

These forms are not a substitute for legal advice.

\$1.00

PROCEDURES FOR NONDISCLOSURE OF RECORDS

This form packet contains these steps to follow:

1. Nondisclosure Information
2. Petition for Nondisclosure of Criminal History Information
3. Defendant's Supporting Affidavit
4. Fiat
5. Certificate of Service
6. Order Prohibiting Disclosure of Criminal History Information

Steps to Follow:

1. Read the information provided regarding Nondisclosure *very carefully* before you begin.

This information was prepared by the Harris County District Attorney's office and provides important information about the nondisclosure process.

2. Prepare the [Petition for Nondisclosure of Criminal History Information](#). If the form provided fits your set of circumstances you may use it as a "fill in the blank." If these forms do not fit your set of circumstances, you may re-type or re-write the forms, changing them to fit your set of circumstances. When preparing these forms, YOU are the "Defendant." You will need to know the case number from your original court case. It is perfectly all right to hand-write the forms.

3. When preparing these forms, you will be required to list the names and addresses of each official, agency, or other entities that there is reason to believe possess records concerning the arrest. *This will be Exhibit A.*

The following is a listing of such agencies. ****Note:** The following list is not intended to be a complete listing of all possible agencies, officials, or other public entities of this state that may have records concerning the arrest. You are expected to add to and change this list to make it fit your circumstances.**

- Police department
- Sheriff's department
- Jail or other detention facility
- County or district attorney's office
- Justice of the Peace
- Texas Department of Public Safety (Crime Records Division, 512-424-2000)
- County Personal Bond Office
- Any central state depository of records that might have information concerning the arrest
- Any central federal depository of records that might have information concerning the arrest

- Clerk of the County Court in which the Petition for Nondisclosure is being filed
- Federal Bureau of Investigation

The following is an **example** of some of the agencies that might need to be notified concerning an arrest that occurred in Collin County. Not all will apply to every case:

McKinney Police Chief
2200 Taylor-Burk Drive
McKinney, TX 75071-6651

Collin County Sheriff
4300 Community Avenue
McKinney, TX 75071

Jail Administrator
Collin County Jail
4300 Community Avenue
McKinney, TX 75071

Collin County District Attorney
2100 Bloomdale, Suite 20004
McKinney, TX 75071

County Court at Law Clerks
University Drive Courts Facility map
1800 N. Graves Street, Suite 110
McKinney, TX 75069

Texas Department of Public Safety
Crime Records Division
P.O. Box 4087
Austin, TX 78773-0001

Supervisor
US Probation-Pretrial Office
Texas-Eastern District
200 N. Travis, Suite 100
Sherman, TX 75090

Federal Bureau of Investigation
Record Information/Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

4. Sign the [Defendant's Supporting Affidavit](#) in front of a Notary Public. DO NOT sign the Affidavit UNTIL you are in front of the notary.

5. Make additional copies of the Petition and Affidavit to take with you when you file. You must bring one copy for EACH official, agency, or other entity that you have listed in your Petition that there is reason to believe possesses records concerning the arrest. You will also need to bring one copy for the court to keep, one copy for the District Attorney's office, and one copy for yourself.

6. File all copies of the Petition and Affidavit with the clerk of the court that placed you on deferred adjudication. If your original case was a **misdemeanor**, file the Petition and Affidavit with the County Court at Law Clerk's Office located in the University Drive Court Complex at 1800 N. Graves Street at Highway 380 in McKinney. You will be required to pay a filing fee to the Clerk at this time.

7. Give the Clerk the Fiat form at this time. The Clerk will arrange to have a hearing date set for you.

8. The Clerk will arrange to send a copy of the Petition, Affidavit, and Fiat to each of the entities that you have listed in your Petition. The Clerk will keep one copy to remain in the court's file. The Clerk will give you back one copy to keep for yourself.

