

BILL ANALYSIS

Senate Research Center

H.B. 193
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Jurisprudence
5/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that allowing victims of sex trafficking to avoid the collateral consequences associated with their juvenile court records would give them the opportunity to reintegrate into society without stigma and avoid re-traumatization. Although sealing juvenile records provides some protections for sex trafficking victims, it has been noted that in Texas, juvenile records for certain offenses are only automatically sealed when the juvenile is 19 years old and under certain conditions.

H.B. 193 seeks to remedy this situation by immediately sealing juvenile court records of certain victims of sex trafficking.

H.B. 193 amends current law relating to juvenile court records of victims of sex trafficking.

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 Chapter 54, Family Code, by adding Section 54.12, as follows:

Sec. 54.12. TRAFFICKING VICTIM FINDING. (a) Provides that this section applies to a child who was referred to a juvenile probation department and whose records include conduct:

(1) that constitutes an offense under Section 43.02(a) (relating to providing that a person commits an offense of prostitution if the person knowingly offers or agrees to receive a fee from another to engage in sexual conduct), Penal Code; and

(2) for which the defense under Section 43.02(d) (relating to providing that it is a defense to prosecution for an offense of prostitution if the actor was a victim of human trafficking or other compelled prostitution at the time of the offense), Penal Code, applies.

(b) Requires the court, if applicable, to enter a finding in the case of a child to whom this section applies stating that the child is a victim of trafficking.

SECTION 2. Amends Subchapter C-1, Chapter 58, Family Code, by adding Section 58.2552, as follows:

Sec. 58.2552. SEALING RECORDS WITH OR WITHOUT APPLICATION: TRAFFICKING VICTIM. (a) Requires the court, if a juvenile court enters a finding that a child is a victim of trafficking under Section 54.12, on the court's own motion and without a hearing, to immediately order the sealing of all records of the child that are related to the conduct described under that section.

(b) Authorizes a child who is entitled to have records sealed under Subsection (a), notwithstanding that subsection, to file an application for the sealing of records related to the child's applicable conduct in the juvenile court served by the juvenile probation department to which the child was referred. Prohibits the court from charging a fee for filing the application, regardless of the form of the application. Requires that an application filed under this subsection include the information required under Section 58.256(b) (relating to requiring that an application for sealing a juvenile's records contain certain information).

(c) Requires the court, on receipt of an application under Subsection (b), to immediately order the sealing of the child's records related to the applicable conduct without a hearing.

SECTION 3. Provides that this Act applies to juvenile court records created before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2021.