

**JUVENILE EXPUNCTION AND NONDISCLOSURE**  
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## JUVENILE EXPUNCTION AND NON-DISCLOSURE

### APPENDIX 1

Texas Code of Criminal Procedure

Art. 45.0216. EXPUNCTION OF CERTAIN CONVICTION RECORDS OF CHILDREN.

(a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.

(b) A person convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child may, on or after the person's 17th birthday, apply to the court in which the child was convicted to have the conviction expunged as provided by this article.

(c) The person must make a written request to have the records expunged. The request must be under oath.

(d) The request must contain the person's statement that the person was not convicted while the person was a child of any offense described by Section 8.07(a)(4) or (5), Penal Code, other than the offense the person seeks to have expunged.

(e) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.

(f) If the court finds that the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child, the court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record. After entry of the order, the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.

(g) This article does not apply to any offense otherwise covered by:

- (1) Chapter 106, Alcoholic Beverage Code;
- (2) Chapter 161, Health and Safety Code; or
- (3) Section 25.094, Education Code.

(h) Records of a person under 17 years of age relating to a complaint dismissed as provided by Article 45.051 or 45.052 may be expunged under this article.

(i) The justice or municipal court shall require a person who requests expungement under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement under this article.

(j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

Added by Acts 2001, 77th Leg., ch. 1297, Sec. 50, eff. Sept. 1, 2001. Amended by Acts 2005, 79th Leg., ch. 886, Sec. 2, eff. Sept. 1, 2005.

### APPENDIX 2

Texas Alcoholic Beverage Code

§ 106.12. EXPUNGEMENT OF CONVICTION OF A MINOR.

(a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.

(b) The application shall contain the applicant's sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged.

(c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

(d) The court shall charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

Acts 1977, 65th Leg., p. 515, ch. 194, § 1, eff. Sept. 1, 1977. Amended by Acts 1981, 67th Leg., p. 258, ch. 107, § 13, eff. Sept. 1, 1981; Acts 1985, 69th Leg., ch. 285, § 11, eff. Sept. 1, 1986; Acts 1985, 69th Leg., ch. 462, § 12, eff. Sept. 1, 1986; Acts 2005, 79th Leg., ch. 886, § 1, eff. Sept. 1, 2005.

### APPENDIX 3

Texas Health and Safety Code  
§ 161.255. EXPUNGEMENT OF CONVICTION.

(a) An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the tobacco awareness program or tobacco-related community service ordered by the court, the court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.

(b) The court shall charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

Added by Acts 1997, 75th Leg., ch. 671, § 3.01, eff. Jan. 1, 1998. Amended by Acts 2005, 79th Leg., ch. 886, § 5, eff. Sept. 1, 2005.

### APPENDIX 4

Code of Criminal Procedure  
Art. 45.055. EXPUNCTION OF CONVICTION AND RECORDS IN FAILURE TO ATTEND SCHOOL CASES.

(a) An individual convicted of not more than one violation of Section 25.094, Education Code, may, on or after the individual's 18th birthday, apply to the court in which the individual was convicted to have the conviction and records relating to the conviction expunged.

(b) To apply for an expunction, the applicant must submit a written request that:

(1) is made under oath;

(2) states that the applicant has not been convicted of more than one violation of Section 25.094, Education Code; and

(3) is in the form determined by the applicant.

(c) The court may expunge the conviction and records relating to the conviction without a hearing or, if facts are in doubt, may order a hearing on the application. If the court finds that the applicant has not been convicted of more than one violation of Section 25.094, Education Code, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the applicant's record. After entry of the order, the applicant is released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose. The court shall inform the applicant of the court's decision on the application.

(d) The court shall require an individual who files an application under this article to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expunction under this article. Added by Acts 2001, 77th Leg., ch. 1514, Sec. 9, eff. Sept. 1, 2001. Subsec. (d) amended by Acts 2003, 78th Leg., ch. 137, Sec. 15, eff. Sept. 1, 2003; Subsec. (d) amended by Acts 2005, 79th Leg., ch. 886, Sec. 3, eff. Sept. 1, 2005.