9. You must send a FILED copy of the Petition and Fiat to the District Attorney's office of the county in which your original case was heard. Mail the Petition and Fiat to the District Attorney via certified mail, return receipt requested. If your original case was heard in Collin County, mail it to the following address:

Collin County District Attorney's Office
Attn: Expunction/Nondisclosure
2100 Bloomdale Drive
McKinney, TX 75071

If your original case was a misdemeanor, mail it to the following address:

County Court at Law Clerks
University Drive Courts Facility
1800 N. Graves Street, Suite 110
McKinney, TX 75069

10. Now complete the Certificate of Service form. Once you have received the completed return receipt from the postal service, attach it to the completed Certificate of Service form and file this with the District Clerk's Office.

11. Prepare the Order Prohibiting Disclosure of Criminal History Information prior to the hearing.

12. Make additional copies of the Order to take with you to the hearing. You must bring one copy for EACH official, agency, or other entity that you have listed in your Petition that

there is reason to believe possesses records concerning the arrest. You will also need to bring one copy for the court to keep, one copy for the District Attorney's office, and one copy for yourself. Also bring a copy of the filed Petition for Nondisclosure of Criminal History Information with you to the hearing.

13. At the hearing, the following is recommended to properly address the court:

“Good morning, Your Honor. My name is _____. I am here today to request non-disclosure of a record.”

Then briefly summarize each paragraph of your Petition and present the Order to the judge to be signed.

****These forms are not a substitute for legal advice.****

This page intentionally left blank.

FAQs – Deferred Adjudication Nondisclosure Procedures

Caveat	These answers are provided as a public service and represent the District Attorney's good faith understanding of the Texas non-disclosure statute. They are not intended to substitute for independent legal analysis by an attorney in private practice, however. The District Attorney strongly urges anyone pursuing a petition for nondisclosure to consult with an attorney of his or her own choice.
--------	--

Q. Are deferred adjudication records public?

A. Yes. Although there is a common misconception that deferred adjudication records are removed from a defendant's criminal history upon successful conclusion of the community supervision (probation) period, the law does not provide for automatic expunction of deferred adjudication records.

Accordingly, unless there is a court order directing otherwise, records of a prosecution resulting in a deferred adjudication are publicly available in the District Clerk's records and the Justice Information Management System (JIMS) database.

Q. Can deferred adjudication records be made non-public by request?

A. Yes, in some instances. There are two ways that deferred adjudication community supervision records can be made non-public:

(1) *Class C deferred adjudications* -- By filing an expunction under Article 45.051(e), Code of Criminal Procedure (if the Class C deferred adjudication was imposed in justice court or municipal court); or by filing an expunction under Article 55.01(a)(2), Code of Criminal Procedure (if the Class C deferred adjudication was imposed in county or district court). Expunction is not available for deferred adjudication sentences for Class B, Class A, or felony offenses.

(2) *Petition for nondisclosure* – Under Section 411.081(d), Government Code, a court can prohibit criminal justice agencies from disclosing to the public criminal history record information related to certain offenses for which the offender was placed on deferred adjudication. There are many offenses, however, for which this procedure is unavailable. Moreover, a defendant may be disqualified if he commits an offense after the deferred adjudication has been completed and before filing the petition.

Q. Which defendants are ineligible to seek an order of nondisclosure?

A. Under Section 411.081(e)(1)-(4), Government Code, anyone who has *ever* committed any of the following offenses (including as the offense for which the defendant got deferred adjudication) is not entitled to seek an order of nondisclosure

- Indecency with a child
- Sexual assault
- Aggravated sexual assault
- Prohibited sexual conduct (incest)
- Aggravated kidnapping

- Burglary of a habitation with intent to commit any of the above offenses
- Compelling prostitution
- Sexual performance by a child
- Possession or promotion of child pornography
- Unlawful restraint, kidnapping, or aggravated kidnapping of a person younger than 17 years of age
- Attempt, conspiracy, or solicitation to commit any of the above offenses
- Capital murder
- Murder
- Injury to a child, elderly individual, or disabled individual
- Abandoning or endangering a child
- Violation of protective order or magistrate's order
- Stalking
- Any other offense involving family violence

Q. When is an otherwise eligible defendant allowed to seek an order of nondisclosure?

A. Under Section 411.081(d), the defendant has to wait a certain period of time after the date of discharge and dismissal before filing a petition for an order of nondisclosure. The operative date is *not* the date that the defendant entered his plea: it is the date that the deferred adjudication was *concluded*.

