

Chapter 464

H.B. No. 2059

AN ACT

relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 106.12, Alcoholic Beverage Code, is amended to read as follows:

Sec. 106.12. EXPUNCTION [~~EXPUNCEMENT~~] OF CONVICTION OR ARREST RECORDS OF A MINOR.

SECTION 2. Section 106.12, Alcoholic Beverage Code, is amended by amending Subsections (c) and (d) and adding Subsections (e) and (f) to read as follows:

(c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, prosecutorial and law enforcement records, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

(d) Any person placed under a custodial or noncustodial arrest for not more than one violation of this code while a minor and who was not convicted of the violation may apply to the court in which the person was charged to have the records of the arrest expunged. The application must contain the applicant's sworn

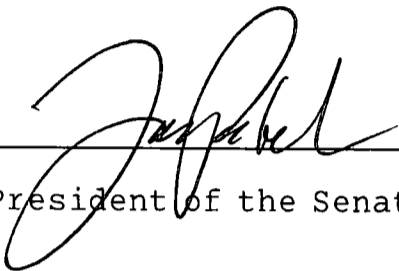
1 statement that the applicant was not arrested for a violation of
2 this code other than the arrest the applicant seeks to expunge. If
3 the court finds the applicant was not arrested for any other
4 violation of this code while a minor, the court shall order all
5 complaints, verdicts, prosecutorial and law enforcement records,
6 and other documents relating to the violation to be expunged from
7 the applicant's record.

8 (e) The court shall charge an applicant a fee in the amount
9 of \$30 for each application for expunction [~~expungement~~] filed
10 under this section to defray the cost of notifying state agencies of
11 orders of expunction [~~expungement~~] under this section.

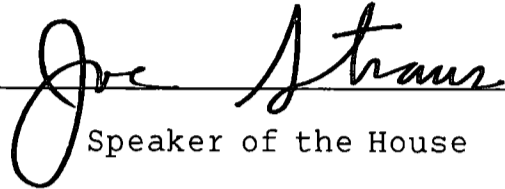
12 (f) The procedures for expunction provided under this
13 section are separate and distinct from the expunction procedures
14 under Chapter 55, Code of Criminal Procedure.

15 SECTION 3. The change in law made by this Act to Section
16 106.12, Alcoholic Beverage Code, applies to the expunction of
17 records of a conviction or arrest made before, on, or after the
18 effective date of this Act.

19 SECTION 4. This Act takes effect September 1, 2017.




President of the Senate



Speaker of the House

I certify that H.B. No. 2059 was passed by the House on April 28, 2017, by the following vote: Yeas 135, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2059 was passed by the Senate on May 24, 2017, by the following vote: Yeas 31, Nays 0.




Secretary of the Senate

APPROVED: 6-7-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 P.M. 'CLOCK



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2059 by Phillips (Relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to authorize an individual who as a minor was placed under arrest for a violation of this code, and who was not convicted of the violation, to apply to the court in which the individual was charged to have the records of the arrest expunged. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal impact on the local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 458 Alcoholic Beverage Commission

LBB Staff: UP, ZB, CL, AI, JAW

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 31, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2059 by Phillips (Relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to authorize an individual who as a minor was placed under arrest for a violation of this code, and who was not convicted of the violation, to apply to the court in which the individual was charged to have the records of the arrest expunged. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

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