## APPENDIX 5

S.B. No. 1056

### AN ACT

relating to authorizing a criminal justice agency to disclose certain criminal history record information and to orders of disclosure regarding such information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.081, Government Code, is amended by adding Subsections (f-1) and (j) and amending Subsection (i) to read as follows:

(f-1) In this subsection, "child" has the meaning assigned by Section 51.02, Family Code. Notwithstanding any other provision of this subchapter, on conviction of a child for a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code, the convicting court shall immediately issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense. 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 purposes, to an agency or entity listed in Subsection (j), or to the person who is the subject of the order.

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) 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;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (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;

(25) the Guardianship Certification Board; and

(26) a county clerk's office in relation to a proceeding for the appointment of a guardian under

Chapter XIII, Texas Probate Code.

(j) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (f-1) to the following agencies or entities only:

(1) the Texas Youth Commission;

(2) the Texas Juvenile Probation Commission;

(3) the Department of State Health Services, a local mental health or mental retardation authority, or a community center providing services to persons with mental illness or retardation;

(4) the Department of Family and Protective Services;

(5) a juvenile probation department;

(6) a municipal or county health department;

(7) a public or nonprofit hospital or hospital district;

(8) a county department that provides services to at-risk youth or their families;

(9) a children's advocacy center established under Section 264.402, Family Code;

(10) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement; and

(11) a safe house providing shelter to children in harmful situations.

SECTION 2. Subsection (a), Section 411.0851, Government

Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d) or (f-1).

SECTION 3. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

SECTION 4. Subsection (a), Section 552.142, Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081(d) or (f-1).

SECTION 5. Subsection (a), Section 552.1425, Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

- (1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or
- (2) an order of nondisclosure has been issued under Section 411.081(d) or (f-1).

SECTION 6. The change in law made by this Act applies to a conviction that occurs on or after the effective date of this Act, regardless of whether the offense was committed before, on, or after the effective date of this Act.

SECTION 7. Notwithstanding Section 6 of this Act, a child, as that term is defined by Section 51.02, Family Code, who is convicted of a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code, before the effective date of this Act may petition the court for an order of nondisclosure, and the court shall issue the order under Subsection (f-1), Section 411.081, Government Code, as added by this Act.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

## APPENDIX 6

Government Code

### SUBCHAPTER F. CRIMINAL HISTORY RECORD INFORMATION

Sec. 411.081. **(with 2009 amendments)**

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.

(f-1) In this subsection, "child" has the meaning assigned by Section 51.02, Family Code.

Notwithstanding any other provision of this subchapter, on conviction of a child for a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code, the convicting court shall immediately issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense. 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 purposes, to an agency or entity listed in Subsection (j), or to the person who is the subject of the order.

(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 under Subsection (d) 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;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family

Code,

- (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;
- (25) the Guardianship Certification Board; and
- (26) a county clerk's office in relation to a proceeding for the appointment of a guardian under

Chapter XIII, Texas Probate Code.

(j) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (f-1) to the following agencies or entities only:

- (1) the Texas Youth Commission;
- (2) the Texas Juvenile Probation Commission;
- (3) the Department of State Health Services, a local mental health or mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (4) the Department of Family and Protective Services;
- (5) a juvenile probation department;
- (6) a municipal or county health department;
- (7) a public or nonprofit hospital or hospital district;
- (8) a county department that provides services to at-risk youth or their families;
- (9) a children's advocacy center established under Section 264.402, Family Code;
- (10) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement; and
- (11) a safe house providing shelter to children in harmful situations.

## APPENDIX 7

H.B. No. 558

### AN ACT

relating to law enforcement and judicial procedures for, and the prosecution of, children who engage in conduct constituting ~~public~~ ~~intoxication~~.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 14.031(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) In lieu of arresting an individual who is not a child, as defined by Section 51.02, Family Code, and who commits an offense under Section 49.02, Penal Code, a peace officer may release the ~~an~~ individual if:

- (1) the officer believes detention in a penal facility is unnecessary for the protection of the individual or others; and
- (2) the individual:
  - (A) is released to the care of an adult who agrees to assume responsibility for the individual; or
  - (B) verbally consents to voluntary treatment for chemical dependency in a program in a treatment facility licensed and approved by the Texas Commission on Alcohol and Drug Abuse, and the program admits the individual for treatment.

(b) A magistrate may release from custody an individual who is not a child, as defined by Section 51.02, Family Code, and who is arrested under Section 49.02, Penal Code, if the magistrate determines the individual meets the conditions required for release

in lieu of arrest under Subsection (a) of this article.

