

SUBJECT: Expunging certain alcohol-related arrests of minors

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 7 ayes — Kuempel, Frullo, Geren, Goldman, Herrero, Paddie, S. Thompson

0 nays

2 absent — Guillen, Hernandez

WITNESSES: For — (*Registered, but did not testify*: Justin Keener, Doug Deason; Ellen Arnold, Texas PTA; Thomas Parkinson)

Against — None

BACKGROUND: Alcoholic Beverage Code, sec. 106.12 allows an individual who was convicted of an alcohol-related offense as a minor to apply to have that conviction expunged if the individual did not have any other convictions of an alcohol-related offense as a minor.

DIGEST: HB 2059 would allow an individual who was arrested for no more than one alcohol-related offense as a minor and who was not convicted to apply to have the record of the arrest expunged. If a court found that the applicant had not been arrested for any other alcohol-related offense while a minor, the court would issue an order of expunction for complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation.

The bill also would include prosecutorial and law enforcement records among the records to be expunged for minors who were convicted and eligible for an expunction under current law.

The bill would take effect September 1, 2017, and would apply to the expunction of records of a conviction or arrest made before, on or after

that date.

**SUPPORTERS
SAY:**

HB 2059 would resolve an inequity under current law in which getting an expunction is easier for someone who was convicted of a crime than it is for someone who was merely arrested. The expunction available under the Alcoholic Beverage Code is less costly and time-consuming than the procedures available under the Code of Criminal Procedure. As written, however, the Alcoholic Beverage Code expunction is only available to individuals who were convicted of an offense, not to those who were arrested or charged without being convicted. As a result, those who were never convicted of a crime must spend more time and money filing under the Code of Criminal Procedure than those who were convicted and eligible to use the Alcoholic Beverage Code provision.

The bill would place reasonable restrictions on who could apply for an expunction by restricting eligibility to a person with a single arrest under the Alcoholic Beverage Code as a minor. These restrictions would ensure that while deserving individuals received a chance to rehabilitate, information about a person who had a track record of alcohol-related incidents with authorities still would be available to law enforcement and prosecutors in subsequent interventions or prosecutions.

**OPPONENTS
SAY:**

No apparent opposition.