

CHAPTER 18 EXPUNCTIONS (CHAPTER 55A, C.C.P.)

Chapter 55A of the Code of Criminal Procedure allows an acquitted person and certain others to petition for an expunction of criminal records. Prior to the 85th Legislature, only district courts had jurisdiction to accept these petitions. The ability to order expunctions in municipal courts was considerably more restrained, generally limited to certain juvenile convictions or dismissals. An individual that was acquitted or that had charges dropped for a Class C misdemeanor in a municipal court had to file an expunction petition in district court. In an effort to ease the administrative burden on the persons seeking such an order, H.B. 557 (2017) created concurrent jurisdiction for the expunction of Class C misdemeanors between district court, municipal courts of record, and justice courts. Notably absent from courts given expunction authority under Chapter 55A are non-record municipal courts.

1. Chapter 55A Expunction in Municipal Courts of Record

Checklist 18-1	Script/Notes
<p><input type="checkbox"/> 1. A municipal court of record may expunge all records and files relating to the arrest (in the county) of a person under the procedure established under Article 55A.201 if:</p> <p><input type="checkbox"/> a. A person charged with a fine-only misdemeanor is acquitted by the trial court;</p> <p><input type="checkbox"/> b. A person convicted of a fine-only misdemeanor is subsequently pardoned, including on the basis of actual innocence;</p> <p><input type="checkbox"/> c. A person charged with a fine-only misdemeanor is released, has no final conviction, and a charge is no longer pending;</p> <p><input type="checkbox"/> d. A person is tried and convicted of a fine-only misdemeanor and acquitted by the Court of Criminal Appeals, court of appeals, or if before trial expunction is recommended by the prosecutor; or</p>	<p>Art. 55A.201, C.C.P.</p> <p>Art. 55A.002, C.C.P. If the offense arose out of a criminal episode, and the person was convicted of or may still be prosecuted for another offense during the criminal episode, then the person is not eligible for expunction. Art. 55A.151, C.C.P.</p> <p>See <i>TMCEC 2026 Forms Book: Admonishment for Expunction on Acquittal</i>.</p> <p>Art. 55A.003, 55A.004, C.C.P.</p> <p>Art. 55A.051, C.C.P.</p> <p>Art. 55A.101, C.C.P.</p>

- e. A person complies with an order of deferred disposition, and the complaint is dismissed.
- 2. After acquittal, the trial court should notify the acquitted of expunction.
 - a. Expunction can be requested in the trial court by either the defendant or the prosecutor.
 - (1) If the defendant requests expunction, the prosecutor must be notified.
 - (2) If the prosecutor requests expunction, the acquitted person must consent.
 - b. If the defendant has an attorney, the attorney must prepare the expunction order. For pro se defendants, the prosecutor shall prepare the order for the court's signature.
 - c. Upon request of the acquitted person, an order of expunction shall be entered not later than the 30th day after the date of acquittal.
- 3. A person requesting expunction under Chapter 55A for a fine-only misdemeanor (other than after acquittal in the trial court) must file a petition for expunction in a district court, a justice court, or a municipal court of record in the county in which:
 - a. The petitioner was arrested; or
 - b. The offense was alleged to have occurred.

Art. 45A.305(d), C.C.P.

See *TMCEC 2026 Forms Book: Admonishment for Expunction on Acquittal and Order of Expunction*. Art. 55A.201(b), C.C.P.

While no petition is required, the requesting party must provide all of the information required of a petition to the court. See the list in Step 4 below.

Art. 55A.252, C.C.P.

Additionally, an ex parte petition may also be filed by a Department of Public Safety representative. Art. 55A.257, C.C.P.

4. In addition to any other fees required by other law, a petitioner seeking expunction Chapter 55A shall pay a fee of \$100 for filing a petition for expunction to defray the cost of notifying state agencies of orders of expunction..

Art. 102.0061(b), C.C.P.

a. The fee shall be waived if the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55A.151, and the petition for the expunction is filed not later than the 30th day after the date of the acquittal.

Art. 102.0061(c), C.C.P.

b. The fee shall be waived if the petitioner is entitled to expunction under Art. 55A.053(a)(2)(A) or (B) after successful completion of a veterans treatment court program or mental health court program, respectively.

Art. 102.0061(d), C.C.P.

