

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1304
By: Perry
Criminal Justice
4/4/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2015, the 84th Texas Legislature enacted H.B. 431, creating the Juvenile Records Advisory Committee (advisory committee) to conduct a comprehensive examination of Chapter 58, Family Code, and related laws, mandating a reorganization plan and report to the legislature and the Texas Juvenile Justice Department board.

The advisory committee engaged in a collaborative process to identify the statutory framework to achieve current and prospective system goals. An analysis of historical legislative amendment activity in Chapter 58 revealed that the juvenile records statutes have remained relatively stable in the last 20 years. However, the workgroup noted high amendment activity concentrated in three primary areas:

- (1) sealing procedures;
- (2) confidentiality of information in the Juvenile Justice Information System (JJIS); and
- (3) information sharing and disclosures.

The advisory committee outlined the statutory framework it recommends is necessary for the successful implementation of the reorganization plan. Based on its assessment of juvenile records statutes, the committee concluded that:

- A general reorganization of Chapter 58 and related laws is necessary to establish a logical and coherent flow of statutory provisions;
- It is in the state's interest to retain legally viable provisions to ensure stability and continuity of statewide procedures and practices; and
- Selected juvenile statutes in other codes should be transferred to Chapter 58.

S.B. 1304 reflects the language from the advisory committee's recommendations. (Original Author's / Sponsors Statement of Intent)

C.S.S.B. 1304 amends current law relating to confidentiality, sharing, sealing, and destruction of juvenile records.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Juvenile Justice Department (TJJD) in SECTION 17 (Section 58.262, Family Code) of this bill.

Rulemaking authority previously granted to TJJD is rescinded in SECTION 20 (Section 58.209, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 62.007(e), Code of Criminal Procedure, to make a nonsubstantive change to the provisions of this subsection regarding the release of certain records and files,

including records that have been sealed under Chapter 58, Family Code, relating to a person for whom a court, the Texas Department of Criminal Justice (TDCJ), or the Texas Juvenile Justice Department (TJJD) is required under this article to determine a level of risk.

SECTION 2. Amends Section 54.04(h), Family Code, to require the court to, at the conclusion of the dispositional hearing, inform the child of certain information including the procedures for the sealing of the child's records under Subchapter C-1, Chapter 58, rather than Section 58.003 (Sealing of Records).

SECTION 3. Amends Section 54.04012(d), Family Code, to change a reference to Sections 58.003(c-7) and (c-8) to Subchapter C-1, Chapter 58.

SECTION 4. Amends the heading to Subchapter A, Chapter 58, Family Code, to read as follows:

SUBCHAPTER A. CREATION AND CONFIDENTIALITY OF JUVENILE RECORDS

SECTION 5. Amends the heading to Section 58.001, Family Code, to read as follows:

Sec. 58.001. LAW ENFORCEMENT COLLECTION AND TRANSMITTAL OF RECORDS OF CHILDREN.

SECTION 6. Amends Sections 58.002(a), (b), and (c), Family Code, as follows:

(a) Prohibits a child from, except as provided by Chapter 63 (Missing Children and Missing Persons), Code of Criminal Procedure, being photographed or fingerprinted without the consent of the juvenile court unless the child is taken into custody, or referred to the juvenile court for conduct that constitutes a felony or misdemeanor punishable by confinement in jail, regardless of whether the child has been taken into custody, rather than punishable by confinement in jail. Makes nonsubstantive changes.

(b) Authorizes, rather than requires, the juvenile board for a county to conduct or cause to be conducted an audit of the records of the law enforcement agency to verify the destruction of certain photographs and fingerprints and requires the law enforcement agency to make its records available for this purpose.

(c) Provides that this section (Photographs and Fingerprints of Children) does not prohibit a law enforcement officer from photographing or fingerprinting a child who is not in custody or who has not been referred to the juvenile court for conduct that constitutes a felony or misdemeanor punishable by confinement in jail if the child's parent or guardian voluntarily consents in writing to the photographing or fingerprinting of the child. Provides that consent of the child's parent or guardian is not required to photograph or fingerprint a child.

SECTION 7. Amends Section 58.0021(b), Family Code, to authorize a law enforcement agent to take temporary custody of a child to take the child's photograph, or to obtain a photograph of a child from a juvenile probation department in possession of a photograph of the child if the officer has certain probable cause.

