

By: Huffman

S.B. No. 1707

A BILL TO BE ENTITLED

AN ACT

relating to the sealing of certain juvenile records.

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

SECTION 1. Sections 58.003(a), (e), (o), and (p), Family Code, are amended to read as follows:

(a) Except as provided by Subsections (b), ~~and~~ (c), and (e), the juvenile court shall order the sealing of the records in the case [on the application] of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine whether the person engaged in delinquent conduct or conduct indicating a need for supervision, ~~[on the juvenile court's own motion the court shall order the sealing of the records in the case]~~ if ~~[the court finds that]~~:

(1) two years have elapsed since final discharge of the person or since the last official action in the person's case if there was no adjudication; and

(2) since the time specified in Subdivision (1), the person has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

(e) The court may ~~shall~~ hold a hearing before sealing a person's records under Subsection (a) or (c) if ~~[unless the~~

1 ~~applicant waives the right to a hearing in writing and the court~~
2 ~~and] the prosecuting attorney for the juvenile court requests a~~
3 ~~hearing [~~consent~~]. Reasonable notice of the hearing shall be given~~
4 to:

5 (1) the person who [~~made the application or who~~] is the
6 subject of the records at issue [~~named in the motion~~];

7 (2) [~~the prosecuting attorney for the juvenile court,~~
8 [~~(3)~~] the authority granting the discharge if the
9 final discharge was from an institution or from parole;

10 (3) [~~(4)~~] the public or private agency or institution
11 having custody of the person's records [~~named in the application or~~
12 ~~motion~~]; and

13 (4) [~~(5)~~] the law enforcement agency having custody of
14 the person's files or records [~~named in the application or motion~~].

15 (o) An agency or official named in the order that cannot
16 seal the records because the information required in the order
17 under Subsection (p) is incorrect or insufficient shall notify the
18 court issuing the order before the 61st day after the date the
19 agency or official receives the order. The court shall notify the
20 person who [~~made the application or who~~] is the subject of the
21 records at issue [~~named in the motion~~], or the attorney for that
22 person, before the 61st day after the date the court receives the
23 notice that the agency or official cannot seal the records because
24 there is incorrect or insufficient information in the order.

25 (p) A [~~person who is eligible to seal records may file an~~
26 ~~application for the sealing of records in a juvenile court of the~~
27 ~~county in which the proceedings occurred. The application and]~~

1 sealing order entered under this section [~~on the application~~] must
2 include the following information or an explanation for why one or
3 more of the following is not included:

4 (1) the person's [~~applicant's~~]:

5 (A) full name;

6 (B) sex;

7 (C) race or ethnicity;

8 (D) date of birth;

9 (E) driver's license or identification card
10 number; and

11 (F) social security number;

12 (2) the offense charged against the person [~~applicant~~]
13 or for which the person [~~applicant~~] was referred to the juvenile
14 justice system;

15 (3) the date on which and the county where the offense
16 was alleged to have been committed; and

17 (4) if a petition was filed in the juvenile court, the
18 cause number assigned to the petition and the court and county in
19 which the petition was filed.

20 SECTION 2. The changes in law made by this Act apply only to
21 the records of a person who becomes eligible for sealing of records
22 under Section 58.003, Family Code, as amended by this Act, on or
23 after the effective date of this Act. The records of a person who
24 was eligible for sealing of records under that section before the
25 effective date of this Act are governed by the law applicable to the
26 records immediately before that date, and the former law is
27 continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2015.