5. A petition must be verified and include the following or an explanation for why one or more of the following is not included:

Art. 55A.253(a), C.C.P.
A verified petition is one that is confirmed or substantiated by oath. *Black's Law Dictionary*.

a. The petitioner's:

(1) Full name;

(2) Sex;

(3) Race;

(4) Date of birth;

(5) Driver's license number;

(6) Social security number; and

(7) Address at the time of arrest;

b. The offense charged against the petitioner;

c. The date the offense charged was alleged to have been committed;

- d. The date of arrest;
- e. The name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
- f. The name of the agency that arrested the petitioner;
- g. The case number and court of offense; and together with the applicable physical and e-mail addresses, a list of all:
 - (1) Law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;
 - (2) Central federal depositories of criminal records that the petitioner has reason to believe have records or files that are subject to expunction; and
 - (3) Private entities that compile and disseminate for compensation criminal history record information that the petitioner has reason to believe have information related to records or files that are subject to expunction.
- h. A petition may not:
 - (1) list any agency more than once; or
 - (2) include multiple contacts or addresses for different divisions of an agency.

Each district clerk is required to compile and maintain a list of these agencies and entities on the clerk's website, including their email addresses. Art 55A.253(c), C.C.P.

Art. 55A.253(b), C.C.P.

- 6. The court shall set a hearing no earlier than the 30th day following the date the petition is filed and shall give a copy of the petition and notice of hearing to each official, agency, or other entity listed in the petition, other than central federal depositories of criminal records, by:

 - a. Certified mail, return receipt requested; or
 - b. Secure electronic mail, electronic transmission, or facsimile transmission.

- 7. If the court does not find that the petitioner is entitled to expunction, enter an order denying expunction.

- 8. If the court finds that the petitioner is entitled to expunction of any records and files that are the subject of the petition, enter an order of expunction.

- 9. When the order of expunction is final, the clerk of the court shall send a copy of the order to the Crime Records Service of the Department of Public Safety, Office of Court Administration, and to each official or agency or other governmental entity of this state or of any political subdivision of this state listed in the order. The copy of the order must be sent by secure electronic mail, electronic transmission, or facsimile transmission or otherwise by certified mail, return receipt requested. In sending the order to a governmental entity listed in the order, the clerk may elect to substitute hand delivery for certified mail under this subsection, but the clerk must receive a receipt for that hand-delivered order.

Art. 55A.254, C.C.P. See *TMCEC 2026 Forms Book*: Notice of Expunction Hearing.

The clerk is not required to send the petition or notice of hearing to the Office of Court Administration. Art. 55A.254(a-1), C.C.P.

State or local agencies with an email address identified in the petition must accept electronic copies of the petition or hearing notice sent by the court clerk. The clerk may not charge a fee to send documents electronically. If an agency cannot receive electronic delivery, the clerk must charge a \$25 fee for each such agency listed in the petition. Art. 55A.254(d)-(f), C.C.P.

See *TMCEC 2026 Forms Book*: Order Denying Expunction.

Art. 55A.255, C.C.P. See *TMCEC 2026 Forms Book*: Order of Expunction.

Art. 55A.351, C.C.P.
 State or local agencies with an email address identified in the petition must accept electronic copies of an expunction order sent by the court clerk. The clerk may not charge a fee to send the order electronically. If an agency cannot receive electronic delivery, the clerk must charge a \$25 fee for each such agency listed in the petition. Art. 55A.351(b-1)-(b-3), C.C.P.

- ❑ 10. If an order of expunction is issued under this article, the court records concerning expunction proceedings are not open for inspection by anyone except the person who is the subject of the order unless the order permits retention of a record. The clerk of the court issuing the order shall obliterate all public references to the proceeding and maintain the files or other records in an area not open to inspection.

- ❑ 11. Except in the case of a person who is the subject of an expunction order on the basis of an acquittal, the clerk of the court shall destroy all the files or other records maintained, other than the expunction order itself, on the first anniversary of the date the order was issued, unless the records or files were released.

Art. 55A.356, C.C.P.

Art. 55A.356(c), C.C.P.
The clerk must keep the expunction order confidential and may provide a copy only to the person named in the order, after verifying their identity, unless the court orders otherwise. Art. 55A.356(c-1), C.C.P.

The court must keep federal prohibited person information even if the case is expunged. This information is confidential and may be shared only with the Department of Public Safety or the FBI for record audits or to verify a person's inclusion in the National Instant Criminal Background Check System. Art. 55A.3025, C.C.P.