

BILL ANALYSIS

C.S.H.B. 3525
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that allowing victims of sex trafficking to avoid the collateral consequences associated with their juvenile court records would give them the opportunity to reintegrate into society without stigma and avoid retraumatization. C.S.H.B. 3525 seeks to achieve this aim by providing for the destruction of juvenile court records of certain victims of sex trafficking.

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. 3525 amends the Family Code to require a juvenile court to order the destruction of the court's records related to conduct for which a person was referred to a juvenile probation department, regardless of whether the person was adjudicated and without application to the court, if:

- the person is at least 18 years of age;
- the conduct constitutes the offense of prostitution involving knowingly offering or agreeing to receive a fee from another to engage in sexual conduct; and
- the person engaged in that conduct because the person was the victim of the offense of trafficking of persons or compelling prostitution.

The bill provides that electronic records are considered destroyed if the records, including the index to the records, are deleted, but that converting physical records to electronic records and subsequently destroying the physical records while maintaining the electronic records is not considered destruction of a record. The bill expressly does not authorize the destruction of records maintained for statistical and research purposes by the Texas Juvenile Justice Department in an authorized juvenile information and case management system. The bill applies to juvenile court records created before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3525 may differ from the original in minor or nonsubstantive ways, the

following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute limits the applicability of the bill's provisions to the records of a juvenile court.