

By: Hughes

S.B. No. 1725

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the expunction of certain convictions or arrests of a  
3 minor for certain alcohol-related offenses.

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

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

7 Sec. 106.12. EXPUNCTION OF CONVICTION OR ARREST RECORDS OF  
8 A MINOR.

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

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

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

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

11 (e) The court shall charge an applicant a fee in the amount  
12 of \$30 for each application for expunction filed under this section  
13 to defray the cost of notifying state agencies of orders of  
14 expunction under this section.

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

18 SECTION 3. The change in law made by this Act to Section  
19 106.12, Alcoholic Beverage Code, applies to the expunction of  
20 records of a conviction or arrest made before, on, or after the  
21 effective date of this Act.

22 SECTION 4. This Act takes effect September 1, 2023.