

NOTICE OF EXPUNCTION RIGHTS: PENAL OFFENSES/ DEFERRED DISPOSITION/ TEEN COURT (Art. 45.0216, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF MANSFIELD
§ TARRANT COUNTY, TEXAS

NOTICE OF EXPUNCTION RIGHTS
PENAL OFFENSES

ATTENTION DEFENDANT AND PARENT:

Pursuant to Article 45.0216(e), Code of Criminal Procedure, upon conviction for a misdemeanor punishable by fine only or a violation of a penal ordinance, the Court must inform the child who is the subject of the hearing and the child's parent in open court of the child's expunction rights and provide the child and the child's parent with a written copy of Article 45.0216 which reads as follows:

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 may apply to the court in which the person was convicted to have the conviction expunged as provided by this article on or after the person's 17th birthday if:
(1) the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; or
(2) the person was convicted only once of an offense under Section 43.261, Penal Code.
(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 of any additional offense or found to have engaged in conduct indicating a need for supervision as described by Subsection (f)(1) or (2), as applicable.
(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) 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 if the court finds that:
(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, 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; and
(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7), Family Code, while the person was a child.
(f-1) After entry of an order under Subsection (f), 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 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 expunction under this article.
(j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

ISSUED AND RECEIVED BY THE UNDERSIGNED:

Signature of Municipal Judge Date

Signature of Defendant Date

Signature of Parent Date