

AN ACT

relating to the operations of the Texas Youth Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.073, Human Resources Code, is amended to read as follows:

Sec. 61.073. RECORDS OF EXAMINATIONS AND TREATMENT. The commission shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control. Except as provided by Section 61.093(c), these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 61.0731 of this code, and Chapter 61, Code of Criminal Procedure.

SECTION 2. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Sections 61.0731 and 61.0751 to read as follows:

Sec. 61.0731. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS. (a) In the interest of achieving the purpose of the commission and protecting the public, the commission may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the commission

1 receiving information from the same or similar sources in the
2 future. Information concerning a person who is age 18 or older may
3 not be disclosed to the person's parent or guardian without the
4 person's consent.

5 (b) The commission may disclose information regarding a
6 child's location and committing court to a person having a
7 legitimate need for the information.

8 Sec. 61.0751. SUBPOENAS. (a) A hearings examiner
9 appointed by the commission may issue a subpoena requiring the
10 attendance of a witness or the production of any record, book,
11 paper, or document the hearings examiner considers necessary for a
12 determination of treatment under Section 61.075.

13 (b) The hearings examiner may sign a subpoena and administer
14 an oath.

15 (c) A peace officer, apprehension specialist, parole
16 officer, or other commission official may serve the subpoena in the
17 same manner as similar process in a court of record having original
18 jurisdiction of criminal actions is served.

19 (d) A person who testifies falsely, fails to appear when
20 subpoenaed, or fails or refuses to produce material under the
21 subpoena is subject to the same orders and penalties to which a
22 person taking those actions before a court is subject.

23 (e) On application of the commission, a court of record
24 having original jurisdiction of criminal actions may compel the
25 attendance of a witness, the production of material, or the giving
26 of testimony before the hearings examiner, by an attachment for
27 contempt or in the same manner as the court may otherwise compel the

1 production of evidence.

2 SECTION 3. Section 61.0772(b), Human Resources Code, is
3 amended to read as follows:

4 (b) Before a child who is identified as mentally ill is
5 discharged from the commission's custody under Section 61.077(b), a
6 commission psychiatrist shall examine the child. The commission
7 shall refer a child requiring outpatient psychiatric treatment to
8 the appropriate mental health authority. For a child requiring
9 inpatient psychiatric treatment, the [The] commission shall file a
10 sworn application for court-ordered mental health services, as
11 provided in Subchapter C, Chapter 574, Health and Safety Code, if:

12 (1) the child is not receiving court-ordered mental
13 health services; and

14 (2) the psychiatrist who examined the child determines
15 that the child is mentally ill and the child meets at least one of
16 the criteria listed in Section 574.034, Health and Safety Code.

17 SECTION 4. This Act takes effect September 1, 2003, and
18 applies only to a proceeding or any part of a proceeding that occurs
19 on or after that date. A proceeding that occurs before the
20 effective date of this Act is governed by the law applicable to the
21 proceeding immediately before the effective date of this Act, and
22 that law is continued in effect for that purpose.

President of the Senate

Speaker of the House

I certify that H.B. No. 2895 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2895 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2895 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor