

1-1 By: Dutton, et al. (Senate Sponsor - West) H.B. No. 2319
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2319 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to juvenile delinquency; providing a criminal penalty.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 51.02(16), Family Code, is amended to
1-13 read as follows:

1-14 (16) "Traffic offense" means:
1-15 (A) a violation of a penal statute cognizable
1-16 under Chapter 729, Transportation Code, except for:
1-17 (i) conduct constituting an offense under
1-18 Section 521.457, Transportation Code;
1-19 (ii) conduct constituting an offense under
1-20 Section 550.021, Transportation Code;
1-21 (iii) [~~(ii)~~] conduct constituting an
1-22 offense punishable as a Class B misdemeanor under Section 550.022,
1-23 Transportation Code; [~~or~~]
1-24 (iv) [~~(iii)~~] conduct constituting an
1-25 offense punishable as a Class B misdemeanor under Section 550.024,
1-26 Transportation Code; or
1-27 (v) conduct constituting an offense
1-28 punishable as a Class B misdemeanor under Section 550.025,
1-29 Transportation Code; or
1-30 (B) a violation of a motor vehicle traffic
1-31 ordinance of an incorporated city or town in this state.

1-32 SECTION 2. Section 51.041(a), Family Code, is amended to
1-33 read as follows:

1-34 (a) The court retains jurisdiction over a person, without
1-35 regard to the age of the person, for conduct engaged in by the
1-36 person before becoming 17 years of age if, as a result of an appeal
1-37 by the person or the state under Chapter 56 or by the person under
1-38 Article 44.47, Code of Criminal Procedure, of an order of the court,
1-39 the order is reversed or modified and the case remanded to the court
1-40 by the appellate court.

1-41 SECTION 3. Section 51.08(d), Family Code, is amended to
1-42 read as follows:

1-43 (d) A court that has implemented a juvenile case manager
1-44 program under Article 45.056 [~~45.054~~], Code of Criminal Procedure,
1-45 may, but is not required to, waive its original jurisdiction under
1-46 Subsection (b)(1).

1-47 SECTION 4. Section 51.10, Family Code, is amended by adding
1-48 Subsections (j)-(l) to read as follows:

1-49 (j) The juvenile board of a county may make available to the
1-50 public the list of attorneys eligible for appointment to represent
1-51 children in proceedings under this title as provided in the plan
1-52 adopted under Section 51.102. The list of attorneys must indicate
1-53 the level of case for which each attorney is eligible for
1-54 appointment under Section 51.102(b)(2).

1-55 (k) Subject to Chapter 61, the juvenile court may order the
1-56 parent or other person responsible for support of the child to
1-57 reimburse the county for payments the county made to counsel
1-58 appointed to represent the child under Subsection (f) or (g). The
1-59 court may:

1-60 (1) order payment for each attorney who has
1-61 represented the child at any hearing, including a detention
1-62 hearing, discretionary transfer hearing, adjudication hearing,
1-63 disposition hearing, or modification of disposition hearing;

2-1 (2) include amounts paid to or on behalf of the
2-2 attorney by the county for preparation time and investigative and
2-3 expert witness costs; and

2-4 (3) require full or partial reimbursement to the
2-5 county.

2-6 (1) The court may not order payments under Subsection (k)
2-7 that exceed the financial ability of the parent or other person
2-8 responsible for support of the child to meet the payment schedule
2-9 ordered by the court.

2-10 SECTION 5. Section 51.101, Family Code, as added by Chapter
2-11 906, Acts of the 77th Legislature, Regular Session, 2001, is
2-12 renumbered as Section 51.102 and amended to read as follows:

2-13 Sec. 51.102 [~~51.101~~]. APPOINTMENT OF COUNSEL PLAN. (a)
2-14 The juvenile board in each county shall adopt a plan that:

2-15 (1) specifies the qualifications necessary for an
2-16 attorney to be included on an appointment list from which attorneys
2-17 are appointed to represent children in proceedings under this
2-18 title; and

2-19 (2) establishes the procedures for:
2-20 (A) including attorneys on the appointment list
2-21 and removing attorneys from the list; and

2-22 (B) appointing attorneys from the appointment
2-23 list to individual cases.

2-24 (b) A plan adopted under Subsection (a) must:
2-25 (1) to the extent practicable, comply with the
2-26 requirements of Article 26.04, Code of Criminal Procedure, except
2-27 that:

2-28 (A) the income and assets of the child's parent
2-29 or other person responsible for the child's support must be used in
2-30 determining whether the child is indigent; and

2-31 (B) any alternative plan for appointing counsel
2-32 is established by the juvenile board in the county; and

2-33 (2) recognize the differences in qualifications and
2-34 experience necessary for appointments to cases in which:

2-35 (A) the allegation is:
2-36 (i) conduct indicating a need for
2-37 supervision or [+]

2-38 [~~(ii)~~] delinquent conduct, and commitment
2-39 to the Texas Youth Commission is not an authorized disposition; or

2-40 (ii) [~~(iii)~~] delinquent conduct, and
2-41 commitment to the Texas Youth Commission without a determinate
2-42 sentence is an authorized disposition; or

2-43 (B) determinate sentence proceedings have been
2-44 initiated[+] or

2-45 [~~(C)~~] proceedings for discretionary transfer to
2-46 criminal court have been initiated.

2-47 SECTION 6. Section 51.13(d), Family Code, is amended to
2-48 read as follows:

2-49 (d) An adjudication under Section 54.03 that a child engaged
2-50 in conduct that occurred on or after January 1, 1996, and that
2-51 constitutes a felony offense resulting in commitment to the Texas
2-52 Youth Commission under Section 54.04(d)(2), (d)(3), or (m) or
2-53 54.05(f) is a final felony conviction only for the purposes of
2-54 Sections 12.42(a), (b), (c)(1), [~~12.42(a)-(c)~~] and (e), Penal Code.

2-55 SECTION 7. Section 51.17, Family Code, is amended by adding
2-56 Subsections (d), (e), and (f) to read as follows:

2-57 (d) When on the motion for appointment of an interpreter by
2-58 a party or on the motion of the juvenile court, in any proceeding
2-59 under this title, the court determines that the child, the child's
2-60 parent or guardian, or a witness does not understand and speak
2-61 English, an interpreter must be sworn to interpret for the person as
2-62 provided by Article 38.30, Code of Criminal Procedure.

2-63 (e) In any proceeding under this title, if a party notifies
2-64 the court that the child, the child's parent or guardian, or a
2-65 witness is deaf, the court shall appoint a qualified interpreter to
2-66 interpret the proceedings in any language, including sign language,
2-67 that the deaf person can understand, as provided by Article 38.31,
2-68 Code of Criminal Procedure.

2-69 (f) Any requirement under this title that a document contain

3-1 a person's signature, including the signature of a judge or a clerk
3-2 of the court, is satisfied if the document contains the signature
3-3 of the person as captured on an electronic device or as a digital
3-4 signature. Article 2.26, Code of Criminal Procedure, applies in a
3-5 proceeding held under this title.

3-6 SECTION 8. Sections 52.01(a) and (c), Family Code, are
3-7 amended to read as follows:

3-8 (a) A child may be taken into custody:

3-9 (1) pursuant to an order of the juvenile court under
3-10 the provisions of this subtitle;

3-11 (2) pursuant to the laws of arrest;

3-12 (3) by a law-enforcement officer, including a school
3-13 district peace officer commissioned under Section 37.081,
3-14 Education Code, if there is probable cause to believe that the child
3-15 has engaged in:

3-16 (A) conduct that violates a penal law of this
3-17 state or a penal ordinance of any political subdivision of this
3-18 state; [~~or~~]

3-19 (B) delinquent conduct or conduct indicating a
3-20 need for supervision; or

3-21 (C) conduct that violates a condition of
3-22 probation imposed by the juvenile court;

3-23 (4) by a probation officer if there is probable cause
3-24 to believe that the child has violated a condition of probation
3-25 imposed by the juvenile court; or

3-26 (5) pursuant to a directive to apprehend issued as
3-27 provided by Section 52.015.

3-28 (c) A law-enforcement officer authorized to take a child
3-29 into custody under Subdivisions (2) and (3) of Subsection (a) of
3-30 this section may issue a warning notice to the child in lieu of
3-31 taking the child into custody if:

3-32 (1) guidelines for warning disposition have been
3-33 issued by the law-enforcement agency in which the officer works;

3-34 (2) the guidelines have been approved by the juvenile
3-35 board [~~court~~] of the county in which the disposition is made;

3-36 (3) the disposition is authorized by the guidelines;

3-37 (4) the warning notice identifies the child and
3-38 describes the child's alleged conduct;

3-39 (5) a copy of the warning notice is sent to the child's
3-40 parent, guardian, or custodian as soon as practicable after
3-41 disposition; and

3-42 (6) a copy of the warning notice is filed with the
3-43 law-enforcement agency and the office or official designated by the
3-44 juvenile board.

3-45 SECTION 9. Section 52.02(a), Family Code, is amended to
3-46 read as follows:

3-47 (a) Except as provided by Subsection (c), a person taking a
3-48 child into custody, without unnecessary delay and without first
3-49 taking the child to any place other than a juvenile processing
3-50 office designated under Section 52.025, shall do one of the
3-51 following:

3-52 (1) release the child to a parent, guardian, custodian
3-53 of the child, or other responsible adult upon that person's promise
3-54 to bring the child before the juvenile court as requested by the
3-55 court;

3-56 (2) bring the child before the office or official
3-57 designated by the juvenile board if there is probable cause to
3-58 believe that the child engaged in delinquent conduct, [~~or~~] conduct
3-59 indicating a need for supervision, or conduct that violates a
3-60 condition of probation imposed by the juvenile court;

3-61 (3) bring the child to a detention facility designated
3-62 by the juvenile board;

3-63 (4) bring the child to a secure detention facility as
3-64 provided by Section 51.12(j);

3-65 (5) bring the child to a medical facility if the child
3-66 is believed to suffer from a serious physical condition or illness
3-67 that requires prompt treatment; or

3-68 (6) dispose of the case under Section 52.03.

3-69 SECTION 10. Section 52.03(d), Family Code, is amended to

4-1 read as follows:

4-2 (d) Statistics indicating the number and kind of
4-3 dispositions made by a law-enforcement agency under the authority
4-4 of this section shall be reported at least annually to the office or
4-5 official designated by the juvenile board, as ordered by the board
4-6 [~~court~~].

4-7 SECTION 11. Section 52.04(d), Family Code, is amended to
4-8 read as follows:

4-9 (d) On referral of the case of a child who has not been taken
4-10 into custody to the office or official designated by the juvenile
4-11 board [~~court~~], the office or official designated by the juvenile
4-12 board [~~court~~] shall promptly give notice of the referral and a
4-13 statement of the reason for the referral to the child's parent,
4-14 guardian, or custodian.

4-15 SECTION 12. Sections 53.01(a) and (c), Family Code, are
4-16 amended to read as follows:

4-17 (a) On referral of a person believed to be a child or on
4-18 referral of the person's case to the office or official designated
4-19 by the juvenile board, the intake officer, probation officer, or
4-20 other person authorized by the board [~~court~~] shall conduct a
4-21 preliminary investigation to determine whether:

4-22 (1) the person referred to juvenile court is a child
4-23 within the meaning of this title; and

4-24 (2) there is probable cause to believe the person:

4-25 (A) engaged in delinquent conduct or conduct
4-26 indicating a need for supervision; or

4-27 (B) is a nonoffender who has been taken into
4-28 custody and is being held solely for deportation out of the United
4-29 States.

4-30 (c) When custody of a child is given to the office or
4-31 official designated by the juvenile board, the intake officer,
4-32 probation officer, or other person authorized by the board [~~court~~]
4-33 shall promptly give notice of the whereabouts of the child and a
4-34 statement of the reason the child was taken into custody to the
4-35 child's parent, guardian, or custodian unless the notice given
4-36 under Section 52.02(b) provided fair notice of the child's present
4-37 whereabouts.

