

Amend CSSB 2878 (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. MANDATORY EXPUNCTION FOR CERTAIN PERSONS; RETENTION
OF CERTAIN RECORDS

SECTION _____. Article 55A.203, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (d) to read as follows:

(a) A trial court that is a district court or a district court in the county in which the trial court is located shall ~~[may, with the consent of the attorney representing the state,]~~ enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(A) not later than the 30th day after the date the court, as applicable:

(1) dismisses the case following the person's successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) receives the information regarding the dismissal.

(b) A trial court that is a district court or a district court in the county in which the trial court is located shall ~~[may, with the consent of the attorney representing the state,]~~ enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(B) not later than the 30th day after the date the court, as applicable:

(1) dismisses the case following the person's successful completion of a mental health court program created under Chapter 125, Government Code, or former law; or

(2) receives the information regarding the dismissal.

(b-1) A trial court that is a district court or a district court in the county in which the trial court is located shall enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(C) not later than the 30th day after the date the court, as applicable:

(1) dismisses the case following the person's successful completion of a pretrial intervention program authorized under Section 76.011, Government Code, other than a program described by Subsection (a)(1) or (b)(1) of this section;

or

(2) receives the information regarding the dismissal.

(d) The person for whom a court is required to enter an expunction order under Subsection (a), (b), or (b-1), as applicable, shall provide to the attorney representing the state all of the information required in a petition for expunction under Article 55A.253 and any affidavit required under Article 55A.053(b) or (c). The attorney representing the state shall prepare an expunction order under this article for the court's signature.

SECTION _____. Subchapter E, Chapter 55A, Code of Criminal Procedure, is amended by adding Article 55A.2035 to read as follows:

Art. 55A.2035. ATTORNEY REPRESENTING STATE CERTIFIES RECORDS AND FILES NOT NEEDED. (a) A trial court that is a district court or a district court in the county in which the trial court is located shall enter an expunction order for a person entitled to expunction under Article 55A.052(a)(4) not later than the 30th day after the date the court receives the certification described by that subdivision.

(b) The attorney representing the state who certified under Article 55A.052(a)(4) that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution shall prepare an expunction order under this article for the court's signature. The person for whom a court is required to enter an expunction order under Subsection (a) shall provide to the attorney representing the state all of the information required in a petition for expunction under Article 55A.253.

(c) Notwithstanding any other law, a court that enters an expunction order under this article may not charge any fee or assess any cost for the expunction.

SECTION _____. Subchapter H, Chapter 55A, Code of Criminal Procedure, is amended by adding Article 55A.358 to read as follows:

Art. 55A.358. RETENTION OF RECORDS FOR DEVELOPMENT AND OPERATION OF PRETRIAL INTERVENTION PROGRAMS. Notwithstanding Articles 55A.353, 55A.354, 55A.355, and 55A.356, a community supervision and corrections department established under Chapter

76, Government Code, or an office of an attorney representing the state, in possession of records and files subject to an expunction order based on an entitlement under Article 55A.053(a)(2)(A), (B), or (C) may retain and use those records and files only for the purpose of developing and operating pretrial intervention programs in a judicial district served by the department or office.