

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 694  
By: Phillips (Whitmire)  
Criminal Justice  
5/13/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 694 amends current law relating to access by certain military personnel to juvenile and criminal history information.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 58.204(b), Family Code, to authorize the Department of Public Safety of the State of Texas (DPS), on certification of records in a case under Section 58.203 (Certification), to permit access to the information in the juvenile justice information system, relating to the case of an individual only for certain enumerated reasons, including for research purposes, by the Texas Juvenile Justice Department (TJJD) or the Criminal Justice Policy Council, rather than the Texas Juvenile Probation Commission, the Texas Youth Commission (TYC), or the Criminal Justice Policy Council; or, with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.

SECTION 2. Amends Section 58.207, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires the juvenile court, on certification of records in a case under Section 58.203, to order that:

(1) certain records relating to the case are authorized to be accessed only as provided by Section 58.204(b), including that, if the respondent was committed to TJJD, records maintained by TJJD are maintained by certain agencies, rather than if the respondent was committed to TYC, records maintained by TYC are maintained by certain agencies; and

(2) Makes no change to this subsection.

(c) Authorizes an agency under Subsection (a)(1), notwithstanding Subsection (b) (relating to allowing the agency maintaining the records, on receipt of an order, to take certain actions) of this section and Section 58.206(b) (relating to prohibiting a person who is the subject of records certified under this subchapter from waiving the restricted status of the records or the consequences of the restricted status), with the written permission of the subject of the records, to allow military personnel, including a recruiter, of this state or the United States to access juvenile records in the same manner authorized by law for records to which access has not been restricted under this section.

SECTION 3. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1410, as follows:

Sec. 411.1410. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: UNITED STATES ARMED FORCES. (a) Defines "agency of the United States armed forces" for this section.

(b) Entitles an agency of the United States armed forces, including a recruiter for the agency, subject to Subsection (c), to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for enlistment in the United States armed forces.

(c) Entitles an agency of the United States armed forces to criminal history record information under Subsection (b) only if the agency submits to DPS a signed statement from the applicant that authorizes the agency to obtain the information.

(d) Prohibits criminal history record information obtained by an agency of the United States armed forces under Subsection (b) from being released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) Requires an agency of the United States armed forces to destroy criminal history record information obtained under Subsection (b) after the purpose for which the information was obtained is accomplished.

SECTION 4. Effective date: upon passage or September 1, 2013.