

AN ACT

relating to juvenile delinquency; providing a criminal penalty.

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

SECTION 1. Section 51.02(16), Family Code, is amended to read as follows:

(16) "Traffic offense" means:

(A) a violation of a penal statute cognizable under Chapter 729, Transportation Code, except for conduct for which the person convicted may be sentenced to imprisonment or confinement in jail~~;~~

~~[(i) conduct constituting an offense under Section 521.457, Transportation Code,~~

~~[(ii) conduct constituting an offense under Section 550.021, Transportation Code,~~

~~[(iii) conduct constituting an offense punishable as a Class B misdemeanor under Section 550.022, Transportation Code,~~

~~[(iv) conduct constituting an offense punishable as a Class B misdemeanor under Section 550.024, Transportation Code, or~~

~~[(v) conduct constituting an offense punishable as a Class B misdemeanor under Section 550.025, Transportation Code]; or~~

(B) a violation of a motor vehicle traffic

1 ordinance of an incorporated city or town in this state.

2 SECTION 2. Section 51.03(d), Family Code, is amended to  
3 read as follows:

4 (d) It is an affirmative defense to an allegation of conduct  
5 under Subsection (b)(2) that one or more of the absences required to  
6 be proven under that subsection have been excused by a school  
7 official or ~~[should be excused]~~ by the court or that one or more of  
8 the absences were ~~[was]~~ involuntary, but only if there is an  
9 insufficient number of unexcused or voluntary absences remaining to  
10 constitute conduct under Subsection (b)(2). The burden is on the  
11 respondent to show by a preponderance of the evidence that the  
12 absence has been or should be excused or that the absence was  
13 involuntary. A decision by the court to excuse an absence for  
14 purposes of this subsection does not affect the ability of the  
15 school district to determine whether to excuse the absence for  
16 another purpose.

17 SECTION 3. Section 51.07, Family Code, is amended to read as  
18 follows:

19 Sec. 51.07. TRANSFER TO ANOTHER COUNTY FOR DISPOSITION.  
20 ~~[(a)]~~ When a child has been found to have engaged in delinquent  
21 conduct or conduct indicating a need for supervision under Section  
22 54.03 ~~[of this code]~~, the juvenile court ~~[, with the consent of the~~  
23 ~~child and appropriate adult given in accordance with Section 51.09~~  
24 ~~of this code,~~] may transfer the case and transcripts of records and  
25 documents to the juvenile court of the county where the child  
26 resides for disposition of the case under Section 54.04 ~~[of this~~  
27 ~~code]~~. Consent by the court of the county where the child resides

1 is not required.

2 ~~[(b) When a child who is on probation moves with his family~~  
3 ~~from one county to another, the juvenile court may transfer the case~~  
4 ~~to the juvenile court in the county of the child's new residence if~~  
5 ~~the transfer is in the best interest of the child. In all other~~  
6 ~~cases of transfer, consent of the receiving court is required. The~~  
7 ~~transferring court shall forward transcripts of records and~~  
8 ~~documents in the case to the judge of the receiving court.]~~

9 SECTION 4. Chapter 51, Family Code, is amended by adding  
10 Sections 51.071-51.075 to read as follows:

11 Sec. 51.071. TRANSFER OF PROBATION SUPERVISION BETWEEN  
12 COUNTIES: COURTESY SUPERVISION PROHIBITED. Except as provided by  
13 Section 51.075, a juvenile court or juvenile probation department  
14 may not engage in the practice of courtesy supervision of a child on  
15 probation.

16 Sec. 51.072. TRANSFER OF PROBATION SUPERVISION BETWEEN  
17 COUNTIES: INTERIM SUPERVISION. (a) In this section:

18 (1) "Receiving county" means the county to which a  
19 child on probation has moved or intends to move.

20 (2) "Sending county" means the county that:

21 (A) originally placed the child on probation; or

22 (B) assumed permanent supervision of the child  
23 under an inter-county transfer of probation supervision.

24 (b) When a child on probation moves or intends to move from  
25 one county to another and intends to remain in the receiving county  
26 for at least 60 days, the juvenile probation department of the  
27 sending county shall request that the juvenile probation department

1 of the receiving county provide interim supervision of the child.

2 (c) The juvenile probation department of the receiving  
3 county may refuse the request to provide interim supervision only  
4 if:

5 (1) the residence of the child in the receiving county  
6 is in a residential placement facility arranged by the sending  
7 county; or

8 (2) the residence of the child in the receiving county  
9 is in a foster care placement arranged by the Department of Family  
10 and Protective Services.

11 (d) The juvenile probation department of the sending county  
12 shall initiate the request for interim supervision by electronic  
13 communication to the probation officer designated as the  
14 inter-county transfer officer for the juvenile probation  
15 department of the receiving county or, in the absence of this  
16 designation, to the chief juvenile probation officer.

17 (e) The juvenile probation department of the sending county  
18 shall provide the juvenile probation department of the receiving  
19 county with the following information in the request for interim  
20 supervision initiated under Subsection (d):

21 (1) the child's name, sex, age, and date of birth;

22 (2) the name, address, date of birth, and social  
23 security or driver's license number of the person with whom the  
24 child proposes to reside or is residing in the receiving county;

25 (3) the offense for which the child is on probation;

26 (4) the length of the child's probation term;

27 (5) a brief summary of the child's history of

1 referrals;

2 (6) a brief statement of any special needs of the  
3 child; and

4 (7) the reason for the child moving or intending to  
5 move to the receiving county.

6 (f) Not later than five business days after a receiving  
7 county has agreed to provide interim supervision of a child, the  
8 juvenile probation department of the sending county shall provide  
9 the juvenile probation department of the receiving county with a  
10 copy of the following documents:

11 (1) the petition and the adjudication and disposition  
12 orders for the child, including the child's thumbprint;

13 (2) the child's conditions of probation;

14 (3) the social history report for the child;

15 (4) any psychological or psychiatric reports  
16 concerning the child;

17 (5) the Department of Public Safety CR 43J form or  
18 tracking incident number concerning the child;

19 (6) any law enforcement incident reports concerning  
20 the offense for which the child is on probation;

21 (7) any sex offender registration information  
22 concerning the child;

23 (8) any juvenile probation department progress  
24 reports concerning the child and any other pertinent documentation  
25 for the child's probation officer;

26 (9) case plans concerning the child;

27 (10) the Texas Juvenile Probation Commission standard

1 assessment tool results for the child;

2 (11) the computerized referral and case history for  
3 the child, including case disposition;

4 (12) the child's birth certificate;

5 (13) the child's social security number or social  
6 security card, if available;

7 (14) the name, address, and telephone number of the  
8 contact person in the sending county's juvenile probation  
9 department;

10 (15) Title IV-E eligibility screening information for  
11 the child, if available;

12 (16) the address in the sending county for forwarding  
13 funds collected to which the sending county is entitled;

14 (17) any of the child's school or immunization records  
15 that the juvenile probation department of the sending county  
16 possesses; and

17 (18) any victim information concerning the case for  
18 which the child is on probation.

19 (g) The juvenile probation department of the receiving  
20 county shall supervise the child under the probation conditions  
21 imposed by the sending county and provide services similar to those  
22 provided to a child placed on probation under the same conditions in  
23 the receiving county. On request of the juvenile probation  
24 department of the receiving county, the juvenile court of the  
25 receiving county may modify the original probation conditions and  
26 impose new conditions using the procedures in Section 54.05. The  
27 juvenile court of the receiving county may not modify a financial

1 probation condition imposed by the juvenile court of the sending  
2 county or the length of the child's probation term. The juvenile  
3 court of the receiving county shall designate a cause number for  
4 identifying the modification proceedings.

5 (h) The juvenile court of the sending county may revoke  
6 probation for a violation of a condition imposed by the juvenile  
7 court of the sending county only if the condition has not been  
8 specifically modified or replaced by the juvenile court of the  
9 receiving county. The juvenile court of the receiving county may  
10 revoke probation for a violation of a condition of probation that  
11 the juvenile court of the receiving county has modified or imposed.

12 (i) If a child is reasonably believed to have violated a  
13 condition of probation imposed by the juvenile court of the sending  
14 county, the juvenile court of the sending or receiving county may  
15 issue a directive to apprehend or detain the child in a certified  
16 detention facility, as in other cases of probation violation. In  
17 order to respond to a probation violation under this subsection,  
18 the juvenile court of the receiving county may:

19 (1) modify the conditions of probation or extend the  
20 probation term; or

21 (2) require that the juvenile probation department of  
22 the sending county resume direct supervision for the child.

23 (j) On receiving a directive from the juvenile court of the  
24 receiving county under Subsection (i)(2), the juvenile probation  
25 department of the sending county shall arrange for the prompt  
26 transportation of the child back to the sending county at the  
27 expense of the sending county.

1       (k) The juvenile probation department of the receiving  
2 county is entitled to any probation supervision fees collected from  
3 the child or the child's parent while providing interim supervision  
4 for the child.

