

By: Thompson, et al.

H.B. No. 2015

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain conduct indicating a need for supervision and
3 the sealing of records related to that conduct.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 51.03(b), Family Code, is amended to
6 read as follows:

7 (b) Conduct indicating a need for supervision is:

8 (1) subject to Subsection (f), conduct, other than a
9 traffic offense, that violates:

10 (A) the penal laws of this state of the grade of
11 misdemeanor that are punishable by fine only; or

12 (B) the penal ordinances of any political
13 subdivision of this state;

14 (2) the absence of a child on 10 or more days or parts
15 of days within a six-month period in the same school year or on
16 three or more days or parts of days within a four-week period from
17 school;

18 (3) the voluntary absence of a child from the child's
19 home without the consent of the child's parent or guardian for a
20 substantial length of time or without intent to return;

21 (4) conduct prohibited by city ordinance or by state
22 law involving the inhalation of the fumes or vapors of paint and
23 other protective coatings or glue and other adhesives and the
24 volatile chemicals itemized in Section 485.001, Health and Safety

1 Code;

2 (5) an act that violates a school district's
3 previously communicated written standards of student conduct for
4 which the child has been expelled under Section 37.007(c),
5 Education Code; ~~[or]~~

6 (6) conduct that violates a reasonable and lawful
7 order of a court entered under Section 264.305; or

8 (7) conduct described by Section 43.02(a)(1) or (2),
9 Penal Code.

10 SECTION 2. Section 58.003, Family Code, is amended by
11 adding Subsections (c-3) and (c-4) and amending Subsection (d) to
12 read as follows:

13 (c-3) Notwithstanding Subsections (a) and (c) and subject
14 to Subsection (b), a juvenile court, on the court's own motion and
15 without a hearing, may order the sealing of records concerning a
16 child found to have engaged in conduct indicating a need for
17 supervision described by Section 51.03(b)(7) or taken into custody
18 to determine whether the child engaged in conduct indicating a need
19 for supervision described by Section 51.03(b)(7).

20 (c-4) A prosecuting attorney or juvenile probation
21 department may maintain until a child's 17th birthday a separate
22 record of the child's name and date of birth and the date on which
23 the child's records are sealed, if the child's records are sealed
24 under Subsection (c-3). The prosecuting attorney or juvenile
25 probation department, as applicable, shall send the record to the
26 court as soon as practicable after the child's 17th birthday to be
27 added to the child's other sealed records.

1 (d) The court may grant the relief authorized in Subsection
2 (a), ~~or~~ (c-1), or (c-3) at any time after final discharge of the
3 person or after the last official action in the case if there was no
4 adjudication, subject, if applicable, to Subsection (e). If the
5 child is referred to the juvenile court for conduct constituting
6 any offense and at the adjudication hearing the child is found to be
7 not guilty of each offense alleged, the court shall immediately and
8 without any additional hearing order the sealing of all files and
9 records relating to the case.

10 SECTION 3. The changes in law made by this Act apply only to
11 conduct that occurs on or after the effective date of this Act.
12 Conduct that occurs before the effective date of this Act is covered
13 by the law in effect at the time the conduct occurred, and the
14 former law is continued in effect for that purpose. For the
15 purposes of this section, conduct occurs before the effective date
16 of this Act if any element of the conduct occurred before that date.

17 SECTION 4. This Act takes effect September 1, 2011.