

Cause Number: _____

Ex Parte:

(Your Initials, example: M.K.S.)

An Adult

In the _____

District Court

of _____ County, Texas

Order Granting Expunction of Criminal Records

Today, the Court considered Petitioner's Petition for Expunction of Criminal Records. The Court finds that it has jurisdiction over this case. The Court further finds and ORDERS as follows:

1. Information about Petitioner

The Court finds that Petitioner's information is as follows:

a. Full Name: _____.

b. Race: _____.

c. Sex: male. female.

d. Date of Birth: ____/____/____.

e. Driver's License Number:
_____.

or Petitioner does not have a driver's license number.

f. State identification (SID) number is: _____ State: _____

or Petitioner does not have a state identification (SID) number.

g. Social Security Number:
_____.

or Petitioner does not have a social security number.

2. Information about Respondents

The Court finds that the following Respondents have been properly served by the Clerk of this Court as required by law:

Texas Department of Public Safety– Crime Records Service (MSC0234)

For itself and for: the Federal Bureau of Investigation, Identification Section, the National Crime Information Center, the Texas Crime Information Center, the Governor's Division of Emergency Management, the State Operations Center/Preparedness Section, the Texas Fusion Center, **and any** entity that purchases Texas Department of Public Safety records.

ATTN: Expunctions

PO Box 4143, Austin, Texas 78765

Name of Agency:	
ATTN: Expunctions	
Physical Address:	
Email Address:	

Name of Agency:	
ATTN: Expunctions	
Physical Address:	
Email Address:	

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Name of Agency:	
ATTN: Expunctions	
Physical Address:	

3rd Offense Charged:

-
- a. This charge was *originally* assigned this Cause number: _____ and filed in the following Court: _____.
 - b. Date offense allegedly occurred: ____/____/_____.
 - c. This charge was *finally* dismissed by: *(Check one.)*
 - c(1) the same court.
 - c(2) the following Court _____ under this new Cause Number: _____.
 - d. Date this charge was dismissed: ____/____/_____.

4th Offense Charged: _____

- a. This charge was *originally* assigned this Cause number: _____ and filed in the following Court: _____.
- b. Date offense allegedly occurred: ____/____/_____.
- c. This charge was *finally* dismissed by: *(Check one.)*
 - c(1) the same court.
 - c(2) the following Court _____ under this new Cause Number: _____.
- d. Date this charge was dismissed: ____/____/_____.

4. Expunction of Additional Arrest or Arrests

(Check only if applicable.)

- The Court finds that Petitioner is entitled to expunction of the arrest or arrests listed in the attached: *(Check all that apply.)*

- Additional Arrest Exhibit A* which is fully incorporated into this Order.

(Check 1. or 2.)

1. The Court finds that all charges arising from Additional Arrest Exhibit A are listed and have been dismissed.

2. The Court finds that no charges arising from Additional Arrest Exhibit A have been filed and the statute of limitation expired before Petitioner filed its Petition for Expunction of Criminal Records.

- Additional Arrest Exhibit B* which is fully incorporated into this Order.

(Check 1. or 2.)

1. The Court finds that all charges arising from Additional Arrest Exhibit B are listed and have been dismissed.

2. The Court finds that no charges arising from Additional Arrest Exhibit B have been filed and the statute of limitation expired before Petitioner filed its Petition for Expunction of Criminal Records.

Additional Arrest Exhibit C which is fully incorporated into this Order.

(Check 1. or 2.)

- 1. The Court finds that all charges arising from Additional Arrest Exhibit C are listed and have been dismissed.
- 2. The Court finds that no charges arising from Additional Arrest Exhibit C have been filed and the statute of limitation expired before Petitioner filed its Petition for Expunction of Criminal Records.

