

- SUBJECT:** Granting automatic expunction for certain misdemeanor offenses
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
- 0 nays
- WITNESSES:** For — M Paige Williams, Dallas County Criminal District Attorney John Creuzot (*Registered, but did not testify*: Akanksha Balekai, Texas Appleseed; Sarah Mae Jennings, Texas Fair Defense Project; and seven individuals)
- Against — (*Registered, but did not testify*: Nadia Islam, City of San Antonio; Joe Morris, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Ray Scifres, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association; AJ Louderback, Texas Sheriffs Regional Alliance)
- BACKGROUND:** Some have suggested that the automatic expunction of certain misdemeanor records for individuals who have rehabilitated successfully would help these individuals find employment, housing, and schooling.
- DIGEST:** HB 2193 would establish a process for the automatic record expunction of certain misdemeanor offenses. A person who had been placed under a custodial or noncustodial arrest for an offense would be entitled to the expunction of all records and files related to the arrest, including any records related to a conviction, if:
- the offense was a misdemeanor offense, other than for driving under the influence as a minor, public intoxication, or an offense involving family violence;
 - the person was convicted of or placed on deferred adjudication community supervision for an offense described above;

- the person had never been previously convicted of or placed on deferred adjudication community supervision for any offense involving family violence;
- the person had not been convicted of or placed on deferred adjudication community supervision for an offense, other than a traffic offense punishable by fine only, committed after the date of the misdemeanor offense to be expunged; and
- there were no charges pending against the person for any offense, other than a traffic offense punishable by fine only.

In order to qualify for an automatic expunction, at least 10 years would need to have passed since the date on which either the person's sentence for the offense was fully discharged, or the person received a dismissal and discharge for the offense.

The bill would require the court that convicted the person or placed the person on deferred adjudication community supervision to enter an order directing expunction within 30 days after a person became entitled to expunction, regardless of whether the person had filed a petition for expunction and provided that the order did not apply to an opinion issued by an appellate court.

Notwithstanding any other law, a person entitled to expunction under the bill would not be required to pay a fee for the expunction.

An expunction ordered under the bill would be included in the scope of provisions related to prohibiting certain entities from releasing criminal history record information, requiring certain entities to destroy criminal history record information, and a person's entitlement to receive an expunction of a DNA record.

If a person entitled to an expunction under the bill completed the person's sentence or received a dismissal and discharge before September 1, 2013, the court that convicted the person or placed the person on deferred adjudication community supervision would be required to issue an order of expunction as soon as practicable between the bill's effective date and

August 31, 2025.

The bill would take effect September 1, 2023, and would apply to an expunction of arrest records and files related to any misdemeanor offense, regardless of when the offense was committed.

NOTES:

According to the Legislative Budget Board, the fiscal implications of HB 2193 cannot be determined, because the timing and number of orders for expunction resulting from provisions of the bill are unknown.