

1-1 By: Wu, et al. (Senate Sponsor - Whitmire) H.B. No. 1193
1-2 (In the Senate - Received from the House May 5, 2021;
1-3 May 17, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2021, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the jurisdiction of a juvenile court over certain
1-16 persons and to the sealing and nondisclosure of certain juvenile
1-17 records.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 51.0412, Family Code, is amended to read
1-20 as follows:

1-21 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
1-22 The court retains jurisdiction over a person, without regard to the
1-23 age of the person, who is a respondent in an adjudication
1-24 proceeding, a disposition proceeding, a proceeding to modify
1-25 disposition, a proceeding for waiver of jurisdiction and transfer
1-26 to criminal court under Section 54.02(a), or a motion for transfer
1-27 of determinate sentence probation to an appropriate district court
1-28 if:

1-29 (1) the petition or motion was filed while the
1-30 respondent was younger than 18 or 19 years of age, as applicable;

1-31 (2) the proceeding is not complete before the
1-32 respondent becomes 18 or 19 years of age, as applicable; and

1-33 (3) the court enters a finding in the proceeding that:

1-34 (A) the prosecuting attorney exercised due
1-35 diligence in an attempt to complete the proceeding before the
1-36 respondent became 18 or 19 years of age, as applicable; or

1-37 (B) the proceeding has been delayed through no
1-38 fault of the state.

1-39 SECTION 2. Section 58.256, Family Code, is amended by
1-40 amending Subsections (d) and (e) and adding Subsection (f) to read
1-41 as follows:

1-42 (d) A court may not order the sealing of the records of a
1-43 person who:

1-44 (1) received a determinate sentence and was
1-45 transferred to district court under Section 54.051 or 54.11 ~~for~~
1-46 ~~engaging in:~~

1-47 ~~[(A) delinquent conduct that violated a penal law~~
1-48 ~~listed under Section 53.045; or~~

1-49 ~~[(B) habitual felony conduct as described by~~
1-50 ~~Section 51.031];~~

1-51 (2) is currently required to register as a sex
1-52 offender under Chapter 62, Code of Criminal Procedure; or

1-53 (3) was committed to the Texas Juvenile Justice
1-54 Department or to a post-adjudication secure correctional facility
1-55 under former Section 54.04011, unless the person has been
1-56 discharged from the agency to which the person was committed.

1-57 (e) Except as provided by Subsection (f), on ~~on~~ receipt of
1-58 an application under this section, the court may:

1-59 (1) order the sealing of the person's records
1-60 immediately, without a hearing; or

1-61 (2) hold a hearing under Section 58.257 at the court's

2-1 discretion to determine whether to order the sealing of the
2-2 person's records.

2-3 (f) On receipt of an application under this section from a
2-4 person who received a determinate sentence and was not transferred
2-5 to a district court under Section 54.051 or 54.11, the court shall
2-6 hold a hearing under Section 58.257 to determine whether it is in
2-7 the best interest of the person and of justice to order the sealing
2-8 of the person's records and may order the records to be sealed.

2-9 SECTION 3. The changes in law made by this Act apply only to
2-10 conduct violating a penal law of this state that occurs on or after
2-11 the effective date of this Act. Conduct violating a penal law of
2-12 this state that occurs before the effective date of this Act is
2-13 governed by the law in effect on the date the conduct occurred, and
2-14 the former law is continued in effect for that purpose. For
2-15 purposes of this section, conduct occurred before the effective
2-16 date of this Act if any element of the conduct occurred before that
2-17 date.

2-18 SECTION 4. This Act takes effect September 1, 2021.

2-19

* * * * *