

By: Dutton

H.B. No. 1575

A BILL TO BE ENTITLED

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) A period of interim supervision may not exceed 180 days.  
11 Permanent supervision automatically transfers to the juvenile  
12 probation department of the receiving county after the expiration  
13 of the period of interim supervision. The juvenile probation  
14 department of the receiving county may request permanent  
15 supervision from the juvenile probation department of the sending  
16 county at any time before the 180-day interim supervision period  
17 expires.

18       (n) At least once every 90 days during the period of interim  
19 supervision, the juvenile probation department of the receiving  
20 county shall provide the juvenile probation department of the  
21 sending county with a progress report of supervision concerning the  
22 child.

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

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

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



1           (A) originally placed the child on probation; or  
2           (B) assumed permanent supervision of the child  
3 under an inter-county transfer of probation supervision.

4           (b) On transfer of permanent supervision of a child under  
5 Section 51.072(m), the juvenile court of the sending county shall  
6 order the juvenile probation department of the sending county to  
7 provide the juvenile probation department of the receiving county  
8 with the order of transfer. On receipt of the order of transfer,  
9 the juvenile probation department of the receiving county shall  
10 ensure that the order of transfer, the petition, the order of  
11 adjudication, the order of disposition, and the conditions of  
12 probation are filed with the clerk of the juvenile court of the  
13 receiving county.

14           (c) The juvenile court of the receiving county shall require  
15 that the child is brought before the court in order to impose  
16 conditions of probation. The child shall be represented by counsel  
17 as provided by Section 51.10.

18           (d) Once permanent supervision is transferred to the  
19 juvenile probation department of the receiving county, the  
20 receiving county is fully responsible for selecting and imposing  
21 conditions of probation, providing supervision, modifying  
22 conditions of probation, and revoking probation. The sending  
23 county has no further jurisdiction over the child's case.

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

1       Sec. 51.075. COLLABORATIVE SUPERVISION BETWEEN ADJOINING  
2 COUNTIES. (a) If a child who is on probation in one county spends  
3 substantial time in an adjoining county, including residing,  
4 attending school, or working in the adjoining county, the juvenile  
5 probation departments of the two counties may enter into a  
6 collaborative supervision arrangement regarding the child.

7       (b) Under a collaborative supervision arrangement, the  
8 juvenile probation department of the adjoining county may authorize  
9 a probation officer for the county to provide supervision and other  
10 services for the child as an agent of the juvenile probation  
11 department of the county in which the child was placed on probation.  
12 The probation officer providing supervision and other services for  
13 the child in the adjoining county shall provide the probation  
14 officer supervising the child in the county in which the child was  
15 placed on probation with periodic oral, electronic, or written  
16 reports concerning the child.

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

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

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

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

1 (A) the statement shows that the child has at  
2 some time before the making of the statement received from a  
3 magistrate a warning that:

4 (i) the child may remain silent and not make  
5 any statement at all and that any statement that the child makes may  
6 be used in evidence against the child;

7 (ii) the child has the right to have an  
8 attorney present to advise the child either prior to any  
9 questioning or during the questioning;

10 (iii) if the child is unable to employ an  
11 attorney, the child has the right to have an attorney appointed to  
12 counsel with the child before or during any interviews with peace  
13 officers or attorneys representing the state; and

14 (iv) the child has the right to terminate  
15 the interview at any time;

16 (B) and:

17 (i) the statement must be signed in the  
18 presence of a magistrate by the child with no law enforcement  
19 officer or prosecuting attorney present, except that a magistrate  
20 may require a bailiff or a law enforcement officer if a bailiff is  
21 not available to be present if the magistrate determines that the  
22 presence of the bailiff or law enforcement officer is necessary for  
23 the personal safety of the magistrate or other court personnel,  
24 provided that the bailiff or law enforcement officer may not carry a  
25 weapon in the presence of the child; and

26 (ii) the magistrate must be fully convinced  
27 that the child understands the nature and contents of the statement

1 and that the child is signing the same voluntarily, and if a  
2 statement is taken, the magistrate must sign a written statement  
3 verifying the foregoing requisites have been met;

4 (C) the child knowingly, intelligently, and  
5 voluntarily waives these rights before and during the making of the  
6 statement and signs the statement in the presence of a magistrate;  
7 and

