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TESTIMONY 2013

S.B. 394

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of S.B. 394, an effective policy that will improve long-term outcomes for youth who receive a dismissal following a deferred disposition for certain low-level, fine-only offenses.

THE COLLATERAL CONSEQUENCES OF A JUVENILE RECORD

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 section 51.01(2)(B), is “to remove, where appropriate, the taint of criminality from children committing certain unlawful acts.” This should especially hold true for youth who have fulfilled the conditions of a deferred disposition for low-level, fine-only offenses.

Without improved confidentiality practices, youth with criminal records – even for such low-level, fine-only offenses – can face significant collateral consequences, including future barriers to employment or housing. Texas must take all steps to assist youth who have successfully completed the conditions of a deferred disposition and who ultimately received a dismissal of their charges.

KEY FINDINGS

- Under current law, any youth who has been **convicted** of a fine-only misdemeanor is afforded the right to a restricted record.³ This limits criminal record information to judges or court staff, criminal justice agencies,⁴ the Department of Public Safety, an attorney for a party to the proceeding, the child defendant, and the defendant’s parent, guardian, or managing conservator.
- Youth who receive a deferred disposition for a similar offense are not afforded the right to a restricted record.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. 394 BY SENATOR WEST

- **S.B. 394 will improve long-term outcomes for youth by restricting access to records of youth who received a dismissal after a deferred disposition for a fine-only offense.** This will limit inspection of a youth’s record after he or she received the least restrictive sanction for a fine-only offense.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of S.B. 394. It is an effective policy that will improve the lives of youth who have been impacted by minor, fine-only convictions, reducing unnecessary collateral consequences that can create long-term barriers to employment and housing. The Texas Criminal Justice Coalition strongly urges you to support this bill.

Citations on reverse.

Citations

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 2011).

³ Texas Code of Criminal Procedure, Section 1, Article 44.2811.

⁴ Allowed criminal justice purposes are defined in Texas Government Code, Section 411.082.