

Cause No. _____
(1)

In the Matter of

§ In the

§ _____
(2)

_____ § _____ County, Texas
(3) (4)

Petition for Order of Nondisclosure Under Section 411.073

_____ (5) (“Petitioner”) respectfully petitions the court for an order of nondisclosure under Government Code Section 411.073 for the offense described below.

1. The Underlying Order and Completion of Community Supervision

Petitioner was convicted of the misdemeanor offense of _____ (6) in Criminal Cause No. _____ (7) in this court on _____ (8).

Following the conviction, Petitioner was placed on community supervision on _____. (9) Petitioner completed community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, on _____. (10)

A copy of the document or order showing that Petitioner was placed on community supervision _____ (11) attached, and the order or document showing that Petitioner completed community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, _____ (12) attached.

2. Petitioner Satisfies the Requirements of Government Code Section 411.073

Petitioner satisfies the requirements of Section 411.073, Gov't Code, in that:

- Petitioner's offense is a misdemeanor but not a misdemeanor under:
 - Alcoholic Beverage Code Section 106.041, (Driving/Operating Watercraft Under the Influence of Alcohol By Minor),
 - Penal Code Section 49.04, (Driving While Intoxicated),
 - Penal Code Section 49.05, (Flying While Intoxicated),
 - Penal Code Section 49.06 (Boating While Intoxicated),
 - Penal Code Section 49.065 (Assembling or Operating an Amusement Ride While Intoxicated), or
 - Penal Code Chapter 71 (Organized Crime);
- Following conviction for the offense, Petitioner was placed on community supervision under a provision of Chapter 42A (formerly Article 42.12), Code of Criminal Procedure, other than Subchapter C (formerly Section 5 of Article 42.12) of that chapter;
- Petitioner completed the period of community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution, if any, and was not revoked;
- Petitioner has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense punishable by fine only;
- Petitioner has waited the requisite time, as indicated below, before filing this petition. ⁽¹³⁾

On or after the second anniversary of the date that Petitioner completed community supervision, if Petitioner's offense was a misdemeanor under Penal Code Chapter 20, 21, 22, 25, 42, 43, or 46; and

On or after the date that Petitioner completed community supervision, if Petitioner's offense was **not** a misdemeanor under Penal Code Chapter 20, 21, 22, 25, 42, 43, or 46; and

- Petitioner satisfies the requirements of Government Code Section 411.074.

3. Petitioner Satisfies the Requirements of Government Code Section 411.074

Petitioner satisfies the requirements of Section 411.074, Gov't Code, in that:

- During the period after the court placed Petitioner on community supervision, and during any applicable waiting period (as indicated in Section 2 above), Petitioner was not convicted of or placed on deferred adjudication community supervision for any offense, other than a traffic offense punishable by fine only;
- Petitioner was not and has not ever been previously convicted of or placed on deferred adjudication community supervision for any of the following:
 - (A) an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
 - (B) an offense under Penal Code Section 20.04 (Aggravated Kidnapping);
 - (C) an offense under any of the following sections of the Penal Code:
 - 19.02 (Murder);
 - 19.03 (Capital Murder);
 - 20A.02 (Trafficking of Persons);
 - 20A.03 (Continuous Trafficking of Persons);

- 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual);
 - 22.041 (Abandoning or Endangering a Child);
 - 25.07 (Violation of Court Orders or Conditions of Bond in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case);
 - 25.072 (Repeated Violation of Certain Court Orders or Conditions of Bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case); or
 - 42.072 (Stalking); or
- (D) any other offense involving family violence, as defined by Family Code Section 71.004; and
- The court did not make an affirmative finding that the offense for which the order is requested involved family violence, as defined by Family Code Section 71.004.

4. Petitioner is Entitled to File a Petition for an Order of Nondisclosure

A person is entitled to file a petition for an order of nondisclosure under Government Code Section 411.073 if the person satisfies the requirements of Sections 411.073 and 411.074 of the Code.

As indicated above, Petitioner satisfies the requirements of both sections.

5. Issuance of an Order of Nondisclosure is in the Best Interest of Justice

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

6. The Fee to File the Petition Has Been Paid or Otherwise Satisfied

Filing fees and court costs are required upon filing this petition. Alternatively, a petitioner may submit a *Statement of Inability to Afford Payment of Court Costs* if the petitioner is unable to pay the required fees and costs. Petitioner has included ⁽¹⁴⁾ the required filing fees and court costs.
a Statement of Inability to Afford Payment of Court Costs.

7. Prayer for Relief

Petitioner asks the Court to grant Petitioner’s request for an order of nondisclosure under Government Code Section 411.073.

Respectfully submitted,

Signature (15)

Printed Name (16)

Address (17)

City, State, Zip (18)

Telephone Number (19)