

SUBJECT:	Requiring record expunction for certain dismissed drug-related arrests
COMMITTEE:	Criminal Jurisprudence — favorable, without amendment
VOTE:	9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline 0 nays
WITNESSES:	For — (<i>Registered, but did not testify</i> : M Paige Williams, Dallas Criminal District Attorney John Creuzot; Maggie Luna, Statewide Leadership Council; Sarah Mae Jennings, Texas Fair Defense Project) Against — (<i>Registered, but did not testify</i> : John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs’ Regional Alliance)
BACKGROUND:	Some have suggested that people who were arrested for certain drug-related crimes should have their records expunged if the laboratory analysis found no presence of a controlled substance when the possession was tested.
DIGEST:	HB 3638 would entitle a person to expunction of all records and files related to a custodial or noncustodial arrest for commission of either a felony or misdemeanor if in addition to certain other conditions established in current statute: <ul style="list-style-type: none">• the person was charged solely with an offense involving the manufacture, delivery, or possession of a controlled substance; and• a laboratory analysis of the suspected controlled substance found no presence of a controlled substance. A trial court dismissing a case following a laboratory analysis that found no presence of a controlled substance would have to enter an expunction order for an entitled person within 30 days after the court dismissed the case or received information regarding that dismissal, as applicable. A

court that entered an expunction order could not charge any fee or assess any cost for the expunction.

The bill would take effect September 1, 2023, and would apply only to a charge or arrest occurring on or after the effective date.