5       (l) The sending county is financially responsible for any  
6 special treatment program or placement that the juvenile court of  
7 the sending county requires as a condition of probation if the  
8 child's family is financially unable to pay for the program or  
9 placement.

10       (m) Except as provided by Subsection (n), a period of  
11 interim supervision may not exceed 180 days. Permanent supervision  
12 automatically transfers to the juvenile probation department of the  
13 receiving county after the expiration of the period of interim  
14 supervision. The juvenile probation department of the receiving  
15 county may request permanent supervision from the juvenile  
16 probation department of the sending county at any time before the  
17 180-day interim supervision period expires.

18       (n) Notwithstanding Subsection (m), the period of interim  
19 supervision of a child who is placed on probation under Section  
20 54.04(q) does not expire until the child has satisfactorily  
21 completed one-third of the term of probation, including one-third  
22 of the term of any extension of the probation term ordered under  
23 Section 54.05. Permanent supervision automatically transfers to  
24 the probation department of the receiving county after the  
25 expiration of the period of interim supervision under this  
26 subsection. The juvenile court of the sending county may order  
27 transfer of the permanent supervision before the expiration of the



1 period of interim supervision under this subsection.

2 (o) At least once every 90 days during the period of interim  
3 supervision, the juvenile probation department of the receiving  
4 county shall provide the juvenile probation department of the  
5 sending county with a progress report of supervision concerning the  
6 child.

7 Sec. 51.073. TRANSFER OF PROBATION SUPERVISION BETWEEN  
8 COUNTIES: PERMANENT SUPERVISION. (a) In this section:

9 (1) "Receiving county" means the county to which a  
10 child on probation has moved or intends to move.

11 (2) "Sending county" means the county that:

12 (A) originally placed the child on probation; or

13 (B) assumed permanent supervision of the child  
14 under an inter-county transfer of probation supervision.

15 (b) On transfer of permanent supervision of a child under  
16 Section 51.072(m) or (n), the juvenile court of the sending county  
17 shall order the juvenile probation department of the sending county  
18 to provide the juvenile probation department of the receiving  
19 county with the order of transfer. On receipt of the order of  
20 transfer, the juvenile probation department of the receiving county  
21 shall ensure that the order of transfer, the petition, the order of  
22 adjudication, the order of disposition, and the conditions of  
23 probation are filed with the clerk of the juvenile court of the  
24 receiving county.

25 (c) The juvenile court of the receiving county shall require  
26 that the child be brought before the court in order to impose  
27 conditions of probation. The child shall be represented by counsel

1 as provided by Section 51.10.

2 (d) Once permanent supervision is transferred to the  
3 juvenile probation department of the receiving county, the  
4 receiving county is fully responsible for selecting and imposing  
5 conditions of probation, providing supervision, modifying  
6 conditions of probation, and revoking probation. The sending  
7 county has no further jurisdiction over the child's case.

8 (e) This section does not affect the sending county's  
9 jurisdiction over any new offense committed by the child in the  
10 sending county.

11 Sec. 51.074. TRANSFER OF PROBATION SUPERVISION BETWEEN  
12 COUNTIES: DEFERRED PROSECUTION. A juvenile court may transfer  
13 interim supervision, but not permanent supervision, to the county  
14 where a child on deferred prosecution resides.

15 Sec. 51.075. COLLABORATIVE SUPERVISION BETWEEN ADJOINING  
16 COUNTIES. (a) If a child who is on probation in one county spends  
17 substantial time in an adjoining county, including residing,  
18 attending school, or working in the adjoining county, the juvenile  
19 probation departments of the two counties may enter into a  
20 collaborative supervision arrangement regarding the child.

21 (b) Under a collaborative supervision arrangement, the  
22 juvenile probation department of the adjoining county may authorize  
23 a probation officer for the county to provide supervision and other  
24 services for the child as an agent of the juvenile probation  
25 department of the county in which the child was placed on probation.  
26 The probation officer providing supervision and other services for  
27 the child in the adjoining county shall provide the probation

1 officer supervising the child in the county in which the child was  
2 placed on probation with periodic oral, electronic, or written  
3 reports concerning the child.

4 (c) The juvenile court of the county in which the child was  
5 placed on probation retains sole authority to modify, amend,  
6 extend, or revoke the child's probation.

7 SECTION 5. Section 51.095, Family Code, is amended by  
8 amending Subsection (a) and adding Subsection (f) to read as  
9 follows:

10 (a) Notwithstanding Section 51.09, the statement of a child  
11 is admissible in evidence in any future proceeding concerning the  
12 matter about which the statement was given if:

13 (1) the statement is made in writing under a  
14 circumstance described by Subsection (d) and:

15 (A) the statement shows that the child has at  
16 some time before the making of the statement received from a  
17 magistrate a warning that:

18 (i) the child may remain silent and not make  
19 any statement at all and that any statement that the child makes may  
20 be used in evidence against the child;

21 (ii) the child has the right to have an  
22 attorney present to advise the child either prior to any  
23 questioning or during the questioning;

24 (iii) if the child is unable to employ an  
25 attorney, the child has the right to have an attorney appointed to  
26 counsel with the child before or during any interviews with peace  
27 officers or attorneys representing the state; and

1 (iv) the child has the right to terminate  
2 the interview at any time;

3 (B) and:

4 (i) the statement must be signed in the  
5 presence of a magistrate by the child with no law enforcement  
6 officer or prosecuting attorney present, except that a magistrate  
7 may require a bailiff or a law enforcement officer if a bailiff is  
8 not available to be present if the magistrate determines that the  
9 presence of the bailiff or law enforcement officer is necessary for  
10 the personal safety of the magistrate or other court personnel,  
11 provided that the bailiff or law enforcement officer may not carry a  
12 weapon in the presence of the child; and

13 (ii) the magistrate must be fully convinced  
14 that the child understands the nature and contents of the statement  
15 and that the child is signing the same voluntarily, and if a  
16 statement is taken, the magistrate must sign a written statement  
17 verifying the foregoing requisites have been met;

18 (C) the child knowingly, intelligently, and  
19 voluntarily waives these rights before and during the making of the  
20 statement and signs the statement in the presence of a magistrate;  
21 and

22 (D) the magistrate certifies that the magistrate  
23 has examined the child independent of any law enforcement officer  
24 or prosecuting attorney, except as required to ensure the personal  
25 safety of the magistrate or other court personnel, and has  
26 determined that the child understands the nature and contents of  
27 the statement and has knowingly, intelligently, and voluntarily

1 waived these rights;

2 (2) the statement is made orally and the child makes a  
3 statement of facts or circumstances that are found to be true and  
4 tend to establish the child's guilt, such as the finding of secreted  
5 or stolen property, or the instrument with which the child states  
6 the offense was committed;

7 (3) the statement was res gestae of the delinquent  
8 conduct or the conduct indicating a need for supervision or of the  
9 arrest;

10 (4) the statement is made:

11 (A) in open court at the child's adjudication  
12 hearing;

13 (B) before a grand jury considering a petition,  
14 under Section 53.045, that the child engaged in delinquent conduct;  
15 or

16 (C) at a preliminary hearing concerning the child  
17 held in compliance with this code, other than at a detention hearing  
18 under Section 54.01; or

19 (5) subject to Subsection (f), the statement is made  
20 orally under a circumstance described by Subsection (d) and the  
21 statement is recorded by an electronic recording device, including  
22 a device that records images, and:

23 (A) before making the statement, the child is  
24 given the warning described by Subdivision (1)(A) by a magistrate,  
25 the warning is a part of the recording, and the child knowingly,  
26 intelligently, and voluntarily waives each right stated in the  
27 warning;

1 (B) the recording device is capable of making an  
2 accurate recording, the operator of the device is competent to use  
3 the device, the recording is accurate, and the recording has not  
4 been altered;

5 (C) each voice on the recording is identified;  
6 and

7 (D) not later than the 20th day before the date of  
8 the proceeding, the attorney representing the child is given a  
9 complete and accurate copy of each recording of the child made under  
10 this subdivision.

11 (f) A magistrate who provides the warnings required by  
12 Subsection (a)(5) for a videotaped statement may at the time the  
13 warnings are provided request by speaking on the tape recording  
14 that the officer return the child and the videotape to the  
15 magistrate at the conclusion of the process of questioning. The  
16 magistrate may then view the videotape with the child or have the  
17 child view the videotape to enable the magistrate to determine  
18 whether the child's statements were given voluntarily. If a  
19 magistrate uses the procedure described by this subsection, a  
20 child's statement is not admissible unless the magistrate  
21 determines that the statement was given voluntarily.

22 SECTION 6. Section 51.17, Family Code, is amended by adding  
23 Subsection (g) to read as follows:

24 (g) Articles 21.07, 26.07, 26.08, 26.09, and 26.10, Code of  
25 Criminal Procedure, relating to the name of an adult defendant in a  
26 criminal case, apply to a child in a proceeding held under this  
27 title.