4-38 SECTION 13. Section 53.03, Family Code, is amended by
4-39 amending Subsection (d) and adding Subsections (i) and (j) to read
4-40 as follows:

4-41 (d) The juvenile board [~~court~~] may adopt a fee schedule for
4-42 deferred prosecution services and rules for the waiver of a fee for
4-43 financial hardship in accordance with guidelines that the Texas
4-44 Juvenile Probation Commission shall provide. The maximum fee is
4-45 \$15 a month. If the board [~~court~~] adopts a schedule and rules for
4-46 waiver, the probation officer or other designated officer of the
4-47 court shall collect the fee authorized by the schedule from the
4-48 parent, guardian, or custodian of a child for whom a deferred
4-49 prosecution is authorized under this section or waive the fee in
4-50 accordance with the rules adopted by the board [~~court~~]. The officer
4-51 shall deposit the fees received under this section in the county
4-52 treasury to the credit of a special fund that may be used only for
4-53 juvenile probation or community-based juvenile corrections
4-54 services or facilities in which a juvenile may be required to live
4-55 while under court supervision. If the board [~~court~~] does not adopt
4-56 a schedule and rules for waiver, a fee for deferred prosecution
4-57 services may not be imposed.

4-58 (i) The court may defer prosecution for a child at any time:

4-59 (1) for an adjudication that is to be decided by a jury
4-60 trial, before the jury is sworn;

4-61 (2) for an adjudication before the court, before the
4-62 first witness is sworn; or

4-63 (3) for an uncontested adjudication, before the child
4-64 pleads to the petition or agrees to a stipulation of evidence.

4-65 (j) The court may add the period of deferred prosecution
4-66 under Subsection (i) to a previous order of deferred prosecution,
4-67 except that the court may not place the child on deferred
4-68 prosecution for a combined period longer than one year.

4-69 SECTION 14. Section 54.01, Family Code, is amended by

5-1 amending Subsections (b), (m), (o), and (q) and adding Subsection
5-2 (r) to read as follows:

5-3 (b) Reasonable notice of the detention hearing, either oral
5-4 or written, shall be given, stating the time, place, and purpose of
5-5 the hearing. Notice shall be given to the child and, if they can be
5-6 found, to his parents, guardian, or custodian. Prior to the
5-7 commencement of the hearing, the court shall inform the parties of
5-8 the child's right to counsel and to appointed counsel if they are
5-9 indigent and of the child's right to remain silent with respect to
5-10 any allegations of delinquent conduct, ~~[or]~~ conduct indicating a
5-11 need for supervision, or conduct that violates an order of
5-12 probation imposed by a juvenile court.

5-13 (m) The detention hearing required in this section may be
5-14 held in the county of the designated place of detention where the
5-15 child is being held even though the designated place of detention is
5-16 outside the county of residence of the child or the county in which
5-17 the alleged delinquent conduct, ~~[or]~~ conduct indicating a need for
5-18 supervision, or probation violation occurred.

5-19 (o) The court or referee shall find whether there is
5-20 probable cause to believe that a child taken into custody without an
5-21 arrest warrant or a directive to apprehend has engaged in
5-22 delinquent conduct, ~~[or]~~ conduct indicating a need for supervision,
5-23 or conduct that violates an order of probation imposed by a juvenile
5-24 court. The court or referee must make the finding within 48 hours,
5-25 including weekends and holidays, of the time the child was taken
5-26 into custody. The court or referee may make the finding on any
5-27 reasonably reliable information without regard to admissibility of
5-28 that information under the Texas Rules of ~~[Criminal]~~ Evidence. A
5-29 finding of probable cause is required to detain a child after the
5-30 48th hour after the time the child was taken into custody. If a
5-31 court or referee finds probable cause, additional findings of
5-32 probable cause are not required in the same cause to authorize
5-33 further detention.

5-34 (q) If a child has not been released under Section 53.02 or
5-35 this section and a petition has not been filed under Section 53.04
5-36 or 54.05 concerning the child, the court shall order the child
5-37 released from detention not later than:

5-38 (1) the 30th working day after the date the initial
5-39 detention hearing is held, if the child is alleged to have engaged
5-40 in conduct constituting a capital felony, an aggravated controlled
5-41 substance felony, or a felony of the first degree; or

5-42 (2) the 15th working day after the date the initial
5-43 detention hearing is held, if the child is alleged to have engaged
5-44 in conduct constituting an offense other than an offense listed in
5-45 Subdivision (1) or conduct that violates an order of probation
5-46 imposed by a juvenile court.

5-47 (r) On the conditional release of a child from detention by
5-48 judicial order under Subsection (f), the court, referee, or
5-49 detention magistrate may order that the child's parent, guardian,
5-50 or custodian present in court at the detention hearing engage in
5-51 acts or omissions specified by the court, referee, or detention
5-52 magistrate that will assist the child in complying with the
5-53 conditions of release. The order must be in writing and a copy
5-54 furnished to the parent, guardian, or custodian. An order entered
5-55 under this subsection may be enforced as provided by Chapter 61.

5-56 SECTION 15. The heading to Section 54.011, Family Code, is
5-57 amended to read as follows:

5-58 Sec. 54.011. DETENTION HEARINGS FOR STATUS OFFENDERS AND
5-59 NONOFFENDERS; PENALTY.

5-60 SECTION 16. Section 54.011, Family Code, is amended by
5-61 adding Subsection (f) to read as follows:

5-62 (f) Except as provided by Subsection (a), a nonoffender,
5-63 including a person who has been taken into custody and is being held
5-64 solely for deportation out of the United States, may not be detained
5-65 for any period of time in a secure detention facility or secure
5-66 correctional facility, regardless of whether the facility is
5-67 publicly or privately operated. A nonoffender who is detained in
5-68 violation of this subsection is entitled to immediate release from
5-69 the facility and may bring a civil action for compensation for the

6-1 illegal detention against any person responsible for the detention.
 6-2 A person commits an offense if the person knowingly detains or
 6-3 assists in detaining a nonoffender in a secure detention facility
 6-4 or secure correctional facility in violation of this subsection.
 6-5 An offense under this subsection is a Class B misdemeanor.

6-6 SECTION 17. Section 54.03(i), Family Code, is amended to
 6-7 read as follows:

6-8 (i) In order to preserve for appellate or collateral review
 6-9 the failure of the court to provide the child the explanation
 6-10 required by Subsection (b), the attorney for the child must comply
 6-11 with Rule 33.1 [~~52(a)~~], Texas Rules of Appellate Procedure, before
 6-12 testimony begins or, if the adjudication is uncontested, before the
 6-13 child pleads to the petition or agrees to a stipulation of evidence.

6-14 SECTION 18. Sections 54.032(a) and (f), Family Code, are
 6-15 amended to read as follows:

6-16 (a) A juvenile court may defer adjudication proceedings
 6-17 under Section 54.03 for not more than 180 days if the child:

6-18 (1) is alleged to have engaged in conduct indicating a
 6-19 need for supervision that violated a penal law of this state of the
 6-20 grade of misdemeanor that is punishable by fine only or a penal
 6-21 ordinance of a political subdivision of this state;

6-22 (2) waives, under Section 51.09, the privilege against
 6-23 self-incrimination and testifies under oath that the allegations
 6-24 are true;

6-25 (3) presents to the court an oral or written request to
 6-26 attend a teen court program; and

6-27 (4) has not successfully completed a teen court
 6-28 program [~~for the violation of the same penal law or ordinance~~] in
 6-29 the two years preceding the date that the alleged conduct occurred.

6-30 (f) A court may transfer a case in which proceedings have
 6-31 been deferred as provided by this section to a court in another [~~a~~
 6-32 ~~contiguous~~] county if the court to which the case is transferred
 6-33 consents. A case may not be transferred unless it is within the
 6-34 jurisdiction of the court to which it is transferred.

6-35 SECTION 19. Section 54.041(a), Family Code, is amended to
 6-36 read as follows:

6-37 (a) When a child has been found to have engaged in
 6-38 delinquent conduct or conduct indicating a need for supervision and
 6-39 the juvenile court has made a finding that the child is in need of
 6-40 rehabilitation or that the protection of the public or the child
 6-41 requires that disposition be made, the juvenile court, on notice by
 6-42 any reasonable method to all persons affected, may:

6-43 (1) order any person found by the juvenile court to
 6-44 have, by a wilful act or omission, contributed to, caused, or
 6-45 encouraged the child's delinquent conduct or conduct indicating a
 6-46 need for supervision to do any act that the juvenile court
 6-47 determines to be reasonable and necessary for the welfare of the
 6-48 child or to refrain from doing any act that the juvenile court
 6-49 determines to be injurious to the welfare of the child;

6-50 (2) enjoin all contact between the child and a person
 6-51 who is found to be a contributing cause of the child's delinquent
 6-52 conduct or conduct indicating a need for supervision; [~~or~~]

6-53 (3) after notice and a hearing of all persons affected
 6-54 order any person living in the same household with the child to
 6-55 participate in social or psychological counseling to assist in the
 6-56 rehabilitation of the child and to strengthen the child's family
 6-57 environment; or

6-58 (4) after notice and a hearing of all persons affected
 6-59 order the child's parent or other person responsible for the child's
 6-60 support to pay all or part of the reasonable costs of treatment
 6-61 programs in which the child is required to participate during the
 6-62 period of probation if the court finds the child's parent or person
 6-63 responsible for the child's support is able to pay the costs.

6-64 SECTION 20. Sections 54.042(c) and (d), Family Code, are
 6-65 amended to read as follows:

6-66 (c) The order under Subsection (a)(1) shall specify a period
 6-67 of suspension or denial [~~that is until the child reaches the age of~~
 6-68 ~~19 or for a period~~] of 365 days [~~, whichever is longer~~].

6-69 (d) The order under Subsection (b) shall specify a period of

7-1 suspension or denial [~~that is~~]:

7-2 (1) [~~for a period~~] not to exceed 365 days; or

7-3 (2) of 365 days if the court finds the child has been
7-4 previously adjudicated as having engaged in conduct violating
7-5 Section 28.08, Penal Code[, ~~until the child reaches the age of 19 or~~
7-6 ~~for a period not to exceed 365 days, whichever is longer~~].

7-7 SECTION 21. Section 54.05, Family Code, is amended by
7-8 amending Subsection (k) and adding Subsection (l) to read as
7-9 follows:

7-10 (k) The court may modify a disposition under Subsection (f)
7-11 that is based on an adjudication [~~a finding~~] that the child engaged
7-12 in delinquent conduct that violates a penal law of the grade of
7-13 misdemeanor if:

7-14 (1) the child has been adjudicated as having engaged
7-15 in delinquent conduct violating a penal law of the grade of felony
7-16 or misdemeanor on at least one [~~two~~] previous occasion before the
7-17 adjudication that prompted the disposition that is being modified
7-18 [~~occasions~~]; and

7-19 (2) [~~of the previous adjudications,~~] the conduct that
7-20 was the basis [~~for one~~] of the adjudication that prompted the
7-21 disposition that is being modified [~~adjudications~~] occurred after
7-22 the date of the [~~another~~] previous adjudication.

7-23 (l) The court may extend a period of probation under this
7-24 section at any time during the period of probation or, if a motion
7-25 for revocation or modification of probation is filed before the
7-26 period of supervision ends, before the first anniversary of the
7-27 date on which the period of probation expires.

7-28 SECTION 22. Section 54.051, Family Code, is amended by
7-29 amending Subsection (e) and adding Subsections (e-1), (e-2), (e-3),
7-30 (g), (h), and (i) to read as follows:

7-31 (e) A district court that exercises jurisdiction over a
7-32 child transferred under Subsection (d) shall place the child on
7-33 community supervision under Article 42.12, Code of Criminal
7-34 Procedure, for the remainder of the child's probationary period and
7-35 under conditions consistent with those ordered by the juvenile
7-36 court.