5. Orders

For purposes of this ORDER, the phrase “all records and files pertaining to the arrest” includes records and files that were generated by Respondents during this expunction proceeding, including the copies of the Petition and of this ORDER that are served on each Respondent. However, the phrase does not include records and files that were generated during the investigation of the crime for which Petitioner was arrested, but before the arrest took place, and which do not indicate that the arrest ever took place. Furthermore, the phrase does not include records relating to the suspension or revocation of a driver’s license, permit, or privilege to operate a motor vehicle except as provided in *Texas Transportation Code* Sec. 524.015 and Sec. 724.048.

It is therefore **ORDERED, ADJUDGED AND DECREED** that all records and files pertaining to the arrest or arrests listed in this Order be expunged. Related arrests of the same or similar charge, date, or arresting agency not specifically listed herein are excluded from this ORDER. However, records of such unexpunged arrests that would not have been generated except for the expunged arrest are ORDERED expunged.

Records and files pertaining to the expunged arrest shall be expunged by delivering them to the Clerk of this Court, in a sealed envelope, by hand-delivery or mail to:

District Clerk of _____ County, Texas

Address: _____

Each Respondent named above shall attach a certificate to the sealed envelope certifying that the enclosed records are all the records that the Respondent possesses that are subject to the ORDER. If returning records expunged by this ORDER to the Clerk is impractical, records pertaining to the arrest may be expunged by the Respondent by obliterating or destroying said records; and then by deleting from its public records all index references to the records and files that are subject to this ORDER. The Respondent shall then send a certificate to the Clerk certifying that the records have been obliterated or destroyed.

Videotapes and audiotapes shall be expunged by erasure.

Records that pertain both to this arrest and to other arrests that are not included in this ORDER, and which would have been generated even if the expunged arrest(s) had not been made shall be obliterated by covering with tape, liquid paper, or other opaque substance insofar as they pertain to arrests that are the subject of this ORDER.

The Texas Department of Public Safety shall forward this ORDER to any and all central federal

depositories of criminal records and request that they return or destroy the records pertaining to the expunged arrest(s). The Texas Department of Public Safety shall also certify that it has requested any and all central federal depositories of criminal records to return all records and files subject to this ORDER.

It is further ORDERED that the Texas Department of Public Safety, by secure electronic mail, electronic transmission, or facsimile transmission, provide notice of this ORDER, together with an explanation of this ORDER and instruction to the entity to destroy all records and information subject to this ORDER, to the following:

1. The current list of all "Customers who have purchased the CCH Database," as maintained by the Texas Department of Public Safety, Crime Records Service, and as currently displayed at the following page of the DPS Website:
<https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/Purchases.aspx>.
2. All private entities who have purchased criminal history record information from the Department of Public Safety within the ten (10) years preceding the date of this Petition.
3. Each person who applies or has applied for access to criminal history record information maintained by the Department of Public Safety [Texas Govt. Code Sec 411.085(b)(1)].
4. Any private entity which notifies the Department of Public Safety that it sells or has sold any compilation of criminal history record information to another similar entity, and any similar entity as having purchased such information from a private entity [Texas Govt. Code Sec 411.085(b)(2)].
5. All entities listed in the attached "Private Entity List."

All state agencies that sent information concerning the instant arrest to a central federal depository are ORDERED to request that the depository return all records and files subject to this ORDER.

The Clerk of this Court shall certify when the ORDER is final and shall mail certified copies of the certification to: 1) the Travis County District or County Attorney's Office; 2) to Petitioner; and 3) by certified mail, return receipt requested, to all other Respondents.

It is further ORDERED that the Clerk of the Court maintain any and all records returned pursuant to this ORDER in a manner not subject to public view and destroy all records, including the records of this expunction proceeding, on or after one year from the date of this ORDER.

Pursuant to the Code of Criminal Procedure Article 55.03, the maintenance, release, dissemination or use of the records, for any purpose, expunged herein, is prohibited. Petitioner may deny the occurrence of the arrest referred to herein and the existence of this Order of Expunction, unless questioned under oath in a criminal proceeding, in which case the Petitioner may state only that the matter in question has been expunged.

SIGNED on _____.

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

Petitioner