

By: Wu

H.B. No. 1193

Substitute the following for H.B. No. 1193:

By: Talarico

C.S.H.B. No. 1193

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the jurisdiction of a juvenile court over certain  
3 persons and to the sealing and nondisclosure of certain juvenile  
4 records.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 51.0412, Family Code, is amended to read  
7 as follows:

8 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.  
9 The court retains jurisdiction over a person, without regard to the  
10 age of the person, who is a respondent in an adjudication  
11 proceeding, a disposition proceeding, a proceeding to modify  
12 disposition, a proceeding for waiver of jurisdiction and transfer  
13 to criminal court under Section 54.02(a), or a motion for transfer  
14 of determinate sentence probation to an appropriate district court  
15 if:

16 (1) the petition or motion was filed while the  
17 respondent was younger than 18 or 19 years of age, as applicable;

18 (2) the proceeding is not complete before the  
19 respondent becomes 18 or 19 years of age, as applicable; and

20 (3) the court enters a finding in the proceeding that:

21 (A) the prosecuting attorney exercised due  
22 diligence in an attempt to complete the proceeding before the  
23 respondent became 18 or 19 years of age, as applicable; or

24 (B) the proceeding has been delayed through no

1 fault of the state.

2 SECTION 2. Section 58.256, Family Code, is amended by  
3 amending Subsections (d) and (e) and adding Subsection (f) to read  
4 as follows:

5 (d) A court may not order the sealing of the records of a  
6 person who:

7 (1) received a determinate sentence and was  
8 transferred to district court under Section 54.051 or 54.11 [~~for~~  
9 ~~engaging in:~~

10 [~~(A) delinquent conduct that violated a penal law~~  
11 ~~listed under Section 53.045; or~~

12 [~~(B) habitual felony conduct as described by~~  
13 ~~Section 51.031]~~;

14 (2) is currently required to register as a sex  
15 offender under Chapter 62, Code of Criminal Procedure; or

16 (3) was committed to the Texas Juvenile Justice  
17 Department or to a post-adjudication secure correctional facility  
18 under former Section 54.04011, unless the person has been  
19 discharged from the agency to which the person was committed.

20 (e) Except as provided by Subsection (f), on [~~On~~] receipt of  
21 an application under this section, the court may:

22 (1) order the sealing of the person's records  
23 immediately, without a hearing; or

24 (2) hold a hearing under Section 58.257 at the court's  
25 discretion to determine whether to order the sealing of the  
26 person's records.

27 (f) On receipt of an application under this section from a

1 person who received a determinate sentence and was not transferred  
2 to a district court under Section 54.051 or 54.11, the court shall  
3 hold a hearing under Section 58.257 to determine whether it is in  
4 the best interest of the person and of justice to order the sealing  
5 of the person's records and may order the records to be sealed.

6         SECTION 3. The changes in law made by this Act apply only to  
7 conduct violating a penal law of this state that occurs on or after  
8 the effective date of this Act. Conduct violating a penal law of  
9 this state that occurs before the effective date of this Act is  
10 governed by the law in effect on the date the conduct occurred, and  
11 the former law is continued in effect for that purpose. For  
12 purposes of this section, conduct occurred before the effective  
13 date of this Act if any element of the conduct occurred before that  
14 date.

15         SECTION 4. This Act takes effect September 1, 2021.