7-37 (e-1) The restrictions on a judge placing a defendant on
7-38 community supervision imposed by Section 3g, Article 42.12, Code of
7-39 Criminal Procedure, do not apply to a case transferred from the
7-40 juvenile court. The minimum period of community supervision
7-41 imposed by Section 3(b), Article 42.12, Code of Criminal Procedure,
7-42 does not apply to a case transferred from the juvenile court.

7-43 (e-2) If a child who is placed on community supervision
7-44 under this section [~~subsection~~] violates a condition of that
7-45 supervision or if the child violated a condition of probation
7-46 ordered under Section 54.04(q) and that probation violation was not
7-47 discovered by the state before the child's 18th birthday, the
7-48 district court shall dispose of the violation of community
7-49 supervision or probation, as appropriate, in the same manner as if
7-50 the court had originally exercised jurisdiction over the case. If
7-51 the judge revokes community supervision, the judge may reduce the
7-52 prison sentence to any length without regard to the minimum term
7-53 imposed by Section 23(a), Article 42.12, Code of Criminal
7-54 Procedure.

7-55 (e-3) The time that a child serves on probation ordered
7-56 under Section 54.04(q) is the same as time served on community
7-57 supervision ordered under this section [~~subsection~~] for purposes of
7-58 determining the child's eligibility for early discharge from
7-59 community supervision under Section 20, Article 42.12, Code of
7-60 Criminal Procedure.

7-61 (g) If the juvenile court places the child on probation for
7-62 an offense for which registration as a sex offender is required by
7-63 Chapter 62, Code of Criminal Procedure, and defers the registration
7-64 requirement until completion of treatment for the sex offense under
7-65 Article 62.13, Code of Criminal Procedure, the authority under that
7-66 article to reexamine the need for registration on completion of
7-67 treatment is transferred to the court to which probation is
7-68 transferred.

7-69 (h) If the juvenile court places the child on probation for

8-1 an offense for which registration as a sex offender is required by
 8-2 Chapter 62, Code of Criminal Procedure, and the child registers,
 8-3 the authority of the court to excuse further compliance with the
 8-4 registration requirement under Articles 62.13(l)-(r), Code of
 8-5 Criminal Procedure, is transferred to the court to which probation
 8-6 is transferred.

8-7 (i) If the juvenile court exercises jurisdiction over a
 8-8 person who is 18 years of age or older under Section 51.041 or
 8-9 51.0412, the court or jury may, if the person is otherwise eligible,
 8-10 place the person on probation under Section 54.04(q). The juvenile
 8-11 court shall set the conditions of probation and immediately
 8-12 transfer supervision of the person to the appropriate court
 8-13 exercising criminal jurisdiction under Subsection (e).

8-14 SECTION 23. Section 54.07, Family Code, is amended to read
 8-15 as follows:

8-16 Sec. 54.07. ENFORCEMENT OF ORDER. (a) Except as provided
 8-17 by Subsection (b) or a juvenile court child support order, any [Any]
 8-18 order of the juvenile court may be enforced as provided by Chapter
 8-19 61 [by contempt].

8-20 (b) A violation of any of the following orders of the [The]
 8-21 juvenile court may not be enforced by contempt of court proceedings
 8-22 against the child:

8-23 (1) an order setting conditions of probation;
 8-24 (2) an order setting conditions of deferred
 8-25 prosecution; and

8-26 (3) an order setting conditions of release from
 8-27 detention [enforce its order for support or for the payment of
 8-28 restitution or probation fees by civil contempt proceedings after
 8-29 10 days' notice to the defaulting person of his failure or refusal
 8-30 to carry out the terms of the order].

8-31 (c) This section and Chapter 61 do not preclude a [On the
 8-32 motion of the] juvenile court from summarily finding [or any person
 8-33 or agency entitled to receive restitution or probation payments or
 8-34 payments for the benefit of] a child or other [, the juvenile court
 8-35 may render judgment against a defaulting] person in direct contempt
 8-36 of the juvenile court for conduct occurring in the presence of the
 8-37 judge of the court. Direct contempt of the juvenile court by a
 8-38 child is punishable by a maximum of [for any amount unpaid and owing
 8-39 after] 10 days' confinement in a secure juvenile detention facility
 8-40 or by a maximum of 40 hours of community service, or both. The
 8-41 juvenile court may not impose a fine on a child for direct contempt
 8-42 [notice to the defaulting person of his failure or refusal to carry
 8-43 out the terms of the order. The judgment may be enforced by any
 8-44 means available for the enforcement of judgments for other debts].

8-45 (d) This section and Chapter 61 do not preclude a juvenile
 8-46 court in an appropriate case from using a civil or coercive contempt
 8-47 proceeding to enforce an order.

8-48 SECTION 24. Section 54.11, Family Code, is amended by
 8-49 adding Subsections (l)-(n) to read as follows:

8-50 (l) Pending the conclusion of a transfer hearing, the
 8-51 juvenile court shall order that the person who is referred for
 8-52 transfer be detained in a certified juvenile detention facility as
 8-53 provided by Subsection (m). If the person is at least 17 years of
 8-54 age, the juvenile court may order that the person be detained
 8-55 without bond in an appropriate county facility for the detention of
 8-56 adults accused of criminal offenses.

8-57 (m) The detention of a person in a certified juvenile
 8-58 detention facility must comply with the detention requirements
 8-59 under this title, except that, to the extent practicable, the
 8-60 person must be kept separate from children detained in the same
 8-61 facility.

8-62 (n) If the juvenile court orders that a person who is
 8-63 referred for transfer be detained in a county facility under
 8-64 Subsection (l), the county sheriff shall take custody of the person
 8-65 under the juvenile court's order.

8-66 SECTION 25. Chapter 56, Family Code, is amended by adding
 8-67 Section 56.03 to read as follows:

8-68 Sec. 56.03. APPEAL BY STATE IN CASES OF VIOLENT OR HABITUAL
 8-69 OFFENDER. (a) In this section, "prosecuting attorney" means the

9-1 county attorney, district attorney, or criminal district attorney
 9-2 who has the primary responsibility of presenting cases in the
 9-3 juvenile court. The term does not include an assistant prosecuting
 9-4 attorney.

9-5 (b) The state is entitled to appeal an order of a court in a
 9-6 juvenile case in which the grand jury has approved of the petition
 9-7 under Section 53.045 if the order:

- 9-8 (1) dismisses a petition or any portion of a petition;
- 9-9 (2) arrests or modifies a judgment;
- 9-10 (3) grants a new trial;
- 9-11 (4) sustains a claim of former jeopardy; or
- 9-12 (5) grants a motion to suppress evidence, a
 9-13 confession, or an admission and if:

- 9-14 (A) jeopardy has not attached in the case;
- 9-15 (B) the prosecuting attorney certifies to the
 9-16 trial court that the appeal is not taken for the purpose of delay;
 9-17 and

- 9-18 (C) the evidence, confession, or admission is of
 9-19 substantial importance in the case.

9-20 (c) The prosecuting attorney may not bring an appeal under
 9-21 Subsection (b) later than the 15th day after the date on which the
 9-22 order or ruling to be appealed is entered by the court.

9-23 (d) The state is entitled to a stay in the proceedings
 9-24 pending the disposition of an appeal under Subsection (b).

9-25 (e) The court of appeals shall give preference in its docket
 9-26 to an appeal filed under Subsection (b).

9-27 (f) The state shall pay all costs of appeal under Subsection
 9-28 (b), other than the cost of attorney's fees for the respondent.

9-29 (g) If the respondent is represented by appointed counsel,
 9-30 the counsel shall continue to represent the respondent as appointed
 9-31 counsel on the appeal. If the respondent is not represented by
 9-32 appointed counsel, the respondent may seek the appointment of
 9-33 counsel to represent the respondent on appeal. The juvenile court
 9-34 shall determine whether the parent or other person responsible for
 9-35 support of the child is financially able to obtain an attorney to
 9-36 represent the respondent on appeal. If the court determines that
 9-37 the parent or other person is financially unable to obtain counsel
 9-38 for the appeal, the court shall appoint counsel to represent the
 9-39 respondent on appeal.

9-40 (h) If the state appeals under this section and the
 9-41 respondent is not detained, the court shall permit the respondent
 9-42 to remain at large subject only to the condition that the respondent
 9-43 appear in court for further proceedings when required by the court.
 9-44 If the respondent is detained, on the state's filing of notice of
 9-45 appeal under this section, the respondent is entitled to immediate
 9-46 release from detention on the allegation that is the subject of the
 9-47 appeal. The court shall permit the respondent to remain at large
 9-48 regarding that allegation subject only to the condition that the
 9-49 respondent appear in court for further proceedings when required by
 9-50 the court.

9-51 (i) The Texas Rules of Appellate Procedure apply to a
 9-52 petition by the state to the supreme court for review of a decision
 9-53 of a court of appeals in a juvenile case.

9-54 SECTION 26. Section 58.003(n), Family Code, is amended to
 9-55 read as follows:

9-56 (n) A record created or maintained under Chapter 62, Code of
 9-57 Criminal Procedure [Article 6252-13c.1, Revised Statutes], may not
 9-58 be sealed under this section if the person who is the subject of the
 9-59 record has a continuing obligation to register under that chapter
 9-60 [article].

9-61 SECTION 27. Section 58.005(a), Family Code, is amended to
 9-62 read as follows:

9-63 (a) Records and files concerning a child, including
 9-64 personally identifiable information, and information [Information]
 9-65 obtained for the purpose of diagnosis, examination, evaluation, or
 9-66 treatment or for making a referral for treatment of a child by a
 9-67 public or private agency or institution providing supervision of a
 9-68 child by arrangement of the juvenile court or having custody of the
 9-69 child under order of the juvenile court may be disclosed only to:

- 10-1 (1) the professional staff or consultants of the
- 10-2 agency or institution;
- 10-3 (2) the judge, probation officers, and professional
- 10-4 staff or consultants of the juvenile court;
- 10-5 (3) an attorney for the child;
- 10-6 (4) a governmental agency if the disclosure is
- 10-7 required or authorized by law;
- 10-8 (5) a person or entity to whom the child is referred
- 10-9 for treatment or services if the agency or institution disclosing
- 10-10 the information has entered into a written confidentiality
- 10-11 agreement with the person or entity regarding the protection of the
- 10-12 disclosed information;
- 10-13 (6) the Texas Department of Criminal Justice and the
- 10-14 Texas Juvenile Probation Commission for the purpose of maintaining
- 10-15 statistical records of recidivism and for diagnosis and
- 10-16 classification; or
- 10-17 (7) with leave of the juvenile court, any other
- 10-18 person, agency, or institution having a legitimate interest in the
- 10-19 proceeding or in the work of the court.

10-20 SECTION 28. Title 3, Family Code, is amended by adding
10-21 Chapter 61 to read as follows:

10-22 CHAPTER 61. RIGHTS AND RESPONSIBILITIES OF PARENTS AND OTHER
10-23 ELIGIBLE PERSONS

10-24 SUBCHAPTER A. ENTRY OF ORDERS AGAINST PARENTS AND OTHER ELIGIBLE
10-25 PERSONS

10-26 Sec. 61.001. DEFINITIONS. In this chapter:

10-27 (1) "Juvenile court order" means an order by a
10-28 juvenile court in a proceeding to which this chapter applies
10-29 requiring a parent or other eligible person to act or refrain from
10-30 acting.

10-31 (2) "Other eligible person" means the respondent's
10-32 guardian, the respondent's custodian, or any other person described
10-33 in a provision under this title authorizing the court order.

