

BILL ANALYSIS

Senate Research Center
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H.B. 1193
By: Wu et al. (Whitmire)
Jurisprudence
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that juvenile courts have limited jurisdiction and time to adequately address juveniles' cases and help them work toward the ultimate goal of rehabilitation, which may lead to unintended negative outcomes for these youth since many of them have experienced severe trauma, mental health issues, and behavioral issues that require intense therapy, counseling, and guidance. Furthermore, for youth saddled with adult criminal records, the collateral consequences of their record could be worse than confinement or probation. H.B. 1193 seeks to address these issues by establishing a juvenile court's retained jurisdiction over certain persons whose proceeding has been delayed through no fault of the state and by providing juvenile courts limited authority to seal certain juvenile records.

H.B. 1193 amends current law relating to the jurisdiction of a juvenile court over certain persons and to the sealing and nondisclosure of certain juvenile records.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.0412, Family Code, to provide that the court retains jurisdiction over a person, without regard to the age of the person, who is a respondent in a certain proceeding under certain circumstances, including if the court enters a finding in the proceeding that the proceeding has been delayed through no fault of the state. Makes nonsubstantive changes.

SECTION 2. Amends Section 58.256, Family Code, by amending Subsections (d) and (e) and adding Subsection (f), as follows:

(d) Prohibits a court from ordering the sealing of the records of certain persons, including a person who received a determinate sentence and was transferred to district court under Section 54.051 (Transfer of Determinate Sentence Probation to Appropriate District Court) or 54.11 (Release or Transfer Hearing), rather than received a determinate sentence for engaging in delinquent conduct that violated a penal law listed under Section 53.045 (Offenses Eligible for Determinate Sentence) or habitual felony conduct as described by Section 51.031 (Habitual Felony Conduct). Makes a nonsubstantive change.

(e) Creates an exception as provided by Subsection (f), to the authorization of the court, on receipt of an application under Section 58.256 (Application for Sealing Records), to take certain actions.

(f) Requires the court, on receipt of an application under Section 58.256 from a person who received a determinate sentence and was not transferred to a district court under Section 54.051 or 54.11, to hold a hearing under Section 58.257 (Hearing Regarding Sealing of Records) to determine whether it is in the best interest of the person and of justice to order the sealing of the person's records and authorizes the court to order the records to be sealed.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.