

BILL ANALYSIS

Senate Research Center
78R6110 PEP-F

S.B. 1290
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Jurisprudence
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DIGEST AND PURPOSE

Current law provides that conviction of a Class C misdemeanor does not impose any legal disability or disadvantage, and procedural statutes for the prosecution of fine only offenses allow for payment of a fine without attending formal court proceedings. As proposed, S.B. 1290 precludes the use of information concerning an arrest or conviction for an offense punishable by fine only after a period of five years from the date of final disposition of the case, requiring the destruction of the records, both actual case files and electronically stored records.

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 Section 12.03, Penal Code, by adding Subsection (d), as follows:

(d)(1) Provides that a person, after the fifth anniversary of the date of final disposition of the matter, is released from any legal disability or disadvantage resulting from the prosecution or conviction of an offense in a justice or municipal court, notwithstanding any other law.

(2) Prohibits a justice or municipal court maintaining a record relating to the prosecution and final disposition of a matter with respect to which a person is released from any legal disability or disadvantage under Subdivision (1) from releasing information contained in the record and is required to take action as necessary to destroy the record, regardless of whether the record is maintained electronically or otherwise.

(3) Defines "final disposition."

SECTION 2. Effective date: September 1, 2003.

Makes application of this Act retroactive.