



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 141.400**

**Date: March 16, 2021**

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**Supersedes: February 6, 2020**

## **BOARD DIRECTIVE**

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**SUBJECT: EXPUNCTIONS**

**PURPOSE:** To provide procedures for the staff of the Texas Board of Pardons and Paroles to respond to Expunction Orders.

**AUTHORITY:** Texas Constitution Article IV, Section 11  
Texas Government Code Sections 508.035(b) and (d), and 508.313  
Texas Code of Criminal Procedure Article 55  
Texas Administrative Code Title 37, Part 5, Chapter 141, Section 141.72

**DISCUSSION:** The Texas Board of Pardons and Paroles (Board) may receive Expunction Orders from the court, the Texas Department of Criminal Justice, attorneys, clemency applicants, or offenders. Upon receipt of the Expunction Order (Order), the Board is required to redact any and all responsive information in the records prepared and/or maintained by the Board or change all identifying information in the records as directed by the Expunction Order. When a final Order is received and processed, the Board is prohibited from releasing, maintaining, disseminating, or using the expunged records and files for any purpose.

**DEFINITIONS:** Expunction Order – an order entered by a state district court requiring all entities that maintain criminal history information to redact arrest or misuse of identity information from all records.

Original Panel – the panel that voted to release an offender on parole or mandatory supervision or revoke the offender's release status.

**PROCEDURE:**

I. The General Counsel's Office (GCO) receives and processes all Expunction Orders in accordance with this directive and operational procedures. The GCO staff shall review all parole review, parole revocation, and clemency records, paper and electronic, prepared and/or maintained by Board staff wherever the records may be located.

A. Criminal Arrest Records – When the GCO staff locates information in the records which is responsive to the Expunction Order, the GCO staff or designated Board staff shall redact the information as directed by the Expunction Order.

- B. Misuse of Identity – When the GCO staff locates information in the records which is responsive to the Expunction Order, the GCO staff or designated Board staff shall delete all identifying information in the record and replace it with all identifying information as directed by the Expunction Order.
  
- II. When the redaction of criminal history information occurs after a parole panel’s vote to release or deny an offender release on parole or mandatory supervision or after a revocation decision, the GCO staff will notify the Board Administrator who may refer the case back to the original panel for review.
  
- III. After the appropriate records are redacted or all identifying information is corrected, the district clerk shall be notified in writing. The GCO staff shall send a letter along with all court documents to the district clerk.

**SIGNED THIS, THE 16<sup>TH</sup> DAY OF MARCH, 2021.**

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**

*\*Signature on file*