

BILL ANALYSIS

Senate Research Center
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S.B. 1848
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Most information in juvenile cases is confidential as a matter of law. The Family Code provides narrowly tailored lists of approved persons who may access information in juvenile cases, including prosecutors, the child's parents, and the child's attorney. This should include Managed Assigned Counsel (MAC) programs that ensure qualified attorneys are appointed to represent indigent defendants, including juveniles. These programs provide holistic support such as case coordination, litigation assistance, and technological resources for indigent persons. To determine whether a child qualifies for appointed counsel and screen potential counsel for conflicts of interest, MACs need access to juvenile case information.

S.B. 1848 would add MAC programs appointing counsel for children to the narrowly tailored list approved to access juvenile case information. This would ensure juvenile defendants with indigent parents have their right to counsel met by authorizing MACs to access sensitive but highly relevant information from juveniles' lives and prior experiences with the criminal justice system. This would allow MACs to make better informed decisions regarding juvenile defendants' unique legal needs.

As proposed, S.B. 1848 amends current law relating to the disclosure of confidential juvenile records to a managed assigned counsel program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.02, Family Code, by adding Subdivision (7-a) to define "managed assigned counsel program."

SECTION 2. Amends Section 58.004(b), Family Code, to provide that Section 58.004 (Redaction of Victim's Personally Identifiable Information) does not apply to certain information, including information that is shared with a managed assigned counsel program responsible for appointing an attorney to represent the child in a proceeding under Title 3 (Juvenile Justice Code) to determine indigence or fulfill the program's duties in appointing and overseeing appointed counsel once a request for appointed counsel is made, and to make nonsubstantive changes.

SECTION 3. Amends Section 58.005(a-1), Family Code, to authorize the records and information to which Section 58.005 (Confidentiality of Facility Records) applies, except as provided by Article 15.27 (Notification to Schools Required), Code of Criminal Procedure, to be disclosed only to certain persons and entities, including a managed assigned counsel program responsible for appointing an attorney to represent the child in a juvenile delinquency proceeding to determine indigence or fulfill the program's duties in appointing and overseeing appointed counsel once a request for appointed counsel is made, and to make nonsubstantive changes.

SECTION 4. Amends Section 58.007(b), Family Code, to authorize the records, whether physical or electronic, of a juvenile court, a clerk of court, a juvenile probation department, or a

prosecuting attorney relating to a child who is a party to a proceeding under this title, except as provided by Section 54.051(d-1) (relating to the district clerk's public record after a transfer to district court) and by Article 15.27, Code of Criminal Procedure, to be inspected or copied only by certain persons and entities, including a managed assigned counsel program responsible for appointing an attorney to represent the child in a juvenile delinquency proceeding to determine indigence or fulfill the program's duties in appointing and overseeing appointed counsel once a request for appointed counsel is made.

SECTION 5. Provides that Sections 58.004, 58.005, and 58.007 (Confidentiality of Probation Department, Prosecutor, and Court Records), Family Code, as amended by this Act, apply to records created before, on, or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2025.