1 SECTION 7. Section 51.20, Family Code, is amended by adding  
2 Subsections (c), (d), and (e) to read as follows:

3 (c) If, while a child is under deferred prosecution  
4 supervision or court-ordered probation, a qualified professional  
5 determines that the child has a mental illness or mental  
6 retardation and the child is not currently receiving treatment  
7 services for the mental illness or mental retardation, the  
8 probation department shall refer the child to the local mental  
9 health or mental retardation authority for evaluation and services.

10 (d) A probation department shall report each referral of a  
11 child to a local mental health or mental retardation authority made  
12 under Subsection (b) or (c) to the Texas Juvenile Probation  
13 Commission in a format specified by the commission.

14 (e) At any stage of the proceedings under this title, the  
15 juvenile court may order a child who has been referred to the  
16 juvenile court or who is alleged by the petition or found to have  
17 engaged in delinquent conduct or conduct indicating a need for  
18 supervision to be subjected to a physical examination by a licensed  
19 physician.

20 SECTION 8. Chapter 51, Family Code, is amended by adding  
21 Section 51.21 to read as follows:

22 Sec. 51.21. MENTAL HEALTH SCREENING AND REFERRAL. (a) A  
23 probation department that administers the mental health screening  
24 instrument or clinical assessment required by Section 141.042(e),  
25 Human Resources Code, shall refer the child to the local mental  
26 health authority for assessment and evaluation if:

27 (1) the child's scores on the screening instrument or

1 clinical assessment indicate a need for further mental health  
2 assessment and evaluation; and

3 (2) the department and child do not have access to an  
4 internal, contract, or private mental health professional.

5 (b) A probation department shall report each referral of a  
6 child to a local mental health authority made under Subsection (a)  
7 to the Texas Juvenile Probation Commission in a format specified by  
8 the commission.

9 SECTION 9. Section 52.01(a), Family Code, is amended to  
10 read as follows:

11 (a) A child may be taken into custody:

12 (1) pursuant to an order of the juvenile court under  
13 the provisions of this subtitle;

14 (2) pursuant to the laws of arrest;

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

19 (A) conduct that violates a penal law of this  
20 state or a penal ordinance of any political subdivision of this  
21 state;

22 (B) delinquent conduct or conduct indicating a  
23 need for supervision; or

24 (C) conduct that violates a condition of  
25 probation imposed by the juvenile court;

26 (4) by a probation officer if there is probable cause  
27 to believe that the child has violated a condition of probation



1 imposed by the juvenile court; ~~[or]~~

2 (5) pursuant to a directive to apprehend issued as  
3 provided by Section 52.015; or

4 (6) by a probation officer if there is probable cause  
5 to believe that the child has violated a condition of release  
6 imposed by the juvenile court or referee under Section 54.01.

7 SECTION 10. Chapter 52, Family Code, is amended by adding  
8 Section 52.0151 to read as follows:

9 Sec. 52.0151. BENCH WARRANT; ATTACHMENT OF WITNESS IN  
10 CUSTODY. (a) If a witness is in a placement in the custody of the  
11 Texas Youth Commission, a juvenile secure detention facility, or a  
12 juvenile secure correctional facility, the court may issue a bench  
13 warrant or direct that an attachment issue to require a peace  
14 officer or probation officer to secure custody of the person at the  
15 placement and produce the person in court. Once the person is no  
16 longer needed as a witness, the court shall order the peace officer  
17 or probation officer to return the person to the placement from  
18 which the person was released.

19 (b) The court may order that the person who is the witness be  
20 detained in a certified juvenile detention facility if the person  
21 is younger than 17 years of age. If the person is at least 17 years  
22 of age, the court may order that the person be detained without bond  
23 in an appropriate county facility for the detention of adults  
24 accused of criminal offenses.

25 SECTION 11. Section 53.03, Family Code, is amended by  
26 adding Subsection (k) to read as follows:

27 (k) In deciding whether to grant deferred prosecution under

1 Subsection (i), the court may consider professional  
2 representations by the parties concerning the nature of the case  
3 and the background of the respondent. The representations made  
4 under this subsection by the child or counsel for the child are not  
5 admissible against the child at trial should the court reject the  
6 application for deferred prosecution.

7 SECTION 12. Section 54.01, Family Code, is amended by  
8 adding Subsection (q-1) to read as follows:

9 (q-1) The juvenile board may impose an earlier deadline than  
10 the specified deadlines for filing petitions under Subsection (q)  
11 and may specify the consequences of not filing a petition by the  
12 deadline the juvenile board has established. The juvenile board  
13 may authorize but not require the juvenile court to release a  
14 respondent from detention for failure of the prosecutor to file a  
15 petition by the juvenile board's deadline.

16 SECTION 13. Section 54.012(a), Family Code, is amended to  
17 read as follows:

18 (a) A detention hearing under Section 54.01[~~, other than the~~  
19 ~~first detention hearing,~~] may be held using interactive video  
20 equipment if:

21 (1) the child and the child's attorney agree to the  
22 video hearing; and

23 (2) the parties to the proceeding have the opportunity  
24 to cross-examine witnesses.

25 SECTION 14. Chapter 54, Family Code, is amended by adding  
26 Section 54.0408 to read as follows:

27 Sec. 54.0408. REFERRAL OF CHILD EXITING PROBATION TO MENTAL

1 HEALTH OR MENTAL RETARDATION AUTHORITY. A juvenile probation  
2 officer shall refer a child who has been determined to have a mental  
3 illness or mental retardation to an appropriate local mental health  
4 or mental retardation authority at least three months before the  
5 child is to complete the child's juvenile probation term unless the  
6 child is currently receiving treatment from the local mental health  
7 or mental retardation authority of the county in which the child  
8 resides.

9 SECTION 15. Section 54.05, Family Code, is amended by  
10 adding Subsection (m) to read as follows:

11 (m) If the court places the child on probation outside the  
12 child's home or commits the child to the Texas Youth Commission, the  
13 court:

14 (1) shall include in the court's order a determination  
15 that:

16 (A) it is in the child's best interests to be  
17 placed outside the child's home;

18 (B) reasonable efforts were made to prevent or  
19 eliminate the need for the child's removal from the child's home and  
20 to make it possible for the child to return home; and

21 (C) the child, in the child's home, cannot be  
22 provided the quality of care and level of support and supervision  
23 that the child needs to meet the conditions of probation; and

24 (2) may approve an administrative body to conduct a  
25 permanency hearing pursuant to 42 U.S.C. Section 675 if required  
26 during the placement or commitment of the child.

27 SECTION 16. Section 58.003, Family Code, is amended by

1 amending Subsections (a) and (o), and adding Subsections (g-1) and  
2 (p) to read as follows:

3 (a) Except as provided by Subsections (b) and (c), on the  
4 application of a person who has been found to have engaged in  
5 delinquent conduct or conduct indicating a need for supervision, or  
6 a person taken into custody to determine whether the person engaged  
7 in delinquent conduct or conduct indicating a need for supervision,  
8 on the juvenile court's own motion [~~or on receipt of a certification~~  
9 ~~from the Department of Public Safety of the State of Texas that the~~  
10 ~~records of a person are eligible for sealing under this section,~~]  
11 the court shall order the sealing of the records in the case if the  
12 court finds that:

13 (1) two years have elapsed since final discharge of  
14 the person or since the last official action in the person's case if  
15 there was no adjudication; and

16 (2) since the time specified in Subdivision (1), the  
17 person has not been convicted of a felony or a misdemeanor involving  
18 moral turpitude or found to have engaged in delinquent conduct or  
19 conduct indicating a need for supervision and no proceeding is  
20 pending seeking conviction or adjudication.

21 (g-1) Any records collected or maintained by the Texas  
22 Juvenile Probation Commission, including statistical data  
23 submitted under Section 141.044, Human Resources Code, are not  
24 subject to a sealing order issued under this section.

25 (o) An agency or official named in the order that cannot  
26 seal the records because the information required in the order  
27 under Subsection (p) [there] is incorrect or insufficient

1 ~~[information in the order]~~ shall notify the court issuing the order  
2 before the 61st day after the date the agency or official receives  
3 the order. The court shall notify the person who made the  
4 application or who is the subject of the records named in the  
5 motion, or the attorney for that person, before the 61st day after  
6 the date the court receives the notice that the agency or official  
7 cannot seal the records because there is incorrect or insufficient  
8 information in the order.

9 (p) A person who is eligible to seal records may file an  
10 application for the sealing of records in a juvenile court of the  
11 county in which the proceedings occurred. The application and  
12 sealing order entered on the application must include the following  
13 information or an explanation for why one or more of the following  
14 is not included:

15 (1) the applicant's:

16 (A) full name;

17 (B) sex;

18 (C) race or ethnicity;

19 (D) date of birth;

20 (E) driver's license or identification card  
21 number; and

22 (F) social security number;

23 (2) the offense charged against the applicant or for  
24 which the applicant was referred to the juvenile justice system;

25 (3) the date on which and the county where the offense  
26 was alleged to have been committed; and

27 (4) if a petition was filed in the juvenile court, the

1 cause number assigned to the petition and the court and county in  
2 which the petition was filed.

