0746. RETURN OF FEES. A court that issues an order
15 of nondisclosure of criminal history record information under this
16 subchapter may order that any fee, or portion of a fee, required to
17 be paid under this subchapter or other law in relation to the order
18 be returned to the person who is the subject of that order.

19 SECTION 10. Section 202.001(b), Local Government Code, is
20 amended to read as follows:

21 (b) The following records may be destroyed without meeting
22 the conditions of Subsection (a):

23 (1) records the destruction or obliteration of which
24 is directed by an expunction order issued by a [~~district~~] court
25 pursuant to state law; and

26 (2) records defined as exempt from scheduling or
27 filing requirements by rules adopted by the commission or listed as

1 exempt in a records retention schedule issued by the commission.

2 SECTION 11. (a) Except as otherwise provided by this
3 section, this Act applies to an expunction of records and files
4 relating to any criminal offense that occurred before, on, or after
5 the effective date of this Act.

6 (b) Section 1, Article 55.02, Code of Criminal Procedure, as
7 amended by this Act, applies only to the expunction of arrest
8 records and files related to a criminal offense for which the trial
9 of the offense begins on or after the effective date of this Act.
10 The expunction of arrest records and files under Section 1, Article
11 55.02, Code of Criminal Procedure, related to a criminal offense
12 for which the trial of the offense begins before the effective date
13 of this Act is governed by the law in effect on the date the trial
14 begins, and the former law is continued in effect for that purpose.

15 (c) Article 102.006(c), Code of Criminal Procedure, as
16 added by this Act, applies only to a petition for expunction filed
17 on or after the effective date of this Act. A petition for
18 expunction filed before the effective date of this Act is governed
19 by the law in effect on the date the petition was filed, and the
20 former law is continued in effect for that purpose.

21 SECTION 12. Section 411.0746, Government Code, as added by
22 this Act, applies only to an order of nondisclosure of criminal
23 history record information issued on or after the effective date of
24 this Act. The issuance of an order of nondisclosure of criminal
25 history record information before the effective date of this Act is
26 governed by the law in effect on the date the order was issued, and
27 the former law is continued in effect for that purpose.

1 SECTION 13. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

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, SD, KK, KJo, AI, JAW, JGA, WP

Local Government Impact

School districts and open-enrollment charter school would incur costs associated with the required screening or testing at kindergarten and first grade. Assuming that most districts would choose to screen students, the cost of a typical dyslexia screener ranges from \$2 to \$10 per student. According to TEA, there were 376,814 kindergarten students and 409,977 first grade students enrolled in school year 2015-16. Assuming a cost of \$5 per student, the statewide local cost to assess all kindergarten students would be \$1.8 million ($\$5 \text{ per student} \times 376,814 \text{ students}$), with additional cost of \$2 million ($\$5 \text{ per student} \times 409,977 \text{ students}$) to assess all first grade students. TEA indicates that many districts already use certain reading assessments that may also be used to as a dyslexia screener; therefore, these costs would vary among districts.

Additionally, districts and charters may opt to test students for dyslexia. The cost of a typical dyslexia test range from \$500 to \$1,000 per student. Cost related to testing would also vary among districts depending on the number of students tested.

Education Service Centers (ESCs) may incur additional costs related to employing a dyslexia specialist with the qualifications as specified in the bill; however, TEA indicates that each ESC already employs a dyslexia specialist so these costs would be minimal.

Source Agencies: 701 Texas Education Agency

LBB Staff: UP, AW, THo, AM

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**

<p>No significant fiscal implication to the State is anticipated.</p>
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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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 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 who are tried for an offense and subsequently acquitted; authorizing a fee.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 18, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB557** by Collier (relating to the procedure for expunction of arrest records and files for certain persons who are tried for an offense and subsequently acquitted.), **Committee - Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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 take effect September 1, 2017.

Local Government Impact

No significant fiscal impact to local courts is anticipated.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 6, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB557 by Collier (Relating to the procedure for expunction of arrest records and files for certain persons who are tried for an offense and subsequently acquitted.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize an acquitted individual, or an attorney for the state, to request an expunction order. The bill would require the attorney for the state to prepare the order of expunction for the court's signature. It is assumed any costs associated with implementing this bill could be absorbed within current resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal impact to local courts is anticipated.

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

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