

CRIMINAL RECORD RELIEF FOR TRAFFICKING SURVIVORS

Texas



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Texas has a conditional hearing requirement. This means the hearing is required at the court's discretion or under objection from certain state authorities such as prosecutors. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

Judicial Discretion:

Texas provides that the court "shall" or "must" order relief if the survivor meets certain statutory requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.

NEEDS IMPROVEMENT:

Requires Collaboration with Law Enforcement:

Survivors have to cooperate with law enforcement or identify their trafficker in court in order to be eligible for relief. This requirement potentially puts survivors in danger and forces them into a situation that can cause them further trauma.

Satisfaction of Sentence Imposed and Restitution Paid:

Texas requires that a survivor completes the full sentence imposed and pays in full the restitution ordered for any offense before they can apply for relief to clear that offense from their record. This condition ignores that the conviction should not have happened in the first place.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Texas is inadequate because relief only applies to certain low-level offenses like prostitution, theft, or possession - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Texas would expand the statute to include all offenses so more survivors are eligible for relief.

Arrests and Adjudication Relief:

Relief in Texas only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.



Statute: [Texas Government Code § 411.0728](#)