

BILL ANALYSIS

Senate Research Center

S.B. 1667
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a person petitions for their record to be expunged, the district clerk must send notices of an expunction to various entities such as law enforcement, court officials, and the Department of Public Safety (DPS). This process can become costly and time-consuming, especially when physically mailing the notices, because not all agencies receive them electronically. What's more, county fees for mailing expunctions vary, and multiple departments within DPS may receive separate notices about the expunction, creating redundancy and further increasing costs.

What's more, persons may have specific arrest records expunged from their criminal history. The expunged arrests should be removed from all sources online. This does not always occur, leaving some persons' expunged records visible on some websites. With these records visible online, they can get caught up in background and credit checks. Current law limits the retention of expunction orders to a period starting from the sixtieth day after the order was issued and ending no later than one year after issuance. As a result, persons who do not retain their original expunction order often return to the clerk's office after the retention period expires to request a copy, only to find that it is no longer available, requiring them to restart the expunction process.

S.B. 1667, requested by the County and District Clerks' Association of Texas, would modernize the expunction process by making electronic service free to the filer and requiring state and local agencies to accept electronic service whenever possible. It would establish a standardized \$25 fee per entity for cases where electronic service is not available, ensuring a more predictable cost structure for petitioners. What's more, S.B. 1667 would allow clerks to retain expunction orders indefinitely, ensuring persons can obtain copies of their expunction records if needed, and require the clerk to maintain, in a confidential manner, an Order of Commitment or other mental health order for a criminal case if the order is related to an expunction order. By streamlining the expunction notification process, standardizing service fees, and extending record retention, S.B. 1667 would reduce mailing costs, improve efficiency, and provide petitioners with continued access to their expunction records.

S.B. 1667 amends current law relating to the procedures for the expunction of arrest records and files and authorizes a fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(d) Requires a person entitled to expunction under Article 55A.053(a)(2)(A) (relating to entitling certain persons to have all records and files expunged if the court finds that the indictment or information was dismissed or quashed because the person completed a veterans treatment court program) or (B) (relating to entitling certain persons to have all records and files expunged if the court finds that the indictment or information was dismissed or quashed because the person completed a mental health court program) to

provide the court with the information required in a petition for expunction under Article 55A.253.

SECTION 2. Amends Article 55A.253, Code of Criminal Procedure, as follows:

Art. 55A.253. CONTENTS OF PETITION. (a) Creates this subsection from existing text. Requires that an ex parte petition filed under certain articles of the Code of Criminal Procedure be verified and include, with respect to the person who is the subject of the petition, certain information, including the applicable physical and e-mail addresses, rather than physical or e-mail addresses, of certain entities.

(b) Prohibits a petition under this article from listing any state or local agency more than once or including multiple contacts or addresses for different divisions with respect to the same state or local agency.

(c) Requires each district clerk to compile and maintain on the clerk's Internet website a list of the agencies and entities described by Subsection (a)(8)(A) (relating to requiring that an ex parte petition include a list of certain agencies, officials, or entities) and include the applicable e-mail addresses for those agencies and entities. Provides that the district clerk is not responsible for ensuring that the website contains a complete list of agencies and entities described by Subsection (a)(8)(A) or a petition filed under this article contains a complete list of agencies and entities described by Subsection (a)(8)(A).

SECTION 3. Amends Article 55A.254, Code of Criminal Procedure, by amending Subsection (a) and adding Subsections (a-1), (d), (e), (f), and (g), as follows:

(a) Requires the court to set a hearing on an ex parte petition for expunction not earlier than the 30th day following the date the petition is filed and to give a copy of the petition and notice of hearing to each official, agency, or other entity listed in the petition, other than central federal depositories of criminal records, by certain means. Deletes existing text requiring the court to set the hearing not earlier than 30 days from the filing of the petition and to give to each official or agency or other governmental entity named in the petition reasonable notice of the hearing by certain means.

(a-1) Provides that the clerk of the court is not required to transmit a copy of either the petition or notice of the hearing to the Office of Court Administration of the Texas Judicial System (OCA).

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

(e) Prohibits the clerk of the court from charging a fee to electronically transmit a copy of the petition or notice of hearing to an official, agency, or other entity for which an e-mail address or other means of electronic transmission is provided in the petition.