<u>Kind of offense</u>	<u>Waiting Period</u>
All felonies	5 years from date of discharge and dismissal.
The following misdemeanors:	2 years from date of discharge and dismissal.
<ul style="list-style-type: none">➤ Abuse of corpse➤ Advertising for placement of child➤ Aiding suicide➤ Assault➤ Bigamy➤ Cruelty to animals➤ Deadly conduct➤ Destruction of flag➤ Discharge of firearm➤ Disorderly conduct➤ Disrupting meeting or procession➤ Dog fighting➤ False alarm or report➤ Harassment➤ Harboring runaway child➤ Hoax bombs➤ Indecent exposure➤ Interference with emergency telephone call➤ Leaving a child in a vehicle➤ Making a firearm accessible to a child.➤ Obstructing highway or other passageway	

- Possession, manufacture, transport, repair or sale of switchblade knife or knuckles
- Public lewdness
- Riot
- Silent or abusive calls to 9-1-1 service
- Terroristic threat
- Unlawful carrying of handgun by license holder
- Unlawful carrying weapons
- Unlawful possession of firearm
- Unlawful restraint
- Unlawful transfer of certain weapons
- Violation of protective order preventing offense caused by bias or prejudice

All *other* misdemeanors:

May file *immediately* upon discharge and dismissal.

You will need the following information in your petition:

- ❖ The original court and case number in which the deferred adjudication was imposed.
- ❖ The date of the original plea of guilty or no contest.
- ❖ The offense for which the defendant was placed on deferred adjudication.
- ❖ The date upon which the court dismissed the proceedings and discharged the defendant from deferred adjudication community supervision.

This information is generally available from the District Clerk's public service office

Q. When will the petition be heard?

A. Generally, the petition will be docketed for a hearing in the original court fourteen days after the date of filing. Do not miss the hearing date, or the petition may be dismissed for want of prosecution.

NOTE	If filing a non-disclosure for a felony case, you need to obtain a hearing date from the court coordinator where your initial case was originally heard. Then, you will need to file your petition with the District Clerk's office.
------	--

Q. What needs to be proven at the hearing?

A. A defendant needs to be prepared to provide evidence of the following elements:

The defendant entered a plea of no contest or guilty to the offense

The Court placed the defendant on deferred adjudication community supervision.

The Court dismissed the proceedings in this case and discharged the defendant from deferred adjudication community supervision.

The defendant is not disqualified from filing a petition under Section 411.081(e).

The petition was timely filed under Section 411.081(d).

Issuance of the order is in the best interest of justice.

The Court will either sign an order granting the petition (click [here](#) for the form order granting the petition) or denying the petition (click [here](#) for the form order denying the petition). Please bring these forms with you to court and fill in the pertinent identifiers and information regarding your deferred adjudication.

Q. What is the effect of the order of nondisclosure?

A. The court's order will be sent to the Department of Public Safety. The Department of Public Safety will then send the order to all law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state, and to all central federal depositories of criminal records that there is reason to believe have criminal history record information that is the subject of the order. Those entities are obliged not to disclose the deferred adjudication record information to anyone other than

- Other criminal justice agencies
- For criminal justice or regulatory licensing purposes
- An agency or entity listed in Section 411.081(i)
- The person who is the subject of the order.

GOVERNMENT CODE
SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION
CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS
SUBCHAPTER F. CRIMINAL HISTORY RECORD INFORMATION

§ 411.081. APPLICATION OF SUBCHAPTER. (a) This subchapter does not apply to criminal history record information that is contained in:

- (1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;
- (2) original records of entry, including police blotters maintained by a criminal justice agency that are compiled chronologically and required by law or long-standing practice to be available to the public;
- (3) public judicial, administrative, or legislative proceedings;
- (4) court records of public judicial proceedings;
- (5) published judicial or administrative opinions; or
- (6) announcements of executive clemency.

(b) This subchapter does not prohibit a criminal justice agency from disclosing to the public criminal history record information that is related to the offense for which a person is involved in the criminal justice system.

(c) This subchapter does not prohibit a criminal justice agency from confirming previous criminal history record information to any person on specific inquiry about whether a named person was arrested, detained, indicted, or formally charged on a specified date, if the information disclosed is based on data excluded by Subsection (b).

