

By: Rose

H.B. No. 3525

A BILL TO BE ENTITLED

AN ACT

relating to the destruction of juvenile records of victims of sex trafficking.

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

SECTION 1. Subchapter C-1, Chapter 58, Family Code, is amended by adding Section 58.2635 to read as follows:

Sec. 58.2635. DESTRUCTION OF RECORDS: VICTIM OF SEX TRAFFICKING. (a) A juvenile court shall order the destruction of the records related to conduct for which a person was referred to a juvenile probation department, regardless of whether the person was adjudicated and without application to the court, if:

(1) the conduct constitutes an offense under Section 43.02(a), Penal Code;

(2) the defense under Section 43.02(d), Penal Code, applies to the conduct; and

(3) the person is at least 18 years of age.

(b) Notwithstanding any restriction imposed by an entity's records retention guidelines, the juvenile court shall issue an order for the destruction of records described by Subsection (a).

(c) Electronic records are considered to be destroyed if the electronic records, including the index to the records, are deleted.

(d) Converting physical records to electronic records and subsequently destroying the physical records while maintaining the

1 electronic records is not considered destruction of a record under
2 this subchapter.

3 (e) This section does not authorize the destruction of
4 records maintained for statistical and research purposes by the
5 Texas Juvenile Justice Department in a juvenile information and
6 case management system authorized under Section 58.403.

7 SECTION 2. This Act applies to records created before, on,
8 or after the effective date of this Act.

9 SECTION 3. This Act takes effect September 1, 2019.