

## **BILL ANALYSIS**

H.B. 5007  
By: Plesa  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under our nation's founding principles and laws, a person is entitled to a presumption of innocence until proven guilty. Many Texans are arrested and charged each year and have an opportunity to prove their innocence in court, and many prevail and are subsequently acquitted. The expunction process in Texas can be costly and complicated, especially for those who have undertaken court costs and fees and secured legal counsel to prove their innocence in criminal court proceedings. Upon acquittal, the onus remains on the acquitted persons to understand and navigate the expunction process to have their records and names cleared of wrongdoing and accusation. Arrest records associated with acquitted offenses continue posing hardships for Texans when seeking gainful employment and housing. H.B. 5007 seeks to address these issues and provide for automatic expunction for certain persons who are tried for and subsequently acquitted of an offense by requiring a trial court that is a district court, justice court, or municipal court of record to enter an order of expunction for the person entitled to the expunction not later than the 30th day after the date of acquittal.

### **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. 5007 amends the Code of Criminal Procedure to provide for the automatic expunction of arrest records and files for a person entitled to expunction because they are tried for an offense and subsequently acquitted by the trial court by removing the conditions that trigger the requirement for the court to enter the order of expunction for such a person not later than the 30th day after the date of the acquittal. The bill requires the trial court, if it is not a district court, a justice court, or a municipal court of record, to forward the proposed order, and all information required in a petition under applicable state law, to a district court in the county to proceed in the manner provided law. The bill applies to the expunction of arrest records and files for a person entitled to that expunction under applicable state law before, on, or after the bill's effective date, regardless of when the underlying arrest occurred.

H.B. 5007 establishes that for a person who is entitled to the expunction based on an acquittal that occurred before the bill's effective date, notwithstanding the 30-day time limit provided for the court to enter an automatic order of expunction under the bill's provisions, the court is required to enter the order of expunction for the person as soon as practicable after the court

receives written notice from any party to the case about the person's entitlement to the expunction.

**EFFECTIVE DATE**

September 1, 2023.