

[2015 Session] Improve the Juvenile Record Sealing Process And Limit Access to Juvenile Records

Policy Background:

Protecting the privacy of youth adjudicated in juvenile court is a critical component of each youth's rehabilitation.

Texas policy-makers should create an advisory committee of experienced stakeholders to examine best practices surrounding the keeping of juvenile records, and develop amendments to Chapter 58 of the Family Code. Doing so will protect juveniles and adults against the damage stemming both from their juvenile delinquency records and from the unauthorized use or disclosure of confidential records and any potential stigma that would result from their disclosure.

Key Facts:

- Most juvenile records are fully open to employers, landlords, and schools because they are not on “restricted access.” As of January 2013, the Department of Public Safety was maintaining records on 604,818 people who were arrested when they were younger than 17 years old. Only 40 percent of those records were on restricted access.[\[1\]](#)
- Low-level youthful offenses seldom lead to serious crimes. A tracking study by Texas’ Legislative Budget Board revealed that only 2.3 percent of youth who entered deferred prosecution in 2009 were incarcerated in the following three years.[\[2\]](#)

Relevant Bills:

- **Bill Number:** [HB 263](#) (authors: Miles, Guillen | sponsor: Huffman)
Bill Caption: Relating to the sealing of certain juvenile records.
House Hearing Notice: House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on April 15, 2015](#)
Archived House Hearing Video: House Juvenile Justice & Family Issues Committee, [04/15/15 Video](#) [TCJE testimony begins at 01:36:56]
Senate Hearing Notice: Senate State Affairs Committee, [Notice of Public](#)

Hearing on May 21, 2015

TCJE Senate Action: [Card in support](#)

Outcome: **Effective 9/1/15**

- **Bill Number:** [HB 431](#) (authors: James White, Miles | sponsor: Rodríguez)
Bill Caption: Relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.

TCJE Materials: [Testimony](#)

House Hearing Notice: House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on March 25, 2015](#)

Archived House Hearing Video: House Juvenile Justice & Family Issues Committee, [03/25/15 Video](#) [TCJE testimony begins at 02:29:23]

Senate Hearing Notice: Senate State Affairs Committee, [Notice of Public Hearing on April 30, 2015](#)

Outcome: **Effective immediately (5/28/15)**

- **Bill Number:** [HB 2447](#) (White, James)
Bill Caption: Relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.
- **Bill Number:** [SB 645](#) (Rodríguez)
Bill Caption: Relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.

Hearing Notice: Senate State Affairs Committee, [Notice of Public Hearing on April 27, 2015](#)

Archived Hearing Video: Senate State Affairs Committee, [04/27/15 Video](#) [TCJE testimony begins at 01:02:24]

- **Bill Number:** [SB 1505](#) (Garcia)
Bill Caption: Relating to expunction of certain criminal records.
 - **Bill Number:** [SB 1707](#) (author: Huffman | sponsor: Miles)
Bill Caption: Relating to the sealing of certain juvenile records.
- Hearing Notice:** Senate State Affairs Committee, [Notice of Public Hearing on March 30, 2015](#)

TCJE Action: [Card in support](#)

Outcome: **Effective 9/1/15**

[1] Texas Department of Public Safety, response to open records request by the Texas Center for Justice and Equity, January 2013.

[2] Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates*, January 2013, p. 4;

www.lbb.state.tx.us/Public_Safety_Criminal_Justice/RecRev_Rates/Statewide%20Criminal%20Justice%20Recidivism%20and%20Revocation%20Rates2012.pdf