

- SUBJECT:** Allowing secure electronic means for requests to seal juvenile records
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 7 ayes — Neave, Swanson, Cook, Frank, Ramos, Talarico, Vasut
0 nays
1 absent — Leach
1 present not voting — Wu
- WITNESSES:** For — (*Registered, but did not testify:* M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Amanda List, Texas Appleseed; Alycia Castillo, Texas Criminal Justice Coalition; Suzi Kennon, Texas PTA; Thomas Parkinson)
Against — None
On — David Slayton, Office of Court Administration
- BACKGROUND:** Family Code sec. 58.256 authorizes individuals to file applications with a juvenile court requesting that their records be sealed.
Family Code sec. 58.258(c) allows court clerks to send copies of sealing orders to entities by any reasonable method, including certified mail, regular mail, or e-mail.
- DIGEST:** CSHB 1401 would allow applications for the sealing of an individual's juvenile records to be sent to the court by any reasonable method authorized under Rule 21 of the Texas Rules of Civil Procedure, including secure electronic means.
The bill also would authorize court clerks to send copies of sealing orders to entities by secure electronic means and would eliminate specific authority to send copies by regular mail or e-mail.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1401 would increase the ease and efficiency of applying to have an individual's juvenile records sealed by allowing these applications to be sent to a court by secure electronic means. Currently, these applications might be sent by fax or regular mail, which can be inefficient and could be a cost to the applicant if postage is required.

By allowing sealing requests to be made by secure electronic means, the bill would ensure that modern methods of communication could be used but would not mandate them. The bill would include the flexibility for requests to be made by any reasonable method authorized under Rule 21 of the Texas Rules of Civil Procedure, which details how electronic documents may be filed. This would allow methods for requests to remain current and would be in line with the electronic filing of documents, which is currently mandatory for attorneys in many courts.

The bill also would replace current language about the use of e-mail to send sealing orders with the broader term "secure electronic means" so that the statute was flexible enough to allow other methods of communication. For both sealing requests and orders, CSHB 1401 would require that the method of electronic communication be secure because there are confidentiality requirements associated with juvenile records.

**CRITICS
SAY:**

No concerns identified.