

Cause No. _____

In the Matter of

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In the

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_____ County, Texas

Order of Nondisclosure **Under Section 411.072**

On this the _____, day of _____, 20__, the Court reviewed the evidence before it to determine if Petitioner is eligible for an order of nondisclosure under § 411.072, Gov't Code.

The Court

- conducted a hearing.
- did not conduct a hearing.

After reviewing the evidence made available to the Court, the Court FINDS that:

- On or about _____, Petitioner was placed on deferred adjudication community supervision (hereinafter "deferred adjudication") for the offense of _____ in Criminal Case No. _____;
- Petitioner was placed on deferred adjudication for a misdemeanor other than a misdemeanor under § 49.04 or 49.06, or Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code;
- Petitioner received a dismissal and discharge on or after September 1, 2017;
- An affirmative finding under Article 42A.105(f), Code Crim. Proc., indicating that it is not in the best interest of justice for Petitioner to receive an automatic order of nondisclosure was not filed in the papers of the Petitioner's case;

- Petitioner has never been previously convicted of or placed on deferred adjudication for another offense other than a traffic offense punishable by fine only;
- Petitioner satisfies the requirements of § 411.074, Gov't Code, as follows:
 - During the 180-day waiting period, Petitioner was not convicted of or placed on deferred adjudication for any offense other than a traffic offense punishable by fine only;
 - The Petitioner has never been convicted of or placed on deferred adjudication for:
 - an offense requiring registration as a sex offender under Chapter 62, Code Crim. Proc.;
 - an offense under § 20.04, Penal Code;
 - an offense under § 19.02, 19.03, 20A.02, 20A.03, 22.04, 22.041, 25.07, 25.072, or 42.072, Penal Code; or
 - any other offense involving family violence, as defined by § 71.004, Family Code; and
 - The Court did not make an affirmative finding that the offense for which the order of nondisclosure is requested involved family violence, as defined by § 71.004, Family Code; and
- A minimum of 180 days has passed since the Petitioner's placement on deferred adjudication.

Accordingly, **IT IS HEREBY ORDERED** that criminal justice agencies are prohibited from disclosing to the public criminal history record information related to the offense of _____ for which Petitioner was placed on deferred adjudication on _____, 20____ in Criminal Cause No. _____ in District Court County Court County Court at Law No. _____ in _____ County, Texas.

IT IS FURTHER ORDERED that the criminal history record information pertaining to the arrest and prosecution of Petitioner for the offense of _____, as reflected in Criminal Cause No. _____, shall be sealed and disclosed by the court only to individuals or agencies listed in § 411.076(a), Gov't Code.

IT IS FURTHER ORDERED that no later than the 15th business day after the date this order issues, the clerk of the court (hereinafter "clerk") shall send all relevant criminal history record information contained in this order or a copy of this order to the Crime Records Service of the Texas Department of Public Safety (hereinafter "DPS") by

certified mail (return receipt requested) or secure electronic mail, electronic transmission, or facsimile transmission, in accordance with § 411.075(a), Gov't Code.

IT IS FURTHER ORDERED that no later than 10 business days after receiving the relevant criminal history record information contained in this order or a copy of this order from the clerk, DPS shall seal the criminal history record information that is the subject of this order and forward the information or copy of the order to all state and federal agencies listed in § 411.075(b), Gov't Code, by certified mail (return receipt requested) or secure electronic mail, electronic transmission, or facsimile transmission, in accordance with § 411.075(b), Gov't Code.

IT IS FURTHER ORDERED that an agency or entity shall seal any criminal history record information maintained by that agency or entity that is the subject of this order no later than 30 business days after the date the agency or entity receives the relevant criminal history record information contained in this order or a copy of this order from DPS or a clerk, in accordance with § 411.075(d), Gov't Code.

IT IS FURTHER ORDERED that the clerk shall seal all court records containing information that is the subject of this order as soon as practicable after the date the clerk sends a copy of this order or all relevant criminal history record information contained in this order to DPS, in accordance with § 411.076(b), Gov't Code.

Signed on _____.

By _____
Judge Presiding

Court/County