

TEXAS CODE OF CRIMINAL PROCEDURE Art. 45.0216.

EXPUNCTION OF CERTAIN CONVICTION RECORDS OF CHILDREN

§ 45.0216 of the Code of Criminal Procedure provides:

- (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 made 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) [fine only misdemeanor, excluding public intoxication] or (5) [penal ordinance], 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 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, Alcohol Beverage Code;
 - 2) Chapter 161, Health and Safety Code;
 - 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.

****NOTE:** These are legal documents and must be completed fully and properly in order to be accepted and filed by the court.

CAUSE NO: _____

EX PARTE

§
§
§
§
§

IN THE MUNICIPAL

COURT

(Your Name)

IRVING, TEXAS

APPLICATION FOR EXPUNCTION OF CRIMINAL RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW _____ (Your Name),
(hereinafter Applicant) and files this application for expunction of a criminal record
pursuant to § 45.0216 of the Code of Criminal Procedure and in support thereof would
show the Court the following:

1. Applicant is identified as follows:

a. Full Name: _____

b. Address (at time of offense): _____

c. Current Address: _____

d. Sex: _____ (Male/Female)

e. Race: _____

f. Date of Birth: _____ (i.e. January 1, 2xxx)

g. Driver's License Number: **TX** _____

h. Social Security Number: _____ **(000-00-0000)**

2. Applicant requests expunction of all records and files relating to and generated
because of his arrest by the Irving Police Department and complaint charging the
Applicant in the Irving Municipal Court for the Offense of

(Your Offense)

Cause No. _____.

3. Applicant
 - a. has not been convicted of more than one offense described by Section 8.07(a)(4) [fine only misdemeanor, excluding intoxication] or (5) [penal ordinance], Texas Penal Code, while the person was a child, OR
 - b. Applicant's complaint was dismissed as provided by Article 45.051 of the Code of Criminal Procedure upon successful completion of Deferred disposition, OR
 - c. Applicant's complaint was dismissed as provided by Article 45.052 of the Code of Criminal Procedure upon successful completion of the Teen Court Program.
- 4 This Application is filed after the Applicant's 17th Birthday.
- 5 The following is a list of all law enforcement agencies and courts that Applicant has reason to believe have records or files subject to expunction:
 - I. Irving Police Department
305 N. O'Connor Road
Irving, Texas 75061
 - II. Irving Municipal Court including Teen Court
305 N. O'Connor Road
Irving, Texas 75061
 - III. Texas Department of Public Safety
Legal Services Division
P.O. Box 4087
Austin, Texas 78773-0001
 - IV. USMA Theft Database
United States Investigations Services
P.O. Box 33181
Tulsa, OK 74153

WHEREFORE, PREMISES CONSIDERED, Applicant prays this Court:

- a. Set this matter for hearing.
- b. After hearing on this matter, order each official, agency, or other public entity that there is reason to believe possesses records or files concerning this arrest and charge to return all records and files concerning the arrest to the court, or if removal is impractical, obliterate all references to Applicant and notify the court of it's action;
- c. Require any state agency that sent information concerning the arrest to a central federal depository to request such depository return all records and files;
- d. Delete from its public records all index references to the subject of arrest and charges against Applicant;
- e. Direct the clerk of the court to send a certified copy of the order by certified mail, return receipt requested, to the Crime Records Service of the Department of Public Safety to each official agency or other entity of this State or of any political subdivision of this State designated above;
- f. Direct the Department of Public Safety to provide any central federal depository of criminal records with an explanation of the effect of the expunction order and request that the records in the possession of the depository, including any information with respect to that order, be destroyed or returned to the Court; and

g. For such other and further relief to which Applicant is justly entitled.

Respectfully Submitted,

(Signature)

(printed name)

Pro Se

SWORN AFFIDAVIT

STATE OF TEXAS §

§

CITY OF IRVING §

§

COUNTY OF DALLAS §

§

BEFORE ME, the undersigned Notary Public,

(Notary's Name), on this day personally
appeared, who, being by me duly sworn on his oath and stated the following:

My name is _____ (Your Name). I am the
Applicant in the foregoing Application for Expunction of Criminal Records and hereby
state that all of the factual allegations contained therein are true and correct.