10-34 Sec. 61.002. APPLICABILITY. (a) Except as provided by
10-35 Subsection (b), this chapter applies to a proceeding to enter a
10-36 juvenile court order:

10-37 (1) for payment of probation fees under Section
10-38 54.061;

10-39 (2) for restitution under Sections 54.041(b) and
10-40 54.048;

10-41 (3) for payment of graffiti eradication fees under
10-42 Section 54.0461;

10-43 (4) for community service under Section 54.044(b);

10-44 (5) for payment of costs of court under Section
10-45 54.0411 or other provisions of law;

10-46 (6) requiring the person to refrain from doing any act
10-47 injurious to the welfare of the child under Section 54.041(a)(1);

10-48 (7) enjoining contact between the person and the child
10-49 who is the subject of a proceeding under Section 54.041(a)(2);

10-50 (8) ordering a person living in the same household
10-51 with the child to participate in counseling under Section
10-52 54.041(a)(3);

10-53 (9) requiring a parent or guardian of a child found to
10-54 be truant to participate in an available program addressing truancy
10-55 under Section 54.041(g);

10-56 (10) requiring a parent or other eligible person to
10-57 pay reasonable attorney's fees for representing the child under
10-58 Section 51.10(e);

10-59 (11) requiring the parent or other eligible person to
10-60 reimburse the county for payments the county has made to an attorney
10-61 appointed to represent the child under Section 51.10(j);

10-62 (12) requiring payment of deferred prosecution
10-63 supervision fees under Section 53.03(d);

10-64 (13) requiring a parent or other eligible person to
10-65 attend a court hearing under Section 51.115;

10-66 (14) requiring a parent or other eligible person to
10-67 act or refrain from acting to aid the child in complying with
10-68 conditions of release from detention under Section 54.01(r); or

10-69 (15) requiring a parent or other eligible person to

11-1 act or refrain from acting under any law imposing an obligation of
11-2 action or omission on a parent or other eligible person because of
11-3 the parent's or person's relation to the child who is the subject of
11-4 a proceeding under this title.

11-5 (b) This subchapter does not apply to the entry and
11-6 enforcement of a child support order under Section 54.06.

11-7 Sec. 61.003. ENTRY OF JUVENILE COURT ORDER AGAINST PARENT
11-8 OR OTHER ELIGIBLE PERSON. (a) To comply with the requirements of
11-9 due process of law, the juvenile court shall:

11-10 (1) provide sufficient notice in writing or orally in
11-11 a recorded court hearing of a proposed juvenile court order; and

11-12 (2) provide a sufficient opportunity for the parent or
11-13 other eligible person to be heard regarding the proposed order.

11-14 (b) A juvenile court order must be in writing and a copy
11-15 promptly furnished to the parent or other eligible person.

11-16 (c) The juvenile court may require the parent or other
11-17 eligible person to provide suitable identification to be included
11-18 in the court's file. Suitable identification includes
11-19 fingerprints, a driver's license number, a social security number,
11-20 or similar indicia of identity.

11-21 Sec. 61.004. APPEAL. (a) The parent or other eligible
11-22 person against whom a final juvenile court order has been entered
11-23 may appeal as provided by law from judgments entered in civil cases.

11-24 (b) The movant may appeal from a judgment denying requested
11-25 relief regarding a juvenile court order as provided by law from
11-26 judgments entered in civil cases.

11-27 (c) The pendency of an appeal initiated under this section
11-28 does not abate or otherwise affect the proceedings in juvenile
11-29 court involving the child.

11-30 [Sections 61.005-61.050 reserved for expansion]
11-31 SUBCHAPTER B. ENFORCEMENT OF ORDER AGAINST PARENT
11-32 OR OTHER ELIGIBLE PERSON

11-33 Sec. 61.051. MOTION FOR ENFORCEMENT. (a) A party initiates
11-34 enforcement of a juvenile court order by filing a written motion.
11-35 In ordinary and concise language, the motion must:

11-36 (1) identify the provision of the order allegedly
11-37 violated and sought to be enforced;

11-38 (2) state specifically and factually the manner of the
11-39 person's alleged noncompliance;

11-40 (3) state the relief requested; and

11-41 (4) contain the signature of the party filing the
11-42 motion.

11-43 (b) The movant must allege in the same motion for
11-44 enforcement each violation by the person of the juvenile court
11-45 orders described by Section 61.002(a) that the movant had a
11-46 reasonable basis for believing the person was violating when the
11-47 motion was filed.

11-48 (c) The juvenile court retains jurisdiction to enter a
11-49 contempt order if the motion for enforcement is filed not later than
11-50 six months after the child's 18th birthday.

11-51 Sec. 61.052. NOTICE AND APPEARANCE. (a) On the filing of a
11-52 motion for enforcement, the court shall by written notice set the
11-53 date, time, and place of the hearing and order the person against
11-54 whom enforcement is sought to appear and respond to the motion.

11-55 (b) The notice must be given by personal service or by
11-56 certified mail, return receipt requested, on or before the 10th day
11-57 before the date of the hearing on the motion. The notice must
11-58 include a copy of the motion for enforcement. Personal service must
11-59 comply with the Code of Criminal Procedure.

11-60 (c) If a person moves to strike or specially excepts to the
11-61 motion for enforcement, the court shall rule on the exception or
11-62 motion to strike before the court hears evidence on the motion for
11-63 enforcement. If an exception is sustained, the court shall give the
11-64 movant an opportunity to replead and continue the hearing to a
11-65 designated date and time without the requirement of additional
11-66 service.

11-67 (d) If a person who has been personally served with notice
11-68 to appear at the hearing does not appear, the juvenile court may not
11-69 hold the person in contempt, but may issue a capias for the arrest

12-1 of the person. The court shall set and enforce bond as provided by
12-2 Subchapter C, Chapter 157. If a person served by certified mail,
12-3 return receipt requested, with notice to appear at the hearing does
12-4 not appear, the juvenile court may require immediate personal
12-5 service of notice.

12-6 Sec. 61.053. ATTORNEY FOR THE PERSON. (a) In a proceeding
12-7 on a motion for enforcement against a person who is not represented
12-8 by an attorney, the court shall inform the person of the right to be
12-9 represented by an attorney and, if the person is indigent, of the
12-10 right to the appointment of an attorney.

12-11 (b) If the person claims indigency and requests the
12-12 appointment of an attorney, the juvenile court may require the
12-13 person to file an affidavit of indigency. The court may hear
12-14 evidence to determine the issue of indigency.

12-15 (c) The court shall appoint an attorney to represent the
12-16 person if the court determines that the person is indigent.

12-17 (d) The court shall allow an appointed or retained attorney
12-18 at least 10 days after the date of the attorney's appointment or
12-19 retention to respond to the movant's pleadings and to prepare for
12-20 the hearing. The attorney may waive the preparation time or agree
12-21 to a shorter period for preparation.

12-22 Sec. 61.054. COMPENSATION OF APPOINTED ATTORNEY. (a) An
12-23 attorney appointed to represent an indigent person is entitled to a
12-24 reasonable fee for services to be paid from the general fund of the
12-25 county according to the schedule for compensation adopted by the
12-26 county juvenile board. The attorney must meet the qualifications
12-27 required of attorneys for appointment to Class B misdemeanor cases
12-28 in juvenile court.

12-29 (b) For purposes of compensation, a proceeding in the
12-30 supreme court is the equivalent of a proceeding in the court of
12-31 criminal appeals.

12-32 (c) The juvenile court may order the parent or other
12-33 eligible person for whom it has appointed counsel to reimburse the
12-34 county for the fees the county pays to appointed counsel.

12-35 Sec. 61.055. CONDUCT OF ENFORCEMENT HEARING. (a) The
12-36 juvenile court shall require that the enforcement hearing be
12-37 recorded as provided by Section 54.09.

12-38 (b) The movant must prove beyond a reasonable doubt that the
12-39 person against whom enforcement is sought engaged in conduct
12-40 constituting contempt of a reasonable and lawful court order as
12-41 alleged in the motion for enforcement.

12-42 (c) The person against whom enforcement is sought has a
12-43 privilege not to be called as a witness or otherwise to incriminate
12-44 himself or herself.

12-45 (d) The juvenile court shall conduct the enforcement
12-46 hearing without a jury.

12-47 (e) The juvenile court shall include in its judgment
12-48 findings as to each violation alleged in the motion for enforcement
12-49 and the punishment, if any, to be imposed.

12-50 (f) If the person against whom enforcement is sought was not
12-51 represented by counsel during any previous court proceeding
12-52 involving a motion for enforcement, the person may through counsel
12-53 raise any defense or affirmative defense to the proceeding that
12-54 could have been lodged in the previous court proceeding but was not
12-55 because the person was not represented by counsel.

12-56 (g) It is an affirmative defense to enforcement of a
12-57 juvenile court order that the juvenile court did not provide the
12-58 parent or other eligible person with due process of law in the
12-59 proceeding in which the court entered the order.

12-60 Sec. 61.056. AFFIRMATIVE DEFENSE OF INABILITY TO PAY. (a)
12-61 In an enforcement hearing in which the motion for enforcement
12-62 alleges that the person against whom enforcement is sought failed
12-63 to pay restitution, court costs, supervision fees, or any other
12-64 payment ordered by the court, it is an affirmative defense that the
12-65 person was financially unable to pay.

12-66 (b) The burden of proof to establish the affirmative defense
12-67 of inability to pay is on the person asserting it.

12-68 (c) In order to prevail on the affirmative defense of
12-69 inability to pay, the person asserting it must show that the person

13-1 could not have reasonably paid the court-ordered obligation after
 13-2 the person discharged the person's other important financial
 13-3 obligations, including payments for housing, food, utilities,
 13-4 necessary clothing, education, and preexisting debts.

13-5 Sec. 61.057. PUNISHMENT FOR CONTEMPT. (a) On a finding of
 13-6 contempt, the juvenile court may commit the person to the county
 13-7 jail for a term not to exceed six months or may impose a fine in an
 13-8 amount not to exceed \$500, or both.

13-9 (b) The court may impose only a single jail sentence not to
 13-10 exceed six months or a single fine not to exceed \$500, or both,
 13-11 during an enforcement proceeding, without regard to whether the
 13-12 court has entered multiple findings of contempt.

13-13 (c) On a finding of contempt in an enforcement proceeding,
 13-14 the juvenile court may, instead of issuing a commitment to jail,
 13-15 enter an order requiring the person's future conduct to comply with
 13-16 the court's previous orders.

13-17 (d) Violation of an order entered under Subsection (c) may
 13-18 be the basis of a new enforcement proceeding.

13-19 (e) The juvenile court may assign a juvenile probation
 13-20 officer to assist a person in complying with a court order issued
 13-21 under Subsection (c).

13-22 (f) A juvenile court may reduce a term of incarceration or
 13-23 reduce payment of all or part of a fine at any time before the
 13-24 sentence is fully served or the fine fully paid.

13-25 (g) A juvenile court may reduce the burden of complying with
 13-26 a court order issued under Subsection (c) at any time before the
 13-27 order is fully satisfied, but may not increase the burden except
 13-28 following a new finding of contempt in a new enforcement
 13-29 proceeding.

13-30 [Sections 61.058-61.100 reserved for expansion]

13-31 SUBCHAPTER C. RIGHTS OF PARENTS

13-32 Sec. 61.101. DEFINITION. In this subchapter, "parent"
 13-33 includes the guardian or custodian of a child.

13-34 Sec. 61.102. RIGHT TO BE INFORMED OF PROCEEDING. (a) The
 13-35 parent of a child referred to a juvenile court is entitled as soon
 13-36 as practicable after the referral to be informed by staff
 13-37 designated by the juvenile board, based on the information
 13-38 accompanying the referral to the juvenile court, of:

- 13-39 (1) the date and time of the offense;
- 13-40 (2) the date and time the child was taken into custody;
- 13-41 (3) the name of the offense and its penal category;
- 13-42 (4) the type of weapon, if any, that was used;
- 13-43 (5) the type of property taken or damaged and the
 13-44 extent of damage, if any;
- 13-45 (6) the physical injuries, if any, to the victim of the
 13-46 offense;
- 13-47 (7) whether there is reason to believe that the
 13-48 offense was gang-related;
- 13-49 (8) whether there is reason to believe that the
 13-50 offense was related to consumption of alcohol or use of an illegal
 13-51 controlled substance;
- 13-52 (9) if the child was taken into custody with adults or
 13-53 other juveniles, the names of those persons;
- 13-54 (10) the aspects of the juvenile court process that
 13-55 apply to the child;
- 13-56 (11) if the child is in detention, the visitation
 13-57 policy of the detention facility that applies to the child;
- 13-58 (12) the child's right to be represented by an attorney
 13-59 and the local standards and procedures for determining whether the
 13-60 parent qualifies for appointment of counsel to represent the child;
 13-61 and
- 13-62 (13) the methods by which the parent can assist the
 13-63 child with the legal process.