SECTION 8. Amends Section 58.004, Family Code, as follows:

Sec. 58.004. REDACTION OF VICTIM'S PERSONALLY IDENTIFIABLE INFORMATION. (a) Requires a custodian of a record, rather than a record or file, to redact certain personally identifiable information before disclosing any juvenile court record, rather than court record or file, of a child as authorized by this chapter.

(b) Provides that this section does not apply to information that is:

(1) makes no changes to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions;

(4) shared with an attorney representing the child in a proceeding under this title (Juvenile Justice Code); or

(5) shared with an attorney representing any other person in a juvenile or criminal court proceeding arising from the same act or conduct for which the child was referred to juvenile court.

SECTION 9. Amends Section 58.005, Family Code, as follows:

Sec. 58.005. New heading: CONFIDENTIALITY OF FACILITY RECORDS. (a) Provides that this section applies only to the inspection, copying, and maintenance of a record, rather than records and files, concerning a child and to the storage of information from which a record could be generated, including personally identifiable information, information obtained for the purpose of diagnosis, examination, evaluations, or treatment of the child or for making a referral for treatment of the child and other records or information created by or in the possession of the Texas Juvenile Justice Department (TJJD), an entity having custody of the child under a contract with TJJD, or another public or private entity or institution having custody of the child under order of the juvenile court, including a facility operated by or under contract with a juvenile board or juvenile probation department, rather than by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court.

(a-1) Authorizes the records and information to, except as provided by Article 15.27 (Notification to Schools Required), Code of Criminal Procedure, be disclosed only to, among certain entities or persons, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the juvenile court, with permission from, rather than leave of, the court.

(b) Provides that this section does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B (Juvenile Justice Information System) or Subchapter D-1 (Reports on County Internet Websites), rather than does not apply to information collected under Section 58.104 or under Subchapter D-1.

SECTION 10. Amends Section 58.0052(b), Family Code, as follows:

(b) Requires another juvenile service provider to, subject to Subsection (c) (relating to authorizing a juvenile service provider to disclose information only for certain purposes), at the request of a juvenile service provider, disclose to that provider certain information about a multi-system youth including identity records, medical and dental records, assessment or diagnostic test results, special needs, program placements, psychological diagnoses, and other related records or information.

SECTION 11. Amends the heading to Section 58.007, Family Code, to read as follows:

Sec. 58.007. CONFIDENTIALITY OF PROBATION DEPARTMENT, PROSECUTOR, AND COURT RECORDS.

SECTION 12. Amends Section 58.007, Family Code, by amending Subsections (a), (b), (g), and (i) and adding Subsection (b-1), as follows:

(a) Provides that this section applies only to the inspection, copying, and maintenance of a record, rather than the inspection and maintenance of a physical record or file, concerning a child and the storage of information concerning the child from which a physical record or file could be generated and does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B or Subchapter D-1. Makes a conforming change.

(b) Authorizes the records of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title, whether physical or electronic, with certain exceptions, to be inspected or copied only by:

(1) and (2) makes no changes to these subdivisions;

(3) an attorney representing a party in a proceeding under this title, rather than an attorney for a party to the proceeding;

(4) a person or entity to whom the child is referred for treatment or services, if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;

(5) creates this subdivision from existing subdivision (4) and makes no further changes to this subdivision; or

(6) redesignates existing subdivision (5) as subdivision (6) and changes reference to leave of to permission from.

(b-1) Provides that a person who is the subject of the records is entitled to access the records for the purpose of preparing and presenting a motion or application to seal the records.

(g) Prohibits the juvenile court from, if a record has been sealed under this chapter, providing a copy of the record to a prosecuting attorney under this subsection.

(i) Changes a reference to Subsection (b)(5) to (b)(6).

SECTION 13. Amends Subchapter A, Chapter 58, Family Code, by adding Section 58.008, as follows:

Sec. 58.008. CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS. (a) Provides that this section applies only to the inspection, copying, and maintenance of a record concerning a child and to the storage of information, by electronic means or otherwise, concerning the child from which a record could be generated and does not affect the collection, dissemination, or maintenance of information as provided by Subchapter B (Juvenile Justice Information System). Provides that this section does not apply to a record or file relating to a child that is required or authorized to be maintained under the law regulating the operations of motor vehicles in this state, maintained by a municipal or justice court, or subject to disclosure under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

(b) Prohibits law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated, except as provided by Subsection (d), from being disclosed to the public and requires these records to be, if maintained on paper or microfilm, kept separate from adult records; if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the controls to access electronic data concerning adults; and maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subsection (c) or Subchapter B, D (Local Juvenile Justice Information System), or E (Statewide Juvenile Information and Case Management System).

