

By: Talarico

H.B. No. 804

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of juvenile justice information.

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

SECTION 1. Section 58.009, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a) For purposes of this section, information is identifiable if the information contains a juvenile offender's name or other personal identifiers or can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular juvenile offender.

(a-1) Except as provided by this section, identifiable juvenile justice information collected and maintained by the Texas Juvenile Justice Department for statistical and research purposes is confidential information for the use of the department and may not be disseminated by the department.

(c) The Texas Juvenile Justice Department may grant ~~[the following entities]~~ access to identifiable juvenile justice information:

(1) for research and statistical purposes or for any other purpose approved by the department to:

(A) ~~[(1)]~~ criminal justice agencies as defined by Section 411.082, Government Code;

(B) ~~[(2)]~~ the Texas Education Agency, as

1 authorized under Section [37.084](#), Education Code;

2 (C) [~~3~~] any agency under the authority of the
3 Health and Human Services Commission; or

4 (D) [~~4~~] the Department of Family and
5 Protective Services; or

6 (2) for a purpose beneficial to and approved by the
7 department to an individual or entity that:

8 (A) is working on a research or statistical
9 project that meets the requirements of and is approved by the
10 department; and

11 (B) has a specific agreement with the department
12 that:

13 (i) specifically authorizes access to
14 identifiable juvenile justice information;

15 (ii) limits the use of the information to
16 the purposes for which the information is given;

17 (iii) ensures the security and
18 confidentiality of the information; and

19 (iv) provides for sanctions if a
20 requirement imposed under Subparagraph (i), (ii), or (iii) is
21 violated [~~5) a public or private university~~].

22 (c-1) The Texas Juvenile Justice Department shall grant
23 access to juvenile justice information that is not identifiable
24 information for research or statistical purposes or for any other
25 purpose approved by the department to:

26 (1) criminal justice agencies as defined by Section
27 [411.082](#), Government Code;

- 1 (2) the Texas Education Agency, as authorized under
2 Section 37.084, Education Code;
3 (3) any agency under the authority of the Health and
4 Human Services Commission;
5 (4) the Department of Family and Protective Services;
6 (5) a public or private university; or
7 (6) an individual or entity working on a research or
8 statistical project.

9 SECTION 2. Sections 58.009(d), (f), and (g), Family Code,
10 are repealed.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2023.