

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 55A. EXPUNCTION OF CRIMINAL RECORDS

SUBCHAPTER A. MANDATORY EXPUNCTION

Text of article effective on January 01, 2025

Art. 55A.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a person who has been placed under a custodial or noncustodial arrest for commission of a felony or misdemeanor. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.002. FOLLOWING TRIAL COURT ACQUITTAL. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if the person is:

(1) tried for the offense for which the person was arrested; and

(2) acquitted by the trial court, except as provided by Article 55A.151.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.003. PARDON FOR ACTUAL INNOCENCE. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if:

(1) the person is:

(A) tried for and convicted of the offense for which the person was arrested; and

(B) subsequently pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense; and

(2) the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or issued

on the basis of the person's actual innocence.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.004. PARDON FOR REASON OTHER THAN ACTUAL INNOCENCE. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if the person is:

(1) tried for and convicted of the offense for which the person was arrested; and

(2) subsequently pardoned for that offense for a reason other than that described by Article 55A.003.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.005. UNLAWFUL CARRYING OF HANDGUN. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if:

(1) the person was tried for and convicted of the offense for which the person was arrested; and

(2) the offense was committed before September 1, 2021, under Section 46.02(a), Penal Code, as that section existed before that date.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.006. MISTAKEN IDENTITY. Notwithstanding the limitation provided by Article 55A.001, a person is entitled to obtain the expunction of any information that identifies the person, including the person's name, address, date of birth, driver's license number, and social security number, contained in records and files relating to the person's arrest or the arrest of another person if:

(1) the expunction of identifying information is sought with respect to the arrest of the person asserting the entitlement and the person was arrested solely as a result of identifying information that was inaccurate due to a clerical error; or

(2) the expunction of identifying information is sought with respect to the arrest of a person other than the person asserting the entitlement and:

(A) the information identifying the person asserting the entitlement was falsely given by the arrested person as the arrested person's identifying information without the consent of the person asserting the entitlement; and

(B) the only reason why the identifying information of the person asserting the entitlement is contained in the applicable arrest records and files is the deception of the arrested person.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER B. SPECIAL CIRCUMSTANCES REQUIRING MANDATORY EXPUNCTION

Text of article effective on January 01, 2025

Art. 55A.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a person who has been placed under a custodial or noncustodial arrest for commission of a felony or misdemeanor if:

(1) the person has been released;

(2) the charge, if any, has not resulted in a final conviction and is no longer pending; and

(3) there was no court-ordered community supervision under Chapter 42A for the offense, other than for a Class C misdemeanor.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.052. INDICTMENT OR INFORMATION NOT PRESENTED.

(a) A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested has not been presented against the person at any time following the arrest and if:

(1) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and there was no felony charge arising out of the same transaction for which the person was arrested;

(2) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and there was no felony charge arising out of the same transaction for which the person was arrested;

(3) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or there was a felony charge arising out of the same transaction for which the person was arrested; or

(4) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person.

(b) A person is entitled to an expunction under this article regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.053. INDICTMENT OR INFORMATION DISMISSED OR

QUASHED. (a) A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if:

(1) an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested, when presented at any time following the arrest, was dismissed or quashed; and

(2) the court finds that the indictment or information was dismissed or quashed because:

(A) the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (b);

(B) the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (c);

(C) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a program described by Paragraph (A) or (B);

(D) the presentment of the indictment or information was made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(E) the indictment or information was void.

(b) A person is eligible under Subsection (a)(2)(A) for an expunction of arrest records and files only if the person:

(1) has not previously received an expunction under that paragraph; and

(2) submits to the court an affidavit attesting to that fact.

(c) A person is eligible under Subsection (a)(2)(B) for an expunction of arrest records and files only if the person:

(1) has not previously received an expunction under that paragraph; and

(2) submits to the court an affidavit attesting to that fact.