8 (D) the magistrate certifies that the magistrate  
9 has examined the child independent of any law enforcement officer  
10 or prosecuting attorney, except as required to ensure the personal  
11 safety of the magistrate or other court personnel, and has  
12 determined that the child understands the nature and contents of  
13 the statement and has knowingly, intelligently, and voluntarily  
14 waived these rights;

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

20 (3) the statement was res gestae of the delinquent  
21 conduct or the conduct indicating a need for supervision or of the  
22 arrest;

23 (4) the statement is made:

24 (A) in open court at the child's adjudication  
25 hearing;

26 (B) before a grand jury considering a petition,  
27 under Section 53.045, that the child engaged in delinquent conduct;

1 or

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

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

9 (A) before making the statement, the child is  
10 given the warning described by Subdivision (1)(A) by a magistrate,  
11 the warning is a part of the recording, and the child knowingly,  
12 intelligently, and voluntarily waives each right stated in the  
13 warning;

14 (B) the recording device is capable of making an  
15 accurate recording, the operator of the device is competent to use  
16 the device, the recording is accurate, and the recording has not  
17 been altered;

18 (C) each voice on the recording is identified;  
19 and

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

24 (f) A magistrate who provides the warnings required by  
25 Subsection (a)(2)(5) for a videotaped statement may at the time the  
26 warnings are provided request by speaking on the tape recording  
27 that the officer return the child and the videotape to the

1 magistrate at the conclusion of the process of questioning. The  
2 magistrate may then view the videotape with the child or have the  
3 child view the videotape to enable the magistrate to determine  
4 whether the child's statements were given voluntarily. If a  
5 magistrate uses the procedure described by this subsection, a  
6 child's statement is not admissible unless the magistrate  
7 determines that the statement was given voluntarily.

8 SECTION 6. Section 51.20, Family Code, is amended by adding  
9 Subsection (c) to read as follows:

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

16 SECTION 7. Section 52.01(a), Family Code, is amended to  
17 read as follows:

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

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

21 (2) pursuant to the laws of arrest;

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

26 (A) conduct that violates a penal law of this  
27 state or a penal ordinance of any political subdivision of this

1 state;

2 (B) delinquent conduct or conduct indicating a  
3 need for supervision; or

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

6 (4) by a probation officer if there is probable cause  
7 to believe that the child has violated a condition of probation  
8 imposed by the juvenile court; ~~or~~

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

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

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

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

26 (b) The court may order that the person who is the witness be  
27 detained in a certified juvenile detention facility if the person

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

5 SECTION 9. Section 53.03, Family Code, is amended by adding  
6 Subsection (k) to read as follows:

7 (k) In deciding whether to grant deferred prosecution under  
8 Subsection (i), the court may consider professional  
9 representations by the parties concerning the nature of the case  
10 and the background of the respondent. The representations made  
11 under this subsection and any information derived from the  
12 representations are not admissible against the respondent at trial  
13 should the court reject the application for deferred prosecution.

14 SECTION 10. Section 54.01, Family Code, is amended by  
15 amending Subsection (l) and adding Subsection (q-1) to read as  
16 follows:

17 (l) The juvenile board may appoint a referee to conduct the  
18 detention hearing. The referee shall be an attorney licensed to  
19 practice law in this state. Such payment or additional payment as  
20 may be warranted for referee services shall be provided from county  
21 funds. Before commencing the detention hearing, the referee shall  
22 inform the parties who have appeared that they are entitled to  
23 appeal the referee's findings and recommendations to ~~[have the~~  
24 ~~hearing before]~~ the juvenile court judge or a substitute judge  
25 authorized by Section 51.04(f). ~~[If a party objects to the referee~~  
26 ~~conducting the detention hearing, an authorized judge shall conduct~~  
27 ~~the hearing within 24 hours.]~~ At the conclusion of the hearing, the



