

BILL ANALYSIS

S.B. 1707
By: Huffman
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that there are certain eligibility requirements that must be met before the records in a juvenile case may be sealed on the order of a juvenile court, among them the requirement to submit an application for sealing the records to a juvenile court. A report has indicated that fewer than one percent of those eligible to submit such an application do so. The parties further note that reasons for not submitting such an application include forgetting to petition the court, not knowing how to exercise the option of sealing the record, or not having the means to hire an attorney to file the necessary paperwork. The parties note that this means that unsealed juvenile records may then appear in employer background checks and may hamper the redemptive goals of the juvenile justice system. S.B. 1707 seeks to address this issue.

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

S.B. 1707 amends the Family Code to remove the condition, for purposes of the requirement that a juvenile court order the sealing of the records in the case of a person who meets certain eligibility requirements and who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision or who was taken into custody to determine whether the person engaged in such conduct, that the person who is the subject of the records at issue apply for the sealing of the records. The bill removes the requirement that a court hold a hearing before sealing the records of such a person or a person who is adjudicated as having engaged in delinquent conduct that constitutes a felony offense, with certain exceptions. The bill instead requires the court to give the prosecuting attorney for the juvenile court reasonable notice before such a person's records become eligible for sealing and authorizes the court to hold a hearing before sealing the person's records if the prosecuting attorney requests a hearing. The bill removes statutory provisions relating to an application made by a person who is eligible to seal juvenile records for the sealing of the records.

EFFECTIVE DATE

September 1, 2015.