

By: Zaffirini

S.B. No. 1667

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for the expunction of arrest records and files; authorizing a fee.

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

SECTION 1. Article 55A.203, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A person entitled to expunction under Article 55A.053(a)(2)(A) or (B) shall provide the court with the information required in a petition for expunction under Article 55A.253.

SECTION 2. Article 55A.253, Code of Criminal Procedure, is amended to read as follows:

Art. 55A.253. CONTENTS OF PETITION. (a) 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

1 (G) address at the time of the arrest;
2 (2) the offense charged;
3 (3) the date the offense charged was alleged to have
4 been committed;
5 (4) the date of arrest;
6 (5) the name of the county of arrest and if the arrest
7 occurred in a municipality, the name of the municipality;
8 (6) the name of the arresting agency;
9 (7) the case number and court of offense; and
10 (8) together with the applicable physical and ~~or~~
11 e-mail addresses, a list of all:

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

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

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

26 (b) A petition under this article may not:

27 (1) list any state or local agency more than once; or

1 (2) include multiple contacts or addresses for
2 different divisions with respect to the same state or local agency.

3 (c) Each district clerk shall compile and maintain on the
4 clerk's Internet website a list of the agencies and entities
5 described by Subsection (a)(8)(A) and include the applicable e-mail
6 addresses for those agencies and entities. The district clerk is
7 not responsible for ensuring that:

8 (1) the website contains a complete list of agencies
9 and entities described by Subsection (a)(8)(A); or

10 (2) a petition filed under this article contains a
11 complete list of agencies and entities described by Subsection
12 (a)(8)(A).

13 SECTION 3. Article [55A.254](#), Code of Criminal Procedure, is
14 amended by amending Subsection (a) and adding Subsections (a-1),
15 (d), (e), (f), and (g) to read as follows:

16 (a) The court shall set a hearing on an ex parte petition for
17 expunction not earlier than the 30th day following the date ~~[30 days~~
18 ~~from the filing of]~~ the petition is filed and shall give a copy of
19 the petition and notice of hearing to each official, ~~[or]~~ agency, or
20 other ~~[governmental]~~ entity listed ~~[named]~~ in the petition, other
21 than central federal depositories of criminal records, ~~[reasonable~~
22 ~~notice of the hearing]~~ by:

23 (1) certified mail, return receipt requested; or

24 (2) secure electronic mail, electronic transmission,
25 or facsimile transmission.

26 (a-1) The clerk of the court is not required to transmit a
27 copy of either the petition or notice of hearing to the Office of

1 Court Administration of the Texas Judicial System.

2 (d) A state or local agency with an e-mail address that is
3 identified under Article 55A.253(a) must accept a copy of the
4 petition or notice of hearing that is provided in an electronic
5 format by the clerk of the court.

6 (e) The clerk of the court may not charge a fee to
7 electronically transmit a copy of the petition or notice of hearing
8 to an official, agency, or other entity for which an e-mail address
9 or other means of electronic transmission is provided in the
10 petition.

11 (f) The clerk of the court shall charge a fee of \$25 for each
12 official, agency, or other entity that is listed in the petition and
13 that is unable to receive an electronic transmission under
14 Subsection (e).

15 (g) On receipt of a copy of a petition or notice of hearing
16 under this article, the Department of Public Safety shall notify
17 the appropriate central federal depositories of criminal records
18 listed in the petition.

19 SECTION 4. Article 55A.256, Code of Criminal Procedure, is
20 amended by amending Subsection (c) and adding Subsection (c-1) to
21 read as follows:

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

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

27 (2) forward a copy of the application to the district

1 court for the county;

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

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

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

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

16 (4) request the court to enter an order directing
17 expunction based on an entitlement to expunction under Article
18 [55A.006](#).

19 (c-1) An application under this article may not:

20 (1) list any state or local agency more than once; or

21 (2) include multiple contacts or addresses for
22 different divisions with respect to the same state or local agency.

23 SECTION 5. Subchapter [G](#), Chapter [55A](#), Code of Criminal
24 Procedure, is amended by adding Article 55A.3025 to read as
25 follows:

26 Art. 55A.3025. RETENTION OF CERTAIN MENTAL HEALTH RECORDS.

27 (a) The court shall retain federal prohibited person information,

1 as defined by Section 411.052, Government Code, regardless of
2 whether an expunction order is issued with regard to the criminal
3 case in which that information is contained.

4 (b) The court shall keep the information described by
5 Subsection (a) confidential, and the information is subject to
6 release to the Department of Public Safety or the Federal Bureau of
7 Investigation, as applicable, only for purposes of an audit of
8 records described by Section 411.0521(c-1), Government Code, or to
9 otherwise verify the inclusion of a person's records in the
10 National Instant Criminal Background Check System.

