

Cause No. _____

In the Matter of

§

In the

§

§

_____ 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 Section 411.072, Government 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 received deferred adjudication under Section 5(a), Art. 42.12, Code of Criminal Procedure (effective January 1, 2017, under Art. 42A.101) for the offense of _____;
- On or about _____, Petitioner received a discharge and dismissal of the proceedings against him or her under Section 5(c), Art. 42.12, Code of Criminal Procedure (effective January 1, 2017, under Art. 42A.111);
- The offense occurred on or after September 1, 2015;
- Petitioner was placed on deferred adjudication for a misdemeanor other than a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code;

- An affirmative finding under Section 5(k), Article 42.12, Code of Criminal Procedure, 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 an offense under the Transportation Code punishable by fine only;
- Petitioner satisfies the requirements of Section 411.074, Government Code, as follows:
 - Petitioner has not, during the period after the court placed the Petitioner on deferred adjudication and during 180 days following the date Petitioner was placed on deferred adjudication, been convicted of or placed on deferred adjudication under Section 5, Article 42.12, Code of Criminal Procedure (effective January 1, 2017, under Subchapter C, Chapter 42A, Code of Criminal Procedure), for any offense other than an offense under the Transportation Code punishable by fine only;
 - The Petitioner has not been convicted of or placed on deferred adjudication for and has not been previously convicted of or placed on any other deferred adjudication for:
 - an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
 - an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;
 - an offense under Section 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 Section 71.004, Family Code; and
 - The Court has not and is not making an affirmative finding that the offense for which the order of nondisclosure is requested involved family violence, as defined by Section 71.004, Family Code; and
- More than 180 days have elapsed since the date the Court placed Petitioner on deferred adjudication.

Additionally, the Court FINDS that issuance of an Order of Nondisclosure is in the best interest of justice.

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 community supervision 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 Section 411.076(a), Government Code.

IT IS FURTHER ORDERED that not later than the 15th business day after the date this order issued, 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 Section 411.075(a), Government Code.

IT IS FURTHER ORDERED that not later than 10 business days after receipt of relevant criminal history record information contained in this order or a copy of this order from the clerk, DPS shall seal any criminal history record information maintained by DPS that is the subject of this order; and send all relevant criminal history record information contained in this order or a copy of this order to all state and federal agencies listed in 411.075(b), Government Code, by certified mail (return receipt requested) or secure electronic mail, electronic transmission, or facsimile transmission, in accordance with Section 411.075(b), Government 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 not later than 30 business days after the date the agency or entity received relevant criminal history record information contained in this order or a copy of this order from DPS or a clerk, in accordance with Section 411.075(d), Government 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 Section 411.076(b), Government Code.

Signed on _____.

By _____
Judge Presiding

Court/County