

By: McLaughlin

H.B. No. 4476

A BILL TO BE ENTITLED

AN ACT

relating to the waiver of jurisdiction by a juvenile court for certain children who are accused of committing certain offenses involving the use or exhibition of a firearm, the mandatory transfer of jurisdiction for those children to a criminal court, and an order of expunction issued with respect to those offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.02, Family Code, is amended by adding Subsection (m-1) and amending Subsection (n) to read as follows:

(m-1) Notwithstanding any other provision of this section, the juvenile court shall waive its exclusive original jurisdiction and transfer a child to the appropriate district court or criminal district court for criminal proceedings if:

(1) the child is alleged to have violated a penal law punishable as a felony of the first degree;

(2) the child was 14 years of age or older at the time the child is alleged to have committed the offense; and

(3) the child used or exhibited a firearm during the commission of the alleged offense.

(n) A mandatory transfer under Subsection (m) or (m-1) may be made without conducting the study required in discretionary transfer proceedings by Subsection (d). The requirements of Subsection (b) that the summons state that the purpose of the hearing is to consider discretionary transfer to criminal court

1 does not apply to a transfer proceeding under Subsection (m) or
2 (m-1). In a proceeding under Subsection (m) or (m-1), it is
3 sufficient that the summons provide fair notice that the purpose of
4 the hearing is to consider mandatory transfer to criminal court.

5 SECTION 2. Chapter 55A, Code of Criminal Procedure, is
6 amended by adding Subchapter E-1 to read as follows:

7 SUBCHAPTER E-1. EXPUNCTION FOR CERTAIN OFFENSES COMMITTED BY CHILD

8 Art. 55A.221. PETITION FOR EXPUNCTION. (a) A person who
9 has been convicted of or placed on deferred adjudication community
10 supervision for an offense for which the person was transferred
11 from a juvenile court to a district court or criminal district court
12 for criminal proceedings under Section 54.02(m-1), Family Code, may
13 file an ex parte petition in the court in which the person was
14 convicted or placed on deferred adjudication community supervision
15 to have all records and files related to the conviction or deferred
16 adjudication community supervision expunged if:

17 (1) the person is 25 years of age or older; and

18 (2) the person has not been convicted of or placed on
19 deferred adjudication community supervision for any subsequent
20 offense the commission of which involved the person's use or
21 exhibition of a firearm.

22 (b) The petition for the expunction of records and files
23 under Subsection (a) must:

24 (1) be in writing; and

25 (2) be verified and include all the information
26 described by Article 55A.253 or an explanation for why any of the
27 information was omitted.

1 (c) On the filing of the petition under this article, the
2 clerk of the court shall promptly serve a copy of the petition and
3 any supporting documentation on the appropriate office of the
4 attorney representing the state. Any response to the petition by
5 the attorney representing the state must be filed not later than the
6 30th business day after the date of service under this subsection.

7 Art. 55A.222. HEARING FOR EXPUNCTION. (a) In the manner
8 described by Article 55A.254, the court shall hold a hearing to
9 consider an ex parte petition filed under Article 55A.221.

10 (b) A person is entitled to have all records and files
11 related to the conviction or deferred adjudication community
12 supervision expunged under this subchapter if after the hearing the
13 court determines that:

14 (1) the offense for which the person is seeking the
15 expunction of records and files is an offense for which the person
16 was transferred from a juvenile court to a district court or
17 criminal district court for criminal proceedings under Section
18 54.02(m-1), Family Code;

19 (2) the person is 25 years of age or older;

20 (3) the person has not been subsequently convicted of
21 or placed on deferred adjudication community supervision for an
22 offense the commission of which involved the person's use or
23 exhibition of a firearm; and

24 (4) the person is rehabilitated and has demonstrated a
25 commitment to being a responsible citizen.

26 SECTION 3. Article 55A.255, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 55A.255. ENTRY OF EXPUNCTION ORDER. If the court finds
2 that the person who is the subject of an ex parte petition filed
3 under Subchapter E-1 or Article 55A.251, 55A.252, or 55A.257 is
4 entitled to expunction of any records and files that are the subject
5 of the petition, the court shall enter an order directing
6 expunction.

7 SECTION 4. Article 55A.301, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 55A.301. REQUIRED CONTENT. (a) An expunction order
10 entered by a court under Subchapter E or F must have attached and
11 incorporate by reference a copy of the judgment of acquittal, if
12 any, and must include:

13 (1) the following information on the person who is the
14 subject of the expunction order:

- 15 (A) full name;
- 16 (B) sex;
- 17 (C) race;
- 18 (D) date of birth;
- 19 (E) driver's license number; and
- 20 (F) social security number;

21 (2) the offense charged against the person who is the
22 subject of the expunction order or the offense of which the person
23 was convicted, if applicable ~~[any]~~;

24 (3) the date of the applicable arrest or conviction;

25 (4) the case number and court of offense, if any; and

26 (5) the incident number assigned to the individual

27 incident of arrest under Article 66.251(b)(1) by the Department of

Public Safety.

(b) An expunction order issued by a court under Subchapter E or F must require any state agency that sent information concerning the arrest or conviction to a central federal depository to request the depository to return all records and files subject to the order.

SECTION 5. Article 55A.401, Code of Criminal Procedure, is amended to read as follows:

Art. 55A.401. EFFECT OF FINAL EXPUNCTION ORDER. When an expunction order issued under Subchapter E or F is final:

(1) the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited;

(2) except as provided by Subdivision (3), the person arrested or convicted, as applicable, may deny the occurrence of the arrest or conviction and the existence of the expunction order; and

(3) the person arrested or convicted, as applicable, or any other person, when questioned under oath in a criminal proceeding about an arrest or conviction for which the records have been expunged, may state only that the matter in question has been expunged.

SECTION 6. Article 55A.402(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person commits an offense if the person:

(1) learns of an arrest or conviction while an officer or employee of the state or of any agency or other entity of the state or any political subdivision of the state;

(2) knows of an order expunging the records and files

1 relating to that arrest or conviction; and

2 (3) knowingly releases, disseminates, or otherwise
3 uses the records or files.

4 SECTION 7. The changes in law made by this Act to Section
5 54.02, Family Code, apply only to an offense committed or conduct
6 that occurs on or after the effective date of this Act. An offense
7 committed or conduct that occurred before the effective date of
8 this Act is governed by the law in effect on the date the offense was
9 committed or the conduct occurred, and the former law is continued
10 in effect for that purpose. For purposes of this section, an
11 offense was committed or conduct occurred before the effective date
12 of this Act if any element of the offense or conduct occurred before
13 that date.

14 SECTION 8. This Act takes effect September 1, 2025.