

BILL ANALYSIS

C.S.H.B. 331
By: Wu
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Child protective services (CPS) cases often contain sensitive and private information about children not intended to become public. Interested parties note that the sealing of court records in CPS cases only applies to records that are filed through physical paper copies, which conflicts with current electronic filing requirements for civil court documents. The parties assert that allowing electronically filed documents to be sealed in the same manner as other documents would increase the security and privacy of sensitive data. C.S.H.B. 331 seeks to provide for the confidentiality of certain electronically filed court documents.

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. 331 amends the Family Code to require the court, for purposes of determining whether to seal documents in accordance with the Texas Rules of Civil Procedure in a child protection suit, to consider documents filed through an electronic filing system in the same manner as any other document filed with the court.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 331 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.011 to read as follows:
Sec. 262.011. SEALING OF COURT

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.011 to read as follows:
Sec. 262.011. SEALING OF COURT

84R 19688

15.86.1132

Substitute Document Number: 84R 15022

RECORDS FILED ELECTRONICALLY.
For purposes of determining whether to seal documents in a suit under this subtitle, the court shall consider documents filed through an electronic filing system in the same manner as any other documents filed with the court, including the sealing of an electronically filed document the court finds contains sensitive data as defined by Rule 21c, Texas Rules of Civil Procedure.

SECTION 2. The change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on or filed on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

RECORDS FILED ELECTRONICALLY.
For purposes of determining whether to seal documents in accordance with Rule 76a, Texas Rules of Civil Procedure, in a suit under this subtitle, the court shall consider documents filed through an electronic filing system in the same manner as any other document filed with the court.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.