

## **BILL ANALYSIS**

H.B. 193  
By: Rose  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Although sealing juvenile records provides some protections for sex trafficking victims, it has been noted that in Texas, juvenile records for certain offenses are only automatically sealed when the juvenile is 19 years old and under certain conditions. However, destruction of juvenile records relating to prostitution may serve to strengthen those protections, facilitate societal reintegration without stigma or retraumatization, and help victims of sex trafficking avoid collateral consequences associated with the existence of a juvenile record. H.B. 193 seeks to remedy this situation by requiring a juvenile court to order the destruction of the court records, including electronic records, related to conduct for which a person was referred to a juvenile probation department under certain conditions.

### **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**

H.B. 193 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, under the following conditions:

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

H.B. 193 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, 2021.