

**Westlaw Delivery Summary Report for TERRY,DAVID ARTH**

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**C****Effective: September 1, 2001**Vernon's Texas Statutes and Codes Annotated [Currentness](#)Family Code ([Refs & Annos](#))Title 3. Juvenile Justice Code ([Refs & Annos](#))    ▣ [Chapter 58](#). Records; Juvenile Justice Information System        ▣ [Subchapter A](#). Records            → **§ 58.0071. Destruction of Certain Physical Records and Files**

(a) In this section:

(1) "Juvenile case" means:

(A) a referral for conduct indicating a need for supervision or delinquent conduct; or

(B) if a petition was filed, all charges made in the petition.

(2) "Physical records and files" include entries in a computer file or information on microfilm, microfiche, or any other electronic storage media.

(b) The custodian of physical records and files in a juvenile case may destroy the records and files if the custodian duplicates the information in the records and files in a computer file or information on microfilm, microfiche, or any other electronic storage media.

(c) The following persons may authorize, subject to Subsections (d) and (e) and any other restriction the person may impose, the destruction of the physical records and files relating to a closed juvenile case:

(1) a juvenile board in relation to the records and files in the possession of the juvenile probation department;

(2) the head of a law enforcement agency in relation to the records and files in the possession of the agency;  
and

(3) a prosecuting attorney in relation to the records and files in the possession of the prosecuting attorney's office.

(d) The physical records and files of a juvenile case may only be destroyed if the child who is the respondent in the case:

(1) is at least 18 years of age and:

(A) the most serious allegation adjudicated was conduct indicating a need for supervision;

(B) the most serious allegation was conduct indicating a need for supervision and there was not an adjudication; or

(C) the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court's staff did not take action on the referral or information for that reason;

(2) is at least 21 years of age and:

(A) the most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or

(B) the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication; or

(3) is at least 31 years of age and the most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony.

(e) If a record or file contains information relating to more than one juvenile case, information relating to each case may only be destroyed if:

(1) the destruction of the information is authorized under this section; and

(2) the information can be separated from information that is not authorized to be destroyed under this section.

(f) This section does not affect the destruction of physical records and files authorized by the Texas State Library Records Retention Schedule.

CREDIT(S)

Added by [Acts 2001, 77th Leg., ch. 1297, § 38, eff. Sept. 1, 2001](#).

Current through Chapters effective immediately through Ch. 87 of the 2009 Regular Session of the 81st Legislature.

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