

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

Text of chapter effective until January 1, 2025

CHAPTER 55. EXPUNCTION OF CRIMINAL RECORDS

Without reference to the amendment of this article, this chapter was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 3.001(6), eff. January 1, 2025.

Art. 55.01. RIGHT TO EXPUNCTION.

(e) For purposes of this article, records and files relating to an arrest include:

(1) a DNA record created under Subchapter G, Chapter 411, Government Code;

(2) any record of the collection of the specimen from which the DNA record was created; and

(3) any record of the transfer of the specimen to the Department of Public Safety.

Added by Acts 1977, 65th Leg., p. 1880, ch. 747, Sec. 1, eff. Aug. 29, 1977.

Amended by Acts 1979, 66th Leg., p. 1333, ch. 604, Sec. 1, eff. Aug. 27, 1979; Acts 1989, 71st Leg., ch. 803, Sec. 1, eff. Sept. 1, 1989; Subsec. (2) amended by Acts 1991, 72nd Leg., ch. 14, Sec. 284(53), eff. Sept. 1, 1991. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 7.02(a), eff. Sept. 1, 1993; Acts 1999, 76th Leg., ch. 1236, Sec. 1, eff. Aug. 30, 1999; Subsec. (a) amended by Acts 2001, 77th Leg., ch. 1021, Sec. 1, eff. Sept. 1, 2001; Subsec. (d) added by Acts 2001, 77th Leg., ch. 945, Sec. 1, eff. June 14, 2001; Subsec. (a) amended by Acts 2003, 78th Leg., ch. 1236, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1309 (H.B. 3093), Sec. 1, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 840 (S.B. 1940), Sec. 5, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1103 (H.B. 4833), Sec. 17(b), eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 690 (H.B. 351), Sec. 1, eff.

September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 894 (S.B. 462), Sec. 1, eff.

September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. 2299), Sec. 2.23, eff. January 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 693 (H.B. 322), Sec. 1, eff.

September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1062 (H.B. 3147), Sec. 1, eff.

September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1149 (H.B. 557), Sec. 1, eff.

September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1212 (S.B. 562), Sec. 19, eff.

June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 4, eff.

September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 543 (H.B. 3956), Sec. 1, eff.

September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 3.001(6), eff. January 1, 2025.

Without reference to the amendment of this article, this chapter was repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 3.001(6), eff. January 1, 2025.

Art. 55.02. PROCEDURE FOR EXPUNCTION.

Sec. 2a. (a) A person who is entitled to expunction of information contained in records and files under Article 55.01(d) may file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which:

- (1) the person resides; or
- (2) the offense was alleged to have occurred.

Sec. 3.

(c) When the order of expunction is final, the clerk of the court shall send a certified copy of the order to the director of the Department of Public Safety for purposes of Section 411.151, Government Code, to the Crime Records Service of the department, and to each official or agency or other governmental entity of this

state or of any political subdivision of this state named in the order. The certified copy of the order must be sent by secure electronic mail, electronic transmission, or facsimile transmission or otherwise by certified mail, return receipt requested. In sending the order to a governmental entity named in the order, the clerk may elect to substitute hand delivery for certified mail under this subsection, but the clerk must receive a receipt for that hand-delivered order.

Amended by Acts 1979, 66th Leg., p. 1333, ch. 604, Sec. 1, eff. Aug. 27, 1979; Sec. 1(b) amended by Acts 1989, 71st Leg., ch. 803, Sec. 2, eff. Sept. 1, 1989; Sec. 3(a) amended by Acts 1989, 71st Leg., ch. 803, Sec. 3, eff. Sept. 1, 1989; Sec. 5(d), (e) added by Acts 1989, 71st Leg., ch. 803, Sec. 4, eff. Sept. 1, 1989; Sec. 3(a) amended by Acts 1991, 72nd Leg., ch. 380, Sec. 1, eff. Aug. 26, 1991; Acts 1999, 76th Leg., ch. 1236, Sec. 2, eff. Aug. 30, 1999; Sec. 2(a), (b) amended by and Sec. 2(e) added by Acts 2001, 77th Leg., ch. 945, Sec. 2, eff. June 14, 2001; Sec. 3(c) amended by Acts 2001, 77th Leg., ch. 1021, Sec. 2, eff. Sept. 1, 2001; Sec. 5 amended by Acts 2001, 77th Leg., ch. 945, Sec. 3, eff. June 14, 2001; Sec 1 amended by Acts 2003, 78th Leg., ch. 404, Sec. 1, eff. Sept. 1, 2003; Sec. 2(a) amended by Acts 2003, 78th Leg., ch. 339, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1236, Sec. 2, eff. Sept. 1, 2003; Sec. 2(e) amended by Acts 2003, 78th Leg., ch. 339, Sec. 7, eff. Sept. 1, 2003; Sec. 2(a) added by Acts 2003, 78th Leg., ch. 339, Sec. 3, eff. Sept. 1, 2003; Sec. 3(a), 3(b) amended by Acts 2003, 78th Leg., ch. 404, Sec. 2, eff. Sept. 1, 2003; Sec. 3(c) amended by Acts 2003, 78th Leg., ch. 339, Sec. 4, eff. Sept. 1, 2003; Sec. 1 amended by Acts 2003, 78th Leg., ch. 404, Sec. 1, eff. Sept. 1, 2003; Sec. 3(a), 3(b) amended by Acts 2003, 78th Leg., ch. 404, Sec. 2, eff. Sept. 1, 2003; Sec. 5(d) amended by Acts 2003, 78th Leg., ch. 1126, Sec. 1, eff. June 20, 2003; Sec. 5(d-1) added by Acts 2003, 78th Leg., ch. 1126, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 177 (H.B. [413](#)), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 177 (H.B. [413](#)), Sec. 2, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 728 (H.B. [2018](#)), Sec. 4.006, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1309 (H.B. [3093](#)), Sec. 2, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 120 (S.B. [1106](#)), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. [1303](#)), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. [1303](#)), Sec. 2, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. [1303](#)), Sec. 3, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. [1303](#)), Sec. 4, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 6.002, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 278 (H.B. [1573](#)), Sec. 3, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 278 (H.B. [1573](#)), Sec. 4, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 690 (H.B. [351](#)), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 690 (H.B. [351](#)), Sec. 3, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 690 (H.B. [351](#)), Sec. 4, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 690 (H.B. [351](#)), Sec. 5, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 690 (H.B. [351](#)), Sec. 6, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 894 (S.B. [462](#)), Sec. 2, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 693 (H.B. [322](#)), Sec. 2, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. [2931](#)), Sec. 4.04, eff. January 1, 2019.

Acts 2017, 85th Leg., R.S., Ch. 1062 (H.B. [3147](#)), Sec. 2, eff.

September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1149 (H.B. [557](#)), Sec. 2, eff.

September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1149 (H.B. [557](#)), Sec. 3, eff.

September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1149 (H.B. [557](#)), Sec. 4, eff.

September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1212 (S.B. [562](#)), Sec. 20, eff.

June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. [1927](#)), Sec. 5, eff.

September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 543 (H.B. [3956](#)), Sec. 2, eff.

September 1, 2023.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 3.001(6), eff. January 1, 2025.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 12.006(a), eff. September 1, 2023.