

By: Collier

H. B. No. 557

A BILL TO BE ENTITLED

# 1 AN ACT

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.

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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.