

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 30, 2017

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2863** by White (Relating to confidentiality, sharing, sealing, and destruction of juvenile records.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code and the Code of Criminal Procedure to address the sealing, destruction, and confidentiality of records relating to juvenile justice proceedings.

The bill would:

- 1) Clarify the circumstances under which law enforcement may photograph or fingerprint a child and would establish new procedures governing the creation, storage, and disclosure of these records;
- 2) Establish a new process by which a person referred for delinquent conduct or supervision would be entitled to the automatic sealing of his or her juvenile records given certain conditions;
- 3) Require the Department of Public Safety to certify a person's eligibility for the automatic sealing of records, and would require the Texas Juvenile Justice Department and the juvenile courts to take certain steps upon such a certification;
- 4) Establish separate sealing procedures for persons that are not eligible for automatic sealing but may nevertheless obtain sealing through application, notice, and a hearing before the juvenile court that presided over the person's juvenile probation;
- 5) Outline the steps that must be taken once an order to seal has issued, and would authorize the juvenile court to allow inspection of the sealed records under certain limited circumstances;
- 6) Authorize the permanent destruction of juvenile records in certain instances, and would require the juvenile justice system to inform a child or a child's parents of the rights and procedures established by the statute. The bill would make conforming changes to other sections of code; and
- 7) Authorize the use of sealed juvenile records by the Texas Department of Criminal Justice, Texas Juvenile Justice Department, and courts for purposes of determining an individual's risk level.

It is assumed all affected agencies would be able to absorb any costs associated with implementing the provisions of the bill within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

The Tom-Green County Juvenile Justice Center reported significant cost savings to the County.

The Lubbock County Juvenile Justice Center reported no significant fiscal impact under the provisions of the bill.

The Dallas County Juvenile Department reported no fiscal impact under the provisions of the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 405 Department of Public Safety, 644 Juvenile Justice Department, 696 Department of Criminal Justice

LBB Staff: UP, FR, PBO, JAW, KJo, AI, LBe, KVe, GDz, JGA