

## EXPUNCTIONS JUVENILES AND MINORS



	Alcoholic Beverage Code Sec. 106.12	Health & Safety Code Sec. 161.255	Code of Criminal Procedure Art. 45.0541	Code of Criminal Procedure Art. 45.0216
Offenses	<ul style="list-style-type: none"> <li>• Purchase of Alcohol by a Minor (Section 106.02);</li> <li>• Attempt to Purchase Alcohol by a Minor (Section 106.25);</li> <li>• Consumption of Alcohol by a Minor (Section 106.04);</li> <li>• Driving or Operating Watercraft Under the Influence of Alcohol by Minor (DUI) (Section 106.041);</li> <li>• Possession of Alcohol by a Minor (Section 106.05); and</li> <li>• Misrepresentation of Age by a Minor (Section 106.07).</li> </ul>	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>*This offense was repealed with the passage of HB 2398 in 2015. Prior convictions or dismissed charges are to be expunged under the new Art. 45.0541.</i>	All Penal Offenses as described by Section 8.07(a)(4) or (5), P.C.: <ul style="list-style-type: none"> <li>• Misdemeanors punishable by fine only (Section 8.07(a)(4))</li> <li>• Violations of penal ordinances of political subdivisions (Section 8.07(a)(5))</li> </ul> Offense under Section 43.261, P.C.  This article applies to any fine-only misdemeanor conviction (other than traffic) that are not covered by a separate expunction provision (i.e., A.B.C. offenses, tobacco offenses, or Failure to Attend School as outlined in the three columns to the left). This will include the following: <ul style="list-style-type: none"> <li>• Penal Code-Class C misdemeanors</li> <li>• Education Code offenses (other than Failure to Attend School)</li> <li>• Health &amp; Safety Code offenses (other than tobacco offenses)</li> <li>• City ordinance violations</li> </ul> <i>Court must inform of right to expunction in open court and give copy of law to child and parent.</i>
Age to Apply	At least age 21.	At least age 21.	No application required.	At least age 17.
Requirements	Must have had only one conviction under A.B.C. while a minor for an expunction of the conviction records under 106.12(c), A.B.C.  Must have had only one custodial or noncustodial arrest if not convicted for an expunction of the arrest records under 106.12(d), A.B.C.	Defendant must have been convicted of at least one offense under Section 161.252.	Defendant must have been convicted of Failure to Attend School, <b>OR</b>  Failure to Attend School charges must have been dismissed.	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 acquittals and 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 the defendant was charged or convicted.	Municipal court in which the defendant was convicted.	Petition not required.	Municipal court in which the defendant was convicted.
Affidavit or Proof	Sworn statement that they have had only one conviction if seeking an expunction of conviction records.  Sworn statement that applicant was not arrested for a violation of the A.B.C. other than one seeking expunged if not convicted and seeking an expunction of arrest records.	Application and proof of age.	No proof required. Courts are responsible for expunging records related to convictions and dismissals of Failure to Attend School	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	N/A	Optional
Fee	\$30 reimbursement fee required	\$30 reimbursement fee required	None	\$30 reimbursement fee required