

BILL ANALYSIS

C.S.H.B. 431
By: White, James
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that current law relating to juvenile justice records needs to be examined because there are issues regarding access to those records. C.S.H.B. 431 seeks to address this concern and to enhance the management of juvenile records.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 431 requires the Texas Juvenile Justice Board, not later than December 1, 2015, to appoint the Juvenile Records Advisory Committee to develop a plan for studying, reorganizing, and comprehensively revising statutory provisions regarding juvenile justice information system records and any other relevant laws pertaining to juvenile records. The bill requires the board, in making appointments to the committee, to include members who are interested parties and to designate one of the appointed members as presiding officer of the advisory committee. The bill requires the advisory committee, not later than November 1, 2016, to submit the recommendations for statutory and other law revisions and a copy of the committee's plan to the legislature and the board. The bill authorizes the committee to submit preliminary recommendations at any time before submitting the report and follow-up recommendations at any time after submitting the report. The bill establishes that members of the advisory committee serve without compensation and are not entitled to reimbursement for expenses and exempts the committee from statutory provisions governing state agency advisory committees. The bill's provisions expire and the advisory committee is abolished December 31, 2018.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 431 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. DEFINITIONS. In this Act:
(1) "Advisory committee" means the Juvenile Justice Records Advisory Committee appointed under Section 2 of this Act.
(2) "Board" means the Texas Juvenile Justice Board.

SECTION 2. JUVENILE JUSTICE RECORDS ADVISORY COMMITTEE. Not later than September 1, 2015, the board shall appoint an advisory committee to examine best practices regarding the retention of juvenile justice records and propose amendments to Chapter 58, Family Code, and any other relevant law to protect juveniles and adults from any harm resulting from the unauthorized use or disclosure of confidential juvenile justice records. The plan must ensure that public safety and due process rights are protected.

SECTION 3. APPOINTMENTS; PRESIDING OFFICER. (a) In making appointments to the advisory committee, the board shall include members who are interested parties, including:
(1) chief juvenile probation officers;
(2) juvenile prosecutors;
(3) juvenile defense attorneys;

(4) peace officers;

(5) representatives of the Department of Family and Protective Services;

(6) juvenile justice advocates; and

(7) members of the public.

(b) The board shall designate one of the members as presiding officer of the advisory committee.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. DEFINITIONS. In this Act:
(1) "Advisory committee" means the Juvenile Records Advisory Committee appointed under Section 2 of this Act.
(2) "Board" means the Texas Juvenile Justice Board.

SECTION 2. JUVENILE RECORDS ADVISORY COMMITTEE. Not later than December 1, 2015, the board shall appoint an advisory committee to develop a plan for studying, reorganizing, and comprehensively revising Chapter 58, Family Code, and any other relevant laws pertaining to juvenile records.

SECTION 3. APPOINTMENTS; PRESIDING OFFICER. (a) In making appointments to the advisory committee, the board shall include members who are interested parties, including:
(1) chief juvenile probation officers;
(2) juvenile prosecutors;
(3) juvenile defense attorneys;
(4) juvenile court judges;
(5) justice court or municipal court judges;
(6) court administrators or court clerks;
(7) peace officers;
(8) representatives of the Department of Public Safety;
(9) representatives of the Department of Family and Protective Services;
(10) representatives of the Texas Juvenile Justice Department;
(11) juvenile justice advocates;
(12) individuals with expertise in federal records and federal immigration policy;
(13) members of the public; and
(14) any other individuals that the board considers necessary to accomplish the duties of the advisory committee.

(b) The board shall designate one of the members as presiding officer of the advisory committee.

SECTION 4. REPORT. Not later than December 1, 2016, the advisory committee shall submit to the board the legislative recommendations under Section 2 of this Act.

SECTION 4. REPORT. (a) Not later than November 1, 2016, the advisory committee shall submit to the legislature and the board the recommendations for revisions to Chapter 58, Family Code, and any other relevant laws pertaining to juvenile records and a copy of the plan developed by the committee under Section 2 of this Act to produce those recommendations.

(b) The advisory committee may submit:

(1) preliminary recommendations at any time before submitting the report required under Subsection (a) of this section; and

(2) follow-up recommendations at any time after submitting the report required under Subsection (a) of this section.

SECTION 5. COMPENSATION. Members of the advisory committee serve without compensation and are not entitled to reimbursement for expenses.

SECTION 5. Same as introduced version.

SECTION 6. APPLICATION OF LAWS GOVERNING ADVISORY COMMITTEES. The advisory committee is not subject to Chapter 2110, Government Code.

SECTION 6. Same as introduced version.

SECTION 7. EXPIRATION DATE. The advisory committee is abolished and this Act expires January 1, 2017.

SECTION 7. EXPIRATION DATE. The advisory committee is abolished and this Act expires December 31, 2018.

SECTION 8. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 8. Same as introduced version.