

BILL ANALYSIS

C.S.H.B. 1401
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In certain cases, an adult may apply to have certain court records sealed electronically. There are concerns, however, that because current law does not provide for the electronic sealing of juvenile court records or the transmission of copies of an order sealing those records by secure electronic means, the methods for doing so are outdated and inefficient and create unnecessary costs for the juvenile court system. C.S.H.B. 1401 seeks to address this issue and provide for more efficient methods of sending certain applications and orders for sealing juvenile records by secure electronic means.

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. 1401 amends the Family Code to authorize an application for sealing juvenile records to be sent to the juvenile court by any reasonable method authorized under the Texas Rules of Civil Procedure, including secure electronic means. The bill removes regular mail and email as authorized methods for a court clerk to send copies of an order sealing juvenile records to the entities listed in the order and instead includes sending such an order by secure electronic means among the authorized, reasonable methods for doing so.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1401 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 specifies that any reasonable method to send an application for sealing juvenile records must be authorized under the Texas Rules of Civil Procedure and removes regular mail and email as authorized methods for a court clerk to send copies of an order sealing such records to the entities listed in the order.