13-64 (b) If the child was released on field release citation, or
 13-65 from the law enforcement station by the police, by intake, or by the
 13-66 judge or associate judge at the initial detention hearing, the
 13-67 information required by Subsection (a) may be communicated to the
 13-68 parent in person, by telephone, or in writing.

13-69 (c) If the child is not released before or at the initial

14-1 detention hearing, the information required by Subsection (a) shall
 14-2 be communicated in person to the parent unless that is not feasible,
 14-3 in which event it may be communicated by telephone or in writing.

14-4 (d) Information disclosed to a parent under Subsection (a)
 14-5 is not admissible in a judicial proceeding under this title as
 14-6 substantive evidence or as evidence to impeach the testimony of a
 14-7 witness for the state.

14-8 Sec. 61.103. RIGHT OF ACCESS TO CHILD. (a) The parent of a
 14-9 child taken into custody for delinquent conduct, conduct indicating
 14-10 a need for supervision, or conduct that violates a condition of
 14-11 probation imposed by the juvenile court has the right to
 14-12 communicate in person privately with the child for reasonable
 14-13 periods of time while the child is in:

- 14-14 (1) a juvenile processing office;
- 14-15 (2) a secure detention facility;
- 14-16 (3) a secure correctional facility;
- 14-17 (4) a court-ordered placement facility; or
- 14-18 (5) the custody of the Texas Youth Commission.

14-19 (b) The time, place, and conditions of the private,
 14-20 in-person communication may be regulated to prevent disruption of
 14-21 scheduled activities and to maintain the safety and security of the
 14-22 facility.

14-23 Sec. 61.104. PARENTAL WRITTEN STATEMENT. (a) When a
 14-24 petition for adjudication, a motion or petition to modify
 14-25 disposition, or a motion or petition for discretionary transfer to
 14-26 criminal court is served on a parent of the child, the parent must
 14-27 be provided with a form prescribed by the Texas Juvenile Probation
 14-28 Commission on which the parent can make a written statement about
 14-29 the needs of the child or family or any other matter relevant to
 14-30 disposition of the case.

14-31 (b) The parent shall return the statement to the juvenile
 14-32 probation department, which shall transmit the statement to the
 14-33 court along with the discretionary transfer report authorized by
 14-34 Section 54.02(e), the disposition report authorized by Section
 14-35 54.04(b), or the modification of disposition report authorized by
 14-36 Section 54.05(e), as applicable. The statement shall be disclosed
 14-37 to the parties as appropriate and may be considered by the court at
 14-38 the disposition, modification, or discretionary transfer hearing.

14-39 Sec. 61.105. PARENTAL ORAL STATEMENT. (a) After all the
 14-40 evidence has been received but before the arguments of counsel at a
 14-41 hearing for discretionary transfer to criminal court, a disposition
 14-42 hearing without a jury, or a modification of disposition hearing,
 14-43 the court shall give a parent who is present in court a reasonable
 14-44 opportunity to address the court about the needs or strengths of the
 14-45 child or family or any other matter relevant to disposition of the
 14-46 case.

14-47 (b) The parent may not be required to make the statement
 14-48 under oath and may not be subject to cross-examination, but the
 14-49 court may seek clarification or expansion of the statement from the
 14-50 person giving the statement.

14-51 (c) The court may consider and act on the statement as the
 14-52 court considers appropriate.

14-53 Sec. 61.106. APPEAL OR COLLATERAL CHALLENGE. The failure
 14-54 or inability of a person to perform an act or to provide a right or
 14-55 service listed under this subchapter may not be used by the child or
 14-56 any party as a ground for:

- 14-57 (1) appeal;
- 14-58 (2) an application for a post-adjudication writ of
 14-59 habeas corpus; or
- 14-60 (3) exclusion of evidence against the child in any
 14-61 proceeding or forum.

14-62 Sec. 61.107. LIABILITY. The Texas Youth Commission, a
 14-63 juvenile board, a court, a person appointed by the court, an
 14-64 employee of a juvenile probation department, an attorney for the
 14-65 state, a peace officer, or a law enforcement agency is not liable
 14-66 for a failure or inability to provide a right listed in this
 14-67 chapter.

14-68 SECTION 29. Sections 261.405(b) and (c), Family Code, are
 14-69 amended to read as follows:

15-1 (b) A report of alleged abuse, ~~[or]~~ neglect, or exploitation
15-2 in any juvenile justice program or facility shall be made to the
15-3 Texas Juvenile Probation Commission and a local law enforcement
15-4 agency for investigation.

15-5 (c) The Texas Juvenile Probation Commission shall conduct
15-6 an investigation as provided by this chapter if the commission
15-7 receives a report of alleged abuse, ~~[or]~~ neglect, or exploitation
15-8 in any juvenile justice program or facility.

15-9 SECTION 30. Article 44.47(b), Code of Criminal Procedure,
15-10 is amended to read as follows:

15-11 (b) A defendant may appeal a transfer under Subsection (a)
15-12 only in conjunction with the appeal of a conviction of or an order
15-13 of deferred adjudication for the offense for which the defendant
15-14 was transferred to criminal court.

15-15 SECTION 31. Article 45.045, Code of Criminal Procedure, is
15-16 amended to read as follows:

15-17 Art. 45.045. CAPIAS PRO FINE. (a) If the defendant is not
15-18 in custody when the judgment is rendered or if the defendant fails
15-19 to satisfy the judgment according to its terms, the court may order
15-20 a capias pro fine issued for the defendant's arrest. The capias pro
15-21 fine shall state the amount of the judgment and sentence, and
15-22 command the appropriate peace officer to bring the defendant before
15-23 the court or place the defendant in jail until the defendant can be
15-24 brought before the court.

15-25 (b) A capias pro fine may not be issued for an individual
15-26 convicted for an offense committed before the individual's 17th
15-27 birthday unless:

15-28 (1) the individual is 17 years of age or older;
15-29 (2) the court finds that the issuance of the capias pro
15-30 fine is justified after considering:

15-31 (A) the sophistication and maturity of the
15-32 individual;

15-33 (B) the criminal record and history of the
15-34 individual; and

15-35 (C) the reasonable likelihood of bringing about
15-36 the discharge of the judgment through the use of procedures and
15-37 services currently available to the court; and

15-38 (3) the court has proceeded under Article 45.050 to
15-39 compel the individual to discharge the judgment.

15-40 (c) This article does not limit the authority of a court to
15-41 order a child taken into custody under Article 45.058 or 45.059.

15-42 SECTION 32. Article 45.050, Code of Criminal Procedure, as
15-43 amended by Chapters 1297 and 1514, Acts of the 77th Legislature,
15-44 Regular Session, 2001, is reenacted and amended to read as follows:

15-45 Art. 45.050. FAILURE TO PAY FINE; CONTEMPT: JUVENILES. (a)
15-46 In this article, "child" has the meaning assigned by Article
15-47 45.058(h).

15-48 (b) A justice or municipal court may not order the
15-49 confinement of a child for:

15-50 (1) the failure to pay all or any part of a fine or
15-51 costs imposed for the conviction of an offense punishable by fine
15-52 only; or

15-53 (2) contempt of another order of a justice or
15-54 municipal court.

15-55 (c) If a child fails to obey an order of a justice or
15-56 municipal court under circumstances that would constitute contempt
15-57 of court, the justice or municipal court, after providing notice
15-58 and an opportunity to be heard, may:

15-59 (1) ~~[has jurisdiction to]~~ refer the child to the
15-60 appropriate juvenile court for delinquent conduct for contempt of
15-61 the justice or municipal court order; or

15-62 (2) ~~[may]~~ retain jurisdiction of the case, hold the
15-63 child in contempt of the justice or municipal court, and order
15-64 either or both of the following [and]:

15-65 (A) that the contemnor pay [hold the child in
15-66 contempt of the justice or municipal court order and impose] a fine
15-67 not to exceed \$500; or

15-68 (B) that [order] the Department of Public Safety
15-69 [to] suspend the contemnor's [child's] driver's license or permit

16-1 or, if the contemnor [~~child~~] does not have a license or permit, to
 16-2 deny the issuance of a license or permit to the contemnor [~~child~~]
 16-3 until the contemnor [~~child~~] fully complies with the orders of the
 16-4 court.

16-5 (d) A justice or municipal court may hold a person in
 16-6 contempt and impose a remedy authorized by Subsection (c)(2) if:

16-7 (1) the person was convicted for an offense committed
 16-8 before the person's 17th birthday;

16-9 (2) the person failed to obey the order while the
 16-10 person was 17 years of age or older; and

16-11 (3) the failure to obey occurred under circumstances
 16-12 that constitute contempt of court.

16-13 (e) A justice or municipal court may hold a person in
 16-14 contempt and impose a remedy authorized by Subsection (c)(2) if the
 16-15 person, while younger than 17 years of age, engaged in conduct in
 16-16 contempt of an order issued by the justice or municipal court, but
 16-17 contempt proceedings could not be held before the person's 17th
 16-18 birthday.

16-19 (f) A court that orders suspension or denial of a driver's
 16-20 license or permit under Subsection (c)(2)(B) shall notify the
 16-21 Department of Public Safety on receiving proof of compliance [~~that~~
 16-22 ~~the child has fully complied~~] with the orders of the court.

16-23 (g) A justice or municipal court may not refer a child who
 16-24 violates a court order while 17 years of age or older to a juvenile
 16-25 court for delinquency proceedings for contempt of court.

16-26 SECTION 33. Article 45.056, Code of Criminal Procedure, is
 16-27 amended to read as follows:

16-28 Art. 45.056. AUTHORITY TO EMPLOY JUVENILE [~~TRUANCY~~] CASE
 16-29 MANAGERS; REIMBURSEMENT. (a) On approval of the commissioners
 16-30 court, city council, school district board of trustees, juvenile
 16-31 board, or other appropriate authority, a justice court, municipal
 16-32 court, school district, juvenile probation department, or other
 16-33 appropriate governmental entity may:

16-34 (1) employ a case manager to provide services in
 16-35 [~~truancy~~] cases involving juvenile offenders before a court
 16-36 consistent with the court's statutory powers; or

16-37 (2) agree in accordance with Chapter 791, Government
 16-38 Code, to jointly employ a case manager [~~to provide services in~~
 16-39 ~~truancy cases~~].

16-40 (b) A local entity may apply or more than one local entity
 16-41 may jointly apply to the criminal justice division of the
 16-42 governor's office for reimbursement of all or part of the costs of
 16-43 employing one or more juvenile [~~truancy~~] case managers from funds
 16-44 appropriated to the governor's office or otherwise available for
 16-45 that purpose. To be eligible for reimbursement, the entity
 16-46 applying must present to the governor's office a comprehensive plan
 16-47 to reduce juvenile crimes [~~truancy~~] in the entity's jurisdiction
 16-48 that addresses the role of the case manager in that effort.

16-49 SECTION 34. Article 45.057, Code of Criminal Procedure, is
 16-50 amended by amending Subsections (a), (b), (e), and (h) and adding
 16-51 Subsections (i)-(l) to read as follows:

16-52 (a) In this article:
 16-53 (1) "Child" [~~7~~, "~~child~~"] has the meaning assigned by
 16-54 Article 45.058(h).

