

By: West

S.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the notice given a juvenile concerning the sealing of  
3 the juvenile's records in a juvenile adjudication.

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

5 SECTION 1. Section 54.04(h), Family Code, is amended to  
6 read as follows:

7 (h) At the conclusion of the disposition [~~dispositional~~]  
8 hearing, the court shall inform the child of:

9 (1) the child's right to appeal, as required by Section  
10 56.01; and

11 (2) the procedures for, and the effect of, the sealing  
12 of the child's records under Section 58.003.

13 SECTION 2. Sections 58.003(i) and (j), Family Code, are  
14 amended to read as follows:

15 (i) On the final discharge of a child or on the last official  
16 action in the case if there is no adjudication, the child shall be  
17 given:

18 (1) a written explanation of the child's rights under  
19 this section and the effect of sealing a child's records under this  
20 section; and

21 (2) a copy of the provisions of this section.

22 (j) A person whose records have been sealed under this  
23 section is not required in any proceeding or in any application for  
24 employment, information, or licensing to state that the person has

1 been found to have engaged in conduct indicating a need of  
2 supervision or delinquent conduct or has been the subject of a  
3 proceeding under this title, and any statement that the person has  
4 never been found to be a child in need of supervision or a  
5 delinquent child may [~~shall~~] never be held against the person in any  
6 criminal or civil proceeding.

7 SECTION 3. Sections 54.04(h) and 58.003(i) and (j), Family  
8 Code, as amended by this Act, apply to a disposition hearing held on  
9 or after the effective date of this Act and to the sealing of  
10 records in the adjudication of a juvenile case on or after the  
11 effective date of this Act, regardless of whether the conduct that  
12 is the subject to the disposition hearing, or the adjudication the  
13 records of which are being sealed, occurs before, on, or after the  
14 effective date of this Act.

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