SECTION 2. Article 45.058, Code of Criminal Procedure, is amended by amending Subsections (a), (f), and (g) and adding Subsection (g-1) to read as follows:

(a) A child may be released to the child's parent, guardian, custodian, or other responsible adult as provided by Section 52.02(a)(1), Family Code, if the child is taken into custody for an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14 [~~other than public intoxication~~].

(f) A child taken into custody for an offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14 [~~other than public intoxication~~] may be presented or detained in a detention facility designated by the juvenile court under Section 52.02(a)(3), Family Code, only if:

(1) the child's non-traffic case is transferred to the juvenile court by a justice or municipal court under Section 51.08(b), Family Code; or

(2) the child is referred to the juvenile court by a justice or municipal court for contempt of court under Article 45.050.

(g) Except as provided by Subsection (g-1), a [A] law enforcement officer may issue a field release citation as provided by Article 14.06 in place of taking a child into custody for a traffic offense or an offense [~~other than public intoxication~~], punishable by fine only.

(g-1) A law enforcement officer may issue a field release citation as provided by Article 14.06 in place of taking a child into custody for conduct constituting a violation of Section 49.02, Penal Code, only if the officer releases the child to the child's parent, guardian, custodian, or other responsible adult.

SECTION 3. Section ~~51.03~~(f), Family Code, is amended to read as follows:

(f) Except as provided by Subsection (g), conduct described under Subsection (b)(1) [~~other than conduct that violates Section 49.02, Penal Code, prohibiting public intoxication~~] does not constitute conduct indicating a need for supervision unless the child has been referred to the juvenile court under Section 51.08(b).

SECTION 4. Sections 51.08(a), (b), and (c), Family Code, are amended to read as follows:

(a) If the defendant in a criminal proceeding is a child who is charged with an offense other than perjury, a traffic offense, a misdemeanor punishable by fine only [~~other than public intoxication~~], or a violation of a penal ordinance of a political subdivision, unless the child [he] has been transferred to criminal court under Section 54.02 [~~of this code~~], the court exercising criminal jurisdiction shall transfer the case to the juvenile court, together with a copy of the accusatory pleading and other papers, documents, and transcripts of testimony relating to the case, and shall order that the child be taken to the place of detention designated by the juvenile court, or shall release the child [him] to the custody of the child's [his] parent, guardian, or custodian, to be brought before the juvenile court at a time designated by that court.

(b) A court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense [~~or public intoxication~~] or a

violation of a penal ordinance of a political subdivision other than a traffic offense:

(1) except as provided by Subsection (d), shall waive its original jurisdiction and refer the [a] child to juvenile court if the child has previously been convicted of:

(A) two or more misdemeanors punishable by fine only other than a traffic offense [~~or Public Intoxication~~];

(B) two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or

(C) one or more of each of the types of misdemeanors described in Paragraph (A) or (B) [~~of this subdivision~~]; and

(2) may waive its original jurisdiction and refer the [a] child to juvenile court if the child:

(A) has not previously been convicted of a misdemeanor punishable by fine only other than a traffic offense [~~or Public Intoxication~~] or a violation of a penal ordinance of a political subdivision other than a traffic offense; or

(B) has previously been convicted of fewer than two misdemeanors punishable by fine only other than a traffic offense [~~or Public Intoxication~~] or two violations of a penal ordinance of a political subdivision other than a traffic offense.

(c) A court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense [~~or Public Intoxication~~] or a violation of a penal ordinance of a political subdivision other than a traffic offense shall notify the juvenile court of the county in which the court is located of the pending complaint and shall furnish to the juvenile court a copy of the final disposition of any matter for which the court does not waive its original jurisdiction under Subsection (b) [~~of this section~~].

SECTION 5. Section 8.07(a), Penal Code, is amended to read as follows:

(a) A person may not be prosecuted for or convicted of any offense that the person committed when younger than 15 years of age except:

(1) perjury and aggravated perjury when it appears by proof that the person had sufficient discretion to understand the nature and obligation of an oath;

(2) a violation of a penal statute cognizable under Chapter 729, Transportation Code, except for conduct for which the person convicted may be sentenced to imprisonment or confinement in jail;

(3) a violation of a motor vehicle traffic ordinance of an incorporated city or town in this state;

(4) a misdemeanor punishable by fine only [~~other than Public Intoxication~~];

(5) a violation of a penal ordinance of a political subdivision;

(6) a violation of a penal statute that is, or is a lesser included offense of, a capital felony, an aggravated controlled substance felony, or a felony of the first degree for which the person is transferred to the court under Section 54.02, Family Code, for prosecution if the person committed the offense when 14 years of age or older; or

(7) a capital felony or an offense under Section 19.02 for which the person is transferred to the court under Section

54.02(j)(2)(A), Family Code.

