

Cause No: _____

State of Texas vs. _____

COURT'S ADMONISHMENT ON RIGHT TO ORDER OF NONDISCLOSURE

If you have been placed on deferred adjudication community supervision and subsequently receive a discharge and dismissal, and you satisfy the requirements set forth below, you may petition the court for an order of nondisclosure pursuant to Section 411.081 of the Texas Government Code. Except as provided below, you may petition the court regardless of whether you have been previously placed on deferred adjudication community supervision for another offense. After notice to the State and a hearing on whether you are entitled to file the petition and whether 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 for which you were placed on 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 specifically listed in Section 411.081, 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 fees that generally apply to the filing of a civil petition. The petition 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 number (2) below;
- (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, 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 for nondisclosure 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 number (1), (2), or (3) above, as appropriate, you were not convicted of, or placed on deferred adjudication community supervision for, any offense other than an offense under the Transportation Code punishable by fine only. You are not entitled to petition the court if you were on placed on 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 Penal Code Section 20.04 (Aggravated Kidnapping), regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;
- (3) an offense under Penal Code Sections 19.02 (Murder), 19.03 (Capital Murder), 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), 22.041 (Abandoning or Endangering a Child), or 25.07 (Violation of Court Order or Conditions of Bond in a Family Violence Case); or
- (4) any other offense involving family violence, as defined by Family Code Section 71.004.

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.

JUDGE

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF MY RIGHTS, AS SET FORTH ABOVE, TO PETITION THE COURT FOR AN ORDER OF NONDISCLOSURE UNDER SECTION 411.081 OF THE TEXAS GOVERNMENT CODE.

Date

Defendant