1 referee shall transmit written findings and recommendations to the  
2 juvenile court judge or substitute judge. The juvenile court judge  
3 or substitute judge shall adopt, modify, or reject the referee's  
4 recommendations not later than the next working day after the day  
5 that the judge receives the recommendations. A party may appeal the  
6 decision of the referee to the juvenile court judge or substitute  
7 judge by filing written notice of appeal with the court clerk and  
8 providing a copy to counsel for the other party not later than four  
9 business hours after the conclusion of the hearing. The notice must  
10 specify the legal or factual errors the referee is alleged to have  
11 committed. The juvenile court judge or substitute judge shall  
12 confer with the attorneys for the parties not later than the  
13 conclusion of the next working day after notice of appeal is filed.  
14 New evidence may not be offered or received. The referee and any  
15 attorney representing a party are entitled to participate in the  
16 conference. The conference may be held by telephone in the  
17 discretion of the judge. After the appeal conference, the judge  
18 shall promptly affirm, reverse, or modify the findings and  
19 recommendations of the referee. Failure to act by the conclusion of  
20 the next working day after the day the judge receives the referee's  
21 recommendation or the conclusion of the next working day after the  
22 day on which the notice of appeal is filed, whichever is later,  
23 [within that time] results in release of the child by operation of  
24 law. A recommendation that the child be released operates to secure  
25 the child's immediate release, subject to the power of the juvenile  
26 court judge or substitute judge to reject or modify that  
27 recommendation. The effect of an order detaining a child shall be

1 computed from the time of the hearing before the referee.

2 (g-1) The juvenile board may impose an earlier deadline than  
3 the specified deadlines for filing petitions under Subsection (g)  
4 and may specify the consequences of not filing a petition by the  
5 deadline the juvenile board has established. The juvenile board  
6 may authorize but not require the juvenile court to release a  
7 respondent from detention for failure of the prosecutor to file a  
8 petition by the juvenile board's deadline.

9 SECTION 11. Section 54.012(a), Family Code, is amended to  
10 read as follows:

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

14 (1) the child and the child's attorney agree to the  
15 video hearing; and

16 (2) the parties to the proceeding have the opportunity  
17 to cross-examine witnesses.

18 SECTION 12. Section 54.05, Family Code, is amended by  
19 adding Subsection (m) to read as follows:

20 (m) If the court places the child on probation outside the  
21 child's home or commits the child to the Texas Youth Commission, the  
22 court:

23 (1) shall include in the court's order a determination  
24 that:

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

27 (B) reasonable efforts were made to prevent or

1 eliminate the need for the child's removal from the child's home and  
2 to make it possible for the child to return home; and

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

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

9 SECTION 13. Sections 54.10(a), (b), and (d), Family Code,  
10 are amended to read as follows:

11 (a) Except as provided by Subsection (e), a hearing under  
12 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing  
13 under Chapter 55, including a jury trial, or a hearing under Article  
14 IV, Article V, and Article VI of the Uniform Interstate Compact on  
15 Juveniles (Chapter 60) may be held by a referee appointed in  
16 accordance with Section 51.04(g) or a master appointed under  
17 Chapter 54, Government Code, provided that[+

18 [~~1~~] the parties have been informed by the referee or  
19 master that they are entitled to appeal the findings and  
20 recommendations to [~~have the hearing before~~] the juvenile court  
21 judge[, ~~and~~

22 [~~2) after each party is given an opportunity to~~  
23 ~~object, no party objects to holding the hearing before the referee~~  
24 ~~or master~~].

25 (b) The determination under Section 53.02(f) whether to  
26 release a child may be made by a referee appointed in accordance  
27 with Section 51.04(g) if[+

1           ~~[(1)]~~ the child has been informed by the referee that  
2 the child is entitled to appeal the determination to ~~[have the~~  
3 ~~determination made by]~~ the juvenile court judge or a substitute  
4 judge authorized by Section 51.04(f) ~~[, or~~

5           ~~[(2) the child and the attorney for the child have in~~  
6 ~~accordance with Section 51.09 waived the right to have the~~  
7 ~~determination made by the juvenile court judge or a substitute~~  
8 ~~judge].~~

9           (d) At the conclusion of the hearing or immediately after  
10 making the determination, the referee shall transmit written  
11 findings and recommendations to the juvenile court judge. The  
12 juvenile court judge shall adopt, modify, or reject the referee's  
13 recommendations not later than the next working day after the day  
14 that the judge receives the recommendations. A party may appeal the  
15 decision of the referee to the juvenile court judge by filing  
16 written notice of appeal with the court clerk and providing a copy  
17 to counsel for the other party not later than four business hours  
18 after the conclusion of the hearing. The notice shall specify the  
19 legal or factual errors the referee is alleged to have committed.  
20 The juvenile court judge shall confer with the attorneys for the  
21 parties not later than the conclusion of the next working day after  
22 notice of appeal is filed. New evidence may not be offered or  
23 received. The referee and any attorney representing a party are  
24 entitled to participate in the conference. The conference may be  
25 held by telephone in the discretion of the judge. After the appeal  
26 conference, the judge shall promptly affirm, reverse, or modify the  
27 findings and recommendations of the referee. Failure to act by the

