

How to Clear An Arrest from Your Record (Expunction)

Can I clear an arrest from my record?

It depends. Some arrests can *never* be cleared, including arrests for sex-related crimes and drivers license suspensions. Texas allows some records to be cleared through a process called **Expunction**. See *Texas Code of Criminal Procedure, Article 55.02* for the law on expunction.

Are there other requirements to clear an arrest from my record?

Yes. You must also meet these requirements:

- You had no felony convictions during the 5-year period before your arrest.
- You were released after your arrest and not charged or convicted of a crime.
- You have never been under community supervision for a sex-related crime for this arrest.
- Your arrest was not part of a “criminal episode,” and you have never been charged for any other crime as a part of a criminal episode.

What if I was convicted, but appealed and won?

If you won your appeal and you meet all other requirements, you are eligible to have the arrest cleared from your record.

How do I ask the Court to clear my record?

You must:

- Fill out a court form, called **Petition to Clear Record**.
- Sign the form in front of a Notary, then make extra copies.
- Submit an official record of your fingerprints. (The clerk’s office can tell you how to do this.)
- File the **Petition to Clear Record** and your fingerprints in the same county where you were arrested.
- 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 to Clear Record*. 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

everyone listed on your *Petition* ordering them to return or destroy all records about this arrest.

Will my court record be destroyed?

No. But the Court will not allow *anyone* to see or use your old record again. It is a misdemeanor to violate the Court Order.

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.

Do I have to go to Court to clear the record?

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.

Do I have to give notice to anyone?

Yes. You must send a copy of the *Petition* to the District Attorney. Send it by certified mail, return receipt requested. Keep the receipt or mailing of your records.

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.

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.

Description of the Petitioner's Arrest – Arresto

- ⑧ Date of arrest: _____
Fecha del arresto: *month – mes* *day – día* *year - año*
- ⑨ Place of arrest: _____, Texas
Lugar del arresto: *city – ciudad* *county – condado*
- ⑩ Arrested by (check one): Police – *Policia* Sheriff – *Alguacil* Other - *Otro*: _____
Arrestado por (marque uno)
- ⑪ Arrest Report Number / Case Number: _____
Número de informe de arresto o caso
- ⑫ Reason for arrest (*list charges*): _____
Motivo del arresto (escriba los cargos)
- ⑬ Date the alleged crime took place: _____
Fecha que el presunto crimen tuvo lugar: *month – mes* *day – día* *year – año*
- ⑭ Court where charges were filed: District County Justice Court _____, Texas
Corte en que presentaron los cargos: *County – Condado*
- ⑮ **List any criminal justice agencies or private entities that may have records of this arrest, including law enforcement, jail, court or other office or entity that provides criminal history information, that may have a record of your arrest. Enumero cualesquiera agencias criminales de la justicia o entidad privada que pueden tener expedients de esta detención, incluyendo la aplicación de ley, la caral, la corte o la otra oficina o entidad que proporcionan la información criminal de la historia, que puede tener un expediente e su detención.**
- a. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número *city – ciudad* *state – estado* *zip – código postal*
- b. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número *city – ciudad* *state – estado* *zip – código postal*
- c. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número *city – ciudad* *state – estado* *zip – código postal*
- d. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número *city – ciudad* *state – estado* *zip – código postal*
- e. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número *city – ciudad* *state – estado* *zip – código postal*
- f. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número *city – ciudad* *state – estado* *zip – código postal*
- Check here if there are other criminal justice agencies that may have record of this arrest, and attach another sheet with the additional names and addresses. – *Compruebe aquí si hay otras agencias criminales de la justicia que pueden tener expediente de esta detención, y una otra papel con los nombres y las direcciones adicionales.*

⑩ **Describe why you may qualify to have your record cleared. (Check one):**

Describe porqué usted puede calificar para hacer su expediente despejar. (Marque uno.)

The charges against me were dismissed because *(explain)*:

Las cargas contra mí fueron despidas porque (explique)

I was found *not guilty* by a court on *(date)*: _____

Una corte encendido me encontré no culpable (fecha):

I was pardoned on *(date)*: _____

Pardoned encendido (fecha):

I was pardoned by *(name and title)*: _____

Pardoned por (nombre y el titulo)

The original trial was on *(date)*: _____

El ensayo original estaba encendido (fecha)

I appealed my conviction and won the appeal on *(date)*: _____

Abrogué mi convicción y gané la súplica encendido (fecha):

The original trial was on *(date)*: _____

El ensayo original estaba encendido (fecha)

I was never indicted or charged in this matter. There are no charges pending, no probation was ordered, and I was released unconditionally from custody. I have no felony convictions in the 5-year period before the date of the arrest. *Me nunca procesaron o fueron cargado en este material. No hay cargas pendientes, no se pidió ninguna libertad condicional, e incondicional me lanzaron de custodia. No tengo ninguna convicción del crimen en periodos de 5 año antes de la fecha de la detención.*

