

## **BILL ANALYSIS**

C.S.H.B. 2015  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recent legislation established the human trafficking prevention task force and required the task force to prepare a report containing certain information on the nature and extent of human trafficking in Texas, including information relating to youth arrested for engaging in prostitution. In many cases, youth arrested for engaging in prostitution are designated as victims of domestic minor sex trafficking. State services available to such victims are limited. As a misdemeanor offense, engaging in prostitution is considered delinquent conduct, rather than conduct indicating a need for supervision. Because a case often does not fall within the jurisdiction of child protective services unless a parent or caregiver is involved in the offense, the services available to a victim may be only those provided through the juvenile justice system.

Some states have begun diverting juveniles accused of engaging in prostitution from the juvenile justice system by treating the youth as trafficked persons and designating related behavior as conduct indicating a need for supervision. This gives the youth access to much-needed services that can provide clothing, shelter, mental and medical care, and education. If a child is found to have engaged in prostitution, is subsequently put on probation, and cannot be provided the quality of care and level of support needed to meet the conditions of probation at the child's home, the child can be placed in a more suitable foster home or residential facility.

C.S.H.B. 2015 seeks to address the problems that can arise when a child is accused of engaging in prostitution by including such conduct among the conduct indicating a need for supervision and authorizing a juvenile court to order the sealing of records concerning certain children found or believed to have engaged in such conduct.

### **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. 2015 amends the Family Code to include conduct constituting an offense of prostitution among the conduct indicating a need for supervision under the juvenile justice code. The bill authorizes a juvenile court, on the court's own motion and without a hearing, to order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision and constituting an offense of prostitution or taken into custody to determine whether the child engaged in such conduct. The bill authorizes the court to seal such records at any time after final discharge of the child or after the last official action in the case if there was no adjudication. The bill authorizes a prosecuting attorney or juvenile probation department to maintain until a child's 17th birthday a separate record of the child's name and date of birth and the date on which the child's records are sealed, if the child's records are sealed by a juvenile court as authorized by the bill's provisions, and requires the prosecuting attorney or juvenile probation department, as applicable, to send the record to the court as soon as practicable after the child's 17th birthday to be added to the child's other sealed records.

**EFFECTIVE DATE**

September 1, 2011.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2015 contains a provision not included in the original authorizing a juvenile court to order the sealing of records concerning a child found to have engaged in or taken into custody to determine whether the child engaged in conduct indicating a need for supervision and constituting an offense of prostitution. The substitute contains provisions not included in the original authorizing a prosecuting attorney or juvenile probation department to maintain certain records relating to such a child whose records have been sealed and providing for those records to be added to the child's other sealed records after the 17th birthday of the child. The substitute contains provisions not included in the original relating to the time frame in which the juvenile court is authorized to seal a record of such a child. The substitute differs from the original by making a conforming change relating to the substitute's applicability.