

- SUBJECT:** Requiring juvenile court records of sex trafficking victims be destroyed
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut, Wu  
0 nays
- WITNESSES:** For — Jennifer Szimanski, CLEAT; Allison Franklin, SAFE Alliance; Nikki Pressley, Texas Public Policy Foundation; (*Registered, but did not testify*): M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Justin Keener, Doug Deason, Americans for Prosperity, Libre Initiative; Bryan Mares, Texas CASA; Breall Baccus, Texas Council on Family Violence; Alycia Castillo, Texas Criminal Justice Coalition; Amy Bresnen, Texas Family Law Foundation; Suzi Kennon, Texas PTA; Jennifer Allmon, The Texas Catholic Conference of Bishops; Molly Weiner, United Ways of Texas; Thomas Parkinson)  
  
Against — None
- BACKGROUND:** Family Code sec. 58.253(b) governs the sealing of records without application for delinquent conduct. It establishes that a person who was referred to a juvenile probation department for delinquent conduct is entitled to have all records related to the person's juvenile matters, including records related to any matters involving conduct indicating a need for supervision, sealed without applying to the juvenile court if the person:
- is at least 19 years of age;
  - has not been adjudicated as having engaged in delinquent conduct or, if adjudicated for delinquent conduct, was not adjudicated for delinquent conduct violating a penal law of the grade of felony;
  - does not have any pending delinquent conduct matters;
  - has not been transferred from a juvenile court to a criminal court

- for prosecution of a felony charge;
- has not as an adult been convicted of a felony or a misdemeanor punishable by confinement in jail; and
  - does not have any pending charges as an adult for a felony or misdemeanor punishable by confinement in jail.

Some have suggested that while sealing juvenile records provides some protections for victims of sex trafficking, the destruction of juvenile records for prostitution would strengthen these protections, facilitate societal reintegration, and help to ensure better futures for victims.

**DIGEST:**

HB 193 would 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 conduct constituted an 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 the person was a victim of a trafficking of persons or compelling prostitution offense; and
- the person was at least 18 years of age.

Electronic records would be considered destroyed if the electronic records, including the index to the records, was deleted. Converting physical records to electronic records and subsequently destroying the physical records while maintaining the electronic records would not be considered destruction of a record.

The bill would not authorize the destruction of records maintained for statistical and research purposes by the Texas Juvenile Justice Department in a juvenile information and case management system.

The bill would take effect September 1, 2021, and would apply to juvenile court records created before, on, or after the effective date.

