

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 5, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2684 by Canales (Relating to the expunction of arrest records and files and the issuance of orders of nondisclosure of criminal history record information for certain persons.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to expand a court's authority to order certain records and files expunged following an acquittal. The bill would allow a court to expunge the records and files of an offense resulting in an acquittal, even if the offense is part of a series of crimes involving the repeated commission of the same or similar offenses and the defendant has been convicted of or remains subject to prosecution for one or more of the other offenses.

The bill would amend the Government Code to add a provision that requires a court issuing an order of nondisclosure to include in the order any other offense arising out of the same transaction as the underlying offense. Certain exceptions would apply.

The bill would also amend the Government Code to remove requirement that a defendant be a first-time offender in order to qualify for an order under one of the sections. The bill would remove the period of time a defendant must wait before petitioning the court for an order under the section. Currently, some defendants have to wait two years before filing a petition for an order under the section.

Based on the analysis of the Office of Court Administration and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing available resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, DKN, BH