

EXPUNCTIONS JUVENILES AND MINORS



	Alcoholic Beverage Code Sec. 106.12	Health & Safety Code Sec. 161.255	Code of Criminal Procedure Art. 45.055	Code of Criminal Procedure Art. 45.0216
Offenses	<ul style="list-style-type: none"> • Purchase of Alcohol by a Minor (Section 106.02); • Attempt to Purchase Alcohol by a Minor (Section 106.25); • Consumption of Alcohol by a Minor (Section 106.04); • Driving or Operating Watercraft Under the Influence of Alcohol by Minor (DUI) (Section 106.041); • Possession of Alcohol by a Minor (Section 106.05); and • Misrepresentation of Age by a Minor (Section 106.07). 	Possession, Purchase, Consumption, Or Receipt of Cigarettes Or Tobacco Products By Minors Prohibited (Section 161.252).	Failure to Attend School (Section 25.094, E.C.) <i>Court must inform of right to expunction in open court and give copy of law to child and parent.</i>	Penal Offenses Court must inform of right to expunction in open court and give copy of law to child and parent. Penal Code-Class C misdemeanors Education Code offenses: <ul style="list-style-type: none"> • Rules Enacted by School Board (Section 37.102); • Trespass on School Grounds (Section 37.107); • Possession of Intoxicants on School Grounds (Section 37.122); • Disruption of Classes (Section 37.124); • Disruption of Transportation (Section 37.126); and • A Member of a Fraternity, Sorority, Secret Society, or Gang that is not Sanctioned by Higher Education (Section 37.121). Possession of Drug Paraphernalia (Section 481.125, H.S.C.) City of ordinance penal offenses
Age to Apply	At least age 21.	No age requirement.	At least age 18.	At least age 17.
Requirements	Must have had only one conviction while a minor under A.B.C.	Multiple convictions may be expunged, but must have completed tobacco awareness program or tobacco related community service.	<ul style="list-style-type: none"> • Must have had only one conviction (Section 45.055(a)) • Regardless of number of convictions, successful compliance with conditions imposed by the court under Article 45.054 (Section 45.055(e)(1)) • Regardless of number of convictions, high school diploma or equivalency certificate presented prior to age 21 (Section 45.055(e)(2)) 	Only one conviction of any penal fine-only offense described in Section 8.07 (a)(4) or (5) P.C. While person was a child or only one conviction under section 43.261, P.C. Also applies to dismissals of penal offenses under Article 45.052, C.C.P. (Teen Court) or Article 45.051, C.C.P. (Deferred Disposition).
Court Petitioned	Municipal court in which convicted.	Municipal court in which convicted.	Municipal court in which convicted.	Municipal court in which convicted.
Affidavit or Proof	Sworn statement that they have had only one conviction.	Sworn statement that they have completed tobacco awareness program or tobacco-related community service.	Sworn statement that they have had only one conviction. (Section 45.055(a)) Court finds the individual successfully complied with Article 45.054 conditions (Section 45.055(e)(1)) Proof presented, prior to age 21, of high school diploma or equivalency certificate (Section 45.055(e)(2))	Sworn statement that they were not convicted of any additional offense; or for expunction of a sexting offense, found to have engaged in conduct indicating a need for supervision described by Section 51.03 (b)(7), F.C.
Hearing	Optional	Optional	Optional	Optional
Fee	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required	January 1, 2006 \$30 fee required