

Expunction Chart

Record Type	Requirements and Procedure	Fee	Authorizing Statute
Dismissals/ Acquittals (Defendant under 17)	The case has been dismissed or the defendant was acquitted, and the defendant was under 17 years of age at the time of the offense. Applicant files with the court in which the offense was pending. Application must be sworn and written.	\$30	Code of Criminal Procedure Art. 45A.463(i)
Arrest Records Related to ABC Offense (Defendant Not Convicted)	The defendant is now 21 years of age and has only one arrest (and was not convicted) for offenses under Ch. 106, ABC. Multiple violations can be expunged if they are all part of the same event/arrest. Noncustodial arrests (citations) count as arrests. Applicant files sworn application with the court where they were charged with the offense.	\$30	Alcoholic Beverage Code Sec. 106.12
Convictions of ABC Offense	The defendant is now 21 years of age and has only one conviction under Ch. 106, ABC. Deferrals do not count as convictions. Applicant files sworn application with the convicting court.	\$30	Alcoholic Beverage Code Sec. 106.12
Off-Premises Alcohol Consumption (ABC § 101.72)	A defendant who has had only one conviction within 12 months may apply after the first anniversary of the conviction to the convicting court to have the conviction expunged.	\$0	Alcoholic Beverage Code Sec. 101.73
Convictions of fine-only misdemeanor (Defendant under 17)	The defendant had only one conviction of a fine-only misdemeanor before their 17th birthday (other than ABC or tobacco offenses) and is now 17. Applicant files with the convicting court. Application must be sworn and written.	\$30	Code of Criminal Procedure Art. 45A.463(c)
Convictions of tobacco-related offense	The defendant applies to the convicting court to have the conviction expunged on or after their 21st birthday.	\$30	Health & Safety Code Sec. 161.255

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Conviction of “sexting” offense	The defendant has only one conviction of an offense under Penal Code Sec. 43.261, was never adjudicated by a juvenile court as having engaged in the same conduct and is now 17. Applicant files with the court in which the offense was pending. Application must be sworn and written.	\$30	Code of Criminal Procedure Art. 45A.463(c)(2)
Arrest Records Related to Fine-Only Misdemeanors Not Resulting in Conviction or Acquittal (Adult defendants)	• Offense is no longer pending, did not result in conviction, no other charges resulting from the arrest are pending, and at least 180 days has elapsed since arrest; • Prosecutor recommends expunction before trial of offense; or • Defendant convicted is subsequently acquitted by court of appeals or court of criminal appeals or pardoned. Applicant files petition described by Art. 55A.253 with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.	\$100 + \$25 per notice that is mailed	Code of Criminal Procedure Arts. 55A.004, 55A.051, 55A.101, 102.006, 102.0061
Arrest Records Related to Acquittals (Adult defendants)	Trial court must notify defendant of right to expunction upon acquittal. Defendant or prosecutor can make request. Defendant’s attorney prepares expunction order, if defendant is pro se, prosecutor does. Request can be made with trial court or petition described by Art. 55A.253 with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.	\$0 [^]	Code of Criminal Procedure Arts. 55A.002, 55A.201, 55A.204, 102.006, 102.0061
Juvenile Diversion Records	All records of a diversion for juveniles shall be expunged, without the requirement of a motion or request, on the child’s 18th birthday. Note: even before the expungement, diversion records are confidential under Art. 45A.462.	\$0	Code of Criminal Procedure Art. 45A.513

* Court may return all or a portion of this fee to the applicant.

[^] Fee is only waived if petition is filed within 30 days of acquittal. If not, fee is \$100, though the court may return all or a portion of this fee to the applicant.