

By: Orr

H.B. No. 2328

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

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

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

14                   (2) secure electronic mail, electronic transmission,  
15 or facsimile transmission.

16           (a-1) The clerk of the court is not required to transmit a  
17 copy of either the petition or notice of hearing to the Office of  
18 Court Administration of the Texas Judicial System.

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

23           (e) The clerk of the court may not charge a fee to  
24 electronically transmit a copy of the petition or notice of hearing  
25 to an official, agency, or other entity for which an e-mail address  
26 or other means of electronic transmission is provided in the  
27 petition.

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

5       (g) On receipt of a copy of a petition or notice of hearing  
6 under this article, the Department of Public Safety shall notify  
7 the appropriate central federal depositories of criminal records  
8 listed in the petition.

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

12       (c) After verifying the allegations in the application, the  
13 attorney representing the state shall:

14           (1) include on the application information regarding  
15 the arrest that was requested of the applicant but was unknown by  
16 the applicant;

17           (2) forward a copy of the application to the district  
18 court for the county;

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

21           (A) law enforcement agencies, jails or other  
22 detention facilities, magistrates, courts, attorneys representing  
23 the state, correctional facilities, central state depositories of  
24 criminal records, and other officials or agencies or other entities  
25 of this state or of any political subdivision of this state;

26           (B) central federal depositories of criminal  
27 records that are reasonably likely to have records or files

1 containing information that is subject to expunction; and

2 (C) private entities that compile and  
3 disseminate for compensation criminal history record information  
4 that are reasonably likely to have records or files containing  
5 information that is subject to expunction; and

6 (4) request the court to enter an order directing  
7 expunction based on an entitlement to expunction under Article  
8 [55A.006](#).

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

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

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

13 SECTION 5. Article [55A.351](#), Code of Criminal Procedure, is  
14 amended by amending Subsections (a), (b), and (c) and adding  
15 Subsections (b-1), (b-2), and (b-3) to read as follows:

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

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

27 (b-1) A state or local agency with an e-mail address that is

1 identified under Article 55A.253 or 55A.256 must accept a copy of an  
2 expunction order that is provided in an electronic format by the  
3 clerk of the court.

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

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

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

17 SECTION 6. Article 55A.352(c), Code of Criminal Procedure,  
18 is amended to read as follows:

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

24 SECTION 7. Article 55A.353, Code of Criminal Procedure, is  
25 amended to read as follows:

26 Art. 55A.353. DISPOSITION OF EXPUNGED RECORDS. Except as  
27 provided by Articles 55A.354 and 55A.357, on receipt of an

1 expunction order issued under Subchapter E or F, each official or  
2 agency or other governmental entity listed [~~named~~] in the order  
3 shall:

4 (1) as appropriate:

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

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

12 (2) delete from the listed [~~named~~] entity's public  
13 records all index references to the records and files that are  
14 subject to the expunction order.

15 SECTION 8. Article 55A.354, Code of Criminal Procedure, is  
16 amended to read as follows:

17 Art. 55A.354. DISPOSITION OF RECORDS EXPUNGED DUE TO  
18 MISTAKEN IDENTITY. On receipt of an order granting expunction to a  
19 person entitled to expunction under Article 55A.006, each official,  
20 agency, or other governmental entity listed [~~named~~] in the order:

21 (1) shall:

22 (A) obliterate all portions of the record or file  
23 that identify the person who is the subject of the order; and

24 (B) if applicable, substitute for all  
25 obliterated portions of the record or file any available  
26 information that identifies the person arrested; and

27 (2) may not return the record or file or delete index

1 references to the record or file.

2 SECTION 9. Article 55A.356, Code of Criminal Procedure, is  
3 amended by amending Subsection (c) and adding Subsection (c-1) to  
4 read as follows:

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

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

19 SECTION 10. The following provisions of the Code of  
20 Criminal Procedure are repealed:

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

22 (2) Article 102.006.

23 SECTION 11. Articles 55A.203, 55A.253, 55A.254, and  
24 55A.256, Code of Criminal Procedure, as amended by this Act, apply  
25 only to a petition or application filed on or after the effective  
26 date of this Act. A petition or application filed before the  
27 effective date of this Act is governed by the law in effect on the



1 date the petition or application was filed, and the former law is  
2 continued in effect for that purpose.

3 SECTION 12. Article 55A.351, Code of Criminal Procedure, as  
4 amended by this Act, applies only to an expunction order that  
5 becomes final on or after the effective date of this Act.

6 SECTION 13. Article 55A.356(c), Code of Criminal Procedure,  
7 as amended by this Act, Article 55A.356(c-1), Code of Criminal  
8 Procedure, as added by this Act, and Articles 55A.356(d) and (e),  
9 Code of Criminal Procedure, as repealed by this Act, apply to any  
10 records and files in the possession of the clerk of the court on or  
11 after the effective date of this Act.

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

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

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