

By: Bowers

H.B. No. 1820

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of arrest records and files when a grand jury fails to find that probable cause exists to believe the alleged offense was committed.

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

SECTION 1. Article 55A.052(a), Code of Criminal Procedure, is amended to read as follows:

(a) A person to whom this subchapter applies is entitled to have all records and files relating to the arrest expunged if an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested has not been presented against the person at any time following the arrest and if:

(1) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and there was no felony charge arising out of the same transaction for which the person was arrested;

(2) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and there was no felony charge arising out of the same transaction for which the

1 person was arrested;

2 (3) at least three years have elapsed from the date of
3 arrest if the arrest for which the expunction was sought was for an
4 offense punishable as a felony or there was a felony charge arising
5 out of the same transaction for which the person was arrested; ~~[or]~~

6 (4) the attorney representing the state certifies that
7 the applicable arrest records and files are not needed for use in
8 any criminal investigation or prosecution, including an
9 investigation or prosecution of another person; or

10 (5) the presentment did not occur solely because the
11 grand jury failed to find that probable cause exists to believe the
12 person committed the offense.

13 SECTION 2. The change in law made by this Act applies to the
14 expunction of arrest records and files for any criminal offense
15 that occurred before, on, or after the effective date of this Act.

16 SECTION 3. This Act takes effect September 1, 2025.