

BILL ANALYSIS

C.S.H.B. 2027
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that when a child enters the justice system, the child and the child's caregiver often lack an understanding of their rights regarding the sealing of juvenile records. Concerns have been raised that this lack of information can hinder these children in the future, since a criminal record can be a barrier to applying for college or getting a job. C.S.H.B. 2027 seeks to make the process of sealing juvenile records more accessible and understandable by requiring certain information related to that process to be provided to children exiting the juvenile justice system and their caregivers.

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. 2027 amends the Family Code to require an employee of a juvenile probation department to give to a child referred to the probation department and to the child's parent, guardian, or custodian a list of local resources that may assist the child in applying to have the child's records sealed, including attorneys who, at low or no cost, represent persons in applying for the sealing of juvenile records. The bill requires such an employee to provide an oral explanation of the process of sealing juvenile records to the child and the child's parent, guardian, or custodian concurrently with the required provision of a written explanation of that process and allow any of those persons to ask questions regarding the process.

C.S.H.B. 2027 revises the requirement for a probation officer or official at the Texas Juvenile Justice Department (TJJD), as appropriate, to give to a child and the child's parent, guardian, or custodian on the final discharge of the child, or on the last official action in a matter in which there is no adjudication, a written explanation regarding the eligibility of the child's records for sealing and a copy of applicable state law by:

- extending that requirement to other officials at the juvenile probation department; and
- requiring such an officer or official to also provide at that time the same type of information regarding local resources that a juvenile probation department employee is required to provide under the bill's provisions.

The bill requires the officer or official to provide an oral explanation of the eligibility of the child's records for sealing to the child and the child's parent, guardian, or custodian concurrently with the required provision of a written explanation of such eligibility and allow any of those

persons to ask questions regarding the child's eligibility and the process of having juvenile records sealed. The bill requires TJJJ to publish on its website a brochure that describes the process of sealing juvenile records and that lists resources that may assist a child in applying to seal the child's records.

C.S.H.B. 2027 requires the State Bar of Texas to create and maintain a directory of attorneys in Texas who, at low or no cost, represent persons in applying for the sealing of juvenile records and to make the directory publicly available on its website. The bill requires the directory to describe the administrative judicial regions and list the attorneys who offer that representation in those regions.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2027 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an official at the juvenile probation department among the persons required to give an applicable child and the child's parent, guardian, or custodian the information regarding the sealing of the child's records on final discharge or on the last official action when there is no adjudication.

The substitute includes provisions requiring the state bar to create and maintain an online directory of attorneys who represent persons applying to have juvenile records sealed.