3 SECTION 17. Subchapter A, Chapter 58, Family Code, is  
4 amended by adding Section 58.0072 to read as follows:

5 Sec. 58.0072. DISSEMINATION OF JUVENILE JUSTICE  
6 INFORMATION. (a) Except as provided by this section, juvenile  
7 justice information collected and maintained by the Texas Juvenile  
8 Probation Commission for statistical and research purposes is  
9 confidential information for the use of the commission and may not  
10 be disseminated by the commission.

11 (b) Juvenile justice information consists of information of  
12 the type described by Section 58.104, including statistical data in  
13 any form or medium collected, maintained, or submitted to the Texas  
14 Juvenile Probation Commission under Section 141.044, Human  
15 Resources Code.

16 (c) The Texas Juvenile Probation Commission may grant the  
17 following entities access to juvenile justice information for  
18 research and statistical purposes or for any other purpose approved  
19 by the commission:

20 (1) criminal justice agencies as defined by Section  
21 411.082, Government Code;

22 (2) the Texas Education Agency;

23 (3) any agency under the authority of the Health and  
24 Human Services Commission; or

25 (4) a public or private university.

26 (d) The Texas Juvenile Probation Commission may grant the  
27 following entities access to juvenile justice information only for

1 a purpose approved by the commission:

2 (1) a person working on a research or statistical  
3 project that:

4 (A) is funded in whole or in part by state funds;  
5 or

6 (B) meets the requirements of 28 C.F.R. Part 22  
7 and is approved by the commission; or

8 (2) a governmental entity that has a specific  
9 agreement with the commission, if the agreement:

10 (A) specifically authorizes access to  
11 information;

12 (B) limits the use of information to the purposes  
13 for which the information is given;

14 (C) ensures the security and confidentiality of  
15 the information; and

16 (D) provides for sanctions if a requirement  
17 imposed under Paragraph (A), (B), or (C) is violated.

18 (e) The Texas Juvenile Probation Commission shall grant  
19 access to juvenile justice information for legislative purposes  
20 under Section 552.008, Government Code.

21 (f) The Texas Juvenile Probation Commission may not release  
22 juvenile justice information in identifiable form, except for  
23 information released under Subsection (c)(1), (2), or (3) or under  
24 the terms of an agreement entered into under Subsection (d)(2). For  
25 purposes of this subsection, identifiable information means  
26 information that contains a juvenile offender's name or other  
27 personal identifiers or that can, by virtue of sample size or other

1 factors, be reasonably interpreted as referring to a particular  
2 juvenile offender.

3 (g) The Texas Juvenile Probation Commission is not required  
4 to release or disclose juvenile justice information to any person  
5 not identified under this section.

6 SECTION 18. Section 58.104(f), Family Code, is amended to  
7 read as follows:

8 (f) Records maintained by the department in the depository  
9 are subject to being sealed under Section 58.003. [~~The department~~  
10 ~~shall send to the appropriate juvenile court its certification of~~  
11 ~~records that the department determines, according to the~~  
12 ~~department's records, are eligible for sealing under Section~~  
13 ~~58.003(a).~~]

14 SECTION 19. Section 58.203, Family Code, is amended to read  
15 as follows:

16 Sec. 58.203. CERTIFICATION. (a) The department shall  
17 certify to [~~the juvenile court or~~] the juvenile probation  
18 department to which a referral was made that resulted in  
19 information being submitted to the juvenile justice information  
20 system that the records relating to a person's juvenile case are  
21 subject to automatic restriction of access if:

22 (1) the person is at least 21 years of age;

23 (2) the juvenile case did not include violent or  
24 habitual felony conduct resulting in proceedings in the juvenile  
25 court under Section 53.045;

26 (3) the juvenile case was not certified for trial in  
27 criminal court under Section 54.02; and



1           (4) the department has not received a report in its  
2 criminal history system that the person was granted deferred  
3 adjudication for or convicted of a felony or a misdemeanor  
4 punishable by confinement in jail for an offense committed after  
5 the person became 17 years of age.

6           (b) If the department's records relate to a juvenile court  
7 with multicounty jurisdiction, the department shall issue the  
8 certification described by Subsection (a) to each juvenile  
9 probation department that serves the court. On receipt of the  
10 certification, each juvenile probation department shall determine  
11 whether it received the referral and, if it received the referral,  
12 take the restrictive action notification required by law.

13           (c) The department may issue the certification described by  
14 Subsection (a) by electronic means, including by electronic mail.

15           SECTION 20. Section 58.207(a), Family Code, is amended to  
16 read as follows:

17           (a) On certification of records in a case under Section  
18 58.203, the juvenile court shall order:

19           (1) that the following records relating to the case  
20 may be accessed only as provided by Section 58.204(b):

21                   (A) if the respondent was committed to the Texas  
22 Youth Commission, records maintained by the commission;

23                   (B) records maintained by the juvenile probation  
24 department [~~and by any agency that provided care or custody of the~~  
25 ~~child under order or arrangement of the juvenile court~~];

26                   (C) records maintained by the clerk of the court;

27                   (D) records maintained by the prosecutor's

1 office; and

2 (E) records maintained by a law enforcement  
3 agency; and

4 (2) the juvenile probation department to make a  
5 reasonable effort to notify the person who is the subject of records  
6 for which access has been restricted of the action restricting  
7 access and the legal significance of the action for the person, but  
8 only if the person has requested the notification in writing and has  
9 provided the juvenile probation department with a current address.

10 SECTION 21. Section 58.208, Family Code, is amended to read  
11 as follows:

12 Sec. 58.208. INFORMATION TO CHILD ON DISCHARGE. On the  
13 final discharge of a child from the juvenile system or on the last  
14 official action in the case, if there is no adjudication, the  
15 appropriate juvenile justice official shall provide to the child:

16 (1) a written explanation of how automatic restricted  
17 access under this subchapter works; ~~and~~

18 (2) a copy of this subchapter; and

19 (3) a statement that if the child wishes to receive  
20 notification of an action restricting access to the child's records  
21 under Section 58.207(a), the child must before the child's 21st  
22 birthday provide the juvenile probation department with a current  
23 address where the child can receive notification.

24 SECTION 22. Subchapter C, Chapter 58, Family Code, is  
25 amended by adding Section 58.211 to read as follows:

26 Sec. 58.211. RESCINDING RESTRICTED ACCESS. (a) If the  
27 department has notified a juvenile probation department that a

1 record has been placed on restricted access and the department  
2 later receives information in the department's criminal history  
3 system that the subject of the records has been convicted of or  
4 placed on deferred adjudication for a felony or a misdemeanor  
5 punishable by confinement in jail for an offense committed after  
6 the person reached the age of 17, the person's juvenile records are  
7 no longer subject to restricted access. The department shall  
8 notify the appropriate local juvenile probation departments in the  
9 manner described by Section 58.203 that the person's records are no  
10 longer subject to restricted access.

11 (b) On receipt of the notification described by Subsection  
12 (a), the juvenile probation department shall notify the agencies  
13 that maintain the person's juvenile records under Section 58.207(b)  
14 that the person's records are no longer subject to restricted  
15 access.

16 SECTION 23. Section 58.301(5), Family Code, is amended to  
17 read as follows:

18 (5) "Partner agency" means a governmental service  
19 provider or governmental placement facility that is authorized  
20 ~~[required]~~ by this subchapter to be a member of a local juvenile  
21 justice information system or that has applied to be a member of a  
22 local juvenile justice information system and has been approved by  
23 the county juvenile board or regional juvenile board committee as a  
24 member of the system.

25 SECTION 24. Sections 58.303(b) and (c), Family Code, are  
26 amended to read as follows:

27 (b) A local juvenile justice information system may ~~[must]~~

1 contain the following components:

2 (1) case management resources for juvenile courts,  
3 prosecuting attorneys, and county juvenile probation departments;

4 (2) reporting systems to fulfill statutory  
5 requirements for reporting in the juvenile justice system;

6 (3) service provider directories and indexes of  
7 agencies providing services to children; ~~and~~

8 (4) victim-witness notices required under Chapter  
9 57; ~~and~~

10 ~~[(c) A local juvenile justice information system may  
11 contain the following components:]~~

12 (5) ~~[(1)]~~ electronic filing of complaints or  
13 petitions;

14 (6) ~~[(2)]~~ electronic offense and intake processing;

15 (7) ~~[(3)]~~ case docket management and calendaring;

16 (8) ~~[(4)]~~ communications by email or other electronic  
17 communications between partner agencies;

18 (9) ~~[(5)]~~ reporting of charges filed, adjudications  
19 and dispositions of juveniles by municipal and justice courts and  
20 the juvenile court, and transfers of cases to the juvenile court as  
21 authorized or required by Section 51.08;

22 (10) ~~[(6)]~~ reporting to schools under Article 15.27,  
23 Code of Criminal Procedure, by law enforcement agencies,  
24 prosecuting attorneys, and juvenile courts;

25 (11) ~~[(7)]~~ records of adjudications and dispositions,  
26 including probation conditions ordered by the juvenile court; and

27 (12) ~~[(8)]~~ warrant management and confirmation

1 capabilities.