⑪ I ask the Court to set a date for a hearing to decide on this matter, and to give notice to all criminal justice agencies and officers and entities listed above in ⑩. After this hearing, I ask the Court to order all criminal justice agencies and officers listed above in ⑩ to: *Pido la corte para fijar una fecha para una audiencia para decidir sobre esta material, y para dar el aviso a todas las agencias y oficiales criminales de la justicia y las entidades enumeradas arriba en ⑩. Después de esta audiencia, pido la corte para pedir a todas las agencias y ofciales criminales de la justicia enumerados arriba en ⑩:*

- **Delete** all references to my arrest on the above date from its public records. *Suprima todas las referencias a mi detención la fecha antedicha de sus expedients publicos.*
- **Return** all records of my arrest to this Court. If it is not practical to return the records, to destroy all references of this arrest. *Vuelva todos los expedients de mi detención a esta corte. Si no es práctico volver los expedients, destruir todas las referencias de esta detención.*
- **Notify** the Court when it has complied with these Orders. *Notifique la corte cuando se conformado con estas ordenes.*

I ask that the Court send me copies of the Notice sent to the agencies and officers in ⑩ within a reasonable amount of time, and that any records of my arrest that are returned to the Court be sent to me. *Pregunto que la corte me envía las copias del aviso enviado a las agencias y o los oficiales en ⑩ dentro de una cantidad de tiempo razonable, y que cualquier expediente de mi detención que se vuelva a la corte me esté enviado.*

I also ask the Court to instruct the Crime Records Service of the Texas Department of Public Safety to send a copy of the Court's Order to any central federal depository of criminal records that may have records of my arrest, directing them to return or destroy records that include information that may identify me. *También pido la corte para mandar al servicio de los expedients del crimen del departamento de Texas de la seguridad publica para enviar una copia del orden judicial a cualquier almacén federal central de los antecedentes penales que pueden tener expedients de mi detención, ordenándolos volver o destruir los expedients que incluyen la información que puede identificarme.*

⑱ I swear that all of the information I have provided in this Petition is correct.
Juro que toda la información que he proporcionado en esta petición está correcta.

Do not sign until you are in front of the notary. – No firme hasta que esté ante un notario.

Petitioner's name (print) – *Nombre del Solicitante*



Petitioner's signature – *Firma del Solicitante*

Date – *Fecha*

Notary fills out below – *El notario llenará la casilla a continuación*

State of Texas, County of _____
(Print the name of county where this statement is notarized)

Sworn to and subscribed before me, the undersigned authority, on this date: _____

By (*Print Notary's name*): _____, Notary Public, State of Texas

(*Notary's seal here*)



Notary's signature

Print court information exactly as it appears on page 1 of this *Petition*
Escriba la información de la corte tal como figura en su Petición para borrar antecedentes de un

Your name (*Petitioner*):
Su nombre (*Solicitante*)

First - *Primer nombre* Middle - *Segundo nombre* Last - *Apellido*

§
§
§
§
§
§
§
§
§

Case No:
Nº del caso:

In the (*check one*): District County Justice Court of:

_____ County (*Condado*), Texas



— **The Court fills out this page** —
La corte completa esta página

FIAT —

The Court orders:

A hearing to take place on (*date and time*): _____
Month – *mes* Day – *día* Year – *año* Time

In the (*check one*):

District County Justice Court of: _____ County (*Condado*), Texas

Date of Judgment – *Fecha del fallo*

Judge's name – *Nombre del juez*

Judge's signature – *Firma del juez*

Print court information exactly as it appears on your *Petition to Clear Record*
Escriba la información de la corte tal como figura en su *Petición para borrar antecedentes de un*

Your name (*Petitioner*):
Su nombre (*Solicitante*)

First - *Primer nombre* Middle - *Segundo nombre* Last - *Apellido*

§
§
§
§
§
§
§
§
§

Case No:
Nº del caso:

In the (*check one*): District County Justice Court of:

_____ County (*Condado*), Texas



Order to Clear Record *Orden de Borrar Antecedentes*

A hearing took place today, and the Court finds that it has jurisdiction over this case and that all parties received proper notice. *Una audiencia ocurrió hoy, y la corte encuentra que tiene jurisdicción sobre este caso y que todos los partidos recibieron el aviso apropiado.*

Appearances – *Comparecencias*

The Petitioner (*name*): _____
El Solicitante (nombre) First - *Primer nombre* Middle - *Segundo nombre* Last - *Apellido*

Other – *Otro*: _____
First - *Primer nombre* Middle - *Segundo nombre* Last - *Apellido*

Petitioner's Identifying Information – *Información de identidad del solicitante*

① Name: _____
Nombre First - *Primer nombre* Middle - *Segundo nombre* Last - *Apellido*

