

BILL ANALYSIS

H.B. 519
By: Wu
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Individuals who have been arrested by law enforcement but are not charged by a grand jury can still face negative consequences from having an arrest record. These people are not eligible to apply to have their arrest record expunged under current law. H.B. 519 seeks to address this issue by entitling these individuals who are otherwise eligible to the expunction of arrest records and files if the grand jury in the case failed to find probable cause that the individual committed the offense.

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. 519 amends the Code of Criminal Procedure to entitle a person who has been placed under arrest to the expunction of all records and files relating to the arrest under the following circumstances:

- the person has been released and the applicable criminal charge has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision for the offense; and
- the indictment or information charging the person was not presented solely because the grand jury failed to find that probable cause existed to believe the person committed the offense.

The bill applies to the 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, 2023.