SECTION 6. The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose. For the purposes of this section, conduct violating a penal law of this state occurs before the effective date of this Act if any element of the violation occurred before that date.

SECTION 7. This Act takes effect September 1, 2009.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 558 was passed by the House on April 15, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 558 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

## APPENDIX 8

§ 411.082. DEFINITIONS. In this subchapter:

(1) "Administration of criminal justice" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

(2) "Criminal history record information" means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions. The term does not include:

(A) identification information, including fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system; or

(B) driving record information maintained by the department under Subchapter C, Chapter 521, Transportation Code.

(3) "Criminal justice agency" means:

(A) a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial portion of its annual budget to the administration of criminal justice; or

(B) a nongovernmental railroad or campus police department that has obtained an originating agency identifier from the Federal Bureau of Investigation.

(4) "Criminal justice purpose" means:

(A) an activity that is included in the administration of criminal justice; or

(B) screening of applicants for employment with a

criminal justice agency.

Added by Acts 1993, 73rd Leg., ch. 790, § 35, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 165, § 30.190, eff. Sept. 1, 1997.

## APPENDIX 9

### E-Mail from DPS

**From:** Kendall, Angie [mailto:Angie.Kendall@txdps.state.tx.us]  
**Sent:** Tuesday, September 01, 2009 12:12 PM  
**To:** Hope Lochridge  
**Subject:** New legislation

Hope,

As you may know SB 1056 modified Section 411.081 of the Government Code. The law now requires a convicting court to immediately issue an order of non-disclosure for a conviction of a child for a Class C misdemeanor. These orders must be sent to the Department of Public Safety. I was hoping that you could help distribute the reporting procedures for us. We need a copy of the order either faxed or emailed. Once we receive the orders, we will proceed with our notification requirement per 411.081 GC.

Email to - NonDisclosures@txdps.state.tx.us  
 FAX - 512-424-5760

Also, some of the justice and municipal courts asked the department for guidance in interpreting SB 1056 as it relates to traffic offenses. SB 1056 authorizes the court to issue an order of nondisclosure prohibiting criminal justice agencies from disclosing to the public criminal history record information relating to an offense punishable by fine only which was committed by a child.

Government Code §411.081(f-1) states: **"Notwithstanding any other provision of this subchapter, on conviction of a child for a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code, the convicting court shall**

**immediately issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense."**

Government Code §411.082(2) states: "Criminal history record information" means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information's, and other formal criminal charges and their dispositions. The term does not include:

**(A) identification information, including fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system; or**

**(B) driving record information maintained by the department under Subchapter C, Chapter 521, Transportation Code."**

In addition, Transportation Code, §521.046 authorizes the department to disclose information relating to traffic law convictions. Also, conversations with Kelvin Bass, aide to Senator West the bill sponsor, and Legislative Council indicated SB 1056 was not intended to include nondisclosure of traffic offenses.

Based on the above, the department's position is that SB 1056 does not authorize the nondisclosure of traffic offenses.

Angie Kendall  
Bureau Manager  
Criminal History Record Information Processing  
512-424-2471

## Appendix 10

This form is an example. TMCEC does not warrant, either expressly or implicitly, its content. This form is not published with the intention of providing legal advice. All users are responsible for their own legal drafting. Legal drafting should be accompanied by legal advice and direction from a licensed attorney, retained by the local governmental entity.

CAUSE NO. \_\_\_\_\_

STATE OF TEXAS

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IN THE MUNICIPAL COURT

v.

CITY OF \_\_\_\_\_

XXXX

\_\_\_\_\_ COUNTY, TEXAS

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

**FINDINGS AND ORDERS**

Pursuant to Section 411.081(f-1) of the Government Code, the Court FINDS: (1) The Defendant in the above styled case is a "child" as defined by Section 51.02 of the Family Code; (2) The Defendant was convicted of a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03 of the Family Code; and, (3) The conviction in the above styled case is final.

I. The Court **ORDERS** that criminal justice agencies are prohibited from disclosing to the public criminal history record information related to the offense of \_\_\_\_\_, for which the Defendant was convicted in this cause.