(c) Authorizes the law enforcement records of a person with a determinate sentence who is transferred to the Texas Department of Criminal Justice (TDCJ) to be transferred to a central state or federal depository for adult records after the

date of transfer and to be shared in accordance with the laws governing the adult records in the depository.

(d) Authorizes law enforcement records concerning a child to be inspected or copied by a juvenile justice agency, a criminal justice agency, the child, or the child's parent or guardian.

(e) Requires the custodian of a record concerning the child under Subsection (d), before a child or a child's parent or guardian may inspect or copy a record, to redact any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child and any information that is excepted from required disclosure under Chapter 552 (Public Information), Government Code, or any other law.

(f) Authorizes information about a child, if the child has been reported missing by a parent, guardian, or conservator of that child, to be forwarded to and disseminated by the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC).

SECTION 14. Redesignates Section 58.0072, Family Code, as Section 58.009, Family Code, and amends it, as follows:

Sec. 58.009. New heading: DISSEMINATION OF JUVENILE JUSTICE INFORMATION BY THE TEXAS JUVENILE JUSTICE DEPARTMENT.

(a) to (c) Makes no changes to these subsections.

(d) Authorizes TJJD to grant certain entities access to juvenile justice information only for a purpose beneficial to and approved by TJJD, including a person working on a research or statistical project that meets the requirements of and is approved by TJJD and has a certain specific agreement with TJJD, rather than a governmental entity that has as specific agreement with TJJD, if that agreement meets certain criteria. Redesignates existing Paragraphs (A), (B), (C), and (D) as Subparagraphs (i), (ii), (iii), and (iv) and makes conforming changes.

(e) and (f) makes no changes to these subsections.

(g) Provides that, except as provided by Subsection (e), TJJD is permitted, but not required to release or disclose juvenile justice information to any person identified under this section. Makes nonsubstantive changes.

SECTION 15. Amends Section 58.102(c), Family Code, to prohibit the Texas Department of Public Safety (DPS) from collecting, retaining, or sharing information relating to a juvenile except as provided by this chapter, rather than relating to a juvenile if this chapter prohibits or restricts the collection or retention of the information.

SECTION 16. Amends Sections 58.104(a), (b), and (f), Family Code, as follows:

(a) Requires the juvenile justice information system to, subject to Subsection (f), consist of certain information relating to delinquent conduct committed or alleged to have been committed by a juvenile offender that, if the conduct had been committed by an adult, would constitute a criminal offense other than an offense punishable by a fine only, including information relating to the termination of probation supervision or discharge from commitment of the juvenile offender.

(b) Requires DPS to, to the extent possible and subject to Subsection (a), include in the juvenile justice information system the following information for each juvenile offender taken into custody, detained, or referred for delinquent conduct:

(1) to (16) makes no changes to these subdivisions;

(17) makes a nonsubstantive change to this subdivision;

(18) makes no change to this subdivision;

(19) the date any probation supervision, including deferred prosecution supervision, was terminated;

(20) to (22) redesignates existing Subdivisions (19) to (21) as Subdivisions (20) to (22) and makes no further changes to these subdivisions.

(f) Changes a reference to Section 58.003 to Subchapter C-1.

SECTION 17. Amends Sections 58.106(a-2) and (b), Family Code, as follows:

(a-2) Deletes Subsection (a-1) from information established as confidential after dissemination.

(b) Provides that Subsection (a) (relating to establishing the confidentiality of information in the juvenile justice information system except under certain circumstances), rather than Subsection (a) and (a-1), does not apply to a certain document maintained by a juvenile justice or law enforcement agency.

SECTION 18. Amends Chapter 58, Family Code, by adding Subchapter C-1, as follows:

SUBCHAPTER C-1. SEALING AND DESTRUCTION OF JUVENILE RECORDS

Sec. 58.251. DEFINITIONS. Defines "electronic record," "juvenile matter," "physical record," and "record."

