

By: Canales

H.B. No. 1666

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of arrest records and files relating to certain nonviolent misdemeanor offenses.

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

SECTION 1. Subchapter A, Chapter 55A, Code of Criminal Procedure, is amended by adding Article 55A.007 to read as follows:

Art. 55A.007. FOLLOWING DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN NONVIOLENT MISDEMEANOR OFFENSES. A person to whom this subchapter applies is entitled to have all records and files related to the arrest expunged if:

(1) the person is placed under a custodial or noncustodial arrest for a misdemeanor offense other than a misdemeanor offense under:

(A) Chapter 483, Health and Safety Code;

(B) Chapter 25, 42, 43, 46, or 71, Penal Code;

(C) Section 48.02, Penal Code; or

(D) Title 5 or 8, Penal Code;

(2) the person was placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, for the misdemeanor offense described by Subdivision (1) for which the person was arrested and subsequently received a dismissal and discharge under Article 42A.111;

(3) the person was not required to register as a sex offender under Chapter 62 as a condition of or as a result of the

1 person's placement on deferred adjudication community supervision  
2 as described by Subdivision (2);

3 (4) the person has not been convicted of or placed on  
4 deferred adjudication community supervision under Subchapter C,  
5 Chapter 42A, for an offense, other than a traffic offense  
6 punishable by fine only, committed after the date of the commission  
7 of the misdemeanor offense described by Subdivision (1) for which  
8 the person was placed on deferred adjudication community  
9 supervision as described by Subdivision (2);

10 (5) there are no charges pending against the person  
11 for the commission of any offense, other than a traffic offense  
12 punishable by fine only; and

13 (6) a period of not less than five years has passed  
14 since the date on which the person received the dismissal and  
15 discharge described by Subdivision (2).

16 SECTION 2. Article 55A.251, Code of Criminal Procedure, is  
17 amended to read as follows:

18 Art. 55A.251. FILING OF PETITION. (a) A person who is  
19 entitled to expunction of records and files under Article 55A.002,  
20 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for  
21 expunction of records and files under Article 55A.101, may, subject  
22 to Article 55A.252, file an ex parte petition for expunction in a  
23 district court for the county in which:

24 (1) the petitioner was arrested; or

25 (2) the offense was alleged to have occurred.

26 (b) A person who is entitled to expunction of records and  
27 files under Article 55A.007 may file an ex parte petition for

1 expunction in the court that placed the person on deferred  
2 adjudication community supervision.

3 SECTION 3. Article 55A.253, Code of Criminal Procedure, is  
4 amended to read as follows:

5 Art. 55A.253. CONTENTS OF PETITION. (a) An ex parte  
6 petition filed under Article 55A.251, 55A.252, or 55A.257 must be  
7 verified and must include, with respect to the person who is the  
8 subject of the petition, the following or an explanation for why one  
9 or more of the following is not included:

- 10 (1) the person's:
  - 11 (A) full name;
  - 12 (B) sex;
  - 13 (C) race;
  - 14 (D) date of birth;
  - 15 (E) driver's license number;
  - 16 (F) social security number; and
  - 17 (G) address at the time of the arrest;
- 18 (2) the offense charged;
- 19 (3) the date the offense charged was alleged to have  
20 been committed;
- 21 (4) the date of arrest;
- 22 (5) the name of the county of arrest and if the arrest  
23 occurred in a municipality, the name of the municipality;
- 24 (6) the name of the arresting agency;
- 25 (7) the case number and court of offense; and
- 26 (8) together with the applicable physical or e-mail  
27 addresses, a list of all:

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

6 (B) central federal depositories of criminal  
7 records that the person who is the subject of the petition has  
8 reason to believe have records or files that are subject to  
9 expunction; and

10 (C) private entities that compile and  
11 disseminate for compensation criminal history record information  
12 that the person who is the subject of the petition has reason to  
13 believe have information related to records or files that are  
14 subject to expunction.

15 (b) In addition to the information required under  
16 Subsection (a), an ex parte petition filed under Article 55A.251(b)  
17 must contain a statement that:

18 (1) the person was not required to register as a sex  
19 offender under Chapter 62 as a condition of or as a result of the  
20 person's placement on deferred adjudication community supervision  
21 as described by Article 55A.007(3);

22 (2) the person has not been convicted of or placed on  
23 deferred adjudication community supervision under Subchapter C,  
24 Chapter 42A, for an offense, other than a traffic offense  
25 punishable by fine only, committed after the date of the commission  
26 of the misdemeanor offense for which the person seeks an order of  
27 expunction; and

1           (3) there are no charges pending against the person  
2 for the commission of any offense, other than a traffic offense  
3 punishable by fine only.

4           SECTION 4. Article 55A.257, Code of Criminal Procedure, is  
5 amended to read as follows:

6           Art. 55A.257. DEPARTMENT OF PUBLIC SAFETY MAY FILE PETITION  
7 ON PERSON'S BEHALF. The director of the Department of Public Safety  
8 or the director's authorized representative may file on behalf of a  
9 person described by Article 55A.251(a) [~~55A.251~~] or 55A.256 an ex  
10 parte petition for expunction in a district court for the county in  
11 which:

12                   (1) the person was arrested; or

13                   (2) the offense was alleged to have occurred.

14           SECTION 5. Article 102.006(b), Code of Criminal Procedure,  
15 is amended to read as follows:

16           (b) The fees under Subsection (a) or the fee under  
17 Subsection (a-1), as applicable, shall be waived if:

18                   (1) the petitioner seeks expunction of a criminal  
19 record that relates to an arrest for an offense of which the person  
20 was acquitted, other than an acquittal for an offense described by  
21 Article 55A.151, and the petition for expunction is filed not later  
22 than the 30th day after the date of the acquittal; or

23                   (2) the petitioner is entitled to expunction under any  
24 provision of Chapter 55A and the court finds that the petitioner is  
25 indigent.

26           SECTION 6. This Act applies to an expunction of arrest  
27 records and files relating to any misdemeanor offense that was

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1 committed before, on, or after the effective date of this Act.

2 SECTION 7. This Act takes effect September 1, 2025.