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H.B. No. 2229

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of arrest records and files by a
statutory county court.

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

SECTION 1. Article 55A.101, Code of Criminal Procedure, is
amended by amending Subsection (a) and adding Subsection (c) to
read as follows:

(a) Except as provided by Article 55A.151 and subject to
Subsections [Subsection] (b) and (c), a district court, a justice
court, [or] a municipal court of record, or a statutory county court
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

1 the offense.

2 (c) A statutory county court may only expunge records and
3 files under Subsection (a) that relate to the arrest of a person for
4 an offense that is subject to the jurisdiction of a statutory county
5 court.

6 SECTION 2. Article 55A.201(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) At the request of the acquitted person and after notice
9 to the state, or at the request of the attorney representing the
10 state with the consent of the acquitted person, an expunction order
11 shall be entered, not later than the 30th day after the date of the
12 acquittal, for a person entitled to expunction under Article
13 55A.002 by:

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

16 (A) a district court;

17 (B) a justice court; ~~[or]~~

18 (C) a municipal court of record; or

19 (D) a statutory county court; or

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

22 SECTION 3. Article 55A.202(a), Code of Criminal Procedure,
23 is amended to read as follows:

24 (a) In a case in which a person is entitled to expunction
25 under Article 55A.003, an expunction order shall be entered, not
26 later than the 30th day after the date the court receives notice of
27 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

(D) a statutory county court; or

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

SECTION 4. Article 55A.251, Code of Criminal Procedure, is amended to read as follows:

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 Articles ~~[Article]~~ 55A.252 and 55A.2525, 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.

SECTION 5. Subchapter F, Chapter 55A, Code of Criminal Procedure, is amended by adding Article 55A.2525 to read as follows:

Art. 55A.2525. FILING CERTAIN PETITIONS IN STATUTORY COUNTY COURT. If the arrest for which expunction is sought is for an offense that is subject to the jurisdiction of a statutory county court, a person who is entitled to expunction of records and files under Article 55A.002 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 statutory county court in the county in which:

(1) the petitioner was arrested; or

(2) the offense was alleged to have occurred.

SECTION 6. Article 55A.253, Code of Criminal Procedure, is amended to read as follows:

Art. 55A.253. CONTENTS OF PETITION. An ex parte petition filed under Article 55A.251, 55A.252, 55A.2525, 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.

SECTION 7. Article 55A.255, Code of Criminal Procedure, is amended to read as follows:

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, 55A.2525, 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.

SECTION 8. Article 55A.258(b), Code of Criminal Procedure, is amended to read as follows:

(b) A close relative of a deceased person who, if not

1 deceased, would be entitled to expunction of records and files
2 under Subchapter A, B, or C may file on behalf of the deceased
3 person an ex parte petition for expunction under Article 55A.251,
4 ~~[or]~~ 55A.252, or 55A.2525 or an application for expunction under
5 Article 55A.256, as applicable. If the court finds that the
6 deceased person would be entitled to expunction of any record or
7 file that is the subject of the petition, the court shall enter an
8 order directing expunction.

9 SECTION 9. Article 102.006(a-1), Code of Criminal
10 Procedure, is amended to read as follows:

11 (a-1) In addition to any other fees required by other law
12 and except as provided by Subsection (b), a petitioner seeking
13 expunction of a criminal record in a justice court, ~~[or]~~ a municipal
14 court of record, or a statutory county court under Chapter 55A shall
15 pay a fee of \$100 for filing an ex parte petition for expunction to
16 defray the cost of notifying state agencies of orders of expunction
17 under that chapter.

18 SECTION 10. Section 25.0003, Government Code, is amended by
19 adding Subsection (g) to read as follows:

20 (g) A statutory county court has concurrent jurisdiction
21 with a district court over expunction proceedings relating to the
22 arrest of a person for an offense that is subject to the
23 jurisdiction of a statutory county court.

24 SECTION 11. The change in law made by this Act applies to
25 the expunction of arrest records and files for any criminal offense
26 that occurred before, on, or after the effective date of this Act.

27 SECTION 12. This Act takes effect September 1, 2025.