

Cause No. _____

In the Matter of

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In the

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_____ County, Texas

Order of Nondisclosure
Under Section 411.0728
(Victims of Trafficking of Persons)

On this the _____, day of _____, 20__, the Court considered Petitioner’s Petition for Order of Nondisclosure under Section 411.0728, Government Code.

Notice of the filing of the Petition was given to the State. The State was given an opportunity to request a hearing on the Petition. The State

- requested a hearing.
- did not request a hearing.

The Court

- conducted a hearing on _____, _____.
- did not conduct a hearing.

After consideration and a hearing, if a hearing was held as indicated above, the Court FINDS that Petitioner was convicted of an offense under Section 43.02, Penal Code and was placed on community supervision (hereinafter “probation”) under Article 42.12, Code of Criminal Procedure (effective January 1, 2017, under Article 42A.101). The Court FINDS that Petitioner’s conviction was subsequently set aside by the Court under Section 20(a) of Article 42.12, Code of Criminal Procedure (effective January 1, 2017, under Article 42A.111).

The Court further FINDS that the date on which Petitioner’s conviction was set aside occurred **after** September 1, 2015, which enables Petitioner to qualify to file a Petition for Order of Nondisclosure under Section 411.0728, Government Code.

The Court further FINDS that Petitioner satisfies the requirements of Section 411.074, Government Code, as follows:

- During the period after the court placed Petitioner on probation until the date Petitioner's conviction was set aside, Petitioner was not convicted of or placed on deferred adjudication community supervision (hereinafter "deferred adjudication") under Section 5, Article 42.12, Code of Criminal Procedure (effective January 1, 2017, under Article 42A.101), 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.

The Court further FINDS that Petitioner committed the offense solely as a victim of trafficking of persons and 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 community supervision (hereinafter "probation") 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 Prostitution, 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 _____.

Judge Presiding

Court/County