

AN ACT

relating to the effect of an expunction.

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

SECTION 1. Article 55.03, Code of Criminal Procedure, is amended to read as follows:

Art. 55.03. EFFECT OF EXPUNCTION. When the order of expunction is final:

(1) the release, maintenance, dissemination, or use of the expunged records and files for any purpose [~~other than a purpose described by Section 411.083(a) or (b)(1), (2), or (3), Government Code,~~] is prohibited;

(2) except as provided in Subdivision (3) [~~3~~] of this article, the person arrested may deny the occurrence of the arrest and the existence of the expunction order; and

(3) the person arrested or any other person, when questioned under oath in a criminal proceeding about an arrest for which the records have been expunged, may state only that the matter in question has been expunged.

SECTION 2. The Department of Public Safety of the State of Texas shall as soon as practicable take action as necessary to ensure compliance with Subdivision (1), Article 55.03, Code of Criminal Procedure, as amended by this Act, including the destruction of information that has been maintained by the department solely to enable the department to comply with

1 Subdivision (1), Article 55.03, Code of Criminal Procedure, as that  
2 law existed immediately before the effective date of this Act.

3 SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2005.

David Newkirk  
President of the Senate

Jim Cudde  
Speaker of the House

I hereby certify that S.B. No. 166 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 27, 2005, by the following vote: Yeas 29, Nays 0.

Patricia Shaw  
Secretary of the Senate

I hereby certify that S.B. No. 166 passed the House, with amendments, on May 19, 2005, by the following vote: Yeas 138, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUNE '05  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:10 PM CLOK  
JUN 17 2005  
Roger Williams  
Secretary of State