

## Expunction Chart

Record Type	Procedure & Requirements	Fee	Authorizing Statute
<b>Dismissals/ Acquittals (Defendant under 17)</b>	<p>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.</p> <p>Applicant files sworn application in writing with the court in which the offense was pending.</p>	\$30	<b>Art. 45.0216(h), Code of Criminal Procedure</b>
<b>Arrest Records Related to ABC Offense</b>	<p>The defendant is now 21 years of age and has only one arrest for an offense under Ch. 106, ABC. <i>Noncustodial arrests (citations) count as arrests.</i></p> <p>Applicant files sworn application with the court where they were charged with the offense.</p>	\$30	<b>Sec. 106.12, Alcoholic Beverage Code</b>
<b>Convictions of ABC Offense</b>	<p>The defendant is now 21 years of age and has only one conviction under Ch. 106, ABC. Deferrals or juvenile court adjudications <b>do not</b> count as convictions.</p> <p>Applicant files sworn application with the convicting court.</p>	\$30	<b>Sec. 106.12, Alcoholic Beverage Code</b>
<b>Off-Premises Alcohol Consumption (ABC § 101.72)</b>	<p>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.</p>	\$0	<b>Sect. 101.73, Alcoholic Beverage Code</b>
<b>Convictions of Fine-Only Misdemeanor (Defendant under 17)</b>	<p>The defendant had only one conviction of a fine-only misdemeanor before their 17<sup>th</sup> birthday (other than ABC or tobacco offenses) and is now 17.</p> <p>Applicant files with the convicting court. Application must be sworn and written.</p>	\$30	<b>Art. 45.0216(b), Code of Criminal Procedure</b>
<b>Convictions of Tobacco- Related Offense</b>	<p>The defendant applies to the convicting court to have the conviction expunged on or after their 21st birthday.</p>	\$30	<b>Sec. 161.255, Health &amp; Safety Code</b>

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<p><b>Conviction of “sexting” offense</b></p>	<p>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.</p> <p>Applicant files sworn, written application with the convicting court.</p>	<p>\$30</p>	<p><b>Art. 45.0216(b), (f), Code of Criminal Procedure</b></p>
<p><b>Arrest Records Related to Fine-Only Misdemeanors Not Resulting in Conviction or Acquittal (Adult defendants)</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• Prosecutor recommends expunction before trial of offense; <b>or</b></li> <li>• Defendant convicted is subsequently acquitted by court of appeals or court of criminal appeals or pardoned.</li> </ul> <p>Applicant files petition described by Art. 55.02, Sec. 2(b) with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.</p>	<p>\$100*</p>	<p><b>Arts. 55.01, 55.02, 102.006, Code of Criminal Procedure</b></p>
<p><b>Arrest Records Related to Acquittals (Adult defendants)</b></p>	<p>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.</p> <p>Request can be made with trial court or petition described by Art. 55.02, Sec. 2(b) with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.</p>	<p>\$0^</p>	<p><b>Arts. 55.01, 55.02, 102.006, Code of Criminal Procedure</b></p>

\* 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.