

## **BILL ANALYSIS**

H.B. 4113  
By: Talarico  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Aggregated data from the Texas Juvenile Justice Department (TJJD) is used to better understand statewide trends in such matters as referrals, detentions, and post-adjudication placements of juveniles entering TJJD supervision. It has been noted that such data has not been considered confidential historically because it typically does not contain identifiable information, such as a juvenile offender's name or other personal identifiers. However, following certain legislative amendments to the applicable law, TJJD has interpreted certain confidentiality provisions differently. H.B. 4113 seeks to clarify this issue and reinforce the previous interpretation by specifying that only identifiable juvenile justice information collected and maintained by TJJD for certain purposes is confidential and by requiring TJJD to grant access to non-identifiable juvenile justice information to certain entities for research, statistical, or other approved purposes.

### **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. 4113 amends the Family Code to specify that the designation of juvenile justice information collected and maintained by the Texas Juvenile Justice Department (TJJD) for statistical and research purposes as confidential and prohibited from dissemination applies only to identifiable information, described by the bill as information that contains a juvenile offender's name or other personal identifiers or, by virtue of sample size or other factors, can be reasonably interpreted as referring to a particular juvenile offender.

H.B. 4113 authorizes TJJD to grant access to identifiable juvenile justice information for a purpose beneficial to and approved by TJJD to an individual or entity that is working on a qualifying research or statistical project and has a specific agreement with TJJD that meets the following conditions:

- specifically authorizes access to identifiable juvenile justice information;
- limits the use of the information to the purposes for which the information is given; and
- ensures the security and confidentiality of the information.

The agreement must provide for sanctions if a requirement imposed to satisfy any of those conditions is violated.

H.B. 4113 clarifies that an authorization for TJJD to grant access to juvenile justice information to the following entities for research and statistical purposes or any other purpose approved by TJJD applies to identifiable information and requires TJJD to grant these entities access to non-identifiable information for the same purposes:

- criminal justice agencies;
- the Texas Education Agency;
- any agency under the authority of the Health and Human Services Commission; and
- the Department of Family and Protective Services.

H.B. 4113 requires TJJD to grant access to non-identifiable juvenile justice information for research or statistical purposes or for any other purpose approved by TJJD to the following additional entities:

- a public or private university; or
- an individual or entity working on a research or statistical project.

H.B. 4113 repeals Sections 58.009(d), (f), and (g), Family Code.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.