

## **BILL ANALYSIS**

H.B. 3022  
By: Herrero  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that individuals who are eligible for an expunction of a criminal record for a case disposed of in a statutory county court may not petition for an expunction in the same court under current law. This has led to unnecessary delay and cost for individuals who are otherwise eligible for this vital tool that would help them to move on from the criminal justice system. H.B. 3022 would allow a statutory county court to order the expunction of arrest records that are subject to its jurisdiction.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3022 amends the Government Code to establish that a statutory county court has concurrent jurisdiction with a district court over expunction proceedings relating to the arrest of a person for an offense that is subject to the jurisdiction of a statutory county court.

H.B. 3022 amends the Code of Criminal Procedure to authorize a person who, for an offense that is subject to the jurisdiction of a statutory county court, is entitled to expunction of arrest records and files in accordance with an acquittal by the trial court, the court of criminal appeals, or a court of appeals, as applicable, or a recommendation by the state's attorney to file an ex parte petition for expunction in a statutory county court in the county in which the petitioner was arrested or in which the offense was alleged to have occurred.

H.B. 3022 applies to expunction of arrest records and files for any criminal offense that occurred before, on, or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2021.