Sec. 58.252. EXEMPTED RECORDS. Provides that certain records are exempt from this subchapter.

Sec. 58.253. SEALING RECORDS WITHOUT APPLICATION: DELINQUENT CONDUCT. (a) Provides that this section does not apply to the records of a child referred to a juvenile court or juvenile probation department solely for conduct indicating a need for supervision.

(b) Provides that a person who was referred to a juvenile probation department for delinquent conduct is entitled to have all records related to the person's juvenile matters, including records relating to any matters involving conduct indicating a need for supervision, sealed without applying to the juvenile court if the person meets certain criteria.

(c) Provides that a person who was referred to a juvenile probation department for delinquent conduct is entitled to have all records related to the person's juvenile matters, including records relating to any matters involving conduct indicating a need for supervision, sealed without applying to the juvenile court if the person meets certain criteria.

Sec. 58.254. CERTIFICATION OF ELIGIBILITY FOR SEALING RECORDS WITHOUT APPLICATION FOR DELINQUENT CONDUCT. (a) Requires DPS to certify to a juvenile probation department that has submitted records to the juvenile justice information system that the records relating to a persons referred to the juvenile probation department appear to be eligible for sealing under Section 58.253.

(b) Authorizes DPS to issue the certification described by Subsection (a) by electronic means, including by electronic mail.

(c) Requires the juvenile probation department, except as provided by Subsection (d), by a certain date, to give notice of the receipt of the certification to the juvenile court and provide the court with a list of all referrals received by the juvenile probation department relating to that person and the outcome of each referral.

(d) Requires a juvenile probation department, if the juvenile probation department has reason to believe the records of the person for whom the department received a certification under Subsection (a) are not eligible to be sealed, to notify DPS by a certain date. Requires the juvenile probation department, if the juvenile probation department later determines that the person's records are eligible to be sealed, to notify the juvenile court and provide the court the information described by Subsection (c) by a certain date.

(e) Requires a juvenile probation department and DPS, if, after receiving a certification under Subsection (a), the juvenile probation department determines that the person's records are not eligible to be sealed, to update the juvenile justice information system to reflect that determination and no further action related to the records is required.

(f) Requires the juvenile court, by a certain date, to issue an order sealing all records relating to the person named in the certification.

Sec. 58.255. SEALING OF RECORDS WITHOUT APPLICATION: CONDUCT INDICATING NEED FOR SUPERVISION. (a) Provides that a person who was referred to a juvenile probation department for conduct indicating a need for supervision is entitled to have all records related to all conduct indicating a need for supervision matters sealed without applying to the juvenile court if the person is at least 18 years of age, has not been referred to the juvenile probation department for delinquent conduct, has not as an adult been convicted of a felony, and does not have any pending charges as an adult for a felony or a misdemeanor punishable by confinement in jail.

(b) Requires the juvenile probation department to give the juvenile court notice that a person's records are eligible for sealing under Subsection (a) and provide the juvenile court with a list of all referrals relating to that person received by the department and the outcome of each referral.

(c) Requires the juvenile court to issue an order sealing all records relating to the person named in the notice by a certain date.

Sec. 58.256. APPLICATION FOR SEALING RECORDS. (a) Authorizes a person, notwithstanding Sections 58.253 and 58.255, to file an application for the sealing of records related to the person in the juvenile court served by the juvenile probation department to which the person was referred. Prohibits the court from charging a fee for filing the application, regardless of the form of the application.

(b) Requires an application to contain certain information or the reason that one or more of the requirements is not included. Sets forth the required information.

(c) Authorizes the juvenile court, except as provided by Subsection (d), to order the sealing of records related to all matters for which the person was referred to the juvenile probation department if the person meets certain requirements.

(d) Prohibits a court from ordering the sealing of the records of a person who received a determinate sentence for engaging in certain conduct, is currently required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or was committed to TJJD or to a post-adjudication secure correctional facility under Section 54.04011, unless the person has been discharged from the agency to which the person was committed.

(e) Authorizes the court to, on receipt of an application under this section, order the sealing of the person's records immediately, without a hearing or to hold a hearing under Section 58.257 at the court's discretion to determine whether to order the sealing of the person's records.

Sec. 58.257. HEARING REGARDING SEALING OF RECORDS. (a) Requires that a hearing regarding the sealing of a person's records be held not later than the 60th day after the date the court receives the person's application under Section 58.256.