16-55 (2) "Residence" means any place where the child lives
 16-56 or resides for a period of at least 30 days.

16-57 (3) "Parent" includes a person standing in parental
 16-58 relation, a managing conservator, or a custodian.

16-59 (b) On a finding by a justice or municipal court that a child
 16-60 committed an offense that the court has jurisdiction of under
 16-61 Article 4.11 or 4.14, [~~other than a traffic offense,~~] the court has
 16-62 jurisdiction to enter an order:

16-63 (1) referring the child or the child's parent [~~7~~
 16-64 ~~managing conservator, or guardian~~] for services under Section
 16-65 264.302, Family Code;

16-66 (2) requiring that the child attend a special program
 16-67 that the court determines to be in the best interest of the child
 16-68 and, if the program involves the expenditure of county funds, that
 16-69 is approved by the county commissioners court, including a

17-1 rehabilitation, counseling, self-esteem and leadership, work and
17-2 job skills training, job interviewing and work preparation,
17-3 self-improvement, parenting, manners, violence avoidance,
17-4 tutoring, sensitivity training, parental responsibility, community
17-5 service, restitution, advocacy, or mentoring program; or

17-6 (3) ~~[if the court finds the parent, managing~~
17-7 ~~conservator, or guardian, by act or omission, contributed to,~~
17-8 ~~caused, or encouraged the child's conduct,]~~ requiring that the
17-9 child's parent~~[, managing conservator, or guardian]~~ do any act or
17-10 refrain from doing any act that the court determines will increase
17-11 the likelihood that the child will comply with the orders of the
17-12 court and that is reasonable and necessary for the welfare of the
17-13 child, including:

17-14 (A) attend a parenting class or parental
17-15 responsibility program; and

17-16 (B) attend the child's school classes or
17-17 functions.

17-18 (e) A justice or municipal court shall endorse on the
17-19 summons issued to a parent~~[, managing conservator, or guardian]~~ an
17-20 order to appear personally at the hearing with the child. The
17-21 summons must include a warning that the failure of the parent~~[,~~
17-22 ~~managing conservator, or guardian]~~ to appear may result in arrest
17-23 and is ~~[be punishable as]~~ a Class C misdemeanor.

17-24 (h) A child and parent required to appear before the court
17-25 have an obligation to provide the court in writing with the current
17-26 address and residence of the child. The obligation does not end
17-27 when the child reaches age 17. On or before the seventh day after
17-28 the date the child or parent changes residence, the child or parent
17-29 shall notify the court of the current address in the manner directed
17-30 by the court. A violation of this subsection may result in arrest
17-31 and is a Class C misdemeanor. The obligation to provide notice
17-32 terminates on discharge and satisfaction of the judgment or final
17-33 disposition not requiring a finding of guilt.

17-34 (i) If an appellate court accepts an appeal for a trial de
17-35 novo, the child and parent shall provide the notice under
17-36 Subsection (h) to the appellate court.

17-37 (j) The child and parent are entitled to written notice of
17-38 their obligation under Subsections (h) and (i), which may be
17-39 satisfied by being given a copy of those subsections by:

17-40 (1) the court during their initial appearance before
17-41 the court;

17-42 (2) a peace officer arresting and releasing a child
17-43 under Article 45.058(a) on release; and

17-44 (3) a peace officer that issues a citation under
17-45 Section 543.003, Transportation Code, or Article 14.06(b) of this
17-46 code.

17-47 (k) It is an affirmative defense to prosecution under
17-48 Subsection (h) that the child and parent were not informed of their
17-49 obligation under this article.

17-50 (l) Any ~~other~~ order under this article is enforceable by
17-51 the justice or municipal court by contempt.

17-52 SECTION 35. Subchapter B, Chapter 45, Code of Criminal
17-53 Procedure, is amended by adding Article 45.060 to read as follows:

17-54 Art. 45.060. UNADJUDICATED CHILDREN, NOW ADULTS; NOTICE ON
17-55 REACHING AGE OF MAJORITY; OFFENSE. (a) Except as provided by
17-56 Articles 45.058 and 45.059, an individual may not be taken into
17-57 secured custody for offenses alleged to have occurred before the
17-58 individual's 17th birthday.

17-59 (b) On or after an individual's 17th birthday, if the court
17-60 has used all available procedures under this chapter to secure the
17-61 individual's appearance to answer allegations made before the
17-62 individual's 17th birthday, the court may issue a notice of
17-63 continuing obligation to appear by personal service or by mail to
17-64 the last known address and residence of the individual. The notice
17-65 must order the individual to appear at a designated time, place, and
17-66 date to answer the allegations detailed in the notice.

17-67 (c) Failure to appear as ordered by the notice under
17-68 Subsection (b) is a Class C misdemeanor independent of Section
17-69 38.10, Penal Code, and Section 543.003, Transportation Code.

18-1 (d) It is an affirmative defense to prosecution under
 18-2 Subsection (c) that the individual was not informed of the
 18-3 individual's obligation under Articles 45.057(h) and (i) or did not
 18-4 receive notice as required by Subsection (b).

18-5 (e) A notice of continuing obligation to appear issued under
 18-6 this article must contain the following statement provided in
 18-7 boldfaced type or capital letters:

18-8 "WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH
 18-9 BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND
 18-10 HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN
 18-11 THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU
 18-12 HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE.
 18-13 FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN
 18-14 ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT
 18-15 BEING ISSUED FOR YOUR ARREST."

18-16 SECTION 36. Article 62.13, Code of Criminal Procedure, is
 18-17 amended by amending Subsections (b), (j), (n), and (q) and adding
 18-18 Subsection (s) to read as follows:

18-19 (b) During or after ~~[After]~~ disposition of a case under
 18-20 Section 54.04, Family Code, for adjudication of an offense for
 18-21 which registration is required under this chapter, the juvenile
 18-22 court on motion of the respondent shall conduct a hearing to
 18-23 determine whether the interests of the public require registration
 18-24 under this chapter. The motion may be filed and the hearing held
 18-25 regardless of whether the respondent is under 18 years of age.

18-26 (j) After a hearing under Subsection (b) or under a plea
 18-27 agreement under Subsection (f), the juvenile court may enter an
 18-28 order deferring decision on requiring registration until the
 18-29 respondent has completed ~~[a sex offender]~~ treatment for the
 18-30 respondent's sexual offense [program] as a condition of probation
 18-31 or while committed to the Texas Youth Commission. The court retains
 18-32 discretion to require or to excuse registration at any time during
 18-33 the treatment ~~[program]~~ or on its successful or unsuccessful
 18-34 completion. During the period of deferral, registration may not be
 18-35 required. Following successful completion of treatment,
 18-36 registration is excused unless a hearing under this article is held
 18-37 on motion of the state and the court determines the interests of the
 18-38 public require registration. Not later than the 10th day after the
 18-39 date of the respondent's successful completion of treatment, the
 18-40 treatment provider shall notify the juvenile court and prosecuting
 18-41 attorney of the completion.

18-42 (n) Only one [A] motion may be filed under Subsection (l)
 18-43 [only] if a previous motion under this article has [not] been filed
 18-44 concerning that case.

18-45 (q) If the court grants the motion, ~~[a copy of]~~ the clerk of
 18-46 the court ~~[court's order]~~ shall by certified mail, return receipt
 18-47 requested, send a copy of the order to the department, to each local
 18-48 law enforcement authority that the person has proved to the
 18-49 juvenile court has registration information about the person, and
 18-50 [be sent] to each public or [and] private agency or organization
 18-51 that the person has proved to the juvenile court has information
 18-52 about the person that is currently available to the public with or
 18-53 without payment of a fee. The clerk of the court shall by certified
 18-54 mail, return receipt requested, send a copy of the order to any
 18-55 other agency or organization designated by the person. The person
 18-56 shall identify the agency or organization and its address and pay a
 18-57 fee of \$20 to the court for each agency or organization the person
 18-58 designates [determines may be in possession of sex offender
 18-59 registration information. The order shall require the recipient to
 18-60 conform its records to the court's orders either by deleting the
 18-61 information or changing its status to nonpublic, as the order
 18-62 requires].

18-63 (s) A person required to register as a sex offender in this
 18-64 state because of an out-of-state adjudication of delinquent conduct
 18-65 may file in the juvenile court of the person's county of residence a
 18-66 petition under Subsection (a) for an order to excuse compliance
 18-67 with this chapter. If the person is already registered as a sex
 18-68 offender in this state because of an out-of-state adjudication of
 18-69 delinquent conduct, the person may file in the juvenile court of the

19-1 person's county of residence a petition under Subsection (l) for an
19-2 order removing the person from sex offender registries in this
19-3 state. On receipt of a petition to excuse compliance or for
19-4 removal, the juvenile court shall conduct a hearing and make
19-5 rulings as in other cases under this article. An order entered
19-6 under this subsection requiring removal of registration
19-7 information applies only to registration information derived from
19-8 registration in this state.

19-9 SECTION 37. Chapter 62, Code of Criminal Procedure, is
19-10 amended by adding Article 62.14 to read as follows:

19-11 Art. 62.14. REMOVING JUVENILE REGISTRATION INFORMATION
19-12 WHEN DUTY TO REGISTER EXPIRES. (a) When a person is no longer
19-13 required to register as a sex offender for an adjudication of
19-14 delinquent conduct, the department shall remove all information
19-15 about the person from the sex offender registry.

19-16 (b) The duty to remove information under Subsection (a)
19-17 arises if:

19-18 (1) the department has received notice from a local
19-19 law enforcement authority under Subsection (c) or (d) that the
19-20 person is no longer required to register or will no longer be
19-21 required to renew registration and the department verifies the
19-22 correctness of that information;

19-23 (2) the juvenile court that adjudicated the case for
19-24 which registration is required requests removal and the department
19-25 determines that the duty to register has expired; or

19-26 (3) the person or the person's representative requests
19-27 removal and the department determines that the duty to register has
19-28 expired.

19-29 (c) When a person required to register for an adjudication
19-30 of delinquent conduct appears before a local law enforcement
19-31 authority to renew or modify registration information, the
19-32 authority shall determine whether the duty to register has expired.
19-33 If the authority determines that the duty to register has expired,
19-34 the authority shall remove all information about the person from
19-35 the sex offender registry and notify the department that the
19-36 person's duty to register has expired.

19-37 (d) When a person required to register for an adjudication
19-38 of delinquent conduct appears before a local law enforcement
19-39 authority to renew registration information, the authority shall
19-40 determine whether the renewal is the final annual renewal of
19-41 registration required by law. If the authority determines that the
19-42 person's duty to register will expire before the next annual
19-43 renewal is scheduled, the authority shall automatically remove all
19-44 information about the person from the sex offender registry on
19-45 expiration of the duty to register and notify the department that
19-46 the information about the person has been removed from the
19-47 registry.

19-48 (e) When the department has removed information under
19-49 Subsection (a), the department shall notify all local law
19-50 enforcement authorities that have provided registration
19-51 information to the department about the person of the removal. A
19-52 local law enforcement authority that receives notice from the
19-53 department under this subsection shall remove all registration
19-54 information about the person from its registry.

19-55 (f) When the department has removed information under
19-56 Subsection (a), the department shall notify all public and private
19-57 agencies or organizations to which it has provided registration
19-58 information about the person of the removal. On receiving notice,
19-59 the public or private agency or organization shall remove all
19-60 registration information about the person from any registry the
19-61 agency or organization maintains that is accessible to the public
19-62 with or without charge.

19-63 SECTION 38. The heading to Section 25.093, Education Code,
19-64 is amended to read as follows:

19-65 Sec. 25.093. PARENT CONTRIBUTING TO NONATTENDANCE
19-66 [TRUANCY].