The following information is provided to identify the Defendant:

NAME:  
SEX:  
RACE:  
DATE OF BIRTH:  
DRIVER'S LICENSE NUMBER:  
SOCIAL SECURITY NUMBER:

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:  
MUNICIPALITY WHERE ARREST OCCURRED:  
ARRESTING AGENCY:  
CASE NUMBER:  
COURT:  
DATE OF CONVICTION:

**II.** The Court further **ORDERS**, pursuant to Section 411.081(g) of the Government Code, that:

- A. Not later than the 15th business day after the date of this order, the Clerk of the Court shall send all relevant criminal history record information contained in the order or a copy of the order by either (1) certified mail, return receipt requested, (2) secure electronic mail, (3) secure electronic transmission, or (4) secure facsimile transmission to the Crime Records Service of the Department of Public Safety.
- B. Not later than 10 business days after receipt of relevant criminal history record information contained in this order, 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.

Agencies known to have criminal history record information subject to this order (*include any of the following, and any not listed, that are applicable*):

- (a) *Name(s) and Address(es) of Local Law Enforcement Entities*
- (b) Texas Department of Public Safety  
Crime Records Service  
P. O. Box 4143  
Austin, TX 78765-4143
- (c) *Name and Address of Prosecuting Attorney*
- (d) *Name and Address of the Clerk of the Court*
- (e) *Address of Pretrial Services and/or Juvenile Case Manager*

- III.** 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.
- IV.** The Court further **ORDERS** that the Clerk of the Court provide the Defendant a certified copy of this order.
- V.** Pursuant to Section 552.142(b) of the Government Code, the Defendant may deny the occurrence of the arrest and prosecution to which the information herein referred to relates and the existence of this order.

ENTERED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

MUNICIPAL JUDGE

**Editor's Note: Per DPS, a copy of the nondisclosure order should be sent either by facsimile or electronic mail to:**

Facsimile: 512.424.5760

E-mail to: [NonDisclosures@txdps.state.tx.us](mailto:NonDisclosures@txdps.state.tx.us)

Appendix 11.

THE STATE OF TEXAS

}}

IN THE MUNICIPAL COURT

VS

}}

NORTH RICHLAND HILLS

}}

TARRANT COUNTY, TEXAS

JANE DO DOE

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

Pursuant to Section 411.081(f-1) of the Government Code, the Court FINDS: (1) The Defendant in the above styled case is a "child" as defined by Section 51.02 of the Family Code; (2) The Defendant was convicted of a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03 of the Family Code; and, (3) The conviction in the above styled case is final.

I. The Court **ORDERS** that criminal justice agencies are prohibited from disclosing to the public criminal history record information related to the offense of **SPEEDING 10% OR OVER 50 MPH in a 35 MPH zone** for which the Defendant was convicted in this cause.

The following information is provided to identify the Defendant:

NAME: JANE DO DOE  
SEX: Female  
RACE: White  
DATE OF BIRTH: 12/25/1984  
DRIVER'S LICENSE NUMBER: 12345678-TX

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

ALLEGED OFFENSE: SPEEDING 10% OR OVER 50 MPH in a 35 MPH zone  
DATE OF ALLEGED OFFENSE: July 21, 2009  
DATE OF ARREST: N/A  
COUNTY WHERE ARRESTED: Tarrant  
MUNICIPALITY ARREST OCCURRED: City of North Richland Hills  
ARRESTING AGENCY: City of North Richland Hills  
CASE NUMBER: 22222  
COURT: City of North Richland Hills

II. The Court further **ORDERS**, pursuant to Section 411.081(g) of the Government Code, that:

- A. Not later than the 15th business day after the date of this order, the Clerk of the Court shall send all relevant criminal history record information contained in the order or a copy of the order by either (1) certified mail, return receipt requested, (2) secure electronic mail, (3) secure electronic transmission, or (4) secure facsimile transmission to the Crime Records Service of the Department of Public Safety.
- B. Not later than 10 business days after receipt of relevant criminal history record information contained in this order, 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.

