

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 263  
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State Affairs  
5/21/2015  
Committee Report (Substituted)

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

Currently, a person's juvenile records relating to delinquent conduct may be sealed under certain conditions. Interested parties assert that many persons are unaware of this eligibility and do not go through the application process to have their records sealed. As a result, access to these records by potential employers, schools, and landlords can contribute to a lack of employment opportunities and inhibit other pursuits. C.S.H.B. 263 seeks to address this issue.

C.S.H.B. 263 amends current law relating to the sealing of certain juvenile records.

### **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 Sections 58.003(a), (e), (o), and (p), Family Code, as follows:

(a) Requires the juvenile court, except as provided by Subsections (b), (c), and (e), to order the sealing of the records in the case of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine whether the person engaged in delinquent conduct or conduct indicating a need for supervision, rather than requires the court, except as provided by Subsections (b) and (c), on the application of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine whether the person engaged in delinquent conduct or conduct indicating a need for supervision, to order the sealing of the records in the case on the juvenile court's own motion if the court finds that:

(1) and (2) Makes no change to these subdivisions.

(e) Requires the court to give the prosecuting attorney for the juvenile court reasonable notice before a person's records become eligible for sealing under Subsection (a) or (c) and authorizes the court to hold a hearing before sealing the person's records if the prosecuting attorney requests a hearing, rather than requires the court to hold a hearing before sealing a person's records under Subsection (a) or (c) unless the applicant waives the right to a hearing in writing and the court and the prosecuting attorney for the juvenile court consent. Requires that reasonable notice of the hearing be given to:

(1) the person who is the subject of the records at issue, rather than the person who made the application or who is the subject of the records named in the motion;

(2) the authority granting the discharge if the final discharge was from an institution or from parole;

(3) the public or private agency or institution having custody of the person's records; and

(4) the law enforcement agency having custody of the person's files or records.

Deletes existing text requiring that reasonable notice of the hearing be given to the person who made the application or who is the subject of the records named in the motion, the prosecuting attorney for the juvenile court, the public or private agency or institution having custody of records named in the application or motion, and the law enforcement agency having custody of files or records named in the application or motion.

(o) Requires the court to notify the person who is the subject of the records at issue, rather than the person who made the application or who is the subject of the records named in the motion, or the attorney for that person, before the 61st day after the date the court receives the notice that the agency or official cannot seal the records because there is incorrect or insufficient information in the order.

(p) Requires that a sealing order entered under this section, rather than requires that the application and sealing order entered on the application, include the following information or an explanation for why one or more of the following is not included:

(1) the person's, rather than applicant's, identifying information as set forth;

(2) the offense charged against the person, rather than applicant, or for which the person, rather than applicant, was referred to the juvenile justice system;

(3) and (4) Makes no change to these subdivisions.

Deletes existing text authorizing a person who is eligible to seal records to file an application for the sealing of records in a juvenile court of the county in which the proceedings occurred.

SECTION 2. Provides that the changes in law made by this Act apply only to the records of a person who becomes eligible for sealing of records under Section 58.003, Family Code, as amended by this Act, on or after the effective date of this Act. Provides that the records of a person who was eligible for sealing of records under that section before the effective date of this Act are governed by the law applicable to the records immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2015.