

BILL ANALYSIS

H.B. 3260
By: Herrero
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The expunction process for criminal records is governed by Chapter 55 of the Code of Criminal Procedure. Codified nearly fifty years ago, this chapter has not been amended to keep up with modern best practices for the Texas judiciary. H.B. 3260 seeks to modernize the expunction process and improve efficiency by amending numerous provisions to allow a statutory county court to order the expunction of arrest records that are subject to its jurisdiction. Further, H.B. 3260 grants concurrent jurisdiction between a district court and statutory county court over expunction proceedings within a statutory county court's jurisdiction and gives a person seeking expunction the ability to file an ex parte petition in a statutory county court.

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. 3260 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. 3260 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 because they were tried and acquitted by the trial court, the court of criminal appeals, or a court of appeals, as applicable, or because the state's attorney recommends the expunction before they are tried, 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. 3260 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.