

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 8, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SB167** by West (Relating to the automatic expunction of arrest records and files after an individual receives a pardon or a grant of certain other relief with respect to the offense for which the individual was arrested. ), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure to require a trial court to enter an expunction order if the defendant is subsequently pardoned or a grant of certain other relief, within 30 days of receiving notice of the pardon. The order must include a list of each entity of the state believed to hold any record or file that is subject to the order, and it must request that all records and files subject to the expunction order be returned to the court. The court must retain the records and files until the statute of limitations has run for any civil case or proceeding relating to the wrongful imprisonment of the person subject to the expunction order. The Office of Court Administration, Department of Public Safety, Department of Criminal Justice, and Board of Pardons and Paroles indicate that the bill would pose no significant fiscal impact to the state.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

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