(d) Notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of Subsection (e), the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure under this subsection. Except as provided by Subsection (e), a person may petition the court under this subsection regardless of whether the person has been previously placed on deferred adjudication community supervision for another offense. After notice to the state and a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies, for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court that placed the person on deferred adjudication for an order of nondisclosure on payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The payment may be made only on or after:

- (1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);
- (2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code; or
- (3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

(e) A person is entitled to petition the court under Subsection (d) only if during the period of the deferred adjudication community supervision for which the order of nondisclosure is requested and during the applicable period described by Subsection (d)(1), (2), or (3), as appropriate, the person is not convicted of or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only. A person is not entitled to petition the court under Subsection (d) if the person was placed on the deferred adjudication community supervision for or has been previously convicted or placed on any other deferred adjudication for:

- (1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
- (2) 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;
- (3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; or
- (4) any other offense involving family violence, as defined by Section 71.004, Family Code.

(f) For purposes of Subsection (d), a person is considered to have been placed on deferred adjudication community supervision if, regardless of the statutory authorization:

- (1) the person entered a plea of guilty or nolo contendere;
- (2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and
- (3) at the end of the period of supervision the judge dismissed the proceedings and discharged the person.

(g) Not later than the 15th business day after the date an order of nondisclosure is issued under this section, the clerk of the court shall send all relevant criminal history record information contained in the order or a copy of the order by certified mail, return receipt requested, or secure electronic mail, electronic transmission, or facsimile transmission to the Crime Records Service of the Department of Public Safety.

(g-1) Not later than 10 business days after receipt of relevant criminal history record information contained in an order or a copy of an order under Subsection (g), the Department of Public Safety shall seal any criminal history record information maintained by the department that is the subject of the order. The department shall also send all relevant criminal history record information contained in the order or a copy of the order by certified mail, return receipt requested, or secure electronic mail, electronic transmission, or facsimile transmission to all:

- (1) law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;
- (2) central federal depositories of criminal records that there is reason to believe have criminal history record information that is the subject of the order; and
- (3) private entities that purchase criminal history record information from the department or that otherwise are likely to have criminal history record information that is subject to the order.

(g-1a) The director shall adopt rules regarding minimum standards for the security of secure electronic mail, electronic transmissions, and facsimile transmissions under Subsections (g) and (g-1). In adopting rules under this subsection, the director shall consult with the Office of Court Administration of the Texas Judicial System.

(g-1b) Not later than 30 business days after receipt of relevant criminal history record information contained in an order or a copy of an order from the Department of Public Safety under Subsection (g-1), an individual or entity described by Subsection (g-1)(1) shall seal any criminal history record information maintained by the individual or entity that is the subject of the order.

(g-1c) The department may charge to a private entity that purchases criminal history record information from the department a fee in an amount sufficient to recover costs incurred by the department in providing relevant criminal history record information contained in an order or a copy of an order under Subsection (g-1)(3) to the entity.

(g-2) A person whose criminal history record information has been sealed under this section is not required in any application for employment, information, or licensing to state that the person has been the subject of any criminal proceeding related to the information that is the subject of an order issued under this section.

(h) The clerk of a court that collects a fee under Subsection (d) shall remit the fee to the comptroller not later than the last day of the month following the end of the calendar quarter in which the fee is collected, and the comptroller shall deposit the fee in the general revenue fund. The Department of Public Safety shall submit a report to the legislature not later than December 1 of each even-numbered year that includes information on:

- (1) the number of petitions for nondisclosure and orders of nondisclosure received by the department in each of the previous two years;
- (2) the actions taken by the department with respect to the petitions and orders received;
- (3) the costs incurred by the department in taking those actions; and
- (4) the number of persons who are the subject of an order of nondisclosure and who became the subject of criminal charges for an offense committed after the order was issued.

