

BILL ANALYSIS

Senate Research Center
83R21982 EAH-D

C.S.S.B. 1769
By: Rodríguez
Criminal Justice
4/24/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The vast majority of youth who come into contact with the juvenile justice system learn from their mistakes and go on to become productive, law-abiding citizens. County juvenile probation departments in Texas process tens of thousands of misdemeanor referrals each year for low-level adolescent behavior that does not lead to future crime. As a result, a main purpose of the juvenile justice system, as set out in the Texas Family Code, is “to remove, where appropriate, the taint of criminality from children committing certain unlawful acts.”

However, despite existing safeguards, many juvenile records are still widely accessible, which creates serious burdens for youth who have gotten their lives back on track. Most juvenile records in Texas are not on “restricted access,” so employers, landlords, and schools have easy access to this sensitive information. Even after a juvenile record is restricted, some information may continue to be accessible, especially through the Federal Bureau of Investigation database. A student at Texas Tech University recently was denied housing because his juvenile offense showed up when the university ran a background check, even though the records had been restricted for two years. A man now 24 years old was nearly fired from his teaching job after a background check revealed a deferred prosecution for a low-level offense at age 14.

C.S.S.B. 1769 requires the Texas Juvenile Justice Department to study these problems and to determine whether Texas can safely stop fingerprinting youth referred to the juvenile justice system for low-level offenses. If Texas does not fingerprint these youth for low-level offenses, no criminal record will be created—likely the most effective way to prevent these records from harming youth who have atoned for the low-level offense and have gotten their lives back on the right path.

C.S.S.B. 1769 amends current law relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. FINGERPRINTING ADVISORY COMMITTEE. Requires the Texas Juvenile Justice Board (TJJB), not later than December 1, 2013, to appoint an advisory committee to develop a plan to end the practice of fingerprinting children referred to a juvenile probation department for delinquent conduct, other than felony conduct. Requires that the plan ensure that public safety and due process rights are protected.

SECTION 2. APPOINTMENTS; PRESIDING OFFICER. (a) Requires TJJB, in making appointments to the advisory committee, to include members who are interested parties, including chief juvenile probation officers, juvenile prosecutors, juvenile defense attorneys, peace officers, representatives of the Department of Family and Protective Services, juvenile justice advocates, and members of the public.

(b) Requires TJJB to designate one of the members as presiding officer of the advisory committee.

SECTION 3. REPORT. Requires the advisory committee, not later than December 1, 2014, to submit to TJJB the plan developed under Section 1.

SECTION 4. COMPENSATION. Provides that members of the advisory committee serve without compensation and are not entitled to reimbursement for expenses.

SECTION 5. APPLICATION OF LAWS GOVERNING ADVISORY COMMITTEES. Provides that the advisory committee is not subject to Chapter 2110 (State Agency Advisory Committee), Government Code.

SECTION 6. EXPIRATION DATE. Provides that the advisory committee is abolished and this Act expires January 1, 2015.

SECTION 7. EFFECTIVE DATE. Effective date: upon passage or September 1, 2013.