2 SECTION 25. Section 58.305, Family Code, is amended to read  
3 as follows:

4 Sec. 58.305. PARTNER AGENCIES. (a) A local juvenile  
5 justice information system shall to the extent possible [~~for a~~  
6 ~~single county shall~~] include the following partner agencies within  
7 that county:

- 8 (1) the juvenile court;
- 9 (2) justice of the peace and municipal courts;
- 10 (3) the county juvenile probation department;
- 11 (4) the prosecuting attorneys who prosecute juvenile  
12 cases in juvenile court, municipal court, or justice court;
- 13 (5) law enforcement agencies;
- 14 (6) each public school district in the county;
- 15 (7) governmental service providers approved by the  
16 county juvenile board; and
- 17 (8) governmental placement facilities approved by the  
18 county juvenile board.

19 (b) A local juvenile justice information system for a  
20 multicounty region shall to the extent possible include the partner  
21 agencies listed in Subsections (a)(1)-(6) for each county in the  
22 region and the following partner agencies from within the  
23 multicounty region that have applied for membership in the system  
24 and have been approved by the regional juvenile board committee:

- 25 (1) governmental service providers; and
- 26 (2) governmental placement facilities.

27 SECTION 26. Subchapter A, Chapter 61, Family Code, is

1 amended by adding Section 61.0031 to read as follows:

2 Sec. 61.0031. TRANSFER OF ORDER AFFECTING PARENT OR OTHER  
3 ELIGIBLE PERSON TO COUNTY OF CHILD'S RESIDENCE. (a) This section  
4 applies only when:

5 (1) a juvenile court has placed a parent or other  
6 eligible person under a court order under this chapter;

7 (2) the child who was the subject of the juvenile court  
8 proceedings in which the order was entered:

9 (A) resides in a county other than the county in  
10 which the order was entered;

11 (B) has moved to a county other than the county in  
12 which the order was entered and intends to remain in that county for  
13 at least 60 days; or

14 (C) intends to move to a county other than the  
15 county in which the order was entered and to remain in that county  
16 for at least 60 days; and

17 (3) the parent or other eligible person resides or  
18 will reside in the same county as the county in which the child now  
19 resides or to which the child has moved or intends to move.

20 (b) A juvenile court that enters an order described by  
21 Subsection (a)(1) may transfer the order to the juvenile court of  
22 the county in which the parent now resides or to which the parent  
23 has moved or intends to move.

24 (c) The juvenile court shall provide the parent or other  
25 eligible person written notice of the transfer. The notification  
26 must identify the court to which the order has been transferred.

27 (d) The juvenile court to which the order has been

1 transferred shall require the parent or other eligible person to  
2 appear before the court to notify the person of the existence and  
3 terms of the order. Failure to do so renders the order  
4 unenforceable.

5 (e) If the notice required by Subsection (d) is provided,  
6 the juvenile court to which the order has been transferred may  
7 modify, extend, or enforce the order as though the court originally  
8 entered the order.

9 SECTION 27. Section 261.101(b), Family Code, is amended to  
10 read as follows:

11 (b) If a professional has cause to believe that a child has  
12 been abused or neglected or may be abused or neglected, or that a  
13 child is a victim of an offense under Section 21.11, Penal Code, and  
14 the professional has cause to believe that the child has been abused  
15 as defined by Section 261.001 or 261.401, the professional shall  
16 make a report not later than the 48th hour after the hour the  
17 professional first suspects that the child has been or may be abused  
18 or neglected or is a victim of an offense under Section 21.11, Penal  
19 Code. A professional may not delegate to or rely on another person  
20 to make the report. In this subsection, "professional" means an  
21 individual who is licensed or certified by the state or who is an  
22 employee of a facility licensed, certified, or operated by the  
23 state and who, in the normal course of official duties or duties for  
24 which a license or certification is required, has direct contact  
25 with children. The term includes teachers, nurses, doctors,  
26 day-care employees, employees of a clinic or health care facility  
27 that provides reproductive services, juvenile probation officers,

1 and juvenile detention or correctional officers.

2 SECTION 28. Section 261.405, Family Code, is amended by  
3 adding Subsection (e) to read as follows:

4 (e) As soon as practicable after a child is taken into  
5 custody or placed in a juvenile justice facility or juvenile  
6 justice program, the facility or program shall provide the child's  
7 parents with:

8 (1) information regarding the reporting of suspected  
9 abuse, neglect, or exploitation of a child in a juvenile justice  
10 facility or juvenile justice program to the Texas Juvenile  
11 Probation Commission; and

12 (2) the commission's toll-free number for this  
13 reporting.

14 SECTION 29. Section 106.041(f), Alcoholic Beverage Code, is  
15 amended to read as follows:

16 (f) A minor who commits an offense under this section and  
17 who has been previously convicted twice or more of offenses under  
18 this section is not eligible for deferred disposition or deferred  
19 adjudication.

20 SECTION 30. Sections 106.071(f) and (i), Alcoholic Beverage  
21 Code, are amended to read as follows:

22 (f) In this section [~~For the purpose of determining whether~~  
23 ~~a minor has been previously convicted of an offense to which this~~  
24 ~~section applies~~]:

25 (1) a prior [~~an~~] adjudication under Title 3, Family  
26 Code, that the minor engaged in conduct described by this section is  
27 considered a conviction [~~under this section~~]; and



1           (2) a prior [~~an~~] order of deferred disposition for an  
2 offense alleged under this section is considered a conviction [~~of~~  
3 ~~an offense under this section~~].

4           (i) A defendant who is not a child and who has been  
5 previously convicted at least twice of an offense to which this  
6 section applies is not eligible to receive a deferred [~~deferral of~~  
7 ~~final~~] disposition or deferred adjudication [~~of a subsequent~~  
8 ~~offense~~].

9           SECTION 31. Article 15.27, Code of Criminal Procedure, is  
10 amended by adding Subsection (i) to read as follows:

11           (i) A person may substitute electronic notification for  
12 oral notification where oral notification is required by this  
13 article. If electronic notification is substituted for oral  
14 notification, any written notification required by this article is  
15 not required.

16           SECTION 32. Article 24.011, Code of Criminal Procedure, is  
17 amended by adding Subsections (c), (d), and (e) to read as follows:

18           (c) If the witness is in a placement in the custody of the  
19 Texas Youth Commission, a juvenile secure detention facility, or a  
20 juvenile secure correctional facility, the court may issue a bench  
21 warrant or direct that an attachment issue to require a peace  
22 officer or probation officer to secure custody of the person at the  
23 placement and produce the person in court. When the person is no  
24 longer needed as a witness, the court shall order the peace officer  
25 or probation officer to return the person to the placement from  
26 which the person was released.

27           (d) The court may order that the person who is the witness be

1 detained in a certified juvenile detention facility if the person  
2 is younger than 17 years of age. If the person is at least 17 years  
3 of age, the court may order that the person be detained without bond  
4 in an appropriate county facility for the detention of adults  
5 accused of criminal offenses.

6 (e) In this article, "secure detention facility" and  
7 "secure correctional facility" have the meanings assigned by  
8 Section 51.02, Family Code.

9 SECTION 33. Article 45.0215, Code of Criminal Procedure, is  
10 amended by adding Subsection (d) to read as follows:

11 (d) A justice or municipal court shall endorse on the  
12 summons issued to a parent an order to appear personally at a  
13 hearing with the child. The summons must include a warning that the  
14 failure of the parent to appear may result in arrest and is a Class C  
15 misdemeanor.

16 SECTION 34. Article 45.056, Code of Criminal Procedure, is  
17 amended by amending Subsection (a) and adding Subsections (c), (d),  
18 and (e) to read as follows:

19 (a) On approval of the commissioners court, city council,  
20 school district board of trustees, juvenile board, or other  
21 appropriate authority, a county court, [a] justice court, municipal  
22 court, school district, juvenile probation department, or other  
23 appropriate governmental entity may:

24 (1) employ a case manager to provide services in cases  
25 involving juvenile offenders before a court consistent with the  
26 court's statutory powers; or

27 (2) agree in accordance with Chapter 791, Government

1 Code, to jointly employ a case manager.

2 (c) A county or justice court on approval of the  
3 commissioners court or a municipal court on approval of the city  
4 council may employ one or more full-time juvenile case managers to  
5 assist the court in administering the court's juvenile docket and  
6 in supervising its court orders in juvenile cases.

7 (d) Pursuant to Article 102.0174, the court may pay the  
8 salary and benefits of the juvenile case manager from the juvenile  
9 case manager fund.