(d) A person is entitled to an expunction under this article regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.054. EXPIRATION OF LIMITATIONS PERIOD. A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER C. DISCRETIONARY EXPUNCTION

Text of article effective on January 01, 2025

Art. 55A.101. APPELLATE COURT ACQUITTAL OR RECOMMENDATION OF ATTORNEY REPRESENTING STATE. (a) Except as provided by Article [55A.151](#) and subject to Subsection (b), a district court, a justice court, or a municipal court of record may expunge all records and files relating to the arrest of a person if:

(1) the person is:

(A) tried for the offense for which the person was arrested;

(B) convicted of the offense; and

(C) acquitted by the court of criminal appeals or, if the period for granting a petition for discretionary review has expired, by a court of appeals; or

(2) an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person with respect to

the offense.

(b) A justice court or a municipal court of record may only expunge records and files under Subsection (a) that relate to the arrest of a person for an offense punishable by fine only.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER D. EXPUNCTION PROHIBITED

Text of article effective on January 01, 2025

Art. 55A.151. CONVICTION OR POTENTIAL PROSECUTION ARISING FROM SAME CRIMINAL EPISODE. A court may not order the expunction of records and files relating to an arrest for an offense for which a person is subsequently acquitted, whether by the trial court, a court of appeals, or the court of criminal appeals, if the offense for which the person was acquitted arose out of a criminal episode, as defined by Section [3.01](#), Penal Code, and the person was convicted of or remains subject to prosecution for at least one other offense occurring during the criminal episode.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.152. DRIVER'S LICENSE SUSPENSION OR REVOCATION. Records relating to the suspension or revocation of a driver's license, permit, or privilege to operate a motor vehicle may not be expunged under this chapter except as provided by Section [524.015](#) or [724.048](#), Transportation Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.153. ARREST FOR VIOLATION OF COMMUNITY SUPERVISION. Notwithstanding any provision of Subchapter A, B, or C, a person may not expunge records and files relating to an arrest that occurs pursuant to a warrant issued under Article [42A.751](#)(b).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.154. CERTAIN PERSONS ABSCONDING AFTER ARREST. Notwithstanding any provision of Subchapter A, B, or C, a person who intentionally or knowingly absconds from the jurisdiction after being released under Chapter 17 following an arrest is not eligible under Article 55A.052(a)(1), (2), or (3) or 55A.054 for an expunction of the records and files relating to that arrest.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER E. PROCEDURES FOR AUTOMATIC ENTRY OF EXPUNCTION ORDER

Text of article effective on January 01, 2025

Art. 55A.201. TRIAL COURT ACQUITTAL. (a) At the request of the acquitted person and after notice to the state, or at the request of the attorney representing the state with the consent of the acquitted person, an expunction order shall be entered, not later than the 30th day after the date of the acquittal, for a person entitled to expunction under Article 55A.002 by:

(1) the trial court presiding over the case in which the person was acquitted, if the court is:

- (A) a district court;
- (B) a justice court; or
- (C) a municipal court of record; or

(2) a district court in the county in which the trial court is located.

(b) On acquittal, the trial court shall advise the acquitted person of the right to expunction.

(c) The party requesting the expunction order shall provide to the court all of the information required in a petition for expunction under Article 55A.253.

(d) An expunction order under this article shall be prepared

for the court's signature by:

(1) the attorney for the acquitted person in the case in which the person was acquitted, if the acquitted person was represented by an attorney; or

(2) the attorney representing the state, if the person was not represented by an attorney or if the attorney representing the state requested the order.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.202. PARDON FOR ACTUAL INNOCENCE. (a) In a case in which a person is entitled to expunction under Article 55A.003, an expunction order shall be entered, not later than the 30th day after the date the court receives notice of the applicable pardon or other grant of relief, for the person by:

(1) the trial court presiding over the case, if the court is:

(A) a district court;

(B) a justice court; or

(C) a municipal court of record; or

(2) a district court in the county in which the trial court is located.

(b) The person described by Subsection (a) shall provide to the court all of the information required in a petition for expunction under Article 55A.253.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.203. CERTAIN SPECIALTY COURT PROGRAMS. (a) A trial court that is a district court or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(A) not later than the 30th day after the date the court, as applicable:

(1) dismisses the case following the person's successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2) receives the information regarding the dismissal.