19-67 SECTION 39. Section 25.094(d), Education Code, as amended
19-68 by Chapters 1297 and 1514, Acts of the 77th Legislature, Regular
19-69 Session, 2001, is reenacted and amended to read as follows:

(d) If the justice or municipal court believes that a child has violated an order issued under Subsection (c), the court may proceed as authorized by Article 45.050, Code of Criminal Procedure [~~Section 54.023, Family Code, by holding the child in contempt and imposing a fine not to exceed \$500 or by referring the child to juvenile court for delinquent conduct~~].

(d-1) Pursuant to an order of the justice or municipal court based on an affidavit showing probable cause to believe that an individual has committed an offense under this section, a peace officer may take the individual into custody. A peace officer taking an individual into custody under this subsection shall:

(1) promptly notify the individual's parent, guardian, or custodian of the officer's action and the reason for that action; and

(2) without unnecessary delay:

(A) release the individual to the individual's parent, guardian, or custodian or to another responsible adult, if the person promises to bring the individual to the justice or municipal court as requested by the court; or

(B) bring the individual to a justice or municipal court with venue over the offense.

SECTION 40. The heading to Section 25.0952, Education Code, is amended to read as follows:

Sec. 25.0952. PROCEDURES APPLICABLE TO SCHOOL ATTENDANCE-RELATED [~~TRUANCY-RELATED~~] OFFENSES.

SECTION 41. Sections 29.087(d) and (f), Education Code, as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

(d) A student is eligible to participate in a program authorized by this section if:

(1) the student has been ordered by a court under Article 45.054, Code of Criminal Procedure, or by the Texas Youth Commission to:

(A) participate in a preparatory class for the high school equivalency examination; or

(B) take the high school equivalency examination administered under Section 7.111; or

(2) the following conditions are satisfied:

(A) the student is at least 16 years of age at the beginning of the school year or semester;

(B) the student is a student at risk of dropping out of school, as defined by Section 29.081;

(C) the student and the student's parent or guardian agree in writing to the student's participation;

(D) at least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one quarter of the credits required to graduate under the minimum graduation requirements of the district or school; and

(E) any other conditions specified by the commissioner.

(f) Except as otherwise provided by this subsection, a student participating in a program authorized by this section, other than a student ordered to participate under Subsection (d)(1), must have taken the exit-level assessment instruments specified by Section 39.025(a) before entering the program or must take those assessment instruments during the first year in which the student is enrolled in the program. The commissioner may authorize a student to take the assessment instruments required by Section 39.023(a) to be administered to students in grade 10 instead of the exit-level assessment instruments. Except for a student ordered to participate under Subsection (d)(1), a [~~A~~] student participating in the program may not take the high school equivalency examination unless the student has taken the assessment instruments required by this subsection.

SECTION 42. Subchapter E, Chapter 30, Education Code, is amended by adding Section 30.104 to read as follows:

Sec. 30.104. CREDIT FOR COMPLETION OF EDUCATIONAL PROGRAMS; HIGH SCHOOL DIPLOMA AND CERTIFICATE. (a) A school district shall

21-1 grant to a student credit toward the academic course requirements
 21-2 for high school graduation for courses the student successfully
 21-3 completes in Texas Youth Commission educational programs.

21-4 (b) A student may graduate and receive a diploma from a
 21-5 Texas Youth Commission educational program if:

21-6 (1) the student successfully completes the curriculum
 21-7 requirements identified by the State Board of Education under
 21-8 Section 28.025(a) and complies with Section 39.025(a); or

21-9 (2) the student successfully completes the curriculum
 21-10 requirements under Section 28.025(a) as modified by an
 21-11 individualized education program developed under Section 29.005.

21-12 (c) A Texas Youth Commission educational program may issue a
 21-13 certificate of course-work completion to a student who successfully
 21-14 completes the curriculum requirements identified by the State Board
 21-15 of Education under Section 28.025(a) but who fails to comply with
 21-16 Section 39.025(a).

21-17 SECTION 43. Subchapter C, Chapter 71, Government Code, is
 21-18 amended by adding Section 71.0352 to read as follows:

21-19 Sec. 71.0352. JUVENILE DATA: JUSTICE, MUNICIPAL, AND
 21-20 JUVENILE COURTS. As a component of the official monthly report
 21-21 submitted to the Office of Court Administration of the Texas
 21-22 Judicial System:

21-23 (1) justice and municipal courts shall report the
 21-24 number of cases filed for the following offenses:

21-25 (A) failure to attend school under Section
 21-26 25.094, Education Code;

21-27 (B) parent contributing to nonattendance under
 21-28 Section 25.093, Education Code; and

21-29 (C) violation of a local daytime curfew ordinance
 21-30 adopted under Section 341.905 or 351.903, Local Government Code;
 21-31 and

21-32 (2) in cases in which a child fails to obey an order of
 21-33 a justice or municipal court under circumstances that would
 21-34 constitute contempt of court, the justice or municipal court shall
 21-35 report the number of incidents in which the child is:

21-36 (A) referred to the appropriate juvenile court
 21-37 for delinquent conduct as provided by Article 45.050(c)(1), Code of
 21-38 Criminal Procedure, and Section 51.03(a)(2), Family Code; or

21-39 (B) held in contempt, fined, or denied driving
 21-40 privileges as provided by Article 45.050(c)(2), Code of Criminal
 21-41 Procedure.

21-42 SECTION 44. Section 411.151(a), Government Code, is amended
 21-43 to read as follows:

21-44 (a) The director shall expunge a DNA record of a person from
 21-45 the DNA database if the person:

21-46 (1) notifies the director in writing that the DNA
 21-47 record has been ordered to be expunged under this section or Chapter
 21-48 55, Code of Criminal Procedure, ~~[+]~~ and

21-49 ~~[-2-]~~ provides the director with a certified copy of
 21-50 the court order that expunges the DNA record; or

21-51 (2) provides the director with a certified copy of a
 21-52 court order issued under Section 58.003, Family Code, that seals
 21-53 the juvenile record of the adjudication that resulted in the DNA
 21-54 record.

21-55 SECTION 45. Section 552.028(c), Government Code, is amended
 21-56 to read as follows:

21-57 (c) In this section, "correctional facility" means:

21-58 (1) a secure correctional facility, as defined by
 21-59 Section 1.07, Penal Code;

21-60 (2) a secure correctional facility and a secure
 21-61 detention facility, as defined by Section 51.02, Family Code; and

21-62 (3) a place designated by the law of this state,
 21-63 another state, or the federal government for the confinement of a
 21-64 person arrested for, charged with, or convicted of a criminal
 21-65 offense.

21-66 SECTION 46. Section 61.073, Human Resources Code, is
 21-67 amended to read as follows:

21-68 Sec. 61.073. RECORDS OF EXAMINATIONS AND TREATMENT. The
 21-69 commission shall keep written records of all examinations and

22-1 conclusions based on them and of all orders concerning the
 22-2 disposition or treatment of each child subject to its control.
 22-3 Except as provided by Section 61.093(c), these records and all
 22-4 other information concerning a child, including personally
 22-5 identifiable information, are not public and are available only
 22-6 according to the provisions of Section 58.005, Family Code, Section
 22-7 61.0731, Human Resources Code, and Chapter 61, Code of Criminal
 22-8 Procedure.

22-9 SECTION 47. Subchapter E, Chapter 61, Human Resources Code,
 22-10 is amended by adding Section 61.0731 to read as follows:

22-11 Sec. 61.0731. INFORMATION AVAILABLE TO CHILDREN, PARENTS,
 22-12 AND OTHERS. (a) In the interest of achieving the purpose of the
 22-13 commission and protecting the public, the commission may disclose
 22-14 records and other information concerning a child to the child and
 22-15 the child's parent or guardian only if disclosure would not
 22-16 materially harm the treatment and rehabilitation of the child and
 22-17 would not substantially decrease the likelihood of the commission
 22-18 receiving information from the same or similar sources in the
 22-19 future. Information concerning a child who is age 18 or older may
 22-20 not be disclosed to the child's parent or guardian without the
 22-21 child's consent.

22-22 (b) The commission may disclose information regarding a
 22-23 child's location and committing court to a person having a
 22-24 legitimate need for the information.

22-25 SECTION 48. Section 61.084(e), Human Resources Code, is
 22-26 amended to read as follows:

22-27 (e) Except as provided by Subsection [~~(d)~~] (f)[~~7~~] or (g),
 22-28 the commission shall discharge from its custody a person not
 22-29 already discharged on the person's 21st birthday.

22-30 SECTION 49. Section 141.042, Human Resources Code, is
 22-31 amended by amending Subsections (a) and (d) and adding Subsection
 22-32 (h) to read as follows:

22-33 (a) The commission shall adopt reasonable rules that
 22-34 provide:

22-35 (1) minimum standards for personnel, staffing, case
 22-36 loads, programs, facilities, record keeping, equipment, and other
 22-37 aspects of the operation of a juvenile board that are necessary to
 22-38 provide adequate and effective probation services;

22-39 (2) a code of ethics for probation, detention, and
 22-40 corrections officers and for the enforcement of that code;

22-41 (3) appropriate educational, preservice and
 22-42 in-service training, and certification standards for probation,
 22-43 detention, and corrections officers or court-supervised
 22-44 community-based program personnel;

22-45 (4) minimum standards for public and private juvenile
 22-46 pre-adjudication secure detention facilities, public juvenile
 22-47 post-adjudication secure correctional facilities that are operated
 22-48 under the authority of a juvenile board, and private juvenile
 22-49 post-adjudication secure correctional facilities, except those
 22-50 facilities exempt from certification by Section 42.052(g)
 22-51 [~~42.052(e)~~]; and

22-52 (5) [~~procedures for the implementation of a~~
 22-53 ~~progressive sanctions program under Chapter 59, Family Code.~~

22-54 [~~(5) procedures for implementation of the progressive~~
 22-55 ~~sanctions guidelines in Chapter 59, Family Code, and~~

22-56 [~~(6)~~] minimum standards for juvenile justice
 22-57 alternative education programs created under Section 37.011,
 22-58 Education Code, in collaboration and conjunction with the Texas
 22-59 Education Agency, or its designee.

22-60 (d) The commission shall biennially [~~annually~~] inspect all
 22-61 public and private juvenile pre-adjudication secure detention
 22-62 facilities and all public and private juvenile post-adjudication
 22-63 secure correctional facilities except a facility operated or
 22-64 certified by the Texas Youth Commission and shall biennially
 22-65 [~~annually~~] monitor compliance with the standards established under
 22-66 Subsection (a)(4) if the juvenile board has elected to comply with
 22-67 those standards or shall biennially [~~annually~~] ensure that the
 22-68 facility is certified by the American Correctional Association if
 22-69 the juvenile board has elected to comply with those standards.

23-1 (h) A juvenile board that does not accept state aid funding
23-2 from the commission under Section 141.081 shall report to the
23-3 commission each month on a form provided by the commission the same
23-4 data as that required of counties accepting state aid funding
23-5 regarding juvenile justice activities under the jurisdiction of the
23-6 board. If the commission makes available free software to the board
23-7 for the automation and tracking of juveniles under the jurisdiction
23-8 of the board, the commission may require the monthly report to be
23-9 provided in an electronic format adopted by rule by the commission.

23-10 SECTION 50. Section 141.049(a), Human Resources Code, is
23-11 amended to read as follows:

23-12 (a) The commission shall keep an information file about each
23-13 complaint filed with the commission relating to a juvenile board
23-14 funded by the commission. The commission shall investigate the
23-15 allegations in the complaint and make a determination of whether
23-16 there has been a violation of the commission's rules relating to
23-17 juvenile probation programs, services, or facilities.

