86R510 ADM-F

By:  Gervin-Hawkins H.B. No. 229

A BILL TO BE ENTITLED

AN ACT

relating to the temporary confidentiality and automatic expunction of records and files relating to certain nonviolent misdemeanor offenses.

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

SECTION 1.  Chapter 55, Code of Criminal Procedure, is amended by adding Article 55.07 to read as follows:

Art. 55.07.  TEMPORARY CONFIDENTIALITY AND AUTOMATIC EXPUNCTION OF CERTAIN RECORDS AND FILES. (a) This article applies to a case in which the most serious offense that the defendant was convicted of or placed on deferred adjudication community supervision for was a nonviolent Class B or Class C misdemeanor.

(b)  The trial court presiding over a case that the court determines is subject to this article shall order that all records and files relating to the arrest and prosecution be kept confidential and not be disclosed to the public.

(c)  Records and files made confidential under this article remain confidential until the expunction of those records and files under Subsection (d) unless the defendant is arrested for or charged with a violent offense before the expunction occurs. A defendant who is arrested or charged as described by this subsection is ineligible for automatic expunction under Subsection (d) with respect to records and files in any Class B or Class C misdemeanor case otherwise subject to this article.

(d)  Records and files made confidential under this article other than records and files for a defendant described by Subsection (c) shall be automatically expunged by the trial court not later than the 30th day after:

(1)  the first anniversary of the date the defendant's sentence was discharged or the defendant received a discharge and dismissal under Chapter 42A, if the most serious offense that the defendant was convicted of or placed on deferred adjudication community supervision for was a Class C misdemeanor; or

(2)  the second anniversary of the date the defendant's sentence was discharged or the defendant received a discharge and dismissal under Chapter 42A, if the most serious offense that the defendant was convicted of or placed on deferred adjudication community supervision for was a Class B misdemeanor.

SECTION 2.  Article 55.07, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3.  This Act takes effect September 1, 2019.