

By: Gervin-Hawkins

H.B. No. 229

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the temporary confidentiality and automatic expunction
3 of records and files relating to certain nonviolent misdemeanor
4 offenses.

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

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

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

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

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

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

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

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

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

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