

By: Jones of Harris

H.B. No. 463

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the automatic expunction of arrest records and files  
3 after certain controlled substance offense charges are dismissed.

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

5 SECTION 1. Article [55A.053](#)(a), Code of Criminal Procedure,  
6 is amended to read as follows:

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

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

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

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

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

23 (C) the person completed a pretrial intervention  
24 program authorized under Section [76.011](#), Government Code, other

1 than a program described by Paragraph (A) or (B);

2 (D) the person is charged solely with an offense  
3 under Subchapter D, Chapter 481, Health and Safety Code, involving  
4 the manufacture, delivery, or possession of a controlled substance  
5 and a laboratory analysis of the suspected controlled substance  
6 finds no presence of a controlled substance;

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

12 (F) [~~E~~] the indictment or information was  
13 void.

14 SECTION 2. Subchapter E, Chapter 55A, Code of Criminal  
15 Procedure, is amended by adding Article 55A.2035 to read as  
16 follows:

17 Art. 55A.2035. NO CONTROLLED SUBSTANCE PRESENT. (a) A  
18 trial court that is a district court or a district court in the  
19 county in which the trial court is located shall enter an expunction  
20 order for a person entitled to expunction under Article  
21 55A.053(a)(2)(D) not later than the 30th day after the date the  
22 court, as applicable:

23 (1) dismisses the case following a laboratory analysis  
24 of a suspected controlled substance that finds no presence of a  
25 controlled substance; or

26 (2) receives the information regarding the dismissal.

27 (b) Notwithstanding any other law, a court that enters an

1 expunction order under this article may not charge any fee or assess  
2 any cost for the expunction.

3 SECTION 3. Article 55A.204, Code of Criminal Procedure, is  
4 amended to read as follows:

5 Art. 55A.204. DUTIES OF ATTORNEY REPRESENTING STATE  
6 REGARDING EXPUNCTION ORDER. The attorney representing the state  
7 shall prepare an expunction order under Article 55A.202, ~~[or]~~  
8 55A.203, or 55A.2035 for the court's signature and notify the Texas  
9 Department of Criminal Justice if the person who is the subject of  
10 the order is in the custody of the department.

11 SECTION 4. Article 55A.205, Code of Criminal Procedure, is  
12 amended to read as follows:

13 Art. 55A.205. REQUIRED CONTENT OF EXPUNCTION ORDER. In an  
14 expunction order entered under Article 55A.202, ~~[or]~~ 55A.203, or  
15 55A.2035, the court shall:

16 (1) provide a listing of each official, agency, or  
17 other entity of this state or political subdivision of this state  
18 and each private entity that there is reason to believe has any  
19 record or file that is subject to the order; and

20 (2) require that:

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

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

1 SECTION 5. Article 55A.353, Code of Criminal Procedure, is  
2 amended to read as follows:

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

7 (1) as appropriate:

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

10 (B) in cases other than those described by  
11 Articles 55A.202, ~~and~~ 55A.203, and 55A.2035, if removal is  
12 impracticable, obliterate all portions of the record or file that  
13 identify the person who is the subject of the order and notify the  
14 court of the action; and

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

18 SECTION 6. Article 102.006(b-1), Code of Criminal  
19 Procedure, is amended to read as follows:

20 (b-1) The fees under Subsection (a) shall be waived if the  
21 petitioner is entitled to expunction:

22 (1) under Article 55A.053(a)(2)(A) after successful  
23 completion of a veterans treatment court program created under  
24 Chapter 124, Government Code, or former law; ~~or~~

25 (2) under Article 55A.053(a)(2)(B) after successful  
26 completion of a mental health court program created under Chapter  
27 125, Government Code, or former law; or

1           (3) under Article 55A.053(a)(2)(D).

2           SECTION 7. (a) This Act applies only to the expunction of  
3 arrest records related to:

4           (1) a charge for an offense that was dismissed on or  
5 after the effective date of this Act; or

6           (2) an arrest made on or after the effective date of  
7 this Act.

8           (b) Expunction for a dismissal or arrest that occurred  
9 before the effective date of this Act is governed by the law in  
10 effect at that time, and the former law is continued in effect for  
11 that purpose.

12           (c) The change in law made by this Act to Article 102.006,  
13 Code of Criminal Procedure, applies to the fees charged or costs  
14 assessed for an expunction order entered on or after the effective  
15 date of this Act.

16           (d) For a person who is entitled to expunction under Article  
17 55A.053(a)(2)(D), Code of Criminal Procedure, as amended by this  
18 Act, before the effective date of this Act, notwithstanding the  
19 30-day time limit provided for the court to enter an automatic order  
20 of expunction under Article 55A.2035, Code of Criminal Procedure,  
21 as added by this Act, the court shall enter an order of expunction  
22 for the person as soon as practicable after the court receives  
23 written notice from any party to the case about the person's  
24 entitlement to the expunction.

25           SECTION 8. This Act takes effect September 1, 2025.