

By: Rose

H.B. No. 193

A BILL TO BE ENTITLED

AN ACT

relating to juvenile court records of victims of sex trafficking.

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

SECTION 1. Chapter 54, Family Code, is amended by adding Section 54.12 to read as follows:

Sec. 54.12. TRAFFICKING VICTIM FINDING. (a) This section applies to a child who was referred to a juvenile probation department and whose records include conduct:

(1) that constitutes an offense under Section 43.02(a), Penal Code; and

(2) for which the defense under Section 43.02(d), Penal Code, applies.

(b) If applicable, the court shall enter a finding in the case of a child to whom this section applies stating that the child is a victim of trafficking.

SECTION 2. Subchapter C-1, Chapter 58, Family Code, is amended by adding Section 58.2552 to read as follows:

Sec. 58.2552. SEALING RECORDS WITH OR WITHOUT APPLICATION: TRAFFICKING VICTIM. (a) If a juvenile court enters a finding that a child is a victim of trafficking under Section 54.12, the court, on the court's own motion and without a hearing, shall immediately order the sealing of all records of the child that are related to the conduct described under that section.

(b) Notwithstanding Subsection (a), a child who is entitled

1 to have records sealed under that subsection may file an
2 application for the sealing of records related to the child's
3 applicable conduct in the juvenile court served by the juvenile
4 probation department to which the child was referred. The court may
5 not charge a fee for filing the application, regardless of the form
6 of the application. An application filed under this subsection
7 must include the information required under Section 58.256(b).

8 (c) On receipt of an application under Subsection (b), the
9 court shall immediately order the sealing of the child's records
10 related to the applicable conduct without a hearing.

11 SECTION 3. This Act applies to juvenile court records
12 created before, on, or after the effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2021.