(b) Requires the court to give reasonable notice of a hearing to certain concerned individuals.

Sec. 58.258. ORDER SEALING RECORDS. (a) Requires that an order sealing the records of a person under this subchapter include either certain required information or the reason the required information is not included in the order.

(b) Requires the court, not later than a certain date, to provide a copy of the order to DPS; TJJD, if the person was committed to TJJD; the clerk of court; the juvenile probation department serving the court; the prosecutor's office; each law enforcement agency that had contact with the person in relation to the conduct that is the subject of the sealing order; each public or private agency that had custody of or that provided supervision or services to the person in relation to the conduct that is the subject of the sealing order; and each official, agency, or other entity that the court has reason to believe has any record containing information that is related to the conduct that is the subject of the sealing order.

(c) Provides that on entry of the order, all adjudications relating to the person are vacated and the proceedings are dismissed and treated for all purposes as if the adjudication had never occurred. Requires the clerk of court to seal all court records relating to the proceedings, including any records created in the clerk's case management system and to send copies of the order to all entities listed in the order.

Sec. 58.259. ACTIONS TAKEN ON RECEIPT OF ORDER TO SEAL RECORDS. (a) Requires an entity receiving an order to seal the records of a person issued under this subchapter to, by a certain date, take the following actions, as applicable:

(1) requires DPS to limit access to the records relating to the person in the juvenile justice information system to only TJJD for the purpose of conducting research and statistical studies, to destroy any other records relating to the person in DPS's possession, including DNA records as provided by Section 411.151 (Expunction or Removal of DNA Records), Government Code, and to send written verification of the limitation and destruction of the records to the issuing court;

(2) requires TJJD to seal all records relating to the person, other than those exempted from sealing under Section 58.252, and send written verification of the sealing of the records to the issuing court;

(3) requires a public or private agency or institution that had custody of or provided supervision or services to the person who is the subject of the records, the juvenile probation department, a law enforcement entity or a prosecuting attorney to seal all records relating to the person and send written verification of the sealing of the records to the issuing court; and

(4) requires any other entity that receives an order to seal a person's records to send any records relating to the person to the issuing court, delete all index references to the person's records, and send written verification of the deletion of the index reference to the issuing court.

(b) Provides that physical or electronic records are considered sealed, if the records are not destroyed but are securely stored in a manner that only allows access to the records by the entity's custodian of records.

(c) Requires an entity, if the entity that received an order to seal records relating to a person later receives an inquiry about a person or the matter contained in the records, to respond that no records relating to the person or the matter exist.

(d) Requires an entity, if the entity receiving an order to seal records under this subchapter is unable to comply with the order because the information in the order is incorrect or insufficient to allow the entity to identify the records that are subject to the order, to notify the issuing court by a certain date after the date of receipt of the order. Requires the court to take any actions necessary and possible to provide the needed information to the entity, including contacting the person who is the subject of the order or the person's attorney.

(e) Requires an entity, if the entity receiving a sealing order under this subchapter has no records related to the person who is the subject of the order, to provide written verification of that fact to the issuing court by a certain date.

Sec. 58.260. INSPECTION AND RELEASE OF SEALED RECORDS. (a) Authorizes a juvenile court to allow, by order, the inspection of records sealed under this subchapter or Section 58.003, as that law existed before September 1, 2017, only by certain individuals.

(b) Authorizes the court, after a petitioner inspects records, to order the release of any or all of the records to the petitioner on the motion of the petitioner.

Sec. 58.261. EFFECT OF SEALING RECORDS. (a) Provides that a person whose records have been sealed under this subchapter or Section 58.003, as that law existed before September 1, 2017, is not required to state in any proceeding or in any application for employment, licensing, admission, housing, or other public or private benefit that the person has been the subject of a juvenile matter.

(b) Prohibits the information in the records, if a person's records have been sealed, the fact that the records once existed, or the person's denial of the existence of the records of the persons involved in a juvenile matter, from being used against the person in any manner, including in certain proceedings or processes.

(c) Prohibits a person who is the subject of records sealed under this subchapter from waiving the protected status of the records or the consequences of the protected status.