10 (e) A juvenile case manager employed under Subsection (c)  
11 shall work primarily on cases brought under Sections 25.093 and  
12 25.094, Education Code.

13 SECTION 35. Subchapter A, Chapter 102, Code of Criminal  
14 Procedure, is amended by adding Article 102.0174 to read as  
15 follows:

16 Art. 102.0174. COURT COSTS; JUVENILE CASE MANAGER FUND.

17 (a) In this article, "fund" means a juvenile case manager fund.

18 (b) The governing body of a municipality by ordinance may  
19 create a juvenile case manager fund and may require a defendant  
20 convicted of a fine-only misdemeanor offense in a municipal court  
21 to pay a juvenile case manager fee not to exceed \$5 as a cost of  
22 court.

23 (c) The commissioners court of a county by order may create  
24 a juvenile case manager fund and may require a defendant convicted  
25 of a fine-only misdemeanor offense in a justice court, county  
26 court, or county court at law to pay a juvenile case manager fee not  
27 to exceed \$5 as a cost of court.

1       (d) The ordinance or order must authorize the judge or  
2 justice to waive the fee required by Subsection (b) or (c) in a case  
3 of financial hardship.

4       (e) In this article, a defendant is considered convicted if:

5           (1) a sentence is imposed on the defendant;

6           (2) the defendant receives deferred disposition,  
7 including deferred proceedings under Article 45.052 or 45.053; or

8           (3) the defendant receives deferred adjudication in  
9 county court.

10       (f) The clerks of the respective courts shall collect the  
11 costs and pay them to the county or municipal treasurer, as  
12 applicable, or to any other official who discharges the duties  
13 commonly delegated to the county or municipal treasurer for deposit  
14 in the fund.

15       (g) A fund created under this section may be used only to  
16 finance the salary and benefits of a juvenile case manager employed  
17 under Article 45.056.

18       (h) A fund must be administered by or under the direction of  
19 the commissioners court or under the direction of the governing  
20 body of the municipality.

21       SECTION 36. Section 25.094(f), Education Code, is amended  
22 to read as follows:

23       (f) It is an affirmative defense to prosecution under this  
24 section that one or more of the absences required to be proven under  
25 Subsection (a) were ~~[was]~~ excused by a school official or ~~[should be~~  
26 ~~excused]~~ by the court or that one or more of the absences were  
27 involuntary, but only if there is an insufficient number of

1 unexcused or voluntary absences remaining to constitute an offense  
2 under this section. The burden is on the defendant to show by a  
3 preponderance of the evidence that the absence has been [~~or should~~  
4 ~~be~~] excused or that the absence was involuntary. A decision by the  
5 court to excuse an absence for purposes of this section does not  
6 affect the ability of the school district to determine whether to  
7 excuse the absence for another purpose.

8 SECTION 37. Section 25.0951, Education Code, is amended by  
9 amending Subsection (a) and adding Subsection (d) to read as  
10 follows:

11 (a) If a student fails to attend school without excuse on 10  
12 or more days or parts of days within a six-month period in the same  
13 school year, a school district shall within seven school days of the  
14 student's last absence:

15 (1) file a complaint against the student or the  
16 student's parent or both in a county, justice, or municipal court  
17 for an offense under Section 25.093 or 25.094, as appropriate, or  
18 refer the student to a juvenile court in a county with a population  
19 of less than 100,000 for conduct that violates Section 25.094; or

20 (2) refer the student to a juvenile court for conduct  
21 indicating a need for supervision under Section 51.03(b)(2), Family  
22 Code.

23 (d) A court shall dismiss a complaint or referral made by a  
24 school district under this section that is not made in compliance  
25 with this section.

26 SECTION 38. Sections 102.061, 102.081, 102.101, and  
27 102.121, Government Code, are amended to read as follows:

1           Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN  
2 STATUTORY COUNTY COURT. The clerk of a statutory county court shall  
3 collect fees and costs on conviction of a defendant as follows:

4           (1) a jury fee (Art. 102.004, Code of Criminal  
5 Procedure) . . . \$20;

6           (2) a fee for services of the clerk of the court (Art.  
7 102.005, Code of Criminal Procedure) . . . \$40;

8           (3) a records management and preservation services fee  
9 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

10           (4) a security fee on a misdemeanor offense (Art.  
11 102.017, Code of Criminal Procedure) . . . \$3;

12           (5) a graffiti eradication fee (Art. 102.0171, Code of  
13 Criminal Procedure) . . . \$5; ~~and~~

14           (6) a court cost on conviction in Comal County (Sec.  
15 152.0522, Human Resources Code) . . . \$4; and

16           (7) a juvenile case manager fee (Art. 102.0174, Code  
17 of Criminal Procedure) . . . \$5.

18           Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN  
19 COUNTY COURT. The clerk of a county court shall collect fees and  
20 costs on conviction of a defendant as follows:

21           (1) a jury fee (Art. 102.004, Code of Criminal  
22 Procedure) . . . \$20;

23           (2) a fee for clerk of the court services (Art.  
24 102.005, Code of Criminal Procedure) . . . \$40;

25           (3) a records management and preservation services fee  
26 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

27           (4) a security fee on a misdemeanor offense (Art.

1 102.017, Code of Criminal Procedure) . . . \$3; [~~and~~]

2 (5) a graffiti eradication fee (Art. 102.0171, Code of  
3 Criminal Procedure) . . . \$5; and

4 (6) a juvenile case manager fee (Art. 102.0174, Code  
5 of Criminal Procedure) . . . \$5.

6 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN  
7 JUSTICE COURT. A clerk of a justice court shall collect fees and  
8 costs on conviction of a defendant as follows:

9 (1) a jury fee (Art. 102.004, Code of Criminal  
10 Procedure) . . . \$3;

11 (2) a fee for withdrawing request for jury less than 24  
12 hours before time of trial (Art. 102.004, Code of Criminal  
13 Procedure) . . . \$3;

14 (3) a jury fee for two or more defendants tried jointly  
15 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

16 (4) a security fee on a misdemeanor offense (Art.  
17 102.017, Code of Criminal Procedure) . . . \$3;

18 (5) a fee for technology fund on a misdemeanor offense  
19 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;

20 [~~and~~]

21 (6) a court cost on conviction in Comal County (Sec.  
22 152.0522, Human Resources Code) . . . \$1.50; and

23 (7) a juvenile case manager fee (Art. 102.0174, Code  
24 of Criminal Procedure) . . . \$5.

25 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN  
26 MUNICIPAL COURT. The clerk of a municipal court shall collect fees  
27 and costs on conviction of a defendant as follows:

1 (1) a jury fee (Art. 102.004, Code of Criminal  
2 Procedure) . . . \$3;

3 (2) a fee for withdrawing request for jury less than 24  
4 hours before time of trial (Art. 102.004, Code of Criminal  
5 Procedure) . . . \$3;

6 (3) a jury fee for two or more defendants tried jointly  
7 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

8 (4) a security fee on a misdemeanor offense (Art.  
9 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~

10 (5) a fee for technology fund on a misdemeanor offense  
11 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;  
12 and

13 (6) a juvenile case manager fee (Art. 102.0174, Code  
14 of Criminal Procedure) . . . \$5.

15 SECTION 39. Section 61.0432, Human Resources Code, is  
16 amended to read as follows:

17 Sec. 61.0432. STUDENT TRUST FUND; CONTRABAND MONEY. (a)  
18 Except as provided by Subsection (b), money ~~[Money]~~ belonging to a  
19 child committed to the commission in excess of the amount the  
20 commission allows in a child's possession shall be deposited in a  
21 trust fund established by the facility operated by the commission  
22 to which the child is assigned. The commission shall adopt rules  
23 governing the administration of the trust fund.

24 (b) Money possessed by a child committed to the commission  
25 that is determined to be contraband money as defined by commission  
26 rule shall be deposited in the student benefit fund described by  
27 Section 61.0431. The commission shall notify each child committed



1 to the commission that the possession of contraband money is  
2 subject to confiscation by the commission under this subsection.

3 SECTION 40. Section 61.079(c), Human Resources Code, is  
4 amended to read as follows:

5 (c) If a child is released under supervision, a juvenile  
6 court adjudication that the child engaged in delinquent conduct  
7 constituting a felony offense, a criminal court conviction of the  
8 child for a felony offense, or a determination under Section  
9 61.075(4) revoking the child's release under supervision is  
10 required before referral of the child to the juvenile court under  
11 Subsection (a).

12 SECTION 41. Section 61.081, Human Resources Code, is  
13 amended by adding Subsection (i) to read as follows:

14 (i) Notwithstanding Subsection (f), if a child is committed  
15 to the commission under a determinate sentence under Section  
16 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
17 the commission may release the child under supervision without  
18 approval of the juvenile court that entered the order of commitment  
19 if not more than nine months remain before the child's discharge  
20 under Section 61.084(b).