② Gender – *Sexo (check one – marque uno)*: Male – *Hombre* Female – *Mujer*

③ Race – *Raza (check one – marque uno)*:
 White – *Blanco* Hispanic – *Hispano* Black – *Negro* Asian – *Asiático*
 Other – *Otro (describe – describa)*: _____

④ Social Security No. – *No. del seguro social*
(Write **only** the last 4 numbers – *Escriba sólo las últimas 4 cifras*): _____

⑤ Driver's License Number – *No. de licencia de manejar*: _____

⑥ Date of birth – *Fecha de nacimiento*: _____
Month – *mes* Day – *día* Year – *año*

⑦ Address at time of arrest: _____
Dirección en el momento del arresto: street address - *calle y número* city – *ciudad* state – *estado*

Description of the Petitioner's Arrest – Arresto

⑧ Date of arrest: _____
Fecha del arresto: month – mes day – día year - año

⑨ Place of arrest: _____, Texas
Lugar del arresto: city – ciudad county – condado

⑩ Arrested by (check one): Police – *Policia* Sheriff – *Alguacil* Other - *Otro*: _____
Arrestado por (marque uno)

⑪ Arrest Report Number: _____
Número de informe de arresto

⑫

⑬ Reason for arrest (list charges): _____
Motivo del arresto (escriba los cargos)

⑭ Date the alleged crime took place: _____
Fecha que el presunto crimen tuvo lugar: month – mes day – día year – año

⑮ Court where charges were filed: District County Justice Court _____, Texas
Corte en que presentaron los cargos: County – Condado

⑯ **Describe how this case was resolved –** *Describe cómo este caso fue resuelto*

Check one – *Marque uno*:

The charges were dismissed – *Despidieron los cargos*

A court said the Petitioner was not guilty. – *Una corte jijo que el solicitante no era culpable*

The Petitioner was pardoned. – *El solicitante pardoned.*

Other – *Otro* (explain – *explique*): _____

⑰ **Criminal justice agencies that may have records of this arrest**, including law enforcement, jail, court or other office that have a record of your arrest. *Agencias criminales de la justicia que pueden tener expedientes de esta detención, incluyendo la aplicación de ley, la cárcel, la corte o la otra oficina que tengan un expediente de su detención.*

a. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número city – ciudad state – estado

b. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número city – ciudad state – estado

c. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número city – ciudad state – estado

d. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número city – ciudad state – estado

e. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número city – ciudad state – estado

f. Name – *Nombre*: _____
Address – *Dirección*: _____
street address - calle y número city – ciudad state – estado

The Court fills out below — *La corte completa abajo*

—

The Court finds that the *Petition* should be: *La corte encuentra que la petición debe ser:*

- DENIED.** **The above arrest will NOT be cleared from the Petitioner's records.**

Negado. La detención antedicha no será despejé de los expedientes del solicitante.

- GRANTED.** **The Court orders** that all records of the Petitioner's arrest listed above must be cleared from the Petitioner's record, as described below.

Concedido. Los órdenes judiciales que todos los expedientes de la detención del solicitante enumeraron arriba deben ser despejaron del expediente del solicitante, como descrito más abajo.

The Court Clerk will send a certified copy of this Order to the Crime Records Service of the Texas Department of Public Safety and to all agencies and officials listed in (17). *El vendedor de la corte enviará una copia certificada de esta orden al servicio de los expedientes del crimen del departamento de Texas de la seguridad público y a todas las agencias y funcionarios enumerados en (17).*


The Crime Records Service of the Texas Department of Public Safety is ordered to send a copy and an explanation of this order to any central federal depository of criminal records and to any private entity that is named in (17) or that purchases criminal history record information from the department: *El servicio de los expedientes del crimen del departamento de Texas de la seguridad público se pide para enviar una copia u una explicación de esta orden a cualquier almacén federal central de antecedentes penales y a cualquier entidad privada se nombre que (17) o ese compra la información de registro criminal de historia del departamento.*

Any official or agency that receives a copy or explanation of this Order must: *Cualquier funcionario o agencia que reciban una copia o una explicación de esta orden debe:*

- **Delete** all references to the Petitioner's arrest on the above date from its public records. *Suprima todas las referencias a la detención del solicitante la fecha antedicha de sus expedientes públicos.*
- **Return** all records of the Petitioner's arrest to this Court. If it is not practical to return the records, any text that identifies the Petitioner must be destroyed. *Vuelva todos los expedientes de la detención del solicitante a esta corte. Si no es práctica volver los expedientes, cualquier texto que identifique a solicitante debe ser destruido.*
- **Notify** the Court when it has complied with these Orders. *Noifique la corte cuando se ha conformado con estas órdenes.*

Date of Judgment – *Fecha del fallo*

Judge's name – *Nombre del juez*



Judge's signature – *Firma del juez*