BILL ANALYSIS

DIGEST

Currently, some confusion exists regarding the need for a pardon in the case of an individual whose case has been dismissed by a judge. According to the attorney general, an individual who has served time and whose case has been dismissed does not need to request a pardon from the governor's office, and enjoys a full restoration of the individual's civil rights. This legislation allows for judicial expungement for a person who was arrested on felony or misdemeanor charges and was placed on community supervision after 10 years for a Class C misdemeanor, 20 years for a Class B misdemeanor, and 30 years for a Class A misdemeanor felony conviction in an effort to further clarify the liberties of convicted persons.

PURPOSE

As proposed, S.B. 1337 establishes the right of a person to seek an expunction of certain records and files pertaining to a misdemeanor offense.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 55.01(b), Code of Criminal Procedure, to authorize a district court to expunge all records and files relating to the arrest of a person who has been arrested for commission of a felony or misdemeanor under the procedure established under Article 55.02 if the person is placed on community supervision after having been convicted or receiving an order of deferred adjudication in connection with the offense for which the person was arrested, if the offense is a Class A midemeanor and not less than 20 years have passed since the date on which the person was discharged from community supervision, or the offense is a Class B misdemeanor and not less than 15 years have passed; or the person is convicted of a Class C misdemeanor and not less than 10 years have passed since the date of conviction.

SECTION 2   Effective date: September 1, 1997.

SECTION 3. Emergency clause.