(b) A trial court that is a district court or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an expunction order for a person entitled to expunction under Article 55A.053(a)(2)(B) not later than the 30th day after the date the court, as applicable:

(1) dismisses the case following the person's successful completion of a mental health court program created under Chapter 125, Government Code, or former law; or

(2) receives the information regarding the dismissal.

(c) Notwithstanding any other law, a court that enters an expunction order under this article may not charge any fee or assess any cost for the expunction.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.204. DUTIES OF ATTORNEY REPRESENTING STATE REGARDING EXPUNCTION ORDER. The attorney representing the state shall prepare an expunction order under Article 55A.202 or 55A.203 for the court's signature and notify the Texas Department of Criminal Justice if the person who is the subject of the order is in the custody of the department.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.205. REQUIRED CONTENT OF EXPUNCTION ORDER. In an expunction order entered under Article 55A.202 or 55A.203, the court shall:

(1) provide a listing of each official, agency, or other entity of this state or political subdivision of this state

and each private entity that there is reason to believe has any record or file that is subject to the order; and

(2) require that:

(A) the Texas Department of Criminal Justice send to the court any documents delivered to the department under Section 8(a), Article 42.09; and

(B) the Department of Public Safety and the Texas Department of Criminal Justice delete or redact, as appropriate, from their public records all index references to the records and files that are subject to the expunction order.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.206. REQUIRED RETENTION OF CERTAIN DOCUMENTS BY COURT. The court shall retain any documents sent to the court under Article 55A.205(2)(A) until the limitations period has expired for any civil case or proceeding relating to the wrongful imprisonment of the person who is the subject of the expunction order.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER F. GENERAL PROCEDURES FOR SEEKING ENTRY OF EXPUNCTION ORDER

Text of article effective on January 01, 2025

Art. 55A.251. FILING OF PETITION. A person who is entitled to expunction of records and files under Article 55A.002, 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for expunction of records and files under Article 55A.101, may, subject to Article 55A.252, file an ex parte petition for expunction in a district court for the county in which:

(1) the petitioner was arrested; or

(2) the offense was alleged to have occurred.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec.

1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.252. FILING CERTAIN PETITIONS IN JUSTICE OR MUNICIPAL COURT. If the arrest for which expunction is sought is for an offense punishable by fine only, a person who is entitled to expunction of records and files under Article 55A.002, 55A.003, 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for expunction of records and files under Article 55A.101(a) may file an ex parte petition for expunction in a justice court or a municipal court of record in the county in which:

- (1) the petitioner was arrested; or
- (2) the offense was alleged to have occurred.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.253. CONTENTS OF PETITION. An ex parte petition filed under Article 55A.251, 55A.252, or 55A.257 must be verified and must include, with respect to the person who is the subject of the petition, the following or an explanation for why one or more of the following is not included:

- (1) the person's:
 - (A) full name;
 - (B) sex;
 - (C) race;
 - (D) date of birth;
 - (E) driver's license number;
 - (F) social security number; and
 - (G) address at the time of the arrest;
- (2) the offense charged;
- (3) the date the offense charged was alleged to have been committed;
- (4) the date of arrest;
- (5) the name of the county of arrest and if the arrest occurred in a municipality, the name of the municipality;

(6) the name of the arresting agency;
(7) the case number and court of offense; and
(8) together with the applicable physical or e-mail addresses, a list of all:

(A) law enforcement agencies, jails or other detention facilities, magistrates, courts, attorneys representing the state, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(B) central federal depositories of criminal records that the person who is the subject of the petition has reason to believe have records or files that are subject to expunction; and

(C) private entities that compile and disseminate for compensation criminal history record information that the person who is the subject of the petition has reason to believe have information related to records or files that are subject to expunction.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.254. HEARING; NOTICE. (a) The court shall set a hearing on an ex parte petition for expunction not earlier than 30 days from the filing of the petition and shall give to each official or agency or other governmental entity named in the petition reasonable notice of the hearing by:

(1) certified mail, return receipt requested; or
(2) secure electronic mail, electronic transmission, or facsimile transmission.

(b) An entity described by Subsection (a) may be represented by the attorney responsible for providing the entity with legal representation in other matters.

