

How to Clear an Arrest from Your Record in Texas (Expunction)

Can I clear an arrest from my record?

It depends. Some arrests can *never* be cleared, including arrests for driver's license suspensions.

Some arrests can be cleared through a process called **expunction**.

You may be able to clear your arrest record if:

- charges were never filed, *or*
- charges were filed, but then dismissed, *or*
- you were acquitted, *or*
- you were pardoned or otherwise granted relief based on your actual innocence, *or*
- you have not been tried and the prosecutor recommends expunction.

You must also meet the additional requirements set out in the law and listed in the ***Petition for Expunction of Criminal Records***.

See *Texas Code of Criminal Procedure, Chapter 55* for the law on expunctions.

How do I ask the Court to clear my record?

You must:

- 1) Fill out a court form, called ***Petition for Expunction of Criminal Records***.
- 2) Sign the form in front of a Notary, then make extra copies.
- 3) Get an official record of your fingerprints. (The clerk's office can tell you how to do this.)
- 4) File the *Petition* and your fingerprints in the District Clerk's Office in the same county where you were arrested or where the offense allegedly occurred.
- 5) Send a copy of the *Petition* to the state prosecutor (the District or County Attorney). Send it by certified mail, return receipt requested. Keep the receipt to prove the state received notice.
- 6) Go to a court hearing. (The clerk will give you the date when you file your *Petition*.)

Do I have to fill out any other court forms?

Yes. You must also fill out a court form, called ***Order Directing Expunction of Criminal Records***. Take it to your hearing. If the judge agrees to clear the arrest from your record, s/he will sign the *Order*. Then, the court clerk will send a certified copy of the *Order* to the people and agencies listed on the *Order* ordering them to return or destroy all records about this arrest.

Do I have to go to Court?

Yes. You must go to a court hearing so a judge can decide your case. Any of the people and agencies listed in your *Petition* may go to your hearing, too. If they do not want your record cleared, they can tell the judge at your hearing.

When will the hearing take place?

The hearing will be at least 30 days after you file your *Petition*. The court will send you a notice with the exact date, time, and location of your hearing.

Will the Court automatically approve my Petition?

No. The Court will *not* approve your *Petition* if:

- You do not meet the requirements, *or*
- If an official or agency opposes your *Petition*, and the judge agrees with their opinion.

How can I prove my record was cleared?

If the court approves your *Petition*, everyone listed on your *Petition* will be ordered to remove the arrest from your record. You should check your records to confirm the arrest has been removed from your record.

If my record is cleared do I have to tell anyone about the arrest?

No, *unless* you are under oath in a criminal proceeding about the arrest. But, you can explain that the arrest was cleared from your record.

Can I clear a conviction from my record?

You can only clear an arrest from your record through the process of expunction.

Do I need a lawyer?

You do not *have to* have a lawyer, but it may be a good idea. Asking for a record clearance can be complicated. If you need help, contact your local lawyer referral service.

Is there a fee?

Yes. An online calculator for fees in **Travis County** is at:

www.co.travis.tx.us/district_clerk/documents/expunction_fee_calculator.xls

Which law enforcement agencies will be notified to return or destroy the records about this arrest?

You need to list the agencies that you want to be notified on the *Petition for Expunction of Criminal Records*. Your *Petition for Expunction of Criminal Records* must include a list of the law enforcement agencies involved in your arrest and any other official or agency that may have a record or file of your arrest.

Include jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, central federal depositories of criminal records that you have reason to believe have information related to your arrest. Also list any private entities that sell criminal history record information that you have reason to believe have information related to your arrest.

Some agencies for arrests occurring in Austin, Travis County might include:

Travis County District Clerk

Attn. Expunctions
PO Box 679003
Austin, Texas 78767

Travis County Sheriff's Office

Attn: Expunctions
PO Box 1748
Austin, Texas 78767

Travis County County Clerk

Travis County
Attn: Expunctions
PO Box 1748
Austin, Texas 78767

**Travis County Justice of Peace Courts
#1,2,3,4, or 5***

Attn: Expunctions
PO Box 1748
Austin, Texas 78767

* When you list a Justice of the Peace court, list only the court number that pertains to your case.

Travis County District Attorney

Attn: Expunctions
PO Box 1748
Austin, Texas 78767

Travis County Pretrial Serv./Personal Bond

Attn: Expunctions
PO Box 1748
Austin, Texas 78767

Travis County County Attorney

Travis County
Attn: Expunctions
PO Box 1748
Austin, Texas 78767

Texas Dept. of Public Safety

Expunctions, MSC 0234
PO Box 4143
Austin, Texas 78765

Austin City Attorney

Legal Department
Attn: Expunctions
PO Box 1546
Austin, Texas 78767

Austin Police Dept.

Attn: Legal Advisor / Expunctions
PO Box 689001
Austin, Texas 78768

Austin Municipal Court

City of Austin
Attn: Expunctions
PO Box 2135
Austin, Texas 78768

**Travis County Counseling & Education
Service Center (TCCES)**

Attn: Expunctions
PO Box 1748
Austin, Texas 78767