



# TEXAS JUSTICE COURT JUDGES ASSOCIATION



Excellence and Integrity



## EXPUNCTIONS

An expunction is the process whereby a conviction is erased from a person's record as if it never existed. It is important to note that most expunctions must be handled through District Court.

There are four specific instances in which a Justice of the Peace may expunge an offense.

They are:

- 1) Failure to Attend School- a person convicted of Failure to Attend School under Education Code Section 25.094 may apply for expungement of the conviction. The procedure and the \$30 charge for the expunction are detailed under Article 45.055 of the Code of Criminal Procedure.
- 2) Tobacco offenses under Section 161.252 of the Health and Safety Code (with the expungement process explained in Section 161.255 of the Health and Safety Code).
- 3) Alcohol Offenses of not more than one violation of Alcoholic Beverage Code Section 106 may be expunged by following the steps in Alcoholic Beverage Code Section 106.12.
- 4) Penal Code violations under Penal Code Section 8.07 (a) (4) and (a)(5), which state:

§ 8.07. AGE AFFECTING CRIMINAL RESPONSIBILITY.

(a) A person may not be prosecuted for or convicted of any offense that the person committed when younger than 15 years of age except:

- (4) a misdemeanor punishable by fine only other than public intoxication;
- (5) a violation of a penal ordinance of a political subdivision;

The expungement process for this Penal Code matter is explained under Code of Criminal Procedure Article 45.0216.