1 conclusion of the next working day after the day the judge receives  
2 the referee's recommendation or the conclusion of the next working  
3 day after the day on which the notice of appeal is filed, whichever  
4 is later, [~~within that time~~] results in release of the child by  
5 operation of law and a recommendation that the child be released  
6 operates to secure the child's immediate release subject to the  
7 power of the juvenile court judge to modify or reject that  
8 recommendation.

9 SECTION 14. Subchapter B, Chapter 55, Family Code, is  
10 amended by adding Section 55.20 to read as follows:

11 Sec. 55.20. REFERRAL OF CHILD ON PROBATION TO MENTAL HEALTH  
12 AUTHORITY. A juvenile probation officer shall refer a child who has  
13 been determined under Section 55.11 to have a mental illness to an  
14 appropriate local mental health authority at least three months  
15 before the child is to complete the child's juvenile probation  
16 term.

17 SECTION 15. Section 58.003, Family Code, is amended by  
18 amending Subsections (a) and (o), and adding Subsections (g-1) and  
19 (p) to read as follows:

20 (a) Except as provided by Subsections (b) and (c), on the  
21 application of a person who has been found to have engaged in  
22 delinquent conduct or conduct indicating a need for supervision, or  
23 a person taken into custody to determine whether the person engaged  
24 in delinquent conduct or conduct indicating a need for supervision,  
25 on the juvenile court's own motion [~~or on receipt of a certification~~  
26 ~~from the Department of Public Safety of the State of Texas that the~~  
27 ~~records of a person are eligible for sealing under this section,]~~

1 the court shall order the sealing of the records in the case if the  
2 court finds that:

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

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

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

15 (o) An agency or official named in the order that cannot  
16 seal the records because the information required in the order  
17 under Subsection (p) [there] is incorrect or insufficient  
18 [information in the order] shall notify the court issuing the order  
19 before the 61st day after the date the agency or official receives  
20 the order. The court shall notify the person who made the  
21 application or who is the subject of the records named in the  
22 motion, or the attorney for that person, before the 61st day after  
23 the date the court receives the notice that the agency or official  
24 cannot seal the records because there is incorrect or insufficient  
25 information in the order.

26 (p) A person who is eligible to seal records may file an  
27 application for the sealing of records in a juvenile court of the

1 county in which the proceedings occurred. The application and  
2 sealing order entered on the application must include the following  
3 information or an explanation for why one or more of the following  
4 is not included:

5 (1) the applicant's:

6 (A) full name;

7 (B) sex;

8 (C) race or ethnicity;

9 (D) date of birth;

10 (E) driver's license or identification card  
11 number; and

12 (F) social security number;

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

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

17 (4) if a petition was filed in the juvenile court, the  
18 cause number assigned to the petition and the court and county in  
19 which the petition was filed.

20 SECTION 16. Subchapter A, Chapter 58, Family Code, is  
21 amended by adding Section 58.0072 to read as follows:

22 Sec. 58.0072. DISSEMINATION OF JUVENILE JUSTICE  
23 INFORMATION. (a) Except as provided by this section, juvenile  
24 justice information collected and maintained by the Texas Juvenile  
25 Probation Commission for statistical and research purposes is  
26 confidential information for the use of the commission and may not  
27 be disseminated by the commission.

1       (b) Juvenile justice information consists of information of  
2 the type described by Section 58.104, Family Code, including  
3 statistical data in any form or medium collected, maintained, or  
4 submitted to the Texas Juvenile Probation Commission under Section  
5 141.044, Human Resources Code.

6       (c) The Texas Juvenile Probation Commission may grant the  
7 following entities access to juvenile justice information for  
8 research and statistical purposes or for any other purpose approved  
9 by the commission:

10           (1) criminal justice agencies as defined by Section  
11 411.082, Government Code;

12           (2) the Texas Education Agency;

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

15           (4) a public or private university.