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;

- Family Code;
- (6) the State Bar of Texas;
 - (7) a district court regarding a petition for name change under Subchapter B, Chapter 45,
 - (8) the Texas School for the Deaf;
 - (9) the Department of Family and Protective Services;
 - (10) the Texas Youth Commission;
 - (11) the Department of Assistive and Rehabilitative Services;
 - (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
 - (13) the Texas Private Security Board;
 - (14) a municipal or volunteer fire department;
 - (15) the Texas Board of Nursing;
 - (16) a safe house providing shelter to children in harmful situations;
 - (17) a public or nonprofit hospital or hospital district;
 - (18) the Texas Juvenile Probation Commission;
 - (19) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, or the credit union commissioner;
 - (20) the Texas State Board of Public Accountancy;
 - (21) the Texas Department of Licensing and Regulation;
 - (22) the Health and Human Services Commission;
 - (23) the Department of Aging and Disability Services; and
 - (24) the Texas Education Agency.
- (j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1017, § 11, eff. September 1, 2007.

****These forms are not a substitute for legal advice.****

This page intentionally left blank.

Case No. _____

The State of Texas v. _____ Defendant [Print your name]		In the _____ Court [name & designation of court] Collin County, Texas
---	--	--

**PETITION FOR NONDISCLOSURE OF
CRIMINAL HISTORY RECORD INFORMATION**

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW _____,
[print your first, middle and last names]

Defendant, and moves the Court to issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense described more particularly below. The Defendant would respectfully show the Court the following:

I.

[Check one. Mark through any that do not apply.]

_____ **1. (Misdemeanor Offender – immediate eligibility)**

On _____ [date], Defendant entered a plea of guilty or nolo contendere in this cause to the offense of _____ [state offense]. This offense was neither a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46 of the Texas Penal Code, nor a felony.

_____ **2. (Misdemeanor Offender – 5 year eligibility)**

On _____ [date], Defendant entered a plea of guilty or nolo contendere in this cause to the misdemeanor offense of _____ [state offense].

_____ **3. (Felony Offender)**

On _____ [date], Defendant entered a plea of guilty or nolo contendere in this cause to the felony offense of _____ [state offense].

This Court deferred further proceedings in this cause without entering an adjudication of guilt and placed the Defendant under the supervision of the Court or an officer under the supervision of the Court.

II.

On _____ [date], at the end of the period of supervision, the Court dismissed the proceedings in this cause and discharged the Defendant from further deferred adjudication community supervision.

III.

*[Check one, if applicable. Mark through any that do not apply to you.
Mark through this section completely if it does not apply to you.]*

_____ **1. (Misdemeanor Offender – 2 year eligibility)**

It has been two or more years since the date that the Court dismissed the proceedings in this cause and discharged the Defendant from further deferred adjudication community supervision.

_____ **2. (Felony Offender)**

It has been five or more years since the date that the Court dismissed the proceedings in this cause and discharged the Defendant from further deferred adjudication community supervision.

IV.

Since the date that the Court dismissed the proceedings in this cause and discharged the Defendant from further deferred adjudication community supervision, the Defendant has not been convicted or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only.

V.

*[You may need to refer to the Nondisclosure Information
provided at the beginning of this forms packet.]*

Defendant has not been previously convicted or placed on deferred adjudication community supervision for:

1. an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
2. 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;
3. an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; or

4. any other offense involving family violence, as defined by Section 71.004, Family Code.

VI.

Issuance of an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which Defendant successfully completed deferred adjudication community supervision is in the best interest of justice.

THEREFORE, it is respectfully requested that the Court issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which Defendant successfully completed deferred adjudication community supervision.

Respectfully submitted,

[Your signature]

[Type or print your name]

[Your address & telephone no.]

Attach *Exhibit A* to this petition

Case No. _____

The State of Texas

v.

Defendant [Your Name]

In the _____ Court

[name & designation of court]

Collin County, Texas

DEFENDANT’S SUPPORTING AFFIDAVIT

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared

[Print your first, middle and last names]

who, after being duly sworn, stated:

“I am the Petitioner in this cause. I have read the Petition for Nondisclosure of Criminal History Information and swear that all of the allegations of fact contained in the petition are true and correct.”

[Your signature]

[Your typed or printed name]

SUBSCRIBED TO AND SWORN BEFORE ME on _____ [date], to
certify which witness my hand and official seal.

