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TESTIMONY 2013
S.B. 1769

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of S.B. 1769, which will allow Texas to study problems facing youth with low-level juvenile records, and determine whether Texas can safely stop fingerprinting youth referred to the juvenile justice system for these low-level offenses.

THE INAPPROPRIATE RELEASE OF LOW-LEVEL JUVENILE RECORDS IS A PERSISTENT PROBLEM IN TEXAS

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.¹ 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.² 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.”

However, despite existing safeguards, many juvenile records are still widely accessible, which creates serious burdens for youth who have gotten their lives back on track. Most juvenile records in Texas are not on “restricted access,” so employers, landlords, and schools have easy access to this sensitive information. Even after a juvenile record is restricted, some information may continue to be accessible, especially through the FBI database.

If Texas does not fingerprint youth for low-level offenses, no criminal record will be created – likely the most effective way to prevent these records from harming youth who have atoned for the low-level offense and have gotten their lives back on the right path.

KEY FINDINGS

- **Most juvenile records are fully open to employers, landlords, and schools because they are not on “restricted access.”** The Department of Public Safety currently maintains records on 604,818 people who were arrested when they were younger than 17 years old. Only 40 percent of those records are on restricted access.³
- **Low-level youthful offenses seldom lead to serious crimes.** A tracking study by Texas’ Legislative Budget Board revealed that only 2.3 percent of youth who entered deferred prosecution in 2009 were later incarcerated in the following three years.⁴

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. 1769 BY SENATOR RODRIGUEZ

- **SB 1769 requires the Texas Juvenile Justice Department to convene an advisory panel to determine whether Texas can safely stop fingerprinting youth referred to the juvenile justice system for low-level offenses;** this panel will include prosecutors, law enforcement, probation officers, and others, thus ensuring broad stakeholder input. Ultimately, if Texas does not fingerprint youth for low-level offenses, no criminal record will be created. This may be the most effective way to prevent these records from harming youth who have atoned for the low-level offense and have gotten their lives back on the right path.

References on reverse

References

- ¹ See, e.g., T. Moffitt “Life-course-persistent versus adolescence-limited antisocial behavior” (2006).
- ² Legislative Budget Board “Statewide Criminal Justice Recidivism and Revocation Rates” (January 2013).
- ³ Texas Department of Public Safety response to open records request (January 2013).
- ⁴ Legislative Budget Board “Statewide Criminal Justice Recidivism and Revocation Rates” (January 2013).