(c) Any returned receipts received by the clerk from notices of the hearing shall be maintained in the file on the proceedings under Article 55A.356(b).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec.

1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.255. ENTRY OF EXPUNCTION ORDER. If the court finds that the person who is the subject of an ex parte petition filed under Article [55A.251](#), [55A.252](#), or [55A.257](#) is entitled to expunction of any records and files that are the subject of the petition, the court shall enter an order directing expunction.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.256. APPLICATION FOR EXPUNCTION BASED ON MISTAKEN IDENTITY. (a) A person who is entitled to the expunction of information contained in records and files under Article [55A.006](#) may file an application for expunction with the attorney representing the state in the prosecution of felonies in the county in which the person resides.

(b) The application must be verified, include authenticated fingerprint records of the applicant, and include the following or an explanation for why one or more of the following is not included:

(1) the applicant's:

- (A) full name;
- (B) sex;
- (C) race;
- (D) date of birth;
- (E) driver's license number;
- (F) social security number; and
- (G) address at the time of the applicable arrest;

(2) the following information regarding the arrest:

- (A) the date of arrest;
- (B) the offense charged against the person arrested;
- (C) the name of the county or municipality in which the arrest occurred; and
- (D) the name of the arresting agency; and

(3) a statement, as appropriate, that the applicant:

(A) was arrested solely as a result of identifying information that was inaccurate due to a clerical error; or

(B) is not the person arrested and for whom the arrest records and files were created and did not give the arrested person consent to falsely identify himself or herself as the applicant.

(c) After verifying the allegations in the application, the attorney representing the state shall:

(1) include on the application information regarding the arrest that was requested of the applicant but was unknown by the applicant;

(2) forward a copy of the application to the district court for the county;

(3) together with the applicable physical or e-mail addresses, attach to the copy a list of all:

(A) law enforcement agencies, jails or other detention facilities, magistrates, courts, attorneys representing the state, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(B) central federal depositories of criminal records that are reasonably likely to have records or files containing information that is subject to expunction; and

(C) private entities that compile and disseminate for compensation criminal history record information that are reasonably likely to have records or files containing information that is subject to expunction; and

(4) request the court to enter an order directing expunction based on an entitlement to expunction under Article [55A.006](#).

(d) On receipt of a request under Subsection (c), the court shall, without holding a hearing on the matter, enter a final order directing expunction.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.257. DEPARTMENT OF PUBLIC SAFETY MAY FILE PETITION ON PERSON'S BEHALF. The director of the Department of Public Safety or the director's authorized representative may file on behalf of a person described by Article [55A.251](#) or [55A.256](#) an ex parte petition for expunction in a district court for the county in which:

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

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.258. EXPUNCTION ON BEHALF OF DECEASED PERSON. (a) In this article, "close relative of a deceased person" means the grandparent, parent, spouse, or adult brother, sister, or child of a deceased person.

(b) A close relative of a deceased person who, if not deceased, would be entitled to expunction of records and files under Subchapter A, B, or C may file on behalf of the deceased person an ex parte petition for expunction under Article [55A.251](#) or [55A.252](#) or an application for expunction under Article [55A.256](#), as applicable. If the court finds that the deceased person would be entitled to expunction of any record or file that is the subject of the petition, the court shall enter an order directing expunction.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER G. EXPUNCTION ORDER

Text of article effective on January 01, 2025

Art. 55A.301. REQUIRED CONTENT. (a) An expunction order entered by a court under Subchapter E or F must have attached and incorporate by reference a copy of the judgment of acquittal, if any, and must include:

(1) the following information on the person who is the subject of the expunction order:

- (A) full name;
- (B) sex;
- (C) race;
- (D) date of birth;
- (E) driver's license number; and
- (F) social security number;

(2) the offense charged against the person who is the subject of the expunction order, if any;

(3) the date of the applicable arrest;

(4) the case number and court of offense, if any; and

(5) the incident number assigned to the individual incident of arrest under Article 66.251(b)(1) by the Department of Public Safety.

