

## **BILL ANALYSIS**

Senate Research Center  
81R9458 JSC-F

S.B. 2106  
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As Filed

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

Under current law, certain juveniles have the option, upon application, to have their records sealed by the juvenile courts if they meet certain criteria. Current law requires that juveniles wait at least two years since the final discharge or action in the case, or in the case of felonies, until after age of 21 to apply for the sealing of an eligible juvenile record. This process allows juveniles to put their past mistakes behind them and to begin their adult life on a clean slate.

Many times, a record that is not sealed can interfere with a juvenile's ability to secure employment or housing and can even keep a juvenile from joining the military or attending college. A record that is not sealed can make it unnecessarily difficult for these youth to transition to a normal and productive lifestyle. Juveniles who may have made a bad decision when they were younger should not be penalized for the rest of their lives if they have made a clear effort to correct their behavior. Although the current process does provide a way for juveniles to seal eligible records, the time constraints mean that for many juveniles, their records are open while they are 16 to 20 years of age, a pivotal transition period when these youths may be attempting to get a job, join the military, or enroll in an institution of higher education.

This bill creates another avenue for the sealing of juvenile records by allowing juvenile courts to immediately seal the record of an eligible juvenile, if the juvenile successfully completes a drug court program, or another special program ordered by the court. By allowing the juvenile courts to immediately seal a juvenile's records, judges are given the discretion they need to incentivize juveniles to participate in intervention programs that they find are successful in their communities. It would give the court more tools to encourage the rehabilitation of juvenile offenders, most of whom are nonviolent, first-time offenders who engage in delinquent behavior, while tearing down obstacles that may keep these youth from becoming successful adults.

As proposed, S.B. 2106 amends current law relating to the sealing of 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 Section 58.003, Family Code, by adding Subsection (c-1) and amending Subsections (d), (e), (g), and (m), as follows:

(c-1) Authorizes a juvenile court, notwithstanding Subsections (a) and (c) and subject to Subsection (b), to immediately and without a hearing order the sealing of records concerning a child adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision that violated a penal law of the grade of misdemeanor or felony if the child successfully completed a special program ordered by the court under Article 45.057 (Offenses Committed by Juveniles), Code of Criminal Procedure, or a drug court program under Chapter 469 (Drug Court Programs), Health and Safety Code.

(d) Authorizes the court to grant the relief authorized in Subsection (a) (relating to the sealing of juvenile records) or (c-1) at any time after final discharge of the person or after the last official action in the case if there was no adjudication.

(e) Requires that reasonable notice, if a hearing is required, be given to certain individuals involved in the juvenile's case. Makes a nonsubstantive change.

(g) Provides that on entry of an order, rather than the order, sealing records under this section, a verification from the appropriate person, including an agency or other entity, stating that all law enforcement, prosecuting attorney, clerk of court, and juvenile court records ordered sealed have been sealed are required to be sent before the 61st day after the date the order is received to the court issuing the order, and a verification from the appropriate agency or institution stating that all records of a public or private agency or institution ordered sealed have been sealed are required to be sent before the 61st day after the date the order is received to the court issuing the order.

(m) Requires a juvenile court, on request of the Department of Public Safety (DPS), to reopen and allow DPS to inspect the files and records of the juvenile court, and records described by Subsections (g)(1) (relating to records held by law enforcement, prosecuting attorney, clerk of court, and juvenile court) and (2) (relating to records held by a public or private agency or institution), relating to an applicant for a license to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411 (Department of Public Safety of the State of Texas), Government Code.

SECTION 2. Provides that the change in law made by this Act applies to the sealing of records in the adjudication of a juvenile case on or after the effective date of this Act, regardless of whether the adjudication occurred before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2009.