



WEST LAKE HILLS MUNICIPAL COURT
911 WESTLAKE DRIVE | WEST LAKE HILLS, TX 78746
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www.westlakehills.gov/court

Application for Expunction

You may be eligible to file for an expunction of a fine only misdemeanor with the Municipal Court for the below chapters. The attached **Petition for Expunction** is provided for convenience and you are encouraged to consult with an attorney regarding eligibility.

<u>Expunction by case type</u>	<u>Chapter/Code</u>
Minor driving under the influence, in possession of or consumption of alcohol >Must have passed your 21 st birthday >Offense occurred before 21 st birthday (legal drinking age) >May not have been convicted of any other alcohol related offenses Filing fee of \$30.00	106.12 ABC
Minor in possession or consumption of tobacco products >Must have passed your 21 st birthday >Offense occurred before 21 st birthday Filing fee of \$30.00	161.255 HSC
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 th birthday >May not have been convicted of a subsequent offense for failure to attend school Filing fee of \$30.00	45.054 CCP
Child convicted of Penal Code, Penal Ordinance, Education Code or Health & Safety Code (offenses not covered above) >Must be 17 years of age or older >Offense must have occurred before the 17 th birthday >May not have been convicted of any other offenses listed in this category > Filing fee of \$30.00	45.0216 CCP
Courts of Record >Petition is for an offense punishable by fine only described in 55.02 Sec. (a-1), CCP not described in other options above. > Filing fee of \$100.00	55 C.C.P.

ALCOHOL RELATED OFFENSES

Notice of Right of Expunction

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 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.

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. .

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 on or after their 21st birthday. 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.

Ex Parte
VS.

§ IN THE MUNICIPAL COURT OF RECORD, No. 1
§ CITY OF WEST LAKE HILLS
§ TRAVIS COUNTY, TEXAS

Petitioner

CAUSE # _____

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:

- 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 the court.

Date of alleged offense/arrest: _____ in the county of Travis and by the West Lake Hills Police Department, located at the address of 911 Westlake Drive, West Lake Hills, Texas 78746.

3. The case was filed in the West Lake Hills 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:

West Lake Hills Municipal Court
911 Westlake Drive, West Lake Hills, Texas 78746

West Lake Hills Police Department
911 Westlake Drive, West Lake Hills, Texas 78746

Deputy City Attorney/Prosecutor
911 Westlake Drive, West Lake Hills, Texas 78746

Texas Department of Public Safety Crime
Records Service MSC 0234
P.O. Box 4143
Austin, Texas 78765-4143

Travis County Constable Pct. 5
P.O. Box 1748 Austin,
Texas 78767

Other state or federal agencies, jails, detention facilities, magistrates, courts, prosecuting agencies, or correctional facilities that may have records or information relating to the arrest, charge or conviction. (Please list the name and full address.)

**Affidavit of Criminal
Conviction**

Check the appropriate option that applies.

() **Alcoholic Beverage Code Offenses – Chapter/Code 106.12 ABC:** 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. *Filing fee of \$30.00*

() **Tobacco Offenses – Chapter/Code 161.255 HSC.** *Filing fee of \$30.00*

() **Penal Code, Penal Ordinance, Education Code or Health & Safety Code – Chapter /Code 45.0216 CCP:** 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. *Filing fee of \$30.00*

I am _____ years of age at the filing of this petition.

() **Chapter 55 C.C.P.:** Petition is for an offense punishable by fine only described in 55.02 Sec. (a-1), CCP. *Filing fee of \$100.00*

I, _____, herein named Petitioner, do 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 or Court Clerk or Deputy Court Clerk of the West Lake Hills Municipal Court
Travis County, Texas

