

## **Application for Expunction of Minor Convictions**

This package constitutes the statutory requirement of this court to inform you of your right to expunction as provided by 45.0216 CCP, 106.12(a,d) ABC. 161.255 HSC., 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 council at your own expense or you can represent yourself in this action as a "pro se" defendant.

### **The following fees must be paid at the time of application:**

Filing fee of \$30.00 (Effective 1/1/06)

### **Expunction by case type:**

- ( ) Minor in possession or consumption of alcohol 106.12 ABC (Alcoholic Beverage Code)
  - ∇ Must have passed your 21st birthday
  - ∇ Must have had only one conviction of any alcohol related offense (106.12(c) ABC) or
  - ∇ Must have had only one custodial or noncustodial arrest of any alcohol related offense that did not result in a conviction (106.12(d) ABC)
  
- ( ) Minor driving under the influence of alcohol 106.12 ABC
  - ∇ Must be 21 years of age or older
  - ∇ May not only one conviction of any other alcohol related offenses
  
- ( ) Minor in possession or consumption of tobacco products 161.255 HSC
  - ∇ Must have completed the tobacco awareness program ordered by the court
  
- ( ) Youth in violation of the Education Code – Failure to attend school 45.054 CCP
  - ∇ Must be 18 years of age or older
  - ∇ May not have been convicted of a subsequent offense for failure to attend school
  
- ( ) Child convicted of Penal Code or Penal Ordinance offenses 45.0216 CCP
  - ∇ Must be 17 years of age or older
  - ∇ May not have been convicted of any other penal offenses

Cause Number: \_\_\_\_\_  
(To be issued by the court)

Ex Parte

Vs.

In the Municipal Court  
City of Huntsville  
Walker County, Texas

\_\_\_\_\_  
(Petitioner)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

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

Date of alleged offense: \_\_\_\_\_ Date of arrest: \_\_\_\_\_ in  
the county of \_\_\_\_\_ and by (Police agency)  
\_\_\_\_\_, located at the address of  
\_\_\_\_\_

**3.** The case was filed in Huntsville Municipal Court as a class C Misdemeanor under  
the cause number \_\_\_\_\_. After the case was heard a judgment  
was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**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: Huntsville Municipal Court  
Address: 717 FM 2821 West, Suite 200  
City, State & Zip: Huntsville, Texas 77320

Name: Texas Department of Public Safety  
Address: P.O. Box 4087  
City, State & Zip: Austin, Texas 78773-0001

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

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Page 4

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State & Zip: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Notary Public for the State of Texas or Deputy Court Clerk

*Affidavit of Criminal Conviction*

Petitioner was not convicted while Petitioner was under the age of 17 years 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\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Texas or Deputy Court Clerk

**ORDER SETTING HEARING DATE**

IT IS ORDERED that the hearing on the Petition for Expunction of Records is hereby set for \_\_\_\_\_ am / pm on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the City of Huntsville Municipal Court, Walker County, Texas.

\_\_\_\_\_  
Municipal Court Judge

➤ **EXPUNCTION OF MINOR CHILD CHARGED WITH PENAL OFFENSE: 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 expungement 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. Added by Acts 2001, 77th Leg., ch. 1297, Sec. 50, eff. Sept. 1, 2001.

➤ **EXPUNCTION OF MINOR CHARGED WITH ALCOHOL OFFENSE:**

**§ 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, 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 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.

Acts 1977, 65th Leg., p. 515, ch. 194, § 1, eff. Sept. 1, 1977. Amended by Acts 1981, 67th Leg., p. 258, ch. 107, § 13, eff. Sept. 1, 1981; Acts 1985, 69th Leg., ch. 285, § 11, eff. Sept. 1, 1986; Acts 1985, 69th Leg., ch. 462, § 12, eff. Sept. 1, 1986.

➤ **EXPUNCTION OF MINOR CHARGED WITH HEALTH AND SAFETY CODE OFFENSE**

**§ 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.

**Expunction – Additional Information - Possible Agencies:**

If you have received this list to assist you in completing your Expunction request, please be advised that the addresses listed may not be current. This list is intended to be used as a guide and you will need to verify the addresses of the agencies that you are going to list in your request.

Texas Alcoholic Beverage Commission 5806 Mesa Drive Austin, TX 78731	City of Huntsville Police Department 560 FM 2821 Rd West Huntsville, TX 77320
Texas Department of Public Safety P.O. Box 4087 Austin, Texas 78773-0001	Walker County Jail 655 FM 2821 Rd West Huntsville, Tx 77340
Walker County Juvenile Court 1100 University Avenue Huntsville, TX 77340	Sam Houston State University Police Dept. PO Box 2329 Huntsville, TX 77341
Walker County Sheriff's Department 717 FM 2821 Rd West, Suite 500 Huntsville, TX 77320	<i>Alcohol Awareness Course Provider (you must provide the address)</i>
City of Huntsville Office of the City Attorney 1212 Avenue M Huntsville, TX 77340	<i>Tobacco Awareness Course Provider (you must provide the address)</i>
Huntsville Independent School District 441 FM 2821 Rd East Huntsville, TX 77320	<i>Community Service Organization (you must provide the address)</i>
Walker County Public Safety Communications Center 717 FM 2821 Rd W, Ste 100 Huntsville, Tx 77320	