(b) An expunction order issued by a court under Subchapter E or F must require any state agency that sent information concerning the arrest to a central federal depository to request the depository to return all records and files subject to the order. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.302. RETENTION OF CERTAIN RECORDS AFTER EXPUNCTION. (a) If the state establishes that the person who is the subject of an expunction order is still subject to conviction for an offense arising out of the transaction for which the person was arrested because the limitations period has not expired and there is reasonable cause to believe that the state may proceed against the person for the offense, the court may provide in the order that the law enforcement agency and the attorney representing the state responsible for investigating the offense retain any records and files that are necessary to the investigation.

(b) In the case of a person who is the subject of an expunction order on the basis of an acquittal, the court may provide in the expunction order that the law enforcement agency and the attorney representing the state retain records and files if:

(1) the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than the person who is the subject of the expunction order; or

(2) the state establishes that the records and files are necessary for use in:

(A) another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or

(B) a civil case, including a civil suit or suit for possession of or access to a child.

(c) The court shall provide in the expunction order that the applicable law enforcement agency and attorney representing the state may retain the arrest records and files of any person who becomes entitled to an expunction of those records and files based on the expiration of a period described by Article 55A.052(a)(1), (2), or (3), but without the certification of the attorney representing the state as described by Article 55A.052(a)(4).

(d) Articles 55A.401 and 55A.402 apply to records and files retained under this article unless:

(1) the person who is the subject of the expunction order is again arrested for or charged with an offense arising out of the transaction for which the person was arrested; or

(2) the court provides for the retention of records and files under Subsection (b) or (c).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.303. APPEAL. A person who is the subject of an expunction order issued under Subchapter E or F or an agency protesting the expunction may appeal the court's decision in the same manner as in other civil cases.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER H. NOTICE AND DISPOSITION OF RECORDS FOLLOWING
EXPUNCTION ORDER

Text of article effective on January 01, 2025

Art. 55A.351. NOTICE OF EXPUNCTION ORDER. (a) When an expunction order issued under Subchapter E or F is final, the clerk of the court shall send a certified copy of the order to the Crime Records Service of the Department of Public Safety 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.

(b) 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.

(c) In sending the order under Subsection (a) to a governmental entity named in the order, the clerk may elect to substitute hand delivery for certified mail, but the clerk must receive a receipt for that hand-delivered order.

(d) Any returned receipts received by the clerk from copies of the order shall be maintained in the file on the proceedings under Article [55A.356](#)(b).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.352. DUTY OF DEPARTMENT OF PUBLIC SAFETY. (a) In this article, "department" means the Department of Public Safety.

(b) The department shall notify any central federal depository of criminal records by any means, including secure electronic mail, electronic transmission, or facsimile transmission, of an order received under Article [55A.351](#)(a) with an explanation of the effect of the order and a request that the depository, as appropriate, either:

(1) destroy or return to the court the records in possession of the depository that are subject to the order, including any information with respect to the order; or

(2) comply with Article [55A.354](#) pertaining to information contained in records and files of a person entitled to expunction under Article [55A.006](#).

(c) The department shall provide, by secure electronic mail, electronic transmission, or facsimile transmission, notice of the order to any private entity that is named in the order or that purchases criminal history record information from the department.

(d) The notice under Subsection (c) must include an explanation of the effect of the order and a request that the private entity destroy any information in the possession of the entity that is subject to the order.

(e) The department may charge to a private entity that purchases criminal history record information from the department a fee in an amount sufficient to recover costs incurred by the department in providing notice under Subsection (c).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.353. DISPOSITION OF EXPUNGED RECORDS. Except as provided by Articles [55A.354](#) and [55A.357](#), on receipt of an expunction order issued under Subchapter E or F, each official or agency or other governmental entity named in the order shall:

(1) as appropriate:

(A) return all records and files that are subject to the expunction order to the court; or

(B) in cases other than those described by Articles [55A.202](#) and [55A.203](#), if removal is impracticable, obliterate all portions of the record or file that identify the person who is the subject of the order and notify the court of the action; and

(2) delete from the named entity's public records all index references to the records and files that are subject to the expunction order.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.354. DISPOSITION OF RECORDS EXPUNGED DUE TO MISTAKEN IDENTITY. On receipt of an order granting expunction to a person entitled to expunction under Article [55A.006](#), each official, agency, or other governmental entity named in the order:

(1) shall:

(A) obliterate all portions of the record or file that identify the person who is the subject of the order; and

(B) if applicable, substitute for all obliterated portions of the record or file any available information that identifies the person arrested; and

(2) may not return the record or file or delete index references to the record or file.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.355. PROVIDING EXPUNGED RECORDS TO PERSON WHO IS SUBJECT OF EXPUNCTION. (a) The court may give the person who is the subject of an expunction order all records and files returned to the court pursuant to the order.

