

BILL ANALYSIS

Senate Research Center
77R1749 JMC-D

S.B. 1608
By: Staples
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Under current Texas law, when a person is arrested for a crime, an indictment or information must be filed charging that person with a crime. If it is determined that no probable cause existed, a trial court can dismiss the case. Under these circumstances a person can request expunction of the arrest record and other related files, but if the indictment or information used to charge the person for the alleged crime is quashed because of non-prosecution or other showing of lack of probable cause, no provisions exist for the application of expunction of the records against a person in such a situation. As proposed, S.B. 1608 allows for the expunction of such records after the statute of limitations has expired and provided that the accused has a clear felony conviction record for the five years preceding the arrest.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 55.01(a), Code of Criminal Procedure, to provide that a person who has been arrested for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if certain specific conditions are met.

SECTION 2. Provides that the change in law made by this Act applies to arrest records and files created before, on, or after the effective date of this Act.

Effective date: 90 days after adjournment.