

BILL ANALYSIS

H.B. 263
By: Miles
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a person's juvenile records relating to delinquent conduct may be sealed under certain conditions. Interested parties assert that many persons are unaware of this eligibility and do not go through the application process to have their records sealed. As a result, access to these records by potential employers, schools, and landlords can contribute to a lack of employment opportunities and inhibit other pursuits. H.B. 263 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 263 amends the Family Code to revise provisions governing the sealing of records of a person who meets certain eligibility requirements and who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision or who was taken into custody to determine whether the person engaged in such conduct. The bill requires a juvenile court, on the court's own motion, to order the sealing of such a person's records if the court receives notice from the person or the person's attorney or by signed statement or notarized affidavit of a juvenile probation officer or school attendance officer that the person may be eligible to have the person's records sealed and if the person meets the prescribed eligibility conditions. The bill establishes as an alternative condition under which such records may be eligible to be sealed, either on the court's receipt of such notice or on the person's application, that the person is 17 years of age or older and the person has been finally discharged or the last official action in the person's case has occurred if there was no adjudication. The bill includes among the prescribed eligibility conditions that the prosecuting attorney does not object to the sealing of the person's records and specifies that the juvenile court must order the sealing of the records immediately if all eligibility conditions are met.

H.B. 263 requires a court, on a person becoming eligible to have the person's records sealed based on the person's age or the time elapsed since final discharge or the last official action in the person's case, to determine whether the person has subsequently been convicted of an offense involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and to determine whether a proceeding is pending seeking conviction or adjudication. The bill requires the court, on a negative determination, to provide notice to the prosecuting attorney for the juvenile court in the case that the person's records will be sealed on the expiration of 30 days if no objection is made by the attorney within that time. The bill

requires the court, if the prosecuting attorney for the juvenile court in the case objects to sealing the person's records, to hold a hearing to determine if the records should be sealed.

H.B. 263 requires a copy of a sealing order to be sent to the Department of Public Safety (DPS) and requires DPS, on entry of the order, to certify the records for restricted access in the manner prescribed by law. The bill authorizes an order of the juvenile court, on petition of a person who is the subject of sealed records, to permit the copying of the sealed records by the persons named in the order.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.