

BILL ANALYSIS

H.B. 961
By: Turner
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides for both mandatory and discretionary sealing of records concerning persons suspected or found to have engaged in or adjudicated as having engaged in certain delinquent conduct. For misdemeanor adjudications of delinquent conduct or conduct indicating a need for supervision, the sealing of records is mandatory if the person meets certain requirements. There is no age limit specified in this mandatory records sealing requirement. However, a court has discretion in sealing the records of a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony if the person is 21 years of age or older and meets other requirements. Another method of sealing records involves restricting access to the records of a person's juvenile case to criminal justice agencies for criminal purposes. Juveniles become eligible for this sealing at 21 years of age. H.B. 961 seeks to reduce the minimum age at which a person adjudicated as having engaged in delinquent conduct that violated a felony-grade penal law may be entitled to a court order sealing the person's records and 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.

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

H.B. 961 amends the Family Code to lower from 21 years of age to 19 years of age the minimum age at which a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony is eligible for a court order sealing the records concerning the person, among other eligibility requirements.

H.B. 961, in a provision requiring the Department of Public Safety to certify to a specified juvenile probation department that records relating to a person's juvenile case and submitted to the juvenile justice system are subject to automatic restriction if certain conditions are met, lowers from 21 years of age to 17 years of age the minimum age at which a person is eligible for that automatic restriction. The bill makes conforming changes to reflect that lowering of the age in another condition required to be met for the automatic restriction of access to records and in provisions relating to the information required to be provided by a probation officer or the Texas Youth Commission to a child placed on probation for an offense.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.