

CAUSE NO. _____

THE STATE OF TEXAS

IN THE COUNTY CRIMINAL COURT

VS

_____ OF

DALLAS COUNTY, TEXAS

COURT'S ADMONITION OF ORDER OF NONDISCLOSURE RIGHTS UNDER SECTION 411.081 TEXAS GOVERNMENT CODE.

If you have been placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, and you subsequently receive a discharge and dismissal under Section 5(c), Article 42.12, and satisfy the requirements of Subsection (e), you may petition this court for an order of nondisclosure under this subsection. Except as provided hereinafter, you may petition this court under this subsection regardless of whether you have been 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 Texas Government Code Section 411.081 Subsection (i), or the person who is the subject of the order. You may petition this court 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 you were 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 you were 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 you were placed on deferred adjudication was a felony.

You are entitled to petition the court under this section 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 above in numbers (1), (2), or (3), as appropriate, you were 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. You are not entitled to petition this court if you were placed on the deferred adjudication community supervision for or have 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.

You are considered to have been placed on deferred adjudication community supervision if, regardless of the statutory authorization:

- (1) You entered a plea of guilty or nolo contendere;
- (2) The judge deferred further proceedings without entering an adjudication of guilt and placed you 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 you.

In this subsection, "child" has the meaning assigned by Section 51.02, Texas 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 Texas Government Code Section 411.081 Subsection (j), or to the person who is the subject of the order.

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE ABOVE REFERENCED INFORMATION.

Signed on this _____ day of _____ 20_____.

DEFENDANT