



## **Criminal Case Fresh Start Report**

**FINDING:** Good news: If you were arrested but charges were never filed, then you are likely eligible for an expunction. (Be aware that if there was an indictment or information in your case, that means you were charged. If that's the case, different rules apply.)

**If Charges were never brought, it is best to wait until the statute of limitation expires before you apply for an expunction.** There is still the possibility of charges if the statute of limitation has not expired.

### **Statutes of Limitation**

When you are arrested, the prosecutor can only bring charges against you within a certain time period. This time period is the statute of limitation.

The statute of limitation starts at the time of the offense and pauses upon indictment. If there is an indictment, the statute of limitations restarts if charges are dismissed. Note that time spent outside of Texas does not count toward the statute of limitations for most crimes.

Statutes of limitations in Texas are:

- **Misdemeanors:** two years
- **Felonies:** range from three years (minor theft cases) to an unlimited time (murder).

To find the statute of limitation for the offense, read [Texas Code of Criminal Procedure, Art. 12.01](#).

### **Partial Expunction**

You may get a partial expunction if you meet the reduced waiting period. A partial expunction allows the police and prosecutor to keep your record on file. If

you get a partial expunction, you will need to get another expunction in the future to remove the remaining records.

Exception: If the prosecutor certifies that they do not need to keep your record, then you may get a full expunction after the reduced waiting period.

The reduced waiting periods are:

- Felony: 3 years
- Class A Misdemeanor: 1 year
- Class B Misdemeanor: 1 year
- Class C Misdemeanor: 180 days

**GUIDANCE:** You can file for an expunction by taking these steps:

1. Order a copy of your criminal history record from [Identogo](#).
2. Get a certified copy of your order(s) of dismissal from the clerk of the court that dismissed your case.
3. Fill out the court forms.
4. File your Petition for Expunction.
5. Schedule a hearing.
6. Go to the hearing.
7. File (turn-in) the signed Order with the court clerk.