(b) This article does not apply to a person who is the subject of an expunction order on the basis of:

(1) an acquittal; or

(2) an entitlement under Article [55A.006](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.356. INSPECTION AND DISPOSITION OF COURT'S RECORDS CONCERNING EXPUNCTION. (a) Except in the case of a person who is the subject of an expunction order based on an entitlement under Article [55A.006](#) and except as provided by Article [55A.357](#), if an expunction order is issued under Subchapter E or F, the court records concerning expunction proceedings are not open for inspection by any person except the person who is the subject of the

order unless:

(1) the order permits retention of a record under Article 55A.302 and the person is again arrested for or charged with an offense arising out of the transaction for which the person was arrested; or

(2) the court provides for the retention of records and files under Article 55A.302(a).

(b) The clerk of the court issuing the order shall obliterate all public references to the proceeding and maintain the files or other records in an area not open to inspection.

(c) Except in the case of a person who is the subject of an expunction order on the basis of an acquittal or an expunction order based on an entitlement under Article 55A.006 and except as provided by Article 55A.357, the clerk of the court shall destroy all the files or other records maintained under Subsection (b) not earlier than the 60th day after the date the order is issued or later than the first anniversary of that date, unless the records or files were released under Article 55A.355.

(d) Not later than the 30th day before the date on which the clerk destroys files or other records under Subsection (c), the clerk shall provide notice by mail, electronic mail, or facsimile transmission to the attorney representing the state in the expunction proceeding. If the attorney representing the state in the expunction proceeding objects to the destruction not later than the 20th day after receiving notice under this subsection, the clerk may not destroy the files or other records until the first anniversary of the date the expunction order is issued or the first business day after that date.

(e) The clerk shall certify to the court the destruction of files or other records under Subsection (c).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.357. RETENTION OF FINANCIAL TRANSACTION RECORDS.

(a) Notwithstanding Articles 55A.353, 55A.354, 55A.355, and 55A.356 and in accordance with internal financial control

procedures, an official, agency, court, or other entity may retain receipts, invoices, vouchers, or similar records of financial transactions that arose from an expunction proceeding or prosecution of the underlying criminal action.

(b) An official, agency, court, or other entity that retains records under this article shall obliterate all portions of the record or file that identify the person who is the subject of the expunction order.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER I. EFFECT OF EXPUNCTION ORDER

Text of article effective on January 01, 2025

Art. 55A.401. EFFECT OF FINAL EXPUNCTION ORDER. When an expunction order issued under Subchapter E or F is final:

(1) the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited;

(2) except as provided by Subdivision (3), 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.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Text of article effective on January 01, 2025

Art. 55A.402. OFFENSE FOR VIOLATION OF EXPUNCTION ORDER.

(a) A person commits an offense if the person:

(1) learns of an arrest while an officer or employee of the state or of any agency or other entity of the state or any political subdivision of the state;

(2) knows of an order expunging the records and files relating to that arrest; and

(3) knowingly releases, disseminates, or otherwise uses the records or files.

(b) A person commits an offense if the person knowingly fails to return or to obliterate identifying portions of a record or file ordered expunged under this chapter.

(c) An offense under this article is a Class B misdemeanor. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER J. NOTICE OF EXPUNCTION LAW

Text of article effective on January 01, 2025

Art. 55A.451. NOTICE OF EXPUNCTION LAW TO PERSONS RELEASED FOLLOWING ARREST. On release or discharge of an arrested person, the person responsible for the release or discharge shall give the released or discharged person a written explanation of that person's rights under this chapter and a copy of the provisions of this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.