

BILL ANALYSIS

Senate Research Center
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S.B. 434
By: Harris
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, Texas law allows courts to expunge all records and files relating to an arrest if the person was acquitted by the court of criminal appeals. The courts, however, cannot expunge the records of a person who was given deferred adjudication, successfully completed community supervision, and has been dismissed and discharged. As proposed, S.B. 434 allows courts to expunge the arrest record of a person who was placed on deferred adjudication and subsequently received a dismissal and discharge, unless the offense was a first or second degree felony.

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(b), Code of Criminal Procedure, to authorize a district court, except as provided by Subsection (c) of this section, to expunge all records and fines relating to the arrest of a person who has been arrested for commission of a felony or misdemeanor under the procedure established under Article 55.02 if the person meets certain criteria, including being arrested, for an offense other than a first or second degree felony, placed on deferred adjudication community supervision under Section 5, Article 42.12, for the offense for which the person was arrested and subsequently receives a dismissal and discharge under Section 5(c), Article 42.12.

SECTION 2. Makes application of this Act retroactive.

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