

- SUBJECT:** Revising access standards for certain juvenile and criminal history
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 6 ayes — Parker, Allen, Riddle, Rose, J.D. Sheffield, Toth  
0 nays  
1 absent — White
- WITNESSES:** For — Marc Levin, Texas Public Policy Foundation  
Against — None  
On — (*Registered, but did not testify:* Skylor Hearn, Texas Department of Public Safety)
- BACKGROUND:** Under Family Code, ch. 58, when certain children and young adults are released from the juvenile justice system, their records are placed under restricted access by the courts and Department of Public Safety when they turn 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 17 years of age;
  - the juvenile case did not include violent or habitual felony conduct resulting in proceedings in the juvenile court for habitual felony conduct or certain felony offenses under sec. 53.045; and
  - the juvenile case was not certified for trial in a criminal court.

Records under restricted access are accessible only by courts and law enforcement officials. People whose juvenile criminal records are under restricted access are allowed to answer “no” when asked by certain employers and housing and educational groups if they have a criminal record. Courts, prosecutors, and others answer that the records do not exist, unless the request comes from law enforcement. This system is designed to allow youths the opportunity to transition successfully to adulthood once their obligations to the juvenile justice system are

completed.

**DIGEST:**

CSHB 694 would amend Family Code, sec. 58.204, and add military personnel, including a military recruiter, with written permission by a person who is an applicant for military service to the list of people and agencies that have access to a person's juvenile justice information.

Military personnel would be prohibited from releasing the person's criminal history record without the consent of the military service applicant or a court order. The bill would require the military to destroy the criminal history record information it obtained once it has completed its use.

The bill would take effect immediately if it received two-thirds vote from each house. Otherwise it would take effect on September 1, 2013.

**SUPPORTERS  
SAY:**

CSHB 694 would allow military personnel access to an applicant's juvenile justice information with written permission from the applicant.

Currently, state law restricts any inquiry from the military about a person's criminal history as a juvenile. This does not allow the military to understand fully a person's criminal past when conducting a background check of an applicant for military service. They simply only have knowledge from a federal database that an offense is committed.

CSHB 694 would shed light on an applicant's criminal history and would allow those who have committed a non-violent offense a fair assessment by a recruiter so they could qualify for entry into the military.

The bill would help many people who have committed a minor offense in their youth to move on and better their lives by serving their country. It also would stipulate that the information gathered by the military in these cases would not be disclosed to others without the permission of the applicant, and it would ensure that the information is destroyed once its purposed is complete.

**OPPONENTS  
SAY:**

No apparent opposition.