

1-1 By: Miles, Guillen (Senate Sponsor - Huffman) H.B. No. 263
1-2 (In the Senate - Received from the House May 7, 2015;
1-3 May 11, 2015, read first time and referred to Committee on State
1-4 Affairs; May 22, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 263 By: Huffman

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the sealing of certain juvenile records.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Sections 58.003(a), (e), (o), and (p), Family
1-24 Code, are amended to read as follows:
1-25 (a) Except as provided by Subsections (b), ~~and~~ (c), and
1-26 (e), the juvenile court shall order the sealing of the records in
1-27 the case [on the application] of a person who has been found to have
1-28 engaged in delinquent conduct or conduct indicating a need for
1-29 supervision, or a person taken into custody to determine whether
1-30 the person engaged in delinquent conduct or conduct indicating a
1-31 need for supervision, ~~[on the juvenile court's own motion the court~~
1-32 ~~shall order the sealing of the records in the case]~~ if ~~[the court~~
1-33 ~~finds that]~~:
1-34 (1) two years have elapsed since final discharge of
1-35 the person or since the last official action in the person's case if
1-36 there was no adjudication; and
1-37 (2) since the time specified in Subdivision (1), the
1-38 person has not been convicted of a felony or a misdemeanor involving
1-39 moral turpitude or found to have engaged in delinquent conduct or
1-40 conduct indicating a need for supervision and no proceeding is
1-41 pending seeking conviction or adjudication.
1-42 (e) The court shall give the prosecuting attorney for the
1-43 juvenile court reasonable notice before a person's records become
1-44 eligible for sealing under Subsection (a) or (c) and may [shall]
1-45 hold a hearing before sealing the [a] person's records if [under
1-46 Subsection (a) or (c) unless the applicant waives the right to a
1-47 hearing in writing and the court and] the prosecuting attorney
1-48 requests a hearing [for the juvenile court consent]. Reasonable
1-49 notice of the hearing shall be given to:
1-50 (1) the person who ~~[made the application or who]~~ is the
1-51 subject of the records at issue [named in the motion];
1-52 (2) ~~[the prosecuting attorney for the juvenile court,~~
1-53 ~~(3)]~~ the authority granting the discharge if the
1-54 final discharge was from an institution or from parole;
1-55 (3) ~~(4)]~~ the public or private agency or institution
1-56 having custody of the person's records [named in the application or
1-57 motion]; and
1-58 (4) ~~(5)]~~ the law enforcement agency having custody of
1-59 the person's files or records [named in the application or motion].
1-60 (o) An agency or official named in the order that cannot

2-1 seal the records because the information required in the order
2-2 under Subsection (p) is incorrect or insufficient shall notify the
2-3 court issuing the order before the 61st day after the date the
2-4 agency or official receives the order. The court shall notify the
2-5 person who ~~[made the application or who]~~ is the subject of the
2-6 records at issue ~~[named in the motion]~~, or the attorney for that
2-7 person, before the 61st day after the date the court receives the
2-8 notice that the agency or official cannot seal the records because
2-9 there is incorrect or insufficient information in the order.

2-10 (p) A ~~[person who is eligible to seal records may file an~~
2-11 ~~application for the sealing of records in a juvenile court of the~~
2-12 ~~county in which the proceedings occurred. The application and]~~
2-13 sealing order entered under this section ~~[on the application]~~ must
2-14 include the following information or an explanation for why one or
2-15 more of the following is not included:

- 2-16 (1) the person's ~~[applicant's]~~:
 - 2-17 (A) full name;
 - 2-18 (B) sex;
 - 2-19 (C) race or ethnicity;
 - 2-20 (D) date of birth;
 - 2-21 (E) driver's license or identification card
 - 2-22 number; and
 - 2-23 (F) social security number;

2-24 (2) the offense charged against the person ~~[applicant]~~
2-25 or for which the person ~~[applicant]~~ was referred to the juvenile
2-26 justice system;

2-27 (3) the date on which and the county where the offense
2-28 was alleged to have been committed; and

2-29 (4) if a petition was filed in the juvenile court, the
2-30 cause number assigned to the petition and the court and county in
2-31 which the petition was filed.

2-32 SECTION 2. The changes in law made by this Act apply only to
2-33 the records of a person who becomes eligible for sealing of records
2-34 under Section 58.003, Family Code, as amended by this Act, on or
2-35 after the effective date of this Act. The records of a person who
2-36 was eligible for sealing of records under that section before the
2-37 effective date of this Act are governed by the law applicable to the
2-38 records immediately before that date, and the former law is
2-39 continued in effect for that purpose.

2-40 SECTION 3. This Act takes effect September 1, 2015.

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