

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 5, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2386 by Castro (Relating to the sealing of juvenile records.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Family Code to authorize a juvenile court to seal certain records concerning a child adjudicated of delinquent conduct or conduct indicating a need for supervision if the child successfully completed a drug court program. If the child is found not guilty of the alleged offense, the court would be required to seal all files and records without any additional hearing. The bill would provide authority for a prosecuting attorney or juvenile probation department to maintain separate records of the child's name, date of birth, and date the child successfully completed the drug court program until the child's 17th birthday, which are then to be sealed with the child's other records. The court would be required to hold a hearing before sealing a child's records unless the applicant waives the right to a hearing in writing and the court and the prosecuting attorney consent.

The bill would also add to the types of records a juvenile court would be required to reopen and allow to be made available to the Department of Public Safety upon request. The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, GG, AI