

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

**ADOPTED**

MAY 24 2011

*Atay Dew*  
Secretary of the Senate

By: *Herbina K. ...*

H.B. No. 2015

Substitute the following for H.B. No. 2015:

By: *[Signature]*

C.S. 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) 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), ~~(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.

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 24, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2015** by Thompson (Relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to include the offense of prostitution within the definition of conduct indicating a need for supervision and the sealing of records related to that conduct. Currently prostitution is a Class B misdemeanor (or more serious offense) that when alleged to have been committed by a juvenile is prosecuted as delinquent conduct in juvenile court. However, under the bill and current law, prostitution would come under progressive sanctions level two for which the disposition is deferred prosecution involving no direct juvenile court contact. In either case, the prosecutor may still file a petition seeking adjudication in the juvenile court. The bill would add provisions relating to the sealing of records, as applicable. To the extent the bill would amend court procedures, no significant fiscal implication to the court system or the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, SD, ESi, TB, JT

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 13, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2015** by Thompson (Relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct. ), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to include the offense of prostitution within the definition of conduct indicating a need for supervision and the sealing of records related to that conduct. Currently prostitution is a Class B misdemeanor (or more serious offense) that when alleged to have been committed by a juvenile is prosecuted as delinquent conduct in juvenile court. However, under the bill and current law, prostitution would come under progressive sanctions level two for which the disposition is deferred prosecution involving no direct juvenile court contact. In either case, the prosecutor may still file a petition seeking adjudication in the juvenile court. The bill would add provisions relating to the sealing of records, as applicable. To the extent the bill would amend court procedures, no significant fiscal implication to the court system or the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, ESi, TB, JT



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 6, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2015** by Thompson (Relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to include the offense of prostitution within the definition of conduct indicating a need for supervision and the sealing of records related to that conduct. Currently prostitution is a Class B misdemeanor (or more serious offense) that when alleged to have been committed by a juvenile is prosecuted as delinquent conduct in juvenile court. However, under the bill and current law, prostitution would come under progressive sanctions level two for which the disposition is deferred prosecution involving no direct juvenile court contact. In either case, the prosecutor may still file a petition seeking adjudication in the juvenile court. The bill would add provisions relating to the sealing of records, as applicable. To the extent the bill would amend court procedures, no significant fiscal implication to the court system or the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, ESi, TB, JT

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 31, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2015** by Thompson (relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Family Code to include the offense of prostitution within the definition of conduct indicating a need for supervision and the sealing of records related to that conduct. Currently prostitution is a Class B misdemeanor (or more serious offense) that when alleged to have been committed by a juvenile is prosecuted as delinquent conduct in juvenile court. However, under the bill and current law, prostitution would come under progressive sanctions level two for which the disposition is deferred prosecution involving no direct juvenile court contact. In either case, the prosecutor may still file a petition seeking adjudication in the juvenile court. The bill would add provisions relating to the sealing of records, as applicable. To the extent the bill would amend court procedures, no significant fiscal implication to the court system or the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TB, JT

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 25, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2015** by Thompson (Relating to the definition of conduct indicating a need for supervision.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to include the offense of prostitution within the definition of conduct indicating a need for supervision. Currently prostitution is a Class B misdemeanor (or more serious offense) that when alleged to have been committed by a juvenile is prosecuted as delinquent conduct in juvenile court. However, under the bill and current law, prostitution would come under progressive sanctions level two for which the disposition is deferred prosecution involving no direct juvenile court contact. In either case, the prosecutor may still file a petition seeking adjudication in the juvenile court. To the extent the bill would amend court procedures, no significant fiscal implication to the court system or the state is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, JT, TB