

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 269
By: Keel (West, Royce)
Criminal Justice
5/17/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, persons who have been acquitted at trial, pardoned, or for whom no case was presented for trial, with exceptions, are entitled to have their records expunged. This differs from persons who may apply for an order of non-disclosure, which in effect “seals” the record of a person who has been placed on deferred adjudication, has successfully completed a period of community supervision, and has had the charge dismissed. The 78th Legislature, Regular Session, 2003, enacted S.B. 1477 which made orders of non-disclosure possible, but which also made minor changes to the expunction statutes. One of the changes has had the unintended consequence of allowing the Department of Public Safety to maintain records that have been ordered by a court to be expunged and to make the records public to criminal justice and certain noncriminal justice agencies. C.S.H.B. 269 corrects this unintended consequence.

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 55.03, Code of Criminal Procedure, by deleting text specifying certain purposes for which the release, maintenance, dissemination, or use of expunged records and files is permitted. Makes a nonsubstantive change.

SECTION 2. Requires the Department of Public Safety of the State of Texas, as soon as practicable, to take action as necessary to ensure compliance with Subdivision (1), Article 55.03, Code of Criminal Procedure, as amended by this Act, including the destruction of information that has been maintained by the department solely to enable the department to comply with Subdivision (1), Article 55.03, Code of Criminal Procedure, as that law existed immediately before the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.