

BILL ANALYSIS

H.B. 1760
By: White
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported by the Juvenile Records Advisory Committee that provisions relating to the confidentiality, sharing, sealing, and destruction of juvenile records and certain records of at-risk youth need to be updated and clarified. H.B. 1760 seeks to provide for that update and implement certain findings by the committee in order to enhance the management of juvenile records.

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. 1760 amends the Family Code to authorize the disclosure of certain juvenile records to an individual or entity to whom a child is referred for treatment or services, including assistance in transitioning the child to the community after the child's release or discharge from a juvenile facility; a prosecuting attorney; a parent, guardian, or custodian with whom a child will reside after the child's release or discharge from a juvenile facility; and a governmental agency or court if the record is necessary for an administrative or legal proceeding and the personally identifiable information about the child is redacted before the record is disclosed. The bill prohibits an individual or entity that receives such confidential information from disclosing the information unless otherwise authorized by law.

H.B. 1760 authorizes an attorney representing a child who is a party to a juvenile justice proceeding, a prosecuting attorney, and an individual or entity to whom the child is referred for treatment or services, including assistance in transitioning the child to the community after the child's release or discharge from a juvenile facility, to inspect or copy the records of a juvenile court, a clerk of a court, a juvenile probation department, or a prosecuting attorney relating to the child. The bill prohibits an individual or entity that receives such confidential information from disclosing the information unless otherwise authorized by law. The bill removes conditions related to the disclosure of certain information to an individual or entity to whom a child is referred for treatment or services only under a written confidentiality agreement.

H.B. 1760 clarifies that a person referred to a juvenile court for conduct indicating a need for supervision is entitled to have all related records sealed without applying to the juvenile court if the person has records relating to the conduct filed with the court clerk and repeals provisions relating to interagency sharing of juvenile probation records. The bill requires a juvenile court,

on its own motion and without a hearing, to immediately order the sealing of all records related to the alleged conduct if the court enters a finding that the allegations are not true. The bill lowers from 18 years of age to 17 years of age the minimum age at which a juvenile court may order the sealing of records related to all matters for which the person was referred to the juvenile probation department and decreases from two years to one year the number of years that must have elapsed after the date of final discharge in each matter for which a person younger than 17 years of age was referred to the juvenile probation department. The bill specifies that the manner in which a clerk of court is required to send copies of an order sealing records to all entities listed in the order is by any reasonable method and requires the court to order the destruction of the records relating to the conduct for which a child is referred to juvenile court without being taken into custody.

H.B. 1760 amends the Human Resources Code to restrict the inspection or copying of confidential records related to a youth who was provided prevention and intervention services by the Texas Juvenile Justice Department to an individual or entity to whom the youth is referred for treatment or services. The bill prohibits an individual or entity that receives such information from disclosing the information unless otherwise authorized by law.

H.B. 1760 repeals the following provisions of the Family Code:

- Section 58.003(c-3)
- Section 58.0053
- Section 58.007(j)

EFFECTIVE DATE

September 1, 2019.