11 SECTION 6. Article 55A.351, Code of Criminal Procedure, is
12 amended by amending Subsections (a), (b), and (c) and adding
13 Subsections (b-1), (b-2), and (b-3) to read as follows:

14 (a) When an expunction order issued under Subchapter E or F
15 is final, the clerk of the court shall send a [~~certified~~] copy of
16 the order to the Crime Records Service of the Department of Public
17 Safety, the Office of Court Administration of the Texas Judicial
18 System, and to each official or agency or other governmental entity
19 of this state or of any political subdivision of this state listed
20 [~~named~~] in the order.

21 (b) The [~~certified~~] copy of the order must be sent by secure
22 electronic mail, electronic transmission, or facsimile
23 transmission or otherwise by certified mail, return receipt
24 requested.

25 (b-1) A state or local agency with an e-mail address that is
26 identified under Article 55A.253 or 55A.256 must accept a copy of an
27 expunction order that is provided in an electronic format by the

1 clerk of the court.

2 **(b-2) The clerk of the court may not charge a fee to**
3 **electronically transmit a copy of the expunction order to an**
4 **official or agency or other governmental entity for which an e-mail**
5 **address or other means of electronic transmission is provided in**
6 **the applicable petition or application.**

7 **(b-3) The clerk of the court shall charge a fee of \$25 for**
8 **each official, agency, or other governmental entity that is listed**
9 **in the applicable petition or application and that is unable to**
10 **receive an electronic transmission under Subsection (b-2).**

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

15 SECTION 7. Article [55A.352](#)(c), Code of Criminal Procedure,
16 is amended to read as follows:

17 (c) The department shall provide, by secure electronic
18 mail, electronic transmission, or facsimile transmission, notice
19 of the order to any private entity that is listed [~~named~~] in the
20 order or that purchases criminal history record information from
21 the department.

22 SECTION 8. Article [55A.353](#), Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 55A.353. DISPOSITION OF EXPUNGED RECORDS. Except as
25 provided by Articles [55A.354](#) and [55A.357](#), on receipt of an
26 expunction order issued under Subchapter E or F, each official or
27 agency or other governmental entity listed [~~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 listed ~~[named]~~ entity's public records all index references to the records and files that are subject to the expunction order.

SECTION 9. Article 55A.354, Code of Criminal Procedure, is amended to read as follows:

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 listed ~~[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.

SECTION 10. Article 55A.356, Code of Criminal Procedure, is

1 amended by amending Subsection (c) and adding Subsection (c-1) to
2 read as follows:

3 (c) Except in the case of a person who is the subject of an
4 expunction order on the basis of an acquittal or an expunction order
5 based on an entitlement under Article 55A.006 and except as
6 provided by Article 55A.357, the clerk of the court shall destroy
7 all the files or other records maintained under Subsection (b),
8 other than the expunction order itself, on ~~[not earlier than the~~
9 ~~60th day after the date the order is issued or later than]~~ the first
10 anniversary of the ~~[that]~~ date the order is issued, unless the
11 records or files were released under Article 55A.355.

12 (c-1) The clerk of the court shall maintain the expunction
13 order in a confidential manner and provide a copy only to the person
14 subject to the order after proper presentation of identification,
15 subject to any further order from the court regarding access to the
16 order.

17 SECTION 11. The following provisions of the Code of
18 Criminal Procedure are repealed:

19 (1) Articles 55A.356(d) and (e); and

20 (2) Article 102.006.

21 SECTION 12. Articles 55A.203, 55A.253, 55A.254, and
22 55A.256, Code of Criminal Procedure, as amended by this Act, apply
23 only to a petition or application filed on or after the effective
24 date of this Act. A petition or application filed before the
25 effective date of this Act is governed by the law in effect on the
26 date the petition or application was filed, and the former law is
27 continued in effect for that purpose.

1 SECTION 13. Article 55A.351, Code of Criminal Procedure, as
2 amended by this Act, applies only to an expunction order that
3 becomes final on or after the effective date of this Act.

4 SECTION 14. Article 55A.356(c), Code of Criminal Procedure,
5 as amended by this Act, Articles 55A.3025 and 55A.356(c-1), Code of
6 Criminal Procedure, as added by this Act, and Articles 55A.356(d)
7 and (e), Code of Criminal Procedure, as repealed by this Act, apply
8 to any records and files in the possession of the clerk of the court
9 on or after the effective date of this Act.

10 SECTION 15. The repeal of Article 102.006, Code of Criminal
11 Procedure, by this Act applies to an expunction order entered on or
12 after the effective date of this Act, regardless of whether the
13 underlying arrest occurred before, on, or after the effective date
14 of this Act.

15 SECTION 16. To the extent of any conflict, this Act prevails
16 over another Act of the 89th Legislature, Regular Session, 2025,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

19 SECTION 17. This Act takes effect September 1, 2025.