Sec. 58.262. INFORMATION GIVEN TO CHILD REGARDING SEALING OF RECORDS. (a) Requires an employee of the juvenile probation department, when a child is referred to the juvenile probation department, to give the child and the child's parent, guardian, or custodian a written explanation describing the process of sealing records under this subchapter and a copy of this subchapter.

(b) Requires a probation officer or official at TTJD, as appropriate, to, on the final discharge of a child, or on the last official action in the matter if there is no adjudication, give the child and the child's parent, guardian, or custodian a written explanation regarding the eligibility of the child's records for sealing under this subchapter and a copy of this subchapter.

(c) Requires that the written explanation provided to a child under Subsections (a) and (b) include certain requirements and certain information for a record to be eligible for sealing.

(d) Requires TJJD to adopt rules to implement this section and to facilitate the effective explanation of the information required to be communicated by this section.

Sec. 58.263. DESTRUCTION OF RECORDS: NO PROBABLE CAUSE. Requires the court to order the destruction of the records relating to the conduct for which a child is taken into custody, including records contained in the juvenile justice information system, if a certain determination is made.

Sec. 58.264. PERMISSIBLE DESTRUCTION OF RECORDS. (a) Authorizes a juvenile board, in relation to the records in the possession of the juvenile probation department; the head of a law enforcement agency, in relation to the records in the possession of the agency; and a prosecuting attorney, in relation to the records in the possession of the prosecuting attorney's office, to authorize the destruction of records in a closed juvenile matter, subject to Subsections (b) and (c) of this section, Section 202.001 (Destruction of Records), Local Government Code, and any other restrictions imposed by an entity's records retention guidelines, regardless of the date the records were created.

(b) Authorizes the records related to a person referred to a juvenile probation department to be destroyed if the person meets certain criteria.

(c) Authorizes a record, if the record contains information relating to more than one person referred to a juvenile probation department, to only be destroyed if the destruction of the record is authorized under this section and if information in the record that may be destroyed under this section can be separated from information that is not authorized to be destroyed.

(d) Provides that electronic records are considered to be destroyed if the electronic records, including the index to the records, are deleted.

(e) Provides that converting physical records to electronic records and subsequently destroying the physical records while maintaining the electronic records is not considered destruction of a record under this subchapter.

(f) Provides that this section does not authorize the destruction of the records of the juvenile court or clerk of court.

(g) Provides that this section does not authorize the destruction of records maintained for statistical and research purposes by TJJD in a juvenile information and case management system authorized under Section 58.403.

(h) Provides that this section does not affect the destruction of physical records and files authorized by the Texas State Library Records Retention Schedule.

Sec. 58.265. JUVENILE RECORDS NOT SUBJECT TO EXPUNCTION. Provides that records to which this chapter applies are not subject to an order of expunction issued by any court.

SECTION 19. Amends Section 58.112, Family Code, by transferring it to Chapter 203, Human Resources Code, and redesignating it as Section 203.019, Human Resources Code.

SECTION 20. Amends Section 411.151(a), Government Code, to change a reference to Section 58.003, Family Code, to Subchapter C-1, Chapter 58, Family Code.

SECTION 21. Repealer: Section 58.001(b) (relating to the availability of the records of children), Family Code.

Repealers: Sections 58.003 (Sealing of Records) and 58.006 (Destruction of Certain Records), Family Code.

Repealers: Sections 58.007(c) (relating to prohibiting disclosure of law enforcement records and files concerning a child and stored information), (d) (relating to authorizing transfer of law enforcement files and records of a person transferred from TJJD to TDCJ), (e) (relating to authorizing inspection or copying of records by a juvenile justice agency), and (f) (relating to authorizing forwarding and dissemination of information of a reported missing child), Family Code.

Repealers: Sections 58.0071 (Destruction of Certain Physical Records and Files) and 58.00711 (Records Relating to Children Charged With, Convicted of, or Receiving Deferred Disposition for Fine-Only Misdemeanors), Family Code.

Repealer: Section 58.106(a-1) (relating to authorizing DPS to disseminate information contained in the juvenile justice information system to a noncriminal justice agency or entity), Family Code.

Repealer: Subchapter C (Automatic Restriction of Access to Records), Chapter 58 (Records; Juvenile Justice Information System), Family Code.

SECTION 22. Provides that changes in law made by this Act apply to records created before, on, or after the effective date of this Act.

SECTION 23. Effective date: September 1, 2017.