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TESTIMONY 2015
HB 431

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of HB 431, which will allow Texas to study and suggest revisions to state laws intended to keep juvenile records confidential. Texas has demonstrated a strong commitment to keeping youth records confidential; in a national study of juvenile records, **Texas ranked above average because it “provides strong confidentiality protections to all records and has robust notification requirements for sealing and expungement.”**¹ Despite existing safeguards, many juvenile records are still widely accessible, which creates serious burdens for youth who have gotten their lives back on track. HB 431 provides a forum for key stakeholders to comprehensively address these provisions and give the greatest protection to youth.

STATE LAWS RESTRICTING ACCESS TO JUVENILE RECORDS ARE CUMBERSOME

The vast majority of youth who come into contact with the juvenile justice system learn from their mistakes and go on to become productive law-abiding citizens.² Indeed, county juvenile probation departments in Texas process tens of thousands of misdemeanor referrals each year for adolescent behavior that does not lead to future crime.³ **As a result, a main purpose of the juvenile justice system, as set out in the Texas Family Code, is “to remove, where appropriate, the taint of criminality from children committing certain unlawful acts.”**⁴

Stakeholders and practitioners have found the law surrounding juvenile records to be cumbersome and difficult to enforce. Thus, a broad coalition of stakeholders, including prosecutors, defense attorneys, juvenile probation officers, and advocates recommend an advisory panel to comprehensively examine those statutory provisions that address these records.

KEY FINDINGS

- **Most juvenile records are fully open to employers, landlords, and schools because they are not on “restricted access.”** As of 2013, the Department of Public Safety maintained records on 604,818 people who were arrested when they were younger than 17 years old. Only 40 percent of those records were on restricted access.⁵
- **There are indisputable barriers to success for youth with criminal records.** Depending on the crime, a youth convicted of an offense in Texas will have difficulty, or be absolutely barred from, obtaining employment or a place to live, receiving a license for a particular occupation, obtaining certain types of educational assistance, or receiving federal or state benefits for basic human needs.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 431 BY REPRESENTATIVES JAMES WHITE & MILES

HB 431 requires the Texas Juvenile Justice Department to convene an advisory panel to review and recommend revisions to state laws related to juvenile records; this panel will include prosecutors, law enforcement, probation officers, and others, thus ensuring broad stakeholder input. Ultimately, the panel can propose policy changes that will give youth a second chance, enabling them to access critical tools for personal responsibility.

Citations on reverse.

Citations

¹ Juvenile Law Center, *Failed Policies, Forfeited Futures: A Nationwide Scorecard on Juvenile Records*, November 2014, <http://jlc.org/blog/new-study-reveals-majority-us-states-fail-protect-juvenile-records>.

² See, e.g., T. Moffitt, "Life-course-persistent versus adolescence-limited antisocial behavior" (2006).

³ Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates*, February 2015.

⁴ Texas Family Code § 51.01(2)(B).

⁵ Texas Department of Public Safety response to open records request (January 2013).