(Signature)

(printed name)

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 20____.

**NOTARY PUBLIC, IN AND FOR
THE STATE OF TEXAS**

ORDER SETTING HEARING DATE

The attached application for expunction of Criminal Records is hereby set for
hearing on the _____ day of _____, 20____, at _____ o'clock ____m.

JUDGE PRESIDING

NO. _____(cause number)

EX PARTE	§	IN THE MUNICIPAL
	§	
_____	§	COURT
(Your Name)	§	
	§	IRVING, TEXAS

ORDER GRANTING EXPUNCTION OF CRIMINAL RECORDS

On this _____ day of _____, 20____, came on to be heard Applicant's application for Expunction of Records and it appears to the court that this application should be granted. The Court finds that the Applicant entitled to this expunction of criminal records is identified as:

1. Full Name: _____
2. Sex & Race: _____ (Male/Female | Race)
3. Birth Date: _____ (i.e. January 1, 2xxx)
4. Social Security No: _____ (000-00-0000)
5. Texas Driver's License No. _____
6. Address at the time of Arrest: _____
7. Current Address: _____

The Court finds the Respondents are:

- a. Irving Police Department
305 N. O'Connor Road
Irving, Texas 75061
- b. Irving Municipal Court including Teen Court
305 N. O'Connor Road
Irving, Texas 75061
- c. Texas Department of Public Safety
Legal Services Division
P.O. Box 4087
Austin, Texas 78773-0001
- d. USMA Theft Database
United States Investigations Services
P.O. Box 33181
Tulsa, OK 74153

The court finds that pursuant to Article 45.0216 of the Code of Criminal Procedure, Applicant is entitled to have all records and files relating to this _____
_____(Your Offense) - Cause No. _____
_____(Cause No) expunged for the following reasons:

1. Applicant has not been convicted of more than one offense described by Section 8.07(a)(4) [fine only misdemeanor, excluding intoxication] or (5) [penal ordinance], Texas Penal Code, while the person was a child, OR
2. Applicant's complaint was dismissed as provided by Article 45.051 of the Code of Criminal Procedure upon successful completion of Deferred disposition, OR
3. Applicant's complaint was dismissed as provided by Article 45.052 of the Code of Criminal Procedure upon successful completion of the Teen Court Program, AND
- 4 This Application is filed after the Applicant's 17th Birthday.

IT IS THEREFORE ORDERED that:

1. The conviction, deferred disposition, or completion of the Teen Court Program for cause number _____ (Your Cause Number), together with all complaints, verdicts, sentences, and all other documents relating to the offense of _____ (Your Offense), is hereby expunged from the Applicant's record.

2. The Applicant is hereby released from all disabilities resulting from the conviction, deferred disposition, or completion of the Teen Court Program for Cause No. _____ (Your Cause Number), and it may not be shown or made known for any purpose.

3. Each official, agency, or other entity (Respondents) listed above shall return all records and files relating to the charges against, posting bond by, pleading guilty in connection with, and any other document related to the said charges against Applicant that is the subject of this cause to the court.

4. Each official, agency, or other entity (Respondents) listed above shall delete from its public records all index references to the arrest of, charges against, pleading guilty to, and documents relating to the investigation of the charges against Applicant that is the subject of this cause.

5. Any official, agency, or other entity (Respondents) listed above which has sent information concerning the arrest or charges or any documents relating to the subject of this cause to any central federal depository of criminal records shall request such agency to return the records to the court, or if removal is impractical, to obliterate all references concerning Applicant and notify the court of this action.

6. The clerk of this court shall send a certified copy of this order by certified mail, return receipt requested, to all of the above listed respondents.

7. The Municipal Court shall destroy and delete all records maintained pursuant to this expunction order.

SIGNED this _____ day of _____, 20__.

HONORABLE JUDGE PRESIDING

Agreed To and Approved As To Form:

Assistant City Attorney, Irving