

Criminal Records: *Expunged or Sealed?*

Having a criminal record can be a huge obstacle when doing many things that most people take for granted. Most companies run background checks on all prospective employees so having a criminal record can prevent you from being hired for a job you may otherwise be perfect for. Depending on what type of case and disposition you received it is possible that a [Texas attorney](#) can help you expunge your criminal record.



Figuring out whether you can have your criminal record sealed or expunged can be a complicated issue and it is essential that you hire that is knowledgeable about the different methods of criminal record sealing. Depending on the results of your case; whether you were convicted, arrested, detained or if your case was dismissed – there are many factors to consider. Here are the two options available when it comes to having your criminal record sealed.

Expungement vs. Sealing

Most people believe that expunging and sealing criminal records have the same meaning, but there are a few differences. When a criminal record is sealed the court file is hidden from the general public but may still be available to certain government agencies and law enforcement. When a criminal record is expunged the criminal record is completely destroyed as if the crime never occurred. All of the records associated with the offense, such as the court records, arrest record and the criminal history are erased. Not every criminal offense can be expunged. The only circumstances in which you can get an expunction is if you were acquitted of the crime and found not guilty, or if your case was dismissed.

Expunction vs. Non-Disclosure:

The legal term for having your criminal record sealed is called a non-disclosure. A motion for a non-disclosure is normally granted after you have completed a deferred adjudication, which would make you ineligible to have your record expunged. Non-disclosure normally requires a certain waiting period after your conviction. These waiting periods normally range from two to five years depending on the nature of your offense and whether you were charged with a felony or misdemeanor. There are also some minor offenses that are eligible for non-disclosure immediately. If your petition for non-disclosure is granted, government and state agencies are prohibited from disclosing the information to the general public, but can be used if you are prosecuted again for another crime.

State Laws vs. Texas Laws:

Depending on where you live it is possible that your state does not allow any records to be sealed or expunged. Some states only allow criminal records to be sealed but not expunged and others allow expunction and non-disclosure but not for more serious felony offenses such as murder, kidnapping, rape and other sex-related crimes.

Below are the current Texas Laws that deal with destroying and concealing criminal records. Legislature can change at any time, so it is very important that you find a knowledgeable attorney in your state that can guide you through the complex laws and give you peace of mind that your past is completely behind you! If you have any other questions or would like a free evaluation of your case, [find us on Facebook](#) and we would be happy to address your concerns immediately!

Texas Statutes Regarding Expunction and Non-Disclosure

- [Texas Criminal Code of Procedure](#) 55.01 – Right to an Expunction
- [Texas Government Code](#) 411.081 – Order for Non-Disclosure
- [Texas Government Code](#) 411.151 – Expunction Or Removal Of Dna Records
- [Texas Criminal Code of Procedure](#) 58 – Expunction of Juvenile Records
- [Texas Criminal Code of Procedure](#) 48.01 – Governor May Pardon
- [Texas Criminal Code of Procedure](#) 60.03 – Interagency Cooperation; Confidentiality