Agencies known to have criminal history record information subject to this order (*include any of the following, and any not listed, that are applicable*):

(a) **Name(s) and Address(es) of Local Law Enforcement Entities;** (b) **Texas Department of Public Safety Crime Records Service, P. O. Box 4143, Austin, TX 78765-4143;** (c) **Name and Address of Prosecuting Attorney;** (d) **Name and Address of the Clerk of the Court;** (e) **Address of Pretrial Services and/or Juvenile Case Manager**

- III. 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.
- IV. The Court further **ORDERS** that the Clerk of the Court provide the Defendant a certified copy of this order.
- V. Pursuant to Section 552.142(b) of the Government Code, the Defendant may deny the occurrence of the arrest and prosecution to which the information herein referred to relates and the existence of this order.

ENTERED this the 27th day of August, 2009

\_\_\_\_\_  
MUNICIPAL JUDGE

Appendix 12

CAUSE NO.

THE STATE OF TEXAS

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§

IN THE MUNICIPAL COURT

VS.

CITY OF NORTH RICHLAND HILLS

TARRANT COUNTY, TEXAS

**ORDER OF NONDISCLOSURE**

ON THIS the , came on to be heard Defendant's case in the above styled cause, and upon hearing from all parties and a review of the evidence presented, a final judgment was entered of record. Pursuant to Section 411.081, Texas Government Code, the Court further finds: (1) The Defendant is a "child" as defined by Section 51.02 of the Family Code; and, (2) The Defendant was convicted of a misdemeanor offense punishable by fine only that does not constitute conduct indicating a need for supervision under Section 51.03, Family Code.

THEREFORE, IT IS ORDERED that all criminal justice agencies are prohibited from disclosing to the public criminal history record information relating to the following conviction:

NAME:  
DATE OF BIRTH:  
GENDER:  
DRIVER'S LICENSE:  
OFFENSE:  
OFFENSE DATE:  
CITATION/CAUSE NO.:

IT IS FURTHER ORDERED that no later than the 15<sup>th</sup> business day after the date of this Order, the Clerk of the Court shall send a copy of this Order by either (1) certified mail, return receipt requested, (2) secure electronic mail, electronic transmission, or (3) facsimile transmission, to the Crime Records Service of the Department of Public Safety.

Not later than 10 business days after receipt of this Order, the Department of Public Safety shall seal any criminal history record information maintained by the department that is subject to this Order. The department shall also send a copy of this Order by certified mail, return receipt requested, secure electronic mail, electronic transmission, or facsimile transmission, to (1) 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; (2) central federal depositories of criminal records that there is reason to believe have criminal history record information that is subject to this 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 this Order.

The following agencies are known to have criminal record information subject to this Order:

1. North Richland Hills Police Department  
7301 NE Loop 820, N. Richland Hills, Tx. 76180 – 817-427-7000 (fax)
2. Municipal Court, City of North Richland Hills  
6720 NE Loop 820, N. Richland Hills, Tx. 76180 - 817-427-6707 (fax)
3. Texas Department of Public Safety Crime Records  
P.O. Box 4143, Austin, Tx. 78765-4143

SIGNED AND ENTERED this

\_\_\_\_\_  
JUDGE PRESIDING

6720 NE Loop 820  
N. Richland Hills, Texas 76180  
Phone: 817-427-6710  
Fax: 817-427-6707

**North Richland Hills Municipal Court**

**Fax**

**To:** Texas Department of Public Safety  
Crime Records  
P.O. Box 4143, Austin, Tx. 78765-4143

**From:** Heather Hollingsworth  
NRH Municipal Court

\_\_\_\_\_  
**Fax:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Pages:** \_\_\_\_\_

\_\_\_\_\_  
**Re:** Notice of Juvenile Non-Disclosure  
\_\_\_\_\_

## APPENDIX 13

## Notice of Right of Expunction

Expunge means to erase, remove, or wipe out. When a case is expunged, the judge issues an order that dictates that the conviction, along with all complaints, verdicts, sentences, and other documents be expunged from the applicant's records.

### ALCOHOL RELATED OFFENSES

To be eligible, the minor must not have been convicted of more than one alcohol-related offense and is now 21 years old. (Section 106.12(a), A.B.C.) To expunge the offense, the person must file with the municipal court that tried the case an application with a sworn affidavit that the person only has one conviction (the one he or she is trying to expunge) and is now 21 years of age. (Section 106.12(b), A.B.C.) After the order is issued, the applicant is released from all disabilities arising from the conviction. In addition, the case may not be shown or made known for any purpose. (Section 106.12(c), A.B.C.)

