



Expunction of Criminal Records

A dismissal or a not guilty of criminal charges does not automatically erase the criminal records for that charge. An arrest or criminal accusation creates various records throughout many agencies. The types of records created include: police reports and arrest summaries, booking information and photo, county and district clerk filings, and DPS records. DPS enters information from these records into the Texas Criminal Information Center (TCIC). This information is also entered into the National Criminal Information Center (NCIC). Despite the dismissal or finding of not guilty, many of these records are accessible through Open Records requests or sold to commercial databases (such as www.publicdata.com) and made available to subscribers.

However, an Order of Expunction erases all related criminal records – in effect treating the offense like it never happened. The executed expunction order allows the person to deny the occurrence of the arrest and the existence of the expunction order; however, if under oath in a criminal proceeding, the person may only state the matter has been expunged.

Orders of Non-Disclosure

A person who successfully completes “Deferred Adjudication” probation may obtain an order of non-disclosure of criminal records pertaining to an arrest or accusation of a criminal offense.

An order of non-disclosure prohibits criminal justice agencies from disclosing criminal records to the public or private entities (they may however share the information with other criminal justice agencies); thus, limiting the exposure of a person’s past criminal acts. The person receiving the benefit of an Order of Non-Disclosure may deny the occurrence of the arrest, and the prosecution of the offense, unless questioned about the records in a subsequent criminal proceeding..