

By: Thompson

H.B. No. 2711

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sealing of the records of juveniles who are the
3 victims of human trafficking and have been adjudicated to have
4 engaged in certain delinquent conduct.

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

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

9 (c-3) This subsection applies only to a child who is the
10 victim of an offense under Section 20A.02, Penal Code, or is
11 otherwise described as a victim by Article 42.0191, Code of
12 Criminal Procedure. Notwithstanding Subsections (a) and (c) and
13 subject to Subsection (b), a juvenile court shall order the sealing
14 of records concerning a child adjudicated as having engaged in
15 delinquent conduct that violated a provision of Chapter 43, Penal
16 Code, when the child, as applicable, successfully completes the
17 term of the child's probation or is discharged from the Texas Youth
18 Commission. The court shall order the sealing of the records
19 immediately and without a hearing.

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 the child
23 successfully completed the term of the child's probation or was
24 discharged from the Texas Youth Commission, if the child's records

1 are sealed under Subsection (c-3). The prosecuting attorney or
2 juvenile probation department, as applicable, shall send the record
3 to the court as soon as practicable after the child's 17th birthday
4 to be added to the child's other sealed records.

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

14 SECTION 2. The change in law made by this Act applies to the
15 sealing of records in the adjudication of a juvenile case on or
16 after the effective date of this Act, regardless of when the conduct
17 that is the subject of the adjudication occurred.

18 SECTION 3. This Act takes effect September 1, 2011.