23-18 SECTION 51. Section 141.061(a), Human Resources Code, is
23-19 amended to read as follows:

23-20 (a) To be eligible for appointment as a probation officer, a
23-21 person who was ~~has~~ not ~~been~~ employed as a probation officer
23-22 before ~~since~~ September 1, 1981, must:

- 23-23 (1) be of good moral character;
- 23-24 (2) have acquired a bachelor's degree conferred by a
23-25 college or university accredited by an accrediting organization
23-26 recognized by the Texas Higher Education Coordinating Board;
- 23-27 (3) have either:

23-28 (A) one year of graduate study in criminology,
23-29 corrections, counseling, law, social work, psychology, sociology,
23-30 or other field of instruction approved by the commission; or

23-31 (B) one year of experience in full-time case
23-32 work, counseling, or community or group work:

23-33 (i) in a social service, community,
23-34 corrections, or juvenile agency that deals with offenders or
23-35 disadvantaged persons; and

23-36 (ii) that the commission determines
23-37 provides the kind of experience necessary to meet this requirement;

23-38 (4) have satisfactorily completed the course of
23-39 preservice training or instruction required by the commission;

23-40 (5) have passed the tests or examinations required by
23-41 the commission; and

23-42 (6) possess the level of certification required by the
23-43 commission.

23-44 SECTION 52. Section 8.07(a), Penal Code, is amended to read
23-45 as follows:

23-46 (a) A person may not be prosecuted for or convicted of any
23-47 offense that the person committed when younger than 15 years of age
23-48 except:

23-49 (1) perjury and aggravated perjury when it appears by
23-50 proof that the person had sufficient discretion to understand the
23-51 nature and obligation of an oath;

23-52 (2) a violation of a penal statute cognizable under
23-53 Chapter 729, Transportation Code, except for:

23-54 (A) an offense under Section 521.457,
23-55 Transportation Code;

23-56 (B) an offense under Section 550.021,
23-57 Transportation Code;

23-58 (C) ~~[(B)]~~ an offense punishable as a Class B
23-59 misdemeanor under Section 550.022, Transportation Code; ~~or~~

23-60 (D) ~~[(C)]~~ an offense punishable as a Class B
23-61 misdemeanor under Section 550.024, Transportation Code; or

23-62 (E) an offense punishable as a Class B
23-63 misdemeanor under Section 550.025, Transportation Code;

23-64 (3) a violation of a motor vehicle traffic ordinance
23-65 of an incorporated city or town in this state;

23-66 (4) a misdemeanor punishable by fine only other than
23-67 public intoxication;

23-68 (5) a violation of a penal ordinance of a political
23-69 subdivision;

24-1 (6) a violation of a penal statute that is, or is a
 24-2 lesser included offense of, a capital felony, an aggravated
 24-3 controlled substance felony, or a felony of the first degree for
 24-4 which the person is transferred to the court under Section 54.02,
 24-5 Family Code, for prosecution if the person committed the offense
 24-6 when 14 years of age or older; or

24-7 (7) a capital felony or an offense under Section 19.02
 24-8 for which the person is transferred to the court under Section
 24-9 54.02(j)(2)(A), Family Code.

24-10 SECTION 53. Section 12.42(f), Penal Code, is amended to
 24-11 read as follows:

24-12 (f) For the purposes of Subsections (a), (b), (c)(1),
 24-13 ~~[(a)-(c)]~~ and (e), an adjudication by a juvenile court under
 24-14 Section 54.03, Family Code, that a child engaged in delinquent
 24-15 conduct on or after January 1, 1996, constituting a felony offense
 24-16 for which the child is committed to the Texas Youth Commission under
 24-17 Section 54.04(d)(2), (d)(3), or (m), Family Code, or Section
 24-18 54.05(f), Family Code, is a final felony conviction.

24-19 SECTION 54. Section 521.201, Transportation Code, is
 24-20 amended to read as follows:

24-21 Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. The
 24-22 department may not issue any license to a person who:

24-23 (1) is under 15 years of age;
 24-24 (2) is under 18 years of age unless the person complies
 24-25 with the requirements imposed by Section 521.204;

24-26 (3) is shown to be addicted to the use of alcohol, a
 24-27 controlled substance, or another drug that renders a person
 24-28 incapable of driving;

24-29 (4) holds a driver's license issued by this state or
 24-30 another state or country that is revoked, canceled, or under
 24-31 suspension;

24-32 (5) has been determined by a judgment of a court to be
 24-33 totally incapacitated or incapacitated to act as the operator of a
 24-34 motor vehicle unless the person has, by the date of the license
 24-35 application, been:

24-36 (A) restored to capacity by judicial decree; or
 24-37 (B) released from a hospital for the mentally
 24-38 incapacitated on a certificate by the superintendent or
 24-39 administrator of the hospital that the person has regained
 24-40 capacity;

24-41 (6) the department determines to be afflicted with a
 24-42 mental or physical disability or disease that prevents the person
 24-43 from exercising reasonable and ordinary control over a motor
 24-44 vehicle while operating the vehicle on a highway, except that a
 24-45 person may not be refused a license because of a physical defect if
 24-46 common experience shows that the defect does not incapacitate a
 24-47 person from safely operating a motor vehicle;

24-48 (7) has been reported by a court under Section 729.003
 24-49 for failure to appear ~~[or for default in payment of a fine]~~ unless
 24-50 the court has filed an additional report on final disposition of the
 24-51 case; or

24-52 (8) has been reported by a court for failure to appear
 24-53 or default in payment of a fine for a misdemeanor that is not
 24-54 covered under Subdivision (7) and that is punishable by a fine only,
 24-55 including a misdemeanor under a municipal ordinance, committed by a
 24-56 person who was under 17 years of age at the time of the alleged
 24-57 offense, unless the court has filed an additional report on final
 24-58 disposition of the case.

24-59 SECTION 55. Section 521.294, Transportation Code, is
 24-60 amended to read as follows:

24-61 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
 24-62 REVOCATION. The department shall revoke the person's license if
 24-63 the department determines that the person:

24-64 (1) is incapable of safely operating a motor vehicle;

24-65 (2) has not complied with the terms of a citation
 24-66 issued by a jurisdiction that is a party to the Nonresident Violator
 24-67 Compact of 1977 for a traffic violation to which that compact
 24-68 applies;

24-69 (3) has failed to provide medical records or has

25-1 failed to undergo medical or other examinations as required by a
25-2 panel of the medical advisory board;

25-3 (4) has failed to pass an examination required by the
25-4 director under this chapter;

25-5 (5) has been reported by a court under Section 729.003
25-6 for failure to appear [~~or for default in payment of a fine~~] unless
25-7 the court files an additional report on final disposition of the
25-8 case;

25-9 (6) has been reported within the preceding two years
25-10 by a justice or municipal court for failure to appear or for a
25-11 default in payment of a fine for a misdemeanor punishable only by
25-12 fine, other than a failure [~~or default~~] reported under Section
25-13 729.003, committed by a person who is at least 14 years of age but
25-14 younger than 17 years of age when the offense was committed, unless
25-15 the court files an additional report on final disposition of the
25-16 case; or

25-17 (7) has committed an offense in another state or
25-18 Canadian province that, if committed in this state, would be
25-19 grounds for revocation.

25-20 SECTION 56. Subchapter O, Chapter 521, Transportation Code,
25-21 is amended by adding Section 521.3451 to read as follows:

25-22 Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR
25-23 MUNICIPAL COURT FOR CONTEMPT OF COURT; REINSTATEMENT. (a) The
25-24 department shall suspend or deny the issuance of a license or
25-25 instruction permit on receipt of an order to suspend or deny the
25-26 issuance of the license or permit from a justice or municipal court
25-27 under Article 45.050, Code of Criminal Procedure.

25-28 (b) The department shall reinstate a license or permit
25-29 suspended or reconsider a license or permit denied under Subsection
25-30 (a) on receiving notice from the justice or municipal court that
25-31 ordered the suspension or denial that the contemnor has fully
25-32 complied with the court's order.

25-33 SECTION 57. Section 543.117, Transportation Code, is
25-34 amended to read as follows:

25-35 Sec. 543.117. OFFENSE IN CONSTRUCTION OR MAINTENANCE WORK
25-36 ZONE. A charge may not be dismissed under this subchapter for an
25-37 offense to which Section 542.404 [~~or 729.004~~] applies except upon
25-38 motion of the attorney representing the state.

25-39 SECTION 58. Section 729.001(a), Transportation Code, is
25-40 amended to read as follows:

25-41 (a) A person who is younger than 17 years of age commits an
25-42 offense if the person operates a motor vehicle on a public road or
25-43 highway, a street or alley in a municipality, or a public beach in
25-44 violation of any traffic law of this state, including:

25-45 (1) Chapter 502, other than Section 502.282 or
25-46 502.412;

25-47 (2) Chapter 521, other than an offense under Section
25-48 521.457;

25-49 (3) Subtitle C, other than an offense punishable by
25-50 imprisonment or by confinement in jail under Section 550.021,
25-51 550.022, [~~or~~] 550.024, or 550.025;

25-52 (4) Chapter 601;

25-53 (5) Chapter 621;

25-54 (6) Chapter 661; and

25-55 (7) Chapter 681.

25-56 SECTION 59. The heading to Section 729.003, Transportation
25-57 Code, is amended to read as follows:

25-58 Sec. 729.003. PROCEDURE [~~AND JURISDICTION~~] IN CASES
25-59 INVOLVING MINORS.

25-60 SECTION 60. Section 729.003(d), Transportation Code, is
25-61 amended to read as follows:

25-62 [~~(d)~~] A court shall report to the Department of Public
25-63 Safety a person charged with a traffic offense under this chapter
25-64 who does not appear before the court as required by law. In
25-65 addition to any other action or remedy provided by law, the
25-66 department may deny renewal of the person's driver's license under
25-67 Section 521.310 or Chapter 706. The court also shall report to the
25-68 department on final disposition of the case.

25-69 SECTION 61. The following laws are repealed:

26-1 (1) Sections 52.027, 54.023, and 54.06(d), Family
26-2 Code;

26-3 (2) Sections 729.003(a), (b), (c), (e), (f), and (g)
26-4 and 729.004, Transportation Code;

26-5 (3) Sections 61.084(d) and 141.042(f), Human
26-6 Resources Code; and

26-7 (4) Section 45.054, Code of Criminal Procedure, as
26-8 added by Chapter 1297, Acts of the 77th Legislature, Regular
26-9 Session, 2001.

26-10 SECTION 62. (a) This Act takes effect September 1, 2003.

26-11 (b) Except as provided by Subsections (d), (e), and (g) of
26-12 this section, this Act applies only to conduct that occurs on or
26-13 after the effective date of this Act. Conduct violating the penal
26-14 law of this state occurs on or after the effective date of this Act
26-15 if any element of the violation occurs on or after that date.

26-16 (c) Conduct that occurs before the effective date of this
26-17 Act is governed by the law in effect at the time the conduct
26-18 occurred, and that law is continued in effect for that purpose.

26-19 (d) This Act applies only to an appeal by the state under
26-20 Section 56.01, Family Code, of an order by a juvenile court rendered
26-21 on or after the effective date of this Act. An appeal of an order
26-22 rendered before the effective date of this Act is governed by the
26-23 law in effect at the time the order was rendered, and that law is
26-24 continued in effect for that purpose.

26-25 (e) Section 54.051, Family Code, Article 62.13, Code of
26-26 Criminal Procedure, and Section 12.42, Penal Code, as amended by
26-27 this Act apply to all cases without regard to whether the conduct or
26-28 proceedings occur before, on, or after the effective date of this
26-29 Act.

26-30 (f) The section of this Act amending Section 29.087,
26-31 Education Code, as added by Chapter 1514, Acts of the 77th
26-32 Legislature, Regular Session, 2001, takes effect only if that
26-33 section of the Education Code does not expire September 1, 2003.

26-34 (g) Section 54.011(f), Family Code, as added by this Act,
26-35 applies only to a nonoffender who is detained in a secure detention
26-36 facility or secure correctional facility on or after the effective
26-37 date of this Act. A nonoffender who is detained in a secure
26-38 detention facility or secure correctional facility before the
26-39 effective date of this Act is not entitled to bring a civil action
26-40 under Section 54.011(f), Family Code, as added by this Act.

26-41 * * * * *