

SUBJECT: Automatic orders of nondisclosure for certain juvenile fine-only offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Gallego, Christian, Fletcher, Hodge, Miklos, Moody, Riddle, Vaught, Vo

0 nays

2 absent — Kent, Pierson

SENATE VOTE: On final passage, May 7 — 31-0

WITNESSES: No public hearing.

BACKGROUND: Under Family Code, ch. 58, certain juvenile criminal history records are automatically placed under restricted access by the court and the Department of Public Safety when the person turns 21. Under Family Code, sec. 58.203(a), the records relating to a person's juvenile case are subject to automatic restriction of access if:

- the person is at least 21 years old;
- the juvenile case did not include certain violent or habitual felony conduct; and
- the juvenile case was not transferred to an adult criminal court.

Records under restricted access are accessible only by courts and law enforcement officials.

Orders of nondisclosure make criminal history records unavailable to the public but allow criminal justice agencies access to them.

DIGEST: SB 2224 would require courts to order nondisclosure to the public of the criminal history records of children convicted of certain misdemeanors punishable only by fines. Upon conviction, courts would have to issue an order prohibiting criminal justice agencies from disclosing to the public the juveniles' criminal history record information relating to the offense.

A criminal justice agency could disclose the criminal history record information only to other criminal justice agencies for criminal justice purposes, to agencies and entities specified in SB 2224, and to the person who was the subject of the order.

The bill would take effect September 1, 2009. It would apply to convictions occurring on or after that date. Children with qualifying offenses who were convicted before the bill's effective date could petition the court for an order of nondisclosure authorized by the bill.

**SUPPORTERS
SAY:**

SB 2224 would clear up an inconsistency in Texas law that automatically restricts certain juvenile criminal records but does not do the same for other juvenile records. Current automatic restriction policies do not apply to certain class C misdemeanors handled by justice and municipal courts because they are not governed by the Family Code provisions for automatic restrictions. This results in unfair treatment because the records that are subject to the automatic restrictions can include more serious offenses than the low-level, fine-only offenses that would be covered by the bill. SB 2224 would remedy this inconsistency by establishing a process to automatically place the records of juveniles involved in certain class C misdemeanors under an order of nondisclosure.

Orders of nondisclosure make criminal history records unavailable to the public but allow criminal justice agencies access to them. Making these criminal records unavailable to the public allows the juvenile easier access to housing, jobs, school, and more. However, criminal justice agencies still would have access to these records and could use them if the juvenile again ran afoul of the law. The current system of automatic restriction is designed to allow youths the opportunity to transition successfully to adulthood after an encounter with the juvenile justice system, and SB 2224 would further that objective.

**OPPONENTS
SAY:**

No apparent opposition.