#### 106.12. EXPUNGEMENT OF CONVICTION OF A MINOR.

- (a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.
- (b) The application shall contain the applicant's sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged.
- (c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

### PENAL CODE OFFENSES

Article 45.0216, C.C.P., provides that a child who is at least 10 years of age and under age 17 and has been convicted of only one fine-only offense described in Sections 8.07(a)(4) and (5) of the Penal Code may apply to the court in which he or she was convicted to have the conviction expunged. Section 8.07, P.C., provides for the age affecting criminal responsibility. Subsections 8.07(a)(4) and (5) include penal ordinance offenses and fine-only Penal Code offenses.

When the child reaches the age of 17, he or she may apply to the court, in which the conviction occurred, to have the conviction expunged. The application must be in writing and made under oath. It must contain a statement that the person was not convicted while a child of any offense described by Subsections 8.07(a)(4) or (5), P.C., other than the offense the person seeks to have expunged.

If the court finds that the person was not convicted while a child of any other offense described by those subsections, the court shall order the conviction, together with the complaint, verdict, sentence, prosecutorial and law enforcement records, and any other documents relating to the offense expunged. After entry of the order, the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.

Also, records of a person under 17 years of age relating to a complaint for a penal offense dismissed under deferred disposition (Article 45.051, C.C.P.) or teen court (Article 45.052, C.C.P.) may be expunged under Article 45.0216, C.C.P.

#### Art. 45.0216. EXPUNCTION OF CERTAIN CONVICTION RECORDS OF CHILDREN

- (a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.
- (b) A person convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child may, on or after the person's 17th birthday, apply to the court in which the child was convicted to have the conviction expunged as provided by this article.
- (c) The person must make a written request to have the records expunged. The request must be under oath.
- (d) The request must contain the person's statement that the person was not convicted while the person was a child of any offense described by Section 8.07(a)(4) or (5), Penal Code, other than the offense the person seeks to have expunged.
- (e) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.
- (f) If the court finds that the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child, the court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record. After entry of the order, the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.
- (g) This article does not apply to any offense otherwise covered by:
  - (1) Chapter 106, Alcoholic Beverage Code;
  - (2) Chapter 161, Health and Safety Code; or
  - (3) Section 25.094, Education Code.
- (h) Records of a person under 17 years of age relating to a complaint dismissed as provided by Article 45.051 or 45.052 may be expunged under this article.
- (i) The justice or municipal court may not require a person who requests expungement under this article to pay any fee or court costs.
- (j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

### EDUCATION CODE OFFENSES

When the child reaches the age of 18, he or she may apply to the court, in which the conviction occurred, to have the conviction expunged. The request must be in writing and made under oath. It must contain a statement that the person does not have more than one conviction of Failure to Attend School described by Sections 26.094(g) Texas Education Code, other than the offense the person seeks to have expunged.

#### Art. 45.055. EXPUNCTION OF CONVICTION AND RECORDS IN FAILURE TO ATTEND SCHOOL CASES

- (a) An individual convicted of not more than one violation of Section 25.094, Education Code, may, on or after the individual's 18th birthday, apply to the court in which the individual was convicted to have the conviction and records relating to the conviction expunged.
- (b) To apply for an expunction, the applicant must submit a written request that:
  - (1) is made under oath;
  - (2) states that the applicant has not been convicted of more than one violation of Section 25.094, Education Code; and
  - (3) is in the form determined by the applicant.
- (c) The court may expunge the conviction and records relating to the conviction without a hearing or, if facts are in doubt, may order a hearing on the application. If the court finds that the applicant has not been convicted of more than one violation of Section 25.094, Education Code, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a school district or law enforcement agency, to be expunged from the applicant's record. After entry of the order, the applicant is released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose. The court shall inform the applicant of the court's decision on the application.
- (d) The court may not require an individual who files an application under this article to pay any fee or court costs for seeking expunction.

**HEALTH AND SAFETY CODE**

An individual may apply to the court, in which the conviction occurred, to have the conviction expunged. The request must be in writing and made under oath. The applicant must have completed the Tobacco Awareness Course for each conviction.

**161.255. EXPUNGEMENT OF CONVICTION.**

*An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily completed the tobacco awareness program or tobacco-related community service ordered by the court, the court shall order the conviction and any complaint, verdict, sentence, or other document relating to the offense to be expunged from the individual's record and the conviction may not be shown or made known for any purpose.*