21 SECTION 42. Sections 141.042(a) and (e), Human Resources  
22 Code, are amended to read as follows:

23 (a) The commission shall adopt reasonable rules that  
24 provide:

25 (1) minimum standards for personnel, staffing, case  
26 loads, programs, facilities, record keeping, equipment, and other  
27 aspects of the operation of a juvenile board that are necessary to

1 provide adequate and effective probation services;

2 (2) a code of ethics for probation and~~[7]~~ detention~~[7]~~  
3 ~~and corrections~~] officers and for the enforcement of that code;

4 (3) appropriate educational, preservice and  
5 in-service training, and certification standards for probation and  
6 ~~[7]~~ detention~~[7]~~~~and corrections~~] officers or court-supervised  
7 community-based program personnel;

8 (4) minimum standards for public and private juvenile  
9 pre-adjudication secure detention facilities, public juvenile  
10 post-adjudication secure correctional facilities that are operated  
11 under the authority of a juvenile board, and private juvenile  
12 post-adjudication secure correctional facilities, except those  
13 facilities exempt from certification by Section 42.052(g); and

14 (5) minimum standards for juvenile justice  
15 alternative education programs created under Section 37.011,  
16 Education Code, in collaboration and conjunction with the Texas  
17 Education Agency, or its designee.

18 (e) Juvenile probation departments shall use the mental  
19 health screening instrument selected by the commission for the  
20 initial screening of children under the jurisdiction of probation  
21 departments who have been formally referred to the department. The  
22 commission shall give priority to training in the use of this  
23 instrument in any preservice or in-service training that the  
24 commission provides for probation officers. A clinical assessment  
25 by a licensed mental health professional may be substituted for the  
26 mental health screening instrument selected by the commission if  
27 the clinical assessment is performed in the time prescribed by the

1 commission. Juvenile probation departments shall report data from  
2 the use of the screening instrument or the clinical assessment to  
3 the commission in a format and in the time prescribed by the  
4 commission.

5 SECTION 43. Subchapter D, Chapter 141, Human Resources  
6 Code, is amended by adding Section 141.0611 to read as follows:

7 Sec. 141.0611. MINIMUM STANDARDS FOR DETENTION OFFICERS.  
8 To be eligible for appointment as a detention officer, a person who  
9 was not employed as a detention officer before September 1, 2005,  
10 must:

- 11 (1) be of good moral character;  
12 (2) be at least 21 years of age;  
13 (3) have acquired a high school diploma or its  
14 equivalent;  
15 (4) have satisfactorily completed the course of  
16 preservice training or instruction required by the commission;  
17 (5) have passed the tests or examinations required by  
18 the commission; and  
19 (6) possess the level of certification required by the  
20 commission.

21 SECTION 44. Section 141.065, Human Resources Code, is  
22 amended to read as follows:

23 Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF  
24 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION~~[ , OR CORRECTIONS ]~~  
25 OFFICERS. (a) A peace officer, prosecuting attorney, or other  
26 person who is employed by or who reports directly to a law  
27 enforcement or prosecution official may not act as a chief

1 administrative, juvenile probation, or detention~~[, or~~  
2 ~~corrections]~~ officer or be made responsible for supervising a  
3 juvenile on probation.

4 (b) For purposes of this section, a chief administrative  
5 officer, regardless of title, is the person who is:

6 (1) hired or appointed by or under contract with the  
7 juvenile board; and

8 (2) responsible for the oversight of the operations of  
9 the juvenile probation department or any juvenile justice program  
10 operated by or under the authority of the juvenile board.

11 SECTION 45. Section 8.07(a), Penal Code, is amended to read  
12 as follows:

13 (a) A person may not be prosecuted for or convicted of any  
14 offense that the person committed when younger than 15 years of age  
15 except:

16 (1) perjury and aggravated perjury when it appears by  
17 proof that the person had sufficient discretion to understand the  
18 nature and obligation of an oath;

19 (2) a violation of a penal statute cognizable under  
20 Chapter 729, Transportation Code, except for conduct for which the  
21 person convicted may be sentenced to imprisonment or confinement in  
22 jail~~;~~

23 ~~[(A) an offense under Section 521.457,~~  
24 ~~Transportation Code,~~

25 ~~[(B) an offense under Section 550.021,~~  
26 ~~Transportation Code,~~

27 ~~[(C) an offense punishable as a Class B~~

1 ~~misdemeanor under Section 550.022, Transportation Code,~~

2 ~~[(D) an offense punishable as a Class B~~  
3 ~~misdemeanor under Section 550.024, Transportation Code, or~~

4 ~~[(E) an offense punishable as a Class B~~  
5 ~~misdemeanor under Section 550.025, Transportation Code];~~

6 (3) a violation of a motor vehicle traffic ordinance  
7 of an incorporated city or town in this state;

8 (4) a misdemeanor punishable by fine only other than  
9 public intoxication;

10 (5) a violation of a penal ordinance of a political  
11 subdivision;

12 (6) a violation of a penal statute that is, or is a  
13 lesser included offense of, a capital felony, an aggravated  
14 controlled substance felony, or a felony of the first degree for  
15 which the person is transferred to the court under Section 54.02,  
16 Family Code, for prosecution if the person committed the offense  
17 when 14 years of age or older; or

18 (7) a capital felony or an offense under Section 19.02  
19 for which the person is transferred to the court under Section  
20 54.02(j)(2)(A), Family Code.

21 SECTION 46. Section 22.04, Penal Code, is amended by  
22 amending Subsection (k) and adding Subsection (l) to read as  
23 follows:

24 (k) ~~[(1)]~~ It is a defense to prosecution under this section  
25 that the act or omission consisted of:

26 (1) ~~[(A)]~~ reasonable medical care occurring under the  
27 direction of or by a licensed physician; or

1           (2) [~~(B)~~] emergency medical care administered in good  
2 faith and with reasonable care by a person not licensed in the  
3 healing arts.

4           (1) [~~(2)~~] It is an affirmative defense to prosecution under  
5 this section:

6           (1) that the act or omission was based on treatment in  
7 accordance with the tenets and practices of a recognized religious  
8 method of healing with a generally accepted record of efficacy;

9           (2) [~~It is an affirmative defense to prosecution~~]  
10 for a person charged with an act of omission [~~under this section~~]  
11 causing to a child, elderly individual, or disabled individual a  
12 condition described by Subsection (a)(1), (2), or (3) that:

13                   (A) there is no evidence that, on the date prior  
14 to the offense charged, the defendant was aware of an incident of  
15 injury to the child, elderly individual, or disabled individual and  
16 failed to report the incident; and

17                   (B) the person:

18                           (i) was a victim of family violence, as that  
19 term is defined by Section 71.004, Family Code, committed by a  
20 person who is also charged with an offense against the child,  
21 elderly individual, or disabled individual under this section or  
22 any other section of this title;

23                           (ii) did not cause a condition described by  
24 Subsection (a)(1), (2), or (3); and

25                           (iii) did not reasonably believe at the  
26 time of the omission that an effort to prevent the person also  
27 charged with an offense against the child, elderly individual, or

1 disabled individual from committing the offense would have an  
2 effect; or

3 (3) that:

4 (A) the actor was not more than three years older  
5 than the victim at the time of the offense; and

6 (B) the victim was a child at the time of the  
7 offense.

8 SECTION 47. The heading to Section 38.11, Penal Code, is  
9 amended to read as follows:

10 Sec. 38.11. PROHIBITED SUBSTANCES AND ITEMS IN ADULT OR  
11 JUVENILE CORRECTIONAL OR DETENTION FACILITY OR ON PROPERTY OF TEXAS  
12 DEPARTMENT OF CRIMINAL JUSTICE OR TEXAS YOUTH COMMISSION.

13 SECTION 48. Sections 38.11(a), (b), (c), (d), (e), (f),  
14 (i), and (j), Penal Code, are amended to read as follows:

15 (a) A person commits an offense if the person provides:

16 (1) an alcoholic beverage, controlled substance, or  
17 dangerous drug to an inmate of a correctional facility or to a  
18 person in the custody of a secure correctional facility or secure  
19 detention facility for juveniles, except on the prescription of a  
20 physician or practitioner, as defined in Section 551.003,  
21 Occupations Code;

22 (2) a deadly weapon to an inmate of a correctional  
23 facility or to a person in the custody of a secure correctional  
24 facility or secure detention facility for juveniles; or

25 (3) a cellular telephone, cigarette, tobacco product,  
26 or money to an inmate of a correctional facility operated by or  
27 under contract with the Texas Department of Criminal Justice or to a

1 person in the custody of a secure correctional facility or secure  
2 detention facility for juveniles, except for money that is provided  
3 for the benefit of the juvenile in accordance with facility rules.

4 (b) A person commits an offense if the person takes an  
5 alcoholic beverage, controlled substance, or dangerous drug into a  
6 correctional facility or a secure correctional facility or secure  
7 detention facility for juveniles, except for delivery to a  
8 [~~correctional~~] facility warehouse, pharmacy, or physician.

