

Amend Amendment No. 1 by Moody to **CSHB 63** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.02161 to read as follows:

Art. 45.02161. EXPUNCTION OF CERTAIN RECORDS. (a) This article applies only to a person charged with an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code.

(b) Records of a person relating to a complaint may be expunged under this article if:

(1) the complaint was dismissed under Article 45.051 or 45.052 or other law; and

(A) at least 180 days has elapsed from the date of the dismissal; or

(B) at least one year has elapsed from the date of the citation; or

(2) the person was acquitted of the offense.

(c) The person must make a written request to have the records expunged. The request must be under oath.

(d) The court shall order all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense expunged from the person's record if the court finds that the person satisfies the requirements of this article.

(e) The justice or municipal court shall require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article.

(f) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

(2) On page 3, between lines 30 and 31, insert the following:

(b-2) Subsection (b-1) does not apply to an officer making an arrest for an offense other than an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code.

(3) On page 5, strike lines 16 through 22 and substitute the following:

(e-1) A court that dismisses a complaint under this article for a person charged with an offense under Section 481.121(b)(1) or 481.125(a), Health and Safety Code, shall notify the defendant in writing of the person's expunction rights under Article 45.02161 and provide them with a copy of that article. The dismissed complaint is not a conviction and may not be used against the person for any purpose.