

BILL ANALYSIS

C.S.H.B. 503
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The ultimate goal of the Texas juvenile justice system is rehabilitation, which is often difficult to accomplish in a limited period of time. The limited options for the court in these instances can create unintended negative results for youth, many of whom have experienced severe trauma, mental health issues, and behavioral issues that require therapy, counseling, and guidance. Additionally, for youth saddled with adult criminal records, the collateral consequences of their record can be worse than confinement or probation. C.S.H.B. 503 seeks to address these issues by providing for a juvenile court's retained jurisdiction regarding certain proceedings and motions if the proceeding has been delayed through no fault of the state and authorizing a court to order the sealing of a person's records who was placed on determinate sentence probation if the person meets certain criteria.

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. 503 amends the Family Code to establish that a juvenile court retains jurisdiction over a person, without regard to their 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, among the other requisite conditions, 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. 503 authorizes a juvenile court to order the sealing of a person's records who was placed on determinate sentence probation if the person meets the following criteria:

- was not committed to the Texas Juvenile Justice Department (TJJD) for delinquent conduct that included offenses eligible for a determinate sentence, habitual felony conduct, or felony delinquent conduct for which the person was placed on probation;
- was not transferred to an appropriate district court; and
- has been discharged from the sentence of probation.

The bill clarifies that a juvenile court may not order the sealing of records of a person who was committed without a determinate sentence to TJJD or to a post-adjudication secure correctional facility under an expired statutory provision, unless the person has been discharged from the agency to which the person was committed. The bill's provisions apply to conduct violating a

Texas penal law that occurs on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of the conduct, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 503 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the substitute and introduced provide for the authority of a juvenile court to seal the records of a person who received a determinate sentence and was not transferred to a district court, the introduced required a court, on receipt of an application for the sealing of juvenile records from such a person, to hold a hearing to determine whether ordering the records sealed is in the best interest of the person and of justice. The substitute sets out conditions for such an authorization that were not included in the introduced, including that the person was not committed to TJJD for certain conduct and has been discharged from the sentence of probation.

The substitute omits the introduced version's provisions that removed a person's engagement in certain delinquent conduct or habitual felony conduct from conditions triggering the prohibition against a court ordering the sealing of records for a person who received a determinate sentence for that conduct.

The substitute revises a provision in the introduced regarding that prohibition against a court by clarifying that the court may not seal the records of a person who was committed without a determinate sentence to TJJD or to a post-adjudication secure correctional facility.