16       (d) The Texas Juvenile Probation Commission may grant the  
17 following entities access to juvenile justice information only for  
18 a purpose approved by the commission:

19           (1) a person working on a research or statistical  
20 project that:

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

22 or

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

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

27                   (A) specifically authorizes access to



1 information;

2 (B) limits the use of information to the purposes  
3 for which the information is given;

4 (C) ensures the security and confidentiality of  
5 the information; and

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

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

11 (f) The Texas Juvenile Probation Commission may not release  
12 juvenile justice information in identifiable form, except for  
13 information released under Subsection (c)(1), (2), or (3) or under  
14 the terms of an agreement entered into under Subsection (d)(2). For  
15 purposes of this subsection, identifiable information means  
16 information that contains a juvenile offender's name or other  
17 personal identifiers or that can, by virtue of sample size or other  
18 factors, be reasonably interpreted as referring to a particular  
19 juvenile offender.

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

23 SECTION 17. Section 58.104(f), Family Code, is amended to  
24 read as follows:

25 (f) Records maintained by the department in the depository  
26 are subject to being sealed under Section 58.003. [~~The department~~  
27 ~~shall send to the appropriate juvenile court its certification of~~

1 ~~records that the department determines, according to the~~  
2 ~~department's records, are eligible for sealing under Section~~  
3 ~~58.003(a).]~~

4 SECTION 18. Section 58.106, Family Code, is amended by  
5 adding Subsection (a-1) to read as follows:

6 (a-1) The department may not disseminate information under  
7 Subsection (a)(2) to a noncriminal justice agency as described by  
8 Section 411.083(b)(2), Government Code, unless the information  
9 relates to a juvenile offender who has been committed to the Texas  
10 Youth Commission under a determinate sentence under Section  
11 54.04(d)(3), 54.04(m), or 54.05(f).

12 SECTION 19. Section 58.203, Family Code, is amended to read  
13 as follows:

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

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

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

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

26 (4) the department has not received a report in its  
27 criminal history system that the person was granted deferred

1 adjudication for or convicted of a felony or a misdemeanor  
2 punishable by confinement in jail for an offense committed after  
3 the person became 17 years of age.

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

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

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

15 (a) On certification of records in a case under Section  
16 58.203, the juvenile court shall order:

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

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

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

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

25 (D) records maintained by the prosecutor's  
26 office; and

27 (E) records maintained by a law enforcement

1 agency; and

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

8 SECTION 21. Section 58.208, Family Code, is amended to read  
9 as follows:

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

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

16 (2) a copy of this subchapter; and

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

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

24 Sec. 58.211. RESCINDING RESTRICTED ACCESS. (a) If the  
25 department has notified a juvenile probation department that a  
26 record has been placed on restricted access and the department  
27 later receives information in the department's criminal history

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

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

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

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

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

25 (b) A local juvenile justice information system may ~~[must]~~  
26 contain the following components:

27 (1) case management resources for juvenile courts,

1 prosecuting attorneys, and county juvenile probation departments;

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

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

6 (4) victim-witness notices required under Chapter  
7 57; ~~and~~

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

10 (5) ~~[(1)]~~ electronic filing of complaints or  
11 petitions;

12 (6) ~~[(2)]~~ electronic offense and intake processing;

13 (7) ~~[(3)]~~ case docket management and calendaring;

14 (8) ~~[(4)]~~ communications by email or other electronic  
15 communications between partner agencies;

16 (9) ~~[(5)]~~ reporting of charges filed, adjudications  
17 and dispositions of juveniles by municipal and justice courts and  
18 the juvenile court, and transfers of cases to the juvenile court as  
19 authorized or required by Section 51.08;

20 (10) ~~[(6)]~~ reporting to schools under Article 15.27,  
21 Code of Criminal Procedure, by law enforcement agencies,  
22 prosecuting attorneys, and juvenile courts;

23 (11) ~~[(7)]~~ records of adjudications and dispositions,  
24 including probation conditions ordered by the juvenile court; and

25 (12) ~~[(8)]~~ warrant management and confirmation  
26 capabilities.

27 SECTION 25. Section 58.305, Family Code, is amended to read

1 as follows:

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

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

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

- 23           (1) governmental service providers; and
- 24           (2) governmental placement facilities.

