

BILL ANALYSIS

H.B. 3477
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that current law does not provide a clear mechanism for an individual who has been found in criminal contempt to expunge records relating to the contempt, resulting in permanent documentation of an infraction that may no longer have legal or societal significance. The bill author has also informed the committee that, unlike many criminal offenses, criminal contempt findings are often not indicative of criminal behavior but rather of noncompliance with court procedures and that, while such noncompliance may have been rectified over time, a criminal contempt finding can remain on a person's record indefinitely. H.B. 3477 seeks to address this issue by entitling a person who has been found in criminal contempt by a court to the expunction of all records and files related to the contempt if a certain period of time has passed.

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. 3477 amends the Code of Criminal Procedure to entitle a person who has been found in criminal contempt by a court to the expunction of all records and files related to the contempt if a minimum period of 40 years has passed since the date on which the person was found in contempt. The bill clarifies that a reference to "arrest" includes the taking into custody of a person found in criminal contempt for purposes of certain statutory provisions governing the expunction process. The bill authorizes a person who is entitled to the expunction of records and files under the bill's provisions to file an ex parte petition for expunction in the court that found the person in contempt.

H.B. 3477 applies to an expunction of arrest records and files relating to a finding of criminal contempt that occurred before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.