

BILL ANALYSIS

C.S.H.B. 1960
By: Ortiz, Jr.
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In order to protect the privacy of a juvenile suspect or offender, records pertaining to a juvenile may be inspected only by a limited number of agencies and individuals. However, the juvenile and the juvenile's parents are not listed among those persons allowed to inspect these records, which creates problems for both the juvenile and the juvenile's parents.

The parents cannot get access to the police report and other factual information they need to discipline their child appropriately and deal with the child's delinquent conduct. Moreover, the juvenile cannot get access to these records when they are required as part of a college or employment application process.

C.S.H.B.1960 would include the juvenile and the juvenile's parents or guardian to the list of persons who can inspect or copy these files. C.S.H.B.1960 further provides that, in cases where there are multiple juvenile offenders, the child or the child's parent or guardian may have access to the record or file only after the names of other juvenile offenders have been redacted. This provision would protect the privacy of other juvenile offenders, while maintaining access to the records for the child or the child's parent or guardian.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 58.007(e) and adds Subsection (j) of the Family Code to allow the child and the child's parent or guardian to inspect or copy law enforcement records and files. Additionally, Subsection (j) requires that before a child or a child's parent or guardian may inspect or copy a record or file concerning the child, the custodian of the record or file shall redact any reference in the record or file to a juvenile suspect or offender who is not the child.

SECTION 2. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1960 modifies the original H.B.1960 by removing the amendments to Subsection 58.007(b) of the Family Code. Further clarifies that a person authorized to inspect the records under Section 58.007(e) of the Family Code may also make copies of the records, not copies of the copies of records. Finally, C.S.H.B.1960 clarifies Section 58.007(j) of the Family Code, to require that the custodian of a record must redact the names of other juvenile suspects or other offenders before allowing the child or the child's parent or guardian access to the record or file.