25           SECTION 26. Subchapter A, Chapter 61, Family Code, is  
26 amended by adding Section 61.0031 to read as follows:

27           Sec. 61.0031. TRANSFER OF ORDER AFFECTING PARENT OR OTHER

1 ELIGIBLE PERSON TO COUNTY OF CHILD'S RESIDENCE. (a) This section  
2 applies only when:

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

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

7 (A) resides in a county other than the county in  
8 which the order was entered;

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

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

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

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

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

25 (d) The juvenile court to which the order has been  
26 transferred shall require the parent or other eligible person to  
27 appear before the court to notify the person of the existence and



1 terms of the order. Failure to do so renders the order  
2 unenforceable.

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

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

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

27 SECTION 28. Section 261.405, Family Code, is amended by

1 adding Subsection (e) to read as follows:

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

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

10 (2) the commission's toll-free number for this  
11 reporting.

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

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

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

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

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

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

1 ~~an offense under this section].~~

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

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

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

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

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

25 (d) The court may order that the person who is the witness be  
26 detained in a certified juvenile detention facility if the person  
27 is younger than 17 years of age. If the person is at least 17 years

1 of age, the court may order that the person be detained without bond  
2 in an appropriate county facility for the detention of adults  
3 accused of criminal offenses.

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

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

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

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

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

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

25 (2) agree in accordance with Chapter 791, Government  
26 Code, to jointly employ a case manager.

27 (c) A county or justice court on approval of the

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

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

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

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

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

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

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

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

26 (d) The ordinance or order must authorize the judge or  
27 justice to waive the fee required by Subsection (b) or (c) in a case

1 of financial hardship.

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

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

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

6 (3) the defendant receives deferred adjudication in  
7 county court.

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

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

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

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

21 (f) It is an affirmative defense to prosecution under this  
22 section that one or more of the absences required to be proven under  
23 Subsection (a) were ~~[was]~~ excused by a school official or ~~[should be~~  
24 ~~excused]~~ by the court or that one or more of the absences were  
25 involuntary, but only if there is an insufficient number of  
26 unexcused or voluntary absences remaining to constitute an offense  
27 under this section. The burden is on the defendant to show by a

1 preponderance of the evidence that the absence has been [~~or should~~  
2 ~~be~~] excused or that the absence was involuntary. A decision by the  
3 court to excuse an absence for purposes of this section does not  
4 affect the ability of the school district to determine whether to  
5 excuse the absence for another purpose.

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

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

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

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

21 (d) A school superintendent, principal, attendance officer,  
22 or other school official commits an offense if the person  
23 intentionally or knowingly refuses or fails to file or cause to be  
24 filed a complaint in justice, municipal, county, or juvenile court  
25 as required by Subsection (a). An offense under this subsection is  
26 a Class C misdemeanor.

27 SECTION 38. Sections 102.061, 102.081, 102.101, and

1 102.121, Government Code, are amended to read as follows:

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

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

7 (2) a fee for services of the clerk of the court (Art.  
8 102.005, Code of Criminal Procedure) . . . \$40;

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

11 (4) a security fee on a misdemeanor offense (Art.  
12 102.017, Code of Criminal Procedure) . . . \$3;

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

15 (6) a court cost on conviction in Comal County (Sec.  
16 152.0522, Human Resources Code) . . . \$4; and

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

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

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

24 (2) a fee for clerk of the court services (Art.  
25 102.005, Code of Criminal Procedure) . . . \$40;

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



1 (4) a security fee on a misdemeanor offense (Art.  
2 102.017, Code of Criminal Procedure) . . . \$3; [~~and~~]

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

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

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

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

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

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

17 (4) a security fee on a misdemeanor offense (Art.  
18 102.017, Code of Criminal Procedure) . . . \$3;

19 (5) a fee for technology fund on a misdemeanor offense  
20 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;  
21 [~~and~~]

22 (6) a court cost on conviction in Comal County (Sec.  
23 152.0522, Human Resources Code) . . . \$1.50; and

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

26 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN  
27 MUNICIPAL COURT. The clerk of a municipal court shall collect fees

1 and costs on conviction of a defendant as follows:

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

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

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

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

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

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

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

18 Sec. 61.0432. CONTRABAND MONEY [~~STUDENT TRUST FUND~~]. Money  
19 belonging to a child committed to the commission in excess of the  
20 amount the commission allows in a child's possession shall be  
21 deposited in the student benefit fund described by Section 61.0431  
22 [~~a trust fund established by the facility operated by the~~  
23 ~~commission to which the child is assigned. The commission shall~~  
24 ~~adopt rules governing the administration of the trust fund~~]. The  
25 commission shall notify each child committed to the commission that  
26 the possession of excess money is subject to confiscation by the  
27 commission under this section.

