

## **BILL ANALYSIS**

C.S.H.B. 2245  
By: Turner, Sylvester  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law designates two different categories of sealing records: mandatory and discretionary. For misdemeanor adjudications of delinquent conduct or conduct indicating a need for supervision, the sealing of records is mandatory for two years after the disposition is completed or two years from the date of the last action on the case if there was no disposition. There is no age limit to this requirement, and further sealing is mandatory if a juvenile is found not guilty following trial. The law grants the court discretionary authority to seal records relating to these offenses prior to the passing of the two years after the disposition is completed, but, for felony offenses, the court has no discretion to seal records prior to a juvenile's reaching 21 years of age.

Another method of sealing records is that of restricted access, which is a form of sealing records that restricts access to records to criminal justice agencies for criminal purposes. Juveniles become eligible for this sealing at 21 years of age.

C.S.H.B. 2245 reduces from 21 to 19 the minimum age at which a person adjudicated as having engaged in delinquent conduct that violated a felony-grade penal law, in addition to other requirements, may be entitled by a court order to the sealing of records. The bill reduces from 21 to 17 the minimum age at which a person, in addition to other qualifications, may be eligible for automatic restriction of access to the records relating to the person's juvenile case.

### **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**

C.S.H.B. 2245 amends the Family Code to reduce from 21 to 19 the minimum age at which a person adjudicated as having engaged in delinquent conduct that violated a felony-grade penal law, in addition to other requirements, may be entitled by a court order to the sealing of records relating to the conduct. The bill reduces from 21 to 17 the minimum age at which a person, in addition to other qualifications, may be eligible for automatic restriction of access to the records relating to the person's juvenile case. The bill removes a provision making a person ineligible for automatic restriction of access to records if the Department of Public Safety has received a report in its criminal history system that the person was granted deferred adjudication for or convicted of a felony or misdemeanor punishable by confinement in jail for an offense committed after the person became 17 years of age. The bill makes conforming changes.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2245 differs from the original by reducing from 21 to 19 the minimum age at which a person adjudicated as having engaged in delinquent conduct that violated a felony-grade penal law may be entitled by a court order to the sealing of records, whereas the original removes the age requirement altogether. The substitute differs from the original by reducing from 21 to 17, rather than from 21 to 19 as in the original, the minimum age at which a person may be eligible for automatic restriction of access to the records relating to the person's juvenile case. The substitute removes a provision in the original making a person ineligible for automatic restriction of access to records if the Department of Public Safety has received a report in its criminal history system that the person was granted deferred adjudication for or convicted of a felony or misdemeanor punishable by confinement in jail for an offense committed after the person became 17 years of age. The substitute differs from the original by making changes conforming to that removal.