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

(g) Requires the Department of Public Safety of the State of Texas (DPS), on receipt of a copy of a petition or notice of hearing under Article 55A.254 (Hearing; Notice), to notify the appropriate central federal depositories of criminal records listed in the petition.

SECTION 4. Amends Article 55A.256, Code of Criminal Procedure, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Makes a conforming change to this subsection.

(c-1) Prohibits an application for expunction under Article 55A.256 (Application for Expunction Based on Mistaken Identity) from listing any state or local agency more than once or including multiple contacts or addresses for different divisions with respect to the same state or local agency.

SECTION 5. Amends Subchapter G, Chapter 55A, Code of Criminal Procedure, by adding Article 55A.3025, as follows:

Art. 55A.3025. RETENTION OF CERTAIN MENTAL HEALTH RECORDS. (a) Requires the court to retain federal prohibited person information, as defined by Section 411.052 (Federal Firearm Reporting), Government Code, regardless of whether an expunction order is issued with regard to the criminal case in which that information is contained.

(b) Requires the court to keep the information described by Subsection (a) confidential, and provides that the information is subject to release to DPS or the Federal Bureau of Investigation, as applicable, only for purposes of an audit of records described by Section 411.0521(c-1) (relating to requiring the clerk of the court to forward a signed court order containing federal prohibited person information to DPS upon request), Government Code, or to otherwise verify the inclusion of a person's records in the National Instant Criminal Background Check System.

SECTION 6. Amends Article 55A.351, Code of Criminal Procedure, by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (b-2), and (b-3), as follows:

(a) Requires the clerk of the court, when an expunction order issued under Subchapter E (Procedures for Automatic Entry of Expunction Order) or Subchapter F (General Procedures for Seeking Entry of Expunction Order) is final, to send a copy, rather than a certified copy, of the order to the Crime Records Service of DPS, OCA, and to each official or agency or other governmental entity of this state or of any political subdivision of this state listed, rather than named, in that order.

(b) Makes a conforming change to this subsection.

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

(b-2) Prohibits the clerk of the court from charging a fee to electronically transmit a copy of the expunction order to an official or agency or other governmental entity for which an e-mail address or other means of electronic transmission is provided in the applicable petition or application.

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

(c) Makes a conforming change to this subsection.

SECTION 7. Amends Article 55A.352(c), Code of Criminal Procedure, to make a conforming change.

SECTION 8. Amends Article 55A.353, Code of Criminal Procedure, to make conforming changes.

SECTION 9. Amends Article 55A.354, Code of Criminal Procedure, to make a conforming change.

SECTION 10. Amends Article 55A.356, Code of Criminal Procedure, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires the clerk of the court, with certain exceptions, to destroy all the files or other records maintained under Subsection (b) (relating to requiring the clerk of the court issuing the order to obliterate all public references to the proceeding), other than the expunction order itself, on the first anniversary of the date the order is issued, rather than 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 (Providing Expunged Records to Person Who is Subject to Expunction).

(c-1) Requires the clerk of the court to maintain the expunction order in a confidential manner and provide a copy to the person subject to the order after proper presentation of identification, subject to any further order from the court regarding access to the order.

SECTION 11. Repealers: Articles 55A.356(d) (relating to requiring the clerk to provide notice by certain means to the attorney representing the state not later than the 30th date before the clerk destroys files or other records) and (e) (relating to requiring the clerk to certify to the court the destruction of files or other records), Code of Criminal Procedure.

Repealer: Article 102.006 (Fees in Expunction Proceedings), Code of Criminal Procedure.

SECTION 12. Makes application of Articles 55A.203, 55A.253, 55A.254, and 55A.256, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 13. Makes application of Article 55A.351, as amended by this Act, prospective.

SECTION 14. Makes application of Article 55A.356(c), Code of Criminal Procedure, as amended by this Act, Articles 55A.3025 and 55A.356(c-1), Code of Criminal Procedure, as added by this Act, and Articles 55A.356(d) and (e), Code of Criminal Procedure, prospective.

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

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

SECTION 17. Effective date: September 1, 2025.