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

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

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

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

19 SECTION 42. Section 141.042(a), Human Resources Code, is  
20 amended to read as follows:

21 (a) The commission shall adopt reasonable rules that  
22 provide:

23 (1) minimum standards for personnel, staffing, case  
24 loads, programs, facilities, record keeping, equipment, and other  
25 aspects of the operation of a juvenile board that are necessary to  
26 provide adequate and effective probation services;

27 (2) a code of ethics for probation and[ ] detention[ ]

1 ~~and corrections~~] officers and for the enforcement of that code;

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

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

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

16 SECTION 43. Subchapter D, Chapter 141, Human Resource Code,  
17 is amended by adding Section 141.0611 to read as follows:

18 Sec. 141.0611. MINIMUM STANDARDS FOR DETENTION OFFICERS.  
19 To be eligible for appointment as a detention officer, a person who  
20 was not employed as a detention officer before September 1, 2005  
21 must:

22 (1) be of good moral character;

23 (2) be at least 21 years of age;

24 (3) have acquired a high school diploma or its  
25 equivalent;

26 (4) have satisfactorily completed the course of  
27 preservice training or instruction required by the commission;

1           (5) have passed the tests or examinations required by  
2 the commission; and

3           (6) possess the level of certification required by the  
4 commission.

5           SECTION 44. Section 141.065, Human Resource Code, is  
6 amended to read as follows:

7           Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF  
8 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION~~[, OR CORRECTIONS]~~  
9 OFFICERS. (a) A peace officer, prosecuting attorney, or other  
10 person who is employed by or who reports directly to a law  
11 enforcement or prosecution official may not act as a chief  
12 administrative, juvenile probation, or detention~~[, or~~  
13 ~~corrections]~~ officer or be made responsible for supervising a  
14 juvenile on probation.

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

17           (1) hired or appointed by or under contract with the  
18 juvenile board; and

19           (2) responsible for the oversight of the operations of  
20 the juvenile probation department or any juvenile justice program  
21 operated by or under the authority of the juvenile board.

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

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

27           (1) perjury and aggravated perjury when it appears by

1 proof that the person had sufficient discretion to understand the  
2 nature and obligation of an oath;

3 (2) a violation of a penal statute cognizable under  
4 Chapter 729, Transportation Code, except for conduct for which the  
5 person convicted may be sentenced to imprisonment or confinement in  
6 jail[-

7 [~~(A) an offense under Section 521.457,~~  
8 ~~Transportation Code,~~

9 [~~(B) an offense under Section 550.021,~~  
10 ~~Transportation Code,~~

11 [~~(C) an offense punishable as a Class B~~  
12 ~~misdemeanor under Section 550.022, Transportation Code,~~

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

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

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

19 (4) a misdemeanor punishable by fine only other than  
20 public intoxication;

21 (5) a violation of a penal ordinance of a political  
22 subdivision;

23 (6) a violation of a penal statute that is, or is a  
24 lesser included offense of, a capital felony, an aggravated  
25 controlled substance felony, or a felony of the first degree for  
26 which the person is transferred to the court under Section 54.02,  
27 Family Code, for prosecution if the person committed the offense

1 when 14 years of age or older; or

2 (7) a capital felony or an offense under Section 19.02  
3 for which the person is transferred to the court under Section  
4 54.02(j)(2)(A), Family Code.

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

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

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

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

15 (1) [~~(2)~~] It is an affirmative defense to prosecution under  
16 this section:

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

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

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

1 (B) the person:

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

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

9 (iii) did not reasonably believe at the  
10 time of the omission that an effort to prevent the person also  
11 charged with an offense against the child, elderly individual, or  
12 disabled individual from committing the offense would have an  
13 effect; or

14 (3) that:

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

17 (B) the victim was a child at the time of the  
18 offense.

