



## Application for 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. This package constitutes the statutory requirement of this court to inform you of your right to expunction as provided by 45.054 C.C.P., 45.0216 C.C.P., 106.12 (a)A.B.C. 161.255 H.S.C., It includes legal requirements, rules, court procedures and forms required for all types of Municipal Court expunctions. The type of expunction that pertains to your case is checked below. The role of the Municipal Court Clerk's office is to provide you with this package. Court staff is prohibited in advising or assisting you in the preparation of your petition for expunction. You have a constitutional right to retain legal counsel at your own expense or you can represent yourself in this action as a "pro se" defendant.

**Has paid the filing fee of \$30.00**

<u>Expunction by case type</u>	<u>Chapter/Code</u>
<input type="checkbox"/> <b>Minor driving under the influence, in possession of or consumption of alcohol</b> >Must have passed your 21st birthday >Offense occurred before 21 <sup>st</sup> birthday (legal drinking age) >May not have been convicted of any other alcohol related offenses	106.12 ABC
<input type="checkbox"/> <b>Minor in possession or consumption of tobacco products</b> >Must have completed the tobacco awareness program ordered by the court >Offense occurred before 18 <sup>th</sup> birthday	161.255 HSC
<input type="checkbox"/> Youth in violation of the Failure to attend school >Must be 18 years of age or older >Offense must have occurred prior to the 18 <sup>th</sup> birthday >May not have been convicted of a subsequent offense for failure to attend school	45.054 CCP
<input type="checkbox"/> Child convicted of <b>Penal Code, Penal Ordinance, Education Code or Health &amp; Safety Code</b> (offenses not covered above) >Must be 17 years of age or older >Offense must have occurred before the 17 <sup>th</sup> birthday >May not have been convicted of any other offenses listed in this category	45.0216 CCP

# Notice of Right of Expunction

## 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, prosecutorial and law enforcement records, 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) Any person placed under a custodial or noncustodial arrest for not more than one violation of this code while a minor and who was not convicted of the violation may apply to the court in which the person was charged to have the records of the arrest expunged. The application must contain the applicant's sworn statement that the applicant was not arrested for a violation of this code other than the arrest the applicant seeks to expunge. If the court finds the applicant was not arrested for any other violation of this code while a minor, the court shall order all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation to be expunged from the applicant's record.

## 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, including public intoxication.

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 expunction 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.

Cause Number:

EXPARTE	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF ROUND ROCK
N02	§	WILLIAMSON COUNTY, TEXAS

Petition for Expunction

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes , Petitioner, and moves the Court to order expunction of all criminal records and files pertaining to the prosecution of petitioner described below, and would respectfully show as follows:

I am \_\_\_\_\_ years of age at the filing of this petition.

1. The following information regarding petitioner is included pursuant to \_\_\_\_\_ (Chapter & Code this petition is filed under)

Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Sex: Male / Female \_\_\_\_\_ Race: \_\_\_\_\_

Driver's License #/State: \_\_\_\_\_ Social Security #: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Address at the time of the incident:	Current address:
_____	_____
_____	_____

2. \_\_\_\_\_, defendant in the original case and petitioner, was charged with the offense of \_\_\_\_\_, and the following information is also provided as required by law or rules of this court.

Date of alleged offense/arrest: \_\_\_\_\_ in the county of Williamson / Other: \_\_\_\_\_ and by Round Rock Police Department, located at the address of 2701 North Mays, Round Rock, Texas 78664.

3. The case was filed in Round Rock Municipal Court as a class C Misdemeanor under the cause number . After the case was heard a judgment was entered on .

4. Petitioner has reason to believe that the following entities or agencies can be contacted at the following full mailing address and may have records of files that are subject to expunction:

Name: Round Rock Municipal Court  
# & Street 301 W. Bagdad Ave, Suite 120  
City, State & Zip Round Rock, Texas 78664

Name: Round Rock Police Department  
# & Street 2701 N. Mays St.  
City, State & Zip Round Rock, Texas 78665

I, , herein named Petitioner, do so solemnly swear that the information provided in this petition is true and correct.

**X** \_\_\_\_\_  
Petitioner/Defendant

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public / Deputy Clerk of the Round Rock Municipal Court  
Williamson County, Texas

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Affidavit of Criminal Conviction

- ( ) **Alcoholic Beverage Code Offenses:** Petitioner was not convicted while Petitioner was under the age of 21 years of any other violation of the Alcoholic Beverage Code, other than the offense Petitioner seeks to have expunged.
- ( ) **Tobacco Offenses:** Petitioner has completed the tobacco awareness course and/or tobacco-related community service for the offense Petitioner seeks to have expunged.
- ( ) **Penal Code Offenses:** Petitioner was not convicted for more than one offense while Petitioner was a child of any offense described by Section 8.07 (a)(4) or (5), Penal Code, other than the offense Petitioner seeks to have expunged.

\_\_\_\_\_  
Petitioner/Defendant

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of the Round Rock Municipal Court  
Williamson County, Texas

