

BILL ANALYSIS

S.B. 409
By: Rodríguez
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Many believe that the dissemination of fingerprints and other confidential information contained in the juvenile justice information system undermines the ability of juveniles who have successfully exited the juvenile justice system to pursue lives as law-abiding adults. Practitioners in the juvenile justice system point out that many of these juveniles face obstacles to employment, education, and housing. In particular, the practitioners question the wisdom of disseminating information related to unadjudicated misdemeanor conduct. In response to these concerns, recently enacted legislation created an advisory committee composed of prosecutors, juvenile system administrators, advocates, and others from across Texas to study the fingerprinting of juveniles. S.B. 409 seeks to reflect the recommendations of this advisory committee.

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

S.B. 409 amends the Family Code to revise the exceptions to the prohibition on disseminating confidential information contained in the juvenile justice information system to include dissemination to certain federal or state criminal justice agencies, to a nongovernmental railroad or campus police department that has obtained an originating agency identifier from the Federal Bureau of Investigation, to a noncriminal justice agency authorized by federal statute or federal executive order to receive juvenile justice record information, and to the Department of Family and Protective Services. The bill removes as an exception to the prohibition on the dissemination of such information dissemination to a person or entity to which the Department of Public Safety (DPS) may grant access to adult criminal history records.

S.B. 409 authorizes DPS to disseminate information contained in the juvenile justice information system to certain noncriminal justice agencies or entities to which DPS may grant access to adult criminal history record information but limits the information that may be disseminated under that authorization to information that does not relate to conduct indicating a need for supervision or to delinquent conduct constituting a misdemeanor offense for which a child is on deferred prosecution, for which deferred prosecution was successfully completed, for which a charge was dropped or not pursued for reasons other than a lack of probable cause, for which a charge is pending final adjudication, or found by the juvenile court to be "not true."

EFFECTIVE DATE

September 1, 2015.