

## **BILL ANALYSIS**

C.S.H.B. 1193  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.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.

### **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**

C.S.H.B. 1193 amends the Family Code to establish that a juvenile court retains jurisdiction over a person, without regard to the person's age, who is a respondent in an adjudication proceeding, a disposition proceeding, a proceeding to modify disposition, a proceeding for waiver of jurisdiction and transfer to criminal court, or a motion for transfer of determinate sentence probation to an appropriate district court if the juvenile court enters a finding in the proceeding that the proceeding has been delayed through no fault of the state.

C.S.H.B. 1193 requires a juvenile court, on receipt of an application for the sealing of juvenile records from a person who received a determinate sentence and was not transferred to a district court, to hold a hearing to determine whether ordering the records sealed is in the best interest of the person and of justice and authorizes the court to order the records to be sealed. The bill clarifies that a juvenile court may not order the sealing of records of a person who received a determinate sentence and was transferred to district court.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1193 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the authorization for a juvenile court, on receipt of an application for the sealing of juvenile records from a person who received a determinate sentence and was transferred to a district court, to hold a hearing and order the records to be sealed with the following:

- a requirement for the court, on receipt of such an application from a person who received a determinate sentence and was not transferred to a district court, to hold the hearing; and
- an authorization for the court to then order the records of that person to be sealed.

The substitute does not include a prohibition against the court ordering the records sealed unless the person has completed their term of community supervision or is released from prison, as applicable, and does not include provisions relating to an order of nondisclosure for certain persons transferred from juvenile court to a district court.