

By: Johnson

S.B. No. 1515

A BILL TO BE ENTITLED

AN ACT

relating to the expunction of all records and files related to arrests for certain decriminalized 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. CERTAIN DECRIMINALIZED MISDEMEANOR OFFENSES.

A person to whom this subchapter applies is entitled to the expunction of all records and files related to the arrest, including, as applicable, any records and files related to a conviction of the offense, if:

(1) the person is convicted of or placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, for the offense for which the person was arrested;

(2) the offense for which the person was arrested was a misdemeanor offense and the conduct that was the subject of the offense as applied to the person has been statutorily decriminalized subsequent to the date of the commission of the offense; and

(3) as applicable:

(A) the person's sentence, including any term of confinement or period of community supervision imposed and payment of all fines and costs imposed, is finally discharged; or

(B) the person received a dismissal and discharge

1 under Article 42A.111 for the offense.

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

4 Art. 55A.251. FILING OF PETITION. (a) A person who is
5 entitled to expunction of records and files under Article 55A.002,
6 55A.004, or 55A.005 or Subchapter B, or a person who is eligible for
7 expunction of records and files under Article 55A.101, may, subject
8 to Article 55A.252, file an ex parte petition for expunction in a
9 district court for the county in which:

10 (1) the petitioner was arrested; or

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

12 (b) A person who is entitled to expunction of records and
13 files under Article 55A.007 may file an ex parte petition for
14 expunction in the court that convicted the person or placed the
15 person on deferred adjudication community supervision.

16 SECTION 3. Subchapter F, Chapter 55A, Code of Criminal
17 Procedure, is amended by adding Article 55A.2545 to read as
18 follows:

19 Art. 55A.2545. PETITIONER DEMONSTRATION AT HEARING FOR
20 EXPUNCTION OF DECRIMINALIZED MISDEMEANOR OFFENSE. At a hearing
21 held on a petition for expunction on the basis of an entitlement
22 under Article 55A.007, the court may require the petitioner to
23 demonstrate that the offense that is the subject of the petition
24 qualifies as a statutorily decriminalized offense under current
25 law. The demonstration may include an affidavit signed by the
26 petitioner attesting to the fact that the offense that is the
27 subject of the petition qualifies as a statutorily decriminalized

1 offense under current law.

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

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

10 (1) the person was arrested; or

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

12 SECTION 5. Subchapter H, Chapter 55A, Code of Criminal
13 Procedure, is amended by adding Article 55A.3565 to read as
14 follows:

15 Art. 55A.3565. RETENTION AND INSPECTION OF CERTAIN RECORDS
16 AFTER EXPUNCTION OF DECRIMINALIZED MISDEMEANOR OFFENSE. (a) This
17 article applies only to records and files for which an expunction
18 order has been issued on the basis of an entitlement under Article
19 55A.007.

20 (b) Notwithstanding any other law, the law enforcement
21 agency, the prosecuting attorney responsible for investigating the
22 offense for which the expunction order was issued, and the clerk of
23 the applicable court may retain the records and files relating to
24 the arrest for the offense, including any records and files related
25 to a conviction of the offense, to be used only:

26 (1) for the investigation or prosecution of another
27 offense arising out of the same transaction for which the person who

1 is the subject of the order was arrested; or

2 (2) by the office of the governor in determining
3 whether to issue a pardon or commute a sentence.

4 (c) The records and files for which the expunction order was
5 issued are not open for inspection by anyone, except that the
6 records and files are open for inspection by the person who is the
7 subject of the order or for the purposes described by Subsection
8 (b).

9 SECTION 6. Article 102.006(b), Code of Criminal Procedure,
10 is amended to read as follows:

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

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

18 (2) the petitioner is entitled to expunction under
19 Article 55A.007.

20 SECTION 7. This Act applies to an expunction of arrest
21 records and files relating to any misdemeanor offense that was
22 committed before, on, or after the effective date of this Act.

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