19 SECTION 47. Section 28.03(b), Penal Code, is amended to  
20 read as follows:

21 (b) Except as provided by Subsections (f) and (h), an  
22 offense under this section is:

23 (1) a Class C misdemeanor if:

24 (A) the amount of pecuniary loss is less than  
25 \$50; or

26 (B) except as provided in Subdivision (3)(A) or  
27 (3)(B), it causes substantial inconvenience to others;



1           (2) a Class B misdemeanor if the amount of pecuniary  
2 loss is \$50 or more but less than \$500;

3           (3) a Class A misdemeanor if:

4               (A) the amount of pecuniary loss is:

5                   (i) \$500 or more but less than \$1,500; or

6                   (ii) less than \$1,500 and the actor causes  
7 in whole or in part impairment or interruption of public  
8 communications, public transportation, public gas or power supply,  
9 or other public service, or causes to be diverted in whole, in part,  
10 or in any manner, including installation or removal of any device  
11 for any such purpose, any public communications or public gas or  
12 power supply; or

13               (B) the actor causes in whole or in part  
14 impairment or interruption of any public water supply, or causes to  
15 be diverted in whole, in part, or in any manner, including  
16 installation or removal of any device for any such purpose, any  
17 public water supply, regardless of the amount of the pecuniary  
18 loss;

19           (4) a state jail felony if the amount of pecuniary loss  
20 is:

21               (A) \$1,500 or more but less than \$20,000;

22               (B) less than \$1,500, if the property damaged or  
23 destroyed is a habitation and if the damage or destruction is caused  
24 by a firearm or explosive weapon; [~~or~~]

25               (C) less than \$1,500, if the property was a fence  
26 used for the production or containment of:

27                   (i) cattle, bison, horses, sheep, swine,

1 goats, exotic livestock, or exotic poultry; or

2 (ii) game animals as that term is defined by  
3 Section 63.001, Parks and Wildlife Code; or

4 (D) less than \$1,500, if:

5 (i) the actor is confined in a secure  
6 detention facility or a secure correctional facility as defined by  
7 Section 51.02, Family Code; and

8 (ii) the property damaged or destroyed is a  
9 safety fixture of the facility, such as a fire safety sprinkler  
10 head;

11 (5) a felony of the third degree if the amount of the  
12 pecuniary loss is \$20,000 or more but less than \$100,000;

13 (6) a felony of the second degree if the amount of  
14 pecuniary loss is \$100,000 or more but less than \$200,000; or

15 (7) a felony of the first degree if the amount of  
16 pecuniary loss is \$200,000 or more.

17 SECTION 48. Chapter 38, Penal Code, is amended by adding  
18 Section 38.114 to read as follows:

19 Sec. 38.114. PROHIBITED SUBSTANCES AND ITEMS IN JUVENILE  
20 CORRECTIONAL AND DETENTION FACILITIES OR ON TEXAS YOUTH COMMISSION  
21 PROPERTY. (a) In this section:

22 (1) "Cigarette" has the meaning assigned by Section  
23 154.001, Tax Code.

24 (2) "Practitioner" has the meaning assigned by Section  
25 481.002, Health and Safety Code.

26 (3) "Prescription" has the meaning assigned by Section  
27 481.002, Health and Safety Code.

1           (4) "Secure correctional facility" and "secure  
2 detention facility" have the meanings assigned by Section 51.02,  
3 Family Code.

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

6           (b) A person commits an offense if the person:

7           (1) provides an alcoholic beverage, controlled  
8 substance, or dangerous drug to a person in the custody of a secure  
9 correctional facility or secure detention facility for juveniles,  
10 except on prescription of a physician or practitioner;

11           (2) provides a deadly weapon to a person in the custody  
12 of a secure correctional facility or secure detention facility for  
13 juveniles;

14           (3) provides a cellular telephone, cigarette, tobacco  
15 product, or money to a person in the custody of a secure  
16 correctional facility or secure detention facility for juveniles,  
17 except for money that is provided for the benefit of the juvenile in  
18 accordance with facility rules;

19           (4) takes an alcoholic beverage, controlled  
20 substance, or dangerous drug into a secure correctional facility or  
21 secure detention facility for juveniles, except for delivery to a  
22 facility warehouse, pharmacy, or physician;

23           (5) takes a controlled substance or dangerous drug on  
24 property owned, used, or controlled by the Texas Youth Commