

EXPUNCTIONS JUVENILES AND MINORS



	Alcoholic Beverage Code Sec. 106.12	Health & Safety Code Sec. 161.255	Code of Criminal Procedure Art. 45.0541	Code of Criminal Procedure Art. 45.0216
Offenses	<ul style="list-style-type: none"> • Purchase of Alcohol by a Minor (Section 106.02); • Attempt to Purchase Alcohol by a Minor (Section 106.25); • Consumption of Alcohol by a Minor (Section 106.04); • Driving or Operating Watercraft Under the Influence of Alcohol by a Minor (DUI) (Section 106.041); • Possession of Alcohol by a Minor (Section 106.05); and • Misrepresentation of Age by a Minor (Section 106.07). 	Possession, Purchase, Consumption, Or Receipt of Cigarettes Or Tobacco Products By Minors Prohibited (Section 161.252).	Failure to Attend School (Section 25.094, E.C.) <i>*This offense was repealed with the passage of HB 2398 in 2015. Prior convictions or dismissed charges are to be expunged under the new Art. 45.0541.</i>	All Penal Offenses as described by Section 8.07(a)(4) or (5), P.C.: <ul style="list-style-type: none"> • Misdemeanors punishable by fine only (Section 8.07(a)(4)) • Violations of penal ordinances of political subdivisions (Section 8.07(a)(5)) This article applies to any fine-only misdemeanor conviction (other than traffic) that are not covered by a separate expunction provision (i.e., A.B.C. offenses, tobacco offenses, or Failure to Attend School as outlined in the three columns to the left). This will include the following: <ul style="list-style-type: none"> • Penal Code-Class C misdemeanors • Education Code offenses (other than Failure to Attend School) • Health & Safety Code offenses (other than tobacco offenses) • City ordinance violations <i>Court must inform of right to expunction in open court and give copy of law to child and parent.</i>
Age to Apply	At least age 21.	No age requirement.	No application required.	At least age 17.
Requirements	Must have had only one conviction under A.B.C. while a minor.	Multiple convictions may be expunged, but must have completed tobacco awareness program or tobacco related community service.	Defendant must have been convicted of Failure to Attend School, OR Failure to Attend School charges must have been dismissed.	Only one conviction of any penal fine-only offense described in Section 8.07(a)(4) or (5), P.C., while person was a child or only one conviction under Section 43.261, P.C. Also applies to dismissals of penal offenses under Article 45.052, C.C.P. (Teen Court) or Article 45.051, C.C.P. (Deferred Disposition).
Court Petitioned	Municipal court in which convicted.	Municipal court in which convicted.	Petition not required.	Municipal court in which convicted.
Affidavit or Proof	Sworn statement that they have had only one conviction.	Sworn statement that they have completed tobacco awareness program or tobacco-related community service.	No proof required. Courts are responsible for expunging records related to convictions and dismissals of Failure to Attend School	Sworn statement that they were not convicted of any additional offense; or for expunction of a sexting offense, found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7), F.C.
Hearing	Optional	Optional	N/A	Optional
Fee	\$30 fee required	\$30 fee required	None	\$30 fee required

APPLICATION FOR EXPUNCTION ALCOHOLIC BEVERAGE (Sec. 106.12, A.B.C.)

CAUSE #

IN THE MATTER OF

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IN THE MUNICIPAL COURT

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CITY OF NACOGDOCHES

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NACOGDOCHES COUNTY, TEXAS

_____NAME

Now, comes _____ convicted of the offense of _____ (CHARGE) on _____ in the Nacogdoches Municipal Court in Cause Number _____.

Petitioner is now at least the age of 21 years. Petitioner, being duly sworn states under oath that she has not been convicted of any other violation of the Alcoholic Beverage Code while under the age of 21.

Petitioner requests that all records of said conviction be expunged pursuant to Section 106.12, ABC, and the Court order expungement of all documents, records, and references thereof and release _____ (NAME) from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. **Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.**

Defendant-Petitioner

SWORN AND SUBSCRIBED before me by _____, on this the _____ day of _____,

_____.

Notary Public/Court Clerk

LIST OF AGENCIES, OFFICIALS AND OTHERS WHO MAY HAVE RECORDS OR FILES REGARDING
CONVICTION FOR _____(CASE NUMBER)

(Mark out or add as needed)

(a) Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, TX 78731

(b) Texas Department of Public Safety
P.O. Box 4087
Austin, TX 78773

(c) Nacogdoches County Sheriff's Department
2306 Douglas Rd
Nacogdoches, TX 75961

(d) Jeff Davis, City Prosecutor
305 E. Main
Nacogdoches, TX 75961

(e) Nacogdoches Police Department
312 W. Main
Nacogdoches, TX 75961

(f) Community Service Provider

(g) Alcohol Awareness Provider

(h) Other:

CAUSE NUMBER 36363601

IN THE MATTER OF
VS

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IN THE MUNICIPAL COURT
CITY OF NACOGDOCHES
NACOGDOCHES COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ (name) convicted of the offense of _____ (charge) on I the Nacogdoches Municipal Court in Cause Number _____.

Petitioner, being duly sworn, states under oath that she has completed all the requirements for the above violation.

Petitioner requests that all records of said conviction be expunged, pursuant to Section 161.255, Health and Safety Code, and the Court order expungement of all documents, records, and references thereof and release _____ (name) from all disabilities resulting from said conviction, Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. **Attached to this petition is a list of agencies, officials, and other who may have records or files regarding this conviction.**

Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20____.

(Clerk) Notary Public in and for the State of Texas

LIST OF AGENCIES, OFFICIALS AND OTHERS WHO MAY HAVE RECORDS OR FILES REGARDING CONVICTION FOR 3636363601

(Mark out or add as needed)

(a) Jeff Davis, City Prosecutor
305 E. Main
Nacogdoches, TX 75961

(b) Nacogdoches Police Department
312 W. Main
Nacogdoches, TX 75961

(c) Community Service Provider

(g) Tobacco Awareness Course Provider

(h) Other:

CAUSE NUMBER: _____

IN THE MATTER OF

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IN THE MUNICIPAL COURT
CITY OF NACOGDOCHES
NACOGDOCHES COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ (charge) in the Nacogdoches Municipal Court in Cause Number _____.

Petitioner is now at least 17 years of age. Petitioner, being duly sworn, states under oath that:

he/she has not been convicted of more than one offense under Section 8.07(a)(4) or (5), Penal Code, while a child

he/she was only convicted once of an offense under Section 43.261 and was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7), Family Code (if the petitioner is attempting to have a conviction under Section 43.261 expunged with this application).

Petitioner requests that all records of said conviction be expunged pursuant to **Article 45.0216, Code of Criminal Procedure**, and the Court order expungement of all documents, records, and references thereof and release _____ (name) from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. **Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.**

Defendant-Petitioner

Sworn and subscribed before me by _____, a credible person, on this _____ day of _____, 20__.

(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

LIST OF AGENCIES, OFFICIALS AND OTHERS WHO MAY HAVE RECORDS OR FILES REGARDING CONVICTION FOR 3636363601

(Mark out or add as needed)

(a) Jeff Davis, City Prosecutor
305 E. Main
Nacogdoches, TX 75961

(b) Nacogdoches Police Department
312 W. Main
Nacogdoches, TX 75961

(c) Community Service Provider

(g) Tobacco Awareness Course Provider

(h) Other:
