

1-1 By: Burton, Huffines, Miles S.B. No. 325
 1-2 (In the Senate - Filed December 14, 2016; January 30, 2017,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 20, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 20, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 325 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the procedure for expunction of arrest records and
 1-22 files for certain persons who are tried for an offense and
 1-23 subsequently acquitted.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 1, Article 55.02, Code of Criminal
 1-26 Procedure, is amended to read as follows:

1-27 Sec. 1. At the request of the acquitted person [defendant]
 1-28 and after notice to the state, or at the request of the attorney for
 1-29 the state, the trial court presiding over the case in which the
 1-30 person [defendant] was acquitted, if the trial court is a district
 1-31 court, or a district court in the county in which the trial court is
 1-32 located shall enter an order of expunction for a person entitled to
 1-33 expunction under Article 55.01(a)(1)(A) not later than the 30th day
 1-34 after the date of the acquittal. On [Upon] acquittal, the trial
 1-35 court shall advise the acquitted person [defendant] of the right to
 1-36 expunction. The party requesting the order of expunction
 1-37 [defendant] shall provide to the district court all of the
 1-38 information required in a petition for expunction under Section
 1-39 2(b). The attorney for the acquitted person [defendant] in the case
 1-40 in which the person [defendant] was acquitted, if the person
 1-41 [defendant] was represented by counsel, or the attorney for the
 1-42 state, if the person [defendant] was not represented by counsel or
 1-43 if the attorney for the state requested the order of expunction,
 1-44 shall prepare the order for the court's signature.

1-45 SECTION 2. The change in law made by this Act applies only
 1-46 to the expunction of arrest records and files related to a criminal
 1-47 offense for which the trial of the offense begins on or after the
 1-48 effective date of this Act. The expunction of arrest records and
 1-49 files related to a criminal offense for which the trial of the
 1-50 offense begins before the effective date of this Act is governed by
 1-51 the law in effect on the date the trial begins, and the former law is
 1-52 continued in effect for that purpose.

1-53 SECTION 3. This Act takes effect September 1, 2017.

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