

Cause No. _____
(1)

In the Matter of

§

In the

§

§

_____ County, Texas
(2)

(3)

(4)

Petition for Order of Nondisclosure **Under Section 411.073**

_____ (5) ("Petitioner") respectfully petitions the court for an order of nondisclosure under Section 411.073, Government Code, for the offense detailed below.

1. The Underlying Order and Completion of Community Supervision

Petitioner was convicted of the misdemeanor offense of _____ (6) in Criminal Cause No. _____ (7) in this court on _____, _____ (8)

Following the conviction, Petitioner was placed on community supervision (hereinafter "probation") on _____, _____. (9) Petitioner's probation was not revoked. Petitioner completed probation, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, on _____, _____. (10)

A copy of the document or order showing that Petitioner was placed on probation **is / is not** (11) attached. The order or document showing that Petitioner completed

probation, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, **is / is not** attached. ⁽¹²⁾

2. Petitioner Satisfies the Requirements of Section 411.073, Government Code

Petitioner satisfies the requirements of Section 411.073, Government Code, in that:

- Petitioner's offense is a misdemeanor other than a misdemeanor under:
 - §106.041, Alcoholic Beverage Code (Driving/Operating Watercraft Under the Influence of Alcohol By Minor),
 - §49.04, Penal Code (Driving While Intoxicated),
 - §49.05, Penal Code (Flying While Intoxicated),
 - §49.06, Penal Code (Boating While Intoxicated),
 - §49.065, Penal Code (Assembling or Operating an Amusement Ride While Intoxicated), or
 - Chapter 71, Penal Code (Organized Crime);
- Following conviction for the offense, Petitioner was placed on probation under a provision of Chapter 42A (formerly Article 42.12), Code of Criminal Procedure, other than Subchapter C (formerly Section 5 of Article 42.12) of that chapter;
- Petitioner completed the period of probation, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, and was not revoked;
- Petitioner has never been previously convicted of or placed on deferred adjudication community supervision (hereinafter "deferred adjudication") for another offense other than a traffic offense punishable by fine only;
- Petitioner has waited the requisite time, as indicated below, before filing this petition.⁽¹³⁾

_____ On or after the second anniversary of the date that Petitioner completed probation, if Petitioner's offense was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code

_____ On or after the date that Petitioner completed probation, if Petitioner's offense was **not** a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code); and

- Petitioner satisfies the requirements of Section 411.074, Government Code.

3. Petitioner Satisfies the Requirements of Section 411.074, Gov't Code

Petitioner satisfies the requirements of Section 411.074, Government Code, in that:

- During the period after the court placed Petitioner on probation, and during any applicable waiting period (as indicated in Section 2 above) after completion of the probation, Petitioner was not convicted of or placed on deferred adjudication for any offense other than a traffic offense punishable by fine only;
- Petitioner was not and has not ever been previously convicted of or placed on deferred adjudication for any of the following:
 - (A) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
 - (B) an offense under Texas Penal Code Section 20.04 (aggravated kidnapping);
 - (C) an offense under any of the following sections of the Texas Penal Code:
 - 19.02 (murder);
 - 19.03 (capital murder);
 - 20A.02 (trafficking of persons);
 - 20A.03 (continuous trafficking of persons);

- 22.04 (injury to a child, elderly individual, or disabled individual);
 - 22.041 (abandoning or endangering a child);
 - 25.07 (violation of court orders or conditions of bond in a family violence, sexual assault or abuse, stalking, or trafficking case);
 - 25.072 (repeated violation of certain court orders or conditions of bond in family violence, sexual assault or abuse, stalking, or trafficking case); or
 - 42.072 (stalking); or
- (D) any other offense involving family violence, as defined by Section 71.004, Family Code; and
- The court has not made an affirmative finding that Petitioner’s offense involved family violence, as defined by Section 71.004, Family Code.

4. Petitioner is Entitled to File a Petition for an Order of Nondisclosure

Petitioner is entitled to file this petition because Petitioner has satisfied the requirements to do so. A person is entitled to file a petition for an order of nondisclosure under Section 411.073, Government Code, if the person:

- was convicted of a misdemeanor other than a misdemeanor listed in Sections 411.073(a) and 411.074(b), Government Code;
- was placed on probation following the conviction;
- completed the period of probation (the probation was not revoked), including any term of confinement imposed and payment of all fines, costs, and restitution, if any;
- has never been previously convicted of or placed on deferred adjudication for another offense other than a traffic offense punishable by fine only;
- has waited the requisite time before filing a petition for an order of nondisclosure under Section 411.073, Government Code;

- has satisfied the requirements of Section 411.074, Government Code, including: not having been convicted of or placed on deferred adjudication for any offense other than a traffic offense punishable by fine only, during the period after the person was placed on probation and during any applicable waiting period following the completion of that probation; not having received an affirmative finding by the court that the offense for which the order of nondisclosure is requested involved family violence, as defined by Sec. 71.004, Family Code; and never having been convicted of or placed on deferred adjudication for an offense listed in Section 411.074(b), Government Code.

5. Issuance of an Order of Nondisclosure is in the Best Interest of Justice

The issuance of an order of nondisclosure is in the best interest of justice.

6. The Fee to File the Petition has been Paid or Otherwise Satisfied

The fee to file this petition is the total amount of the fee required to file a civil petition and \$28.00, or a petitioner may submit a *Statement of Inability to Afford Payment of Court Costs* in lieu of paying any fees. Petitioner has included: ⁽¹⁴⁾

_____ the required filing fee; or

_____ a *Statement of Inability to Afford Payment of Court Costs* in lieu of the required fee.

7. Prayer for Relief

Petitioner respectfully prays that the court grant Petitioner's request for an order of nondisclosure under Section 411.073, Government Code.

Respectfully submitted,

(15)

(16)

(17)

(18)

(19)