

SUBJECT: Allowing for the expunction of arrest records for certain misdemeanors

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Moody, Bhojani, Bowers, Darby, Harrison
0 nays
4 absent — Cook, Leach, C. Morales, Schatzline

WITNESSES: For — (*Registered, but did not testify*: Jennifer Carreon, Texas Appleseed; Alycia Castillo, Texas Center for Justice and Equity; Shea Place, Texas Criminal Defense Lawyers Association; Sarah Mae Jennings, Texas Fair Defense Project; Julie Wheeler, Travis County Commissioners Court; Susana Carranza)

Against — (*Registered, but did not testify*: James Parnell, Dallas Police Association; Ray Hunt, HPOU; Buddy Mills, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association)

BACKGROUND: Some have suggested that people who have committed certain nonviolent misdemeanors should be allowed to have an arrest removed from their record.

DIGEST: HB 1715 would entitle a person who had been placed under custodial or noncustodial arrest for certain misdemeanor offenses to have all records and files related to the arrest expunged if:

- the person was placed on deferred adjudication community supervision for a misdemeanor offense and subsequently received a dismissal and discharge;
- the person was not required to register as a sex offender as a condition of or as a result of such a placement;
- the person had not been convicted of or placed on deferred adjudication community supervision for an offense, other than a traffic offense punishable by fine only, committed after the date of

the misdemeanor offense for which the person was placed on deferred adjudication community supervision;

- there were no charges pending against the person for any offense, other than a traffic offense punishable by fine only; and
- at least five years had passed since the person received the dismissal and discharge.

The person would be required to submit to the court a petition for expunction that would be verified and would contain any information required for an expunction, along with a statement attesting that the person met the second, third, and fourth conditions listed above. If the court found that the petitioner was entitled to expunction, the court would be required to direct the expunction. The bill also would waive certain fees in expunction proceedings for indigent petitioners who were entitled to expunction under the bill and under any other provisions governing expunction of criminal records.

The bill would amend certain statutes that referenced provisions governing expunction procedures to include provisions under the bill.

The bill would take effect September 1, 2023 and apply to an expunction of arrest records and files related to any misdemeanor offense committed before, on, or after that date.