

By: Wu, Moody

H.B. No. 503

Substitute the following for H.B. No. 503:

By: Dutton

C.S.H.B. No. 503

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the jurisdiction of a juvenile court over certain
3 persons and to the sealing and nondisclosure of certain juvenile
4 records.

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

6 SECTION 1. Section 51.0412, Family Code, is amended to read
7 as follows:

8 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
9 The court retains jurisdiction over a person, without regard to the
10 age of the person, who is a respondent in an adjudication
11 proceeding, a disposition proceeding, a proceeding to modify
12 disposition, a proceeding for waiver of jurisdiction and transfer
13 to criminal court under Section 54.02(a), or a motion for transfer
14 of determinate sentence probation to an appropriate district court
15 if:

16 (1) the petition or motion was filed while the
17 respondent was younger than 18 or 19 years of age, as applicable;

18 (2) the proceeding is not complete before the
19 respondent becomes 18 or 19 years of age, as applicable; and

20 (3) the court enters a finding in the proceeding that:

21 (A) the prosecuting attorney exercised due
22 diligence in an attempt to complete the proceeding before the
23 respondent became 18 or 19 years of age, as applicable; or

24 (B) the proceeding has been delayed through no

1 fault of the state.

2 SECTION 2. Section 58.256, Family Code, is amended by
3 amending Subsection (d) and adding Subsection (d-1) to read as
4 follows:

5 (d) A court may not order the sealing of the records of a
6 person who:

7 (1) except as provided by Subsection (d-1), received a
8 determinate sentence for engaging in:

9 (A) delinquent conduct that violated a penal law
10 listed under Section 53.045; or

11 (B) habitual felony conduct as described by
12 Section 51.031;

13 (2) is currently required to register as a sex
14 offender under Chapter 62, Code of Criminal Procedure; or

15 (3) was committed without a determinate sentence to
16 the Texas Juvenile Justice Department or to a post-adjudication
17 secure correctional facility under former Section 54.04011, unless
18 the person has been discharged from the agency to which the person
19 was committed.

20 (d-1) A court may order the sealing of the records of a
21 person who was placed on determinate sentence probation under
22 Section 54.04(q) if the person:

23 (1) was not committed to the Texas Juvenile Justice
24 Department under Section 54.04(d)(3), 54.04(m), or 54.05(f) for the
25 conduct for which the person was placed on probation;

26 (2) was not transferred to an appropriate district
27 court under Section 54.051; and

1 (3) has been discharged from the sentence of
2 probation.

3 SECTION 3. The changes in law made by this Act apply only to
4 conduct violating a penal law of this state that occurs on or after
5 the effective date of this Act. Conduct violating a penal law of
6 this state that occurs before the effective date of this Act is
7 governed by the law in effect on the date the conduct occurred, and
8 the former law is continued in effect for that purpose. For
9 purposes of this section, conduct occurred before the effective
10 date of this Act if any element of the conduct occurred before that
11 date.

12 SECTION 4. This Act takes effect September 1, 2023.