

AN ACT

relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.

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

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

(b) Conduct indicating a need for supervision is:

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

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

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

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

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

(4) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the 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) notwithstanding Subsection (a)(1), conduct
9 described by Section 43.02(a)(1) or (2), 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, shall 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). This subsection
20 applies only to records related to conduct indicating a need for
21 supervision described by Section 51.03(b)(7).

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

1 court as soon as practicable after the child's 17th birthday to be
2 added to the child's other sealed records.

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

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2015 was passed by the House on April 14, 2011, by the following vote: Yeas 141, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2015 on May 25, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2015 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor