

AN ACT

relating to access by certain military personnel to juvenile and criminal history information.

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

SECTION 1. Section 58.204(b), Family Code, is amended to read as follows:

(b) On certification of records in a case under Section 58.203, the department may permit access to the information in the juvenile justice information system relating to the case of an individual only:

(1) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code; ~~or~~

(2) for research purposes, by the Texas Juvenile Justice Department ~~[Probation Commission, the Texas Youth Commission,~~ or the Criminal Justice Policy Council; or

(3) with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.

SECTION 2. Section 58.207, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) On certification of records in a case under Section

58.203, the juvenile court shall order:

(1) that the following records relating to the case may be accessed only as provided by Section 58.204(b):

(A) if the respondent was committed to the Texas Juvenile Justice Department [~~Youth Commission~~], records maintained by the department [~~commission~~];

(B) records maintained by the juvenile probation department;

(C) records maintained by the clerk of the court;

(D) records maintained by the prosecutor's office; and

(E) records maintained by a law enforcement agency; and

(2) the juvenile probation department to make a reasonable effort to notify the person who is the subject of records for which access has been restricted of the action restricting access and the legal significance of the action for the person, but only if the person has requested the notification in writing and has provided the juvenile probation department with a current address.

(c) Notwithstanding Subsection (b) of this section and Section 58.206(b), with the written permission of the subject of the records, an agency under Subsection (a)(1) may allow military personnel, including a recruiter, of this state or the United States to access juvenile records in the same manner authorized by law for records to which access has not been restricted under this section.

SECTION 3. Subchapter F, Chapter 411, Government Code, is

1 amended by adding Section 411.1410 to read as follows:

2       Sec. 411.1410. ACCESS TO CRIMINAL HISTORY RECORD  
3 INFORMATION: UNITED STATES ARMED FORCES. (a) In this section,  
4 "agency of the United States armed forces" means the United States  
5 Army, the United States Navy, the United States Marine Corps, the  
6 United States Coast Guard, or the United States Air Force.

7       (b) Subject to Subsection (c), an agency of the United  
8 States armed forces, including a recruiter for the agency, is  
9 entitled to obtain from the department criminal history record  
10 information maintained by the department that relates to a person  
11 who is an applicant for enlistment in the United States armed  
12 forces.

13       (c) An agency of the United States armed forces is entitled  
14 to criminal history record information under Subsection (b) only if  
15 the agency submits to the department a signed statement from the  
16 applicant that authorizes the agency to obtain the information.

17       (d) Criminal history record information obtained by an  
18 agency of the United States armed forces under Subsection (b) may  
19 not be released to any person or agency except on court order or  
20 with the consent of the person who is the subject of the criminal  
21 history record information.

22       (e) An agency of the United States armed forces shall  
23 destroy criminal history record information obtained under  
24 Subsection (b) after the purpose for which the information was  
25 obtained is accomplished.

26       SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 694 was passed by the House on May 9, 2013, by the following vote: Yeas 135, Nays 0, 2 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 694 was passed by the Senate on May 22, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor