

SUBJECT: Retaining juvenile court jurisdiction over certain persons; sealing records

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 7 ayes — Neave, Cook, Frank, Ramos, Talarico, Vasut, Wu

1 nay — Swanson

1 absent — Leach

WITNESSES: For — (*Registered, but did not testify:* M. Paige Williams, Dallas County Criminal District Attorney John Creuzot; Bryan Mares, Texas CASA; Alycia Castillo, Texas Criminal Justice Coalition; Molly Weiner, United Ways of Texas; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify:* Liz Kromrei, Department of Family and Protective Services)

BACKGROUND: Under Family Code sec. 51.0412, which governs jurisdiction over incomplete proceedings, the court retains jurisdiction over a person, without regard to the age of the person, who is a respondent in an adjudication proceeding, a disposition proceeding, a proceeding to modify disposition, a proceeding for waiver of jurisdiction and transfer to criminal court, or a motion for transfer of determinate sentence probation to an appropriate district court if:

- the petition or motion was filed while the respondent was younger than 18 or 19 years of age, as applicable;
- the proceeding is not complete before the respondent becomes 18 or 19 years of age, as applicable; and
- the court enters a finding in the proceeding that the prosecuting attorney exercised due diligence in an attempt to complete the proceeding before the respondent became 18 or 19 years of age, as applicable.

Family Code sec. 58.256 states that a person may file an application for the sealing of records related to the person in the juvenile court served by the juvenile probation department to which the person was referred.

Some have raised concerns that under current law, any juvenile who has been placed on a determinate sentence is ineligible to have his or her juvenile record sealed and that as a result, juveniles who made one mistake at a young age but successfully turned their lives around are subject to being stigmatized and burdened by a criminal record as adults.

DIGEST:

HB 1193 would establish that a juvenile court retained jurisdiction over a person, without regard to the age of the person, if the proceeding had been delayed through no fault of the state.

A juvenile court would be required on receipt of an application from a person who received a determinate sentence and was not transferred to a district court to hold a hearing to determine whether it was in the best interest of the person and of justice to order the sealing of the person's records and could order the records to be sealed. A juvenile court would be prohibited from ordering the sealing of records of a person who received a determinate sentence and was transferred to district court.

The bill would take effect September 1, 2021, and would apply only to conduct violating a penal law of this state that occurred on or after the effective date.