

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 431  
By: White, James; Miles (Rodríguez)  
State Affairs  
4/28/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under Chapter 58 of the Family Code, juvenile records receive the protection of confidentiality. Many juveniles who enter the juvenile justice system go on to lead law-abiding lives as adults with no subsequent criminal history. The confidentiality of their records ensures they have access to work, education, housing, and other opportunities. In addition, the information collected by the juvenile justice system serves an important public safety purpose. However, over time, Chapter 58 has grown more complex, and the confidentiality it was intended to provide has gradually eroded.

In 2013, the 83rd Legislature passed S.B. 1769, creating an advisory committee to study the fingerprinting of juveniles. Composed of judges, prosecutors, juvenile system administrators, and others from across Texas, that committee recommended the formation of a practitioner workgroup to conduct a comprehensive examination of Chapter 58. H.B. 431, as engrossed, creates that advisory body, which is instructed to advise the Texas Juvenile Justice Board and the 85th Legislature on reforms needed to ensure the continued effectiveness and security of confidential juvenile record-keeping.

H.B. 431 is identical to S.B. 645, which was heard in the Senate State Affairs Committee on April 27, 2015.

H.B. 431 amends current law relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.

### **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. DEFINITIONS. Defines "advisory committee" and "board" in this Act.

SECTION 2. JUVENILE RECORDS ADVISORY COMMITTEE. Requires the Texas Juvenile Justice Board (board) to appoint a Juvenile Records Advisory Committee (advisory committee) to develop a plan for studying, reorganizing, and comprehensively revising Chapter 58 (Records; Juvenile Justice Information System), Family Code, and any other relevant laws pertaining to juvenile records, not later than December 1, 2015.

SECTION 3. APPOINTMENTS; PRESIDING OFFICER. (a) Requires the board, in making appointments to the advisory committee, to include members who are interested parties, including chief juvenile probation officers, juvenile prosecutors, juvenile defense attorneys, juvenile court judges, justice court or municipal court judges, court administrators or court clerks, peace officers, representatives of the Department of Public Safety of the State of Texas, representatives of the Department of Family and Protective Services, representatives of the Texas Juvenile Justice Department, juvenile justice advocates, individuals with expertise in federal records and federal immigration policy, members of the public, and any other individuals that the board considers necessary to accomplish the duties of the advisory committee.

(b) Requires the board to designate one of the members as presiding officer of the advisory committee.

SECTION 4. REPORT. (a) Requires the advisory committee to 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, not later than November 1, 2016.

(b) Authorizes the advisory committee to submit preliminary recommendations at any time before submitting the report required under Subsection (a) of this section, and follow-up recommendations at any time after submitting the report required under Subsection (a) of this section.

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

SECTION 6. APPLICATION OF LAWS GOVERNING ADVISORY COMMITTEES. Provides that the advisory board is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

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

SECTION 8. EFFECTIVE DATE. Effective date: upon passage or September 1, 2015.