

## **BILL ANALYSIS**

Senate Research Center  
77R7456 GWK-D

S.B. 1126  
By: Ogden  
Criminal Justice  
3/26/2001  
As Filed

### **DIGEST AND PURPOSE**

As proposed, S.B. 1126 addresses a problem raised in a holding by the Third Court of Appeal. In *Travis County Appellant, v. J.S.H., Appellee and C.E.G.K., Appellee*, the court held that since an admitted, unadjudicated offense in Section 12.45 does not result in a “final conviction” as that term is used in Article 55.01, then such an offense can be expunged (erased) from the offender’s record. S.B. 1126 amends the Code of Criminal Procedure, so that admissions of unadjudicated offenses in Section 12.45, Penal Code, are taken into account by a trial court in assessing punishment in expunction proceedings. This bill does not permit an admitted, unadjudicated offense to be expunged, thereby keeping such an offense in a defendant’s criminal record.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 55.01(a), Code of Criminal Procedure, to set forth a list of requirements that are needed to be met in order to have a felony or misdemeanor expunged from a person’s record including: if the person has been released and the charge, if any, has not resulted in a final conviction or an admission of guilt under Section 12.45 (Admission of Unadjudicated Offense), Penal Code, and is no longer pending, and there was no court ordered community supervision under Article 42.12 of this code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.