

By: Burton

S.B. No. 325

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedure for expunction of arrest records and
3 files for certain persons who are tried for an offense and
4 subsequently acquitted.

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

6 SECTION 1. Section 1, Article 55.02, Code of Criminal
7 Procedure, is amended to read as follows:

8 Sec. 1. At the request of the acquitted person [~~defendant~~]
9 and after notice to the state, or at the request of the attorney for
10 the state, the trial court presiding over the case in which the
11 person [~~defendant~~] was acquitted, if the trial court is a district
12 court, or a district court in the county in which the trial court is
13 located shall enter an order of expunction for a person entitled to
14 expunction under Article 55.01(a)(1)(A) not later than the 30th day
15 after the date of the acquittal. On [~~Upon~~] acquittal, the trial
16 court shall advise the acquitted person [~~defendant~~] of the right to
17 expunction. The acquitted person or the attorney for the state
18 [~~defendant~~] shall provide to the district court all of the
19 information required in a petition for expunction under Section
20 2(b). The [~~attorney for the defendant in the case in which the~~
21 ~~defendant was acquitted, if the defendant was represented by~~
22 ~~counsel, or the~~] attorney for the state[, ~~if the defendant was not~~
23 ~~represented by counsel,~~] shall prepare the order for the court's
24 signature.

1 SECTION 2. The change in law made by this Act applies only
2 to the expunction of arrest records and files related to a criminal
3 offense for which the trial of the offense begins on or after the
4 effective date of this Act. The expunction of arrest records and
5 files related to a criminal offense for which the trial of the
6 offense begins before the effective date of this Act is governed by
7 the law in effect on the date the trial begins, and the former law is
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2017.