

1-1 By: Thompson, et al. H.B. No. 2015
1-2 (Senate Sponsor - Van de Putte)
1-3 (In the Senate - Received from the House April 18, 2011;
1-4 April 20, 2011, read first time and referred to Committee on
1-5 Criminal Justice; May 17, 2011, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 17, 2011, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 2015 By: Hegar

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to certain conduct indicating a need for supervision and
1-12 the sealing of records related to that conduct.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 51.03(b), Family Code, is amended to
1-15 read as follows:

1-16 (b) Conduct indicating a need for supervision is:

1-17 (1) subject to Subsection (f), conduct, other than a
1-18 traffic offense, that violates:

1-19 (A) the penal laws of this state of the grade of
1-20 misdemeanor that are punishable by fine only; or

1-21 (B) the penal ordinances of any political
1-22 subdivision of this state;

1-23 (2) the absence of a child on 10 or more days or parts
1-24 of days within a six-month period in the same school year or on
1-25 three or more days or parts of days within a four-week period from
1-26 school;

1-27 (3) the voluntary absence of a child from the child's
1-28 home without the consent of the child's parent or guardian for a
1-29 substantial length of time or without intent to return;

1-30 (4) conduct prohibited by city ordinance or by state
1-31 law involving the inhalation of the fumes or vapors of paint and
1-32 other protective coatings or glue and other adhesives and the
1-33 volatile chemicals itemized in Section 485.001, Health and Safety
1-34 Code;

1-35 (5) an act that violates a school district's
1-36 previously communicated written standards of student conduct for
1-37 which the child has been expelled under Section 37.007(c),
1-38 Education Code; ~~or~~

1-39 (6) conduct that violates a reasonable and lawful
1-40 order of a court entered under Section 264.305; or

1-41 (7) notwithstanding Subsection (a)(1), conduct
1-42 described by Section 43.02(a)(1) or (2), Penal Code.

1-43 SECTION 2. Section 58.003, Family Code, is amended by
1-44 adding Subsections (c-3) and (c-4) and amending Subsection (d) to
1-45 read as follows:

1-46 (c-3) Notwithstanding Subsections (a) and (c) and subject
1-47 to Subsection (b), a juvenile court, on the court's own motion and
1-48 without a hearing, shall order the sealing of records concerning a
1-49 child found to have engaged in conduct indicating a need for
1-50 supervision described by Section 51.03(b)(7) or taken into custody
1-51 to determine whether the child engaged in conduct indicating a need
1-52 for supervision described by Section 51.03(b)(7). This subsection
1-53 applies only to records related to conduct indicating a need for
1-54 supervision described by Section 51.03(b)(7).

1-55 (c-4) A prosecuting attorney or juvenile probation
1-56 department may maintain until a child's 17th birthday a separate
1-57 record of the child's name and date of birth and the date on which
1-58 the child's records are sealed, if the child's records are sealed
1-59 under Subsection (c-3). The prosecuting attorney or juvenile
1-60 probation department, as applicable, shall send the record to the
1-61 court as soon as practicable after the child's 17th birthday to be
1-62 added to the child's other sealed records.

1-63 (d) The court may grant to a child the relief authorized in

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

2-9 SECTION 3. The changes in law made by this Act apply only to
2-10 conduct that occurs on or after the effective date of this Act.
2-11 Conduct that occurs before the effective date of this Act is covered
2-12 by the law in effect at the time the conduct occurred, and the
2-13 former law is continued in effect for that purpose. For the
2-14 purposes of this section, conduct occurs before the effective date
2-15 of this Act if any element of the conduct occurred before that date.

2-16 SECTION 4. This Act takes effect September 1, 2011.

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