

SUBJECT: Allowing a statutory county court to expunge certain arrest records

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For — (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Rebekah Chenelle, Dallas County Commissioners Court; Akanksha Balekai, Texas Appleseed; Jenny Hixon, Texas Civil Rights Project; Shea Place, Texas Criminal Defense Lawyers Association; Sarah Mae Jennings, Texas Fair Defense Project; Grace Pankl)

Against — None

BACKGROUND: Some have suggested that allowing a statutory county court to order the expunction of arrest records that are subject to its jurisdiction could improve judicial efficiency.

DIGEST: HB 3260 would amend various provisions to allow a statutory county court to order the expunction of arrest records that were subject to its jurisdiction.

The bill would include a statutory county court among the courts authorized to expunge all records and files relating to the arrest of a person eligible for record expunction who was arrested for an offense in the statutory county court's jurisdiction. If the arrest for which expunction was sought was for an offense subject to the statutory county court's jurisdiction, a person entitled to or eligible for expunction could file an ex parte petition for expunction in a statutory county court in the county in which the petitioner was arrested or the offense was alleged to have occurred.

The bill would also establish that a statutory county court had concurrent

jurisdiction with a district court over expunction proceedings related to the arrest of a person for an offense subject to the statutory county's jurisdiction.

The bill would take effect September 1, 2023, and would apply only to the expunction of arrest records and files for any criminal offense that occurred before, on, or after that date.