[Signature of Notary Public]

[Notary’s typed or printed name]

Notary Public in and for the State of Texas

My commission expires: _____

Case No. _____

The State of Texas

v.

Defendant [your name]

In the _____ Court

[name & designation of court]

Collin County, Texas

FIAT

Take notice that the Defendant's foregoing Petition is hereby set for hearing on the _____ day of _____, 20____, at _____ [time] in the _____ [name & designation of court] Court of _____ [name of county] County, Texas.

SIGNED this the _____ day of _____.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true copy of the above Petition and Fiat has this day been sent by certified mail, return receipt requested to:

[name & address].

On _____ [date].

[Your Signature]

[Your Typed or Printed Name]

[Your Address and Telephone No.]

****These forms are not a substitute for legal advice.****

This page intentionally left blank.

Case No. _____

The State of Texas

v.

Defendant [your name]

In the _____ Court

[name & designation of court]

Collin County, Texas

**ORDER PROHIBITING DISCLOSURE OF
CRIMINAL HISTORY RECORD INFORMATION**

On _____ [date], the Court heard the Defendant’s petition asking the Court to issue an order prohibiting criminal justice agencies from disclosing the Defendant’s criminal history record information relating to the offense that gave rise to the Defendant’s deferred adjudication pursuant to Sections 411.081 (d)-(h) of the Texas Government Code.

After notice to the State, the Court conducted a hearing on the Defendant’s petition. The Defendant and counsel for the State were present. After hearing all the evidence, the Court is of the opinion that the petition is meritorious.

Accordingly, the Court FINDS:

1. the Defendant entered a plea of guilty or nolo contendere in this cause and the Court placed the Defendant on deferred adjudication community supervision;
2. at the end of the period of supervision, the Court dismissed the proceedings in this cause and discharged the Defendant from deferred adjudication community supervision;
3. the Defendant satisfies the requirements of Sections 411.081(d) and (e) of the Texas Government Code;
4. the Defendant was entitled to file the petition and tendered a fee to the Clerk; and
5. issuance of this order is in the best interest of justice.

The Court ORDERS that criminal justice agencies are prohibited from disclosing to the public criminal history record information related to the Defendant’s commission of the offense of _____ [state name of offense] on _____ [date], for which the Defendant was placed on deferred adjudication community supervision in this cause.

The following information is provided to identify the Defendant:

Name: _____

Sex: _____

Race: _____
Date of Birth: _____
Driver's License No.: _____
Last 4 digits of Social Security No.: _____

The Court finds that Defendant is entitled to nondisclosure of the following information:

Alleged Offense: _____
Date of Alleged Offense: _____
Date of Arrest: _____
County Where Arrested: _____
City Where Arrest Occurred: _____
Arresting Agency: _____
Case Number: _____
Court: _____

The Court further ORDERS the Clerk of the Court to send a copy of this Order by certified mail, return receipt requested, to the Crime Records Service of the Texas Department of Public Safety. Pursuant to Section 411.081(g) of the Texas Government Code, the Crime Records Service of the Texas Department of Public Safety shall send a copy of this Order by mail or electronic means to all law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state, and to all central federal depositories of criminal records that there is reason to believe have criminal history record information that is the subject of this order, including the following agencies known to defendant to have criminal history record information subject to this order:

- a. **Name:** _____
Address: _____
- b. **Name:** _____
Address: _____
- c. **Name:** _____
Address: _____
- d. **Name:** _____
Address: _____
- e. **Name:** _____
Address: _____
- f. **Name:** _____
Address: _____

- g.** **Name:** _____
 Address: _____
- h.** **Name:** _____
 Address: _____
- i.** **Name:** _____
 Address: _____
- j.** **Name:** _____
 Address: _____
- k.** **Name:** _____
 Address: _____
- l.** **Name:** _____
 Address: _____
- m.** **Name:** _____
 Address: _____
- n.** **Name:** _____
 Address: _____
- o.** **Name:** _____
 Address: _____

The Court further ORDERS that this document is confidential. It is not public information as that term is defined under the Texas Public Information Act and shall not be disseminated pursuant to a request made under the Public Information Act.

Signed on _____ [date].

JUDGE PRESIDING