9 (c) A person commits an offense if the person takes a  
10 controlled substance or dangerous drug on property owned, used, or  
11 controlled by the Texas Department of Criminal Justice, the Texas  
12 Youth Commission, or a secure correctional facility or secure  
13 detention facility for juveniles, except for delivery to a  
14 warehouse, pharmacy, or physician on property owned, used, or  
15 controlled by the department, the commission, or the facility.

16 (d) A person commits an offense if the person:

17 (1) possesses a controlled substance or dangerous drug  
18 while:

19 (A) on property owned, used, or controlled by the  
20 Texas Department of Criminal Justice, the Texas Youth Commission,  
21 or a secure correctional facility or secure detention facility for  
22 juveniles; or

23 (B) in a correctional facility or a secure  
24 correctional facility or secure detention facility for juveniles;  
25 or

26 (2) possesses a deadly weapon while in a correctional  
27 facility or in a secure correctional facility or secure detention



1 facility for juveniles.

2 (e) It is an affirmative defense to prosecution under  
3 Subsection (d)(1) of this section that the person possessed the  
4 controlled substance or dangerous drug pursuant to a prescription  
5 issued by a practitioner or while delivering the substance or drug  
6 to a warehouse, pharmacy, or physician on property owned, used, or  
7 controlled by the department, the Texas Youth Commission, or by the  
8 operator of a secure correctional facility or secure detention  
9 facility for juveniles. It is an affirmative defense to  
10 prosecution under Subsection (d)(2) of this section that the person  
11 possessing the deadly weapon is a peace officer or is an officer or  
12 employee of the correctional facility authorized to possess the  
13 deadly weapon while on duty or traveling to or from the person's  
14 place of assignment.

15 (f) In this section:

16 (1) "Practitioner" has the meaning assigned by Section  
17 481.002, Health and Safety Code.

18 (2) "Prescription" has the meaning assigned by Section  
19 481.002, Health and Safety Code.

20 (3) "Cigarette" has the meaning assigned by Section  
21 154.001, Tax Code.

22 (4) "Tobacco product" has the meaning assigned by  
23 Section 155.001, Tax Code.

24 (5) "Secure correctional facility" and "secure  
25 detention facility" have the meanings assigned by Section 51.02,  
26 Family Code.

27 (i) It is an affirmative defense to prosecution under

1 Subsection (b) that the actor:

2 (1) is a duly authorized member of the clergy with  
3 rights and privileges granted by an ordaining authority that  
4 includes administration of a religious ritual or ceremony requiring  
5 the presence or consumption of an alcoholic beverage; and

6 (2) takes four ounces or less of an alcoholic beverage  
7 into the correctional facility or the secure correctional facility  
8 or secure detention facility for juveniles and personally consumes  
9 all of the alcoholic beverage or departs from the facility with any  
10 portion of the beverage not consumed.

11 (j) A person commits an offense if the person while an  
12 inmate of a correctional facility operated by or under contract  
13 with the Texas Department of Criminal Justice or while in the  
14 custody of a secure correctional facility or secure detention  
15 facility for juveniles possesses a cellular telephone.

16 SECTION 49. Subchapter O, Chapter 521, Transportation Code,  
17 is amended by adding Section 521.3452 to read as follows:

18 Sec. 521.3452. PROCEDURE IN CASES INVOLVING MINORS. (a) A  
19 court shall report to the department a person charged with a traffic  
20 offense under this chapter who does not appear before the court as  
21 required by law.

22 (b) In addition to any other action or remedy provided by  
23 law, the department may deny renewal of the person's driver's  
24 license under Section 521.317 or Chapter 706.

25 (c) The court shall also report to the department on final  
26 disposition of the case.

27 SECTION 50. Section 521.201, Transportation Code, is

1 amended to read as follows:

2           Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL.       The  
3 department may not issue any license to a person who:

4           (1) is under 15 years of age;

5           (2) is under 18 years of age unless the person complies  
6 with the requirements imposed by Section 521.204;

7           (3) is shown to be addicted to the use of alcohol, a  
8 controlled substance, or another drug that renders a person  
9 incapable of driving;

10           (4) holds a driver's license issued by this state or  
11 another state or country that is revoked, canceled, or under  
12 suspension;

13           (5) has been determined by a judgment of a court to be  
14 totally incapacitated or incapacitated to act as the operator of a  
15 motor vehicle unless the person has, by the date of the license  
16 application, been:

17                   (A) restored to capacity by judicial decree; or

18                   (B) released from a hospital for the mentally  
19 incapacitated on a certificate by the superintendent or  
20 administrator of the hospital that the person has regained  
21 capacity;

22           (6) the department determines to be afflicted with a  
23 mental or physical disability or disease that prevents the person  
24 from exercising reasonable and ordinary control over a motor  
25 vehicle while operating the vehicle on a highway, except that a  
26 person may not be refused a license because of a physical defect if  
27 common experience shows that the defect does not incapacitate a

1 person from safely operating a motor vehicle;

2 (7) has been reported by a court under Section  
3 521.3452 [~~729.003~~] for failure to appear unless the court has filed  
4 an additional report on final disposition of the case; or

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

12 SECTION 51. Section 521.294, Transportation Code, is  
13 amended to read as follows:

14 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE  
15 REVOCATION. The department shall revoke the person's license if  
16 the department determines that the person:

17 (1) is incapable of safely operating a motor vehicle;

18 (2) has not complied with the terms of a citation  
19 issued by a jurisdiction that is a party to the Nonresident Violator  
20 Compact of 1977 for a traffic violation to which that compact  
21 applies;

22 (3) has failed to provide medical records or has  
23 failed to undergo medical or other examinations as required by a  
24 panel of the medical advisory board;

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

27 (5) has been reported by a court under Section

1 521.3452 [~~729.003~~] for failure to appear unless the court files an  
2 additional report on final disposition of the case;

3 (6) has been reported within the preceding two years  
4 by a justice or municipal court for failure to appear or for a  
5 default in payment of a fine for a misdemeanor punishable only by  
6 fine, other than a failure reported under Section 521.3452  
7 [~~729.003~~], committed by a person who is at least 14 years of age but  
8 younger than 17 years of age when the offense was committed, unless  
9 the court files an additional report on final disposition of the  
10 case; or

11 (7) has committed an offense in another state or  
12 Canadian province that, if committed in this state, would be  
13 grounds for revocation.

14 SECTION 52. The following sections are repealed:

15 (1) Section 106.11, Alcoholic Beverage Code; and

16 (2) Section 729.003, Transportation Code.

17 SECTION 53. The legislature finds in relationship to  
18 Section 51.07, Family Code, as amended by this Act, and Sections  
19 51.071, 51.072, 51.073, 51.074, and 51.075, Family Code, as added  
20 by this Act, that:

21 (1) children and families in Texas are becoming  
22 increasingly mobile and children on probation frequently move to  
23 other counties in the state;

24 (2) when children on probation move from one county to  
25 another, it is in the interests of the child, the child's family,  
26 and society that probation supervision continue with as little  
27 interruption as possible;

1           (3) if a child on probation in a county to which  
2 probation has been transferred violates a condition of probation,  
3 the transfer should not impede appropriate legal consequences for  
4 the violation;

5           (4) numerous issues are raised by transfer of  
6 probation between counties that are not currently addressed by law  
7 but that should be resolved;

8           (5) the county to which supervision has been  
9 transferred should provide similar supervision and services to  
10 transferred children as is provided to children adjudicated in that  
11 county; and

12           (6) the current informal system of courtesy  
13 supervision provides neither the assistance to the child nor the  
14 protection of the public that should be provided.

15           SECTION 54. (a) Except as otherwise provided by this  
16 section, this Act applies only to conduct that occurs on or after  
17 the effective date of this Act. Conduct violating the penal law of  
18 this state occurs on or after the effective date of this Act if any  
19 element of the violation occurs on or after that date.

20           (b) Conduct that occurs before the effective date of this  
21 Act is governed by the law in effect at the time the conduct  
22 occurred, and that law is continued in effect for that purpose.

23           (c) The following sections of this Act apply to a judicial  
24 proceeding that occurs or an official action or decision that is  
25 made on or after the effective date of this Act without regard to  
26 whether any prior event connected to the proceeding, action, or  
27 decision occurred before the effective date of this Act:

1           (1) Sections 51.21, 52.0151, 54.0408, and 58.211,  
2 Family Code, as added by this Act;

3           (2) Sections 51.20, 53.03, 54.01, 54.012, 54.05,  
4 58.003, 58.104, 58.203, and 58.207, Family Code, as amended by this  
5 Act;

6           (3) Articles 15.27, 24.011, and 45.0215, Code of  
7 Criminal Procedure, as amended by this Act; and

8           (4) Section 61.0432, Human Resources Code, as amended  
9 by this Act.

10           SECTION 55. This Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1575 was passed by the House on May 9, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1575 on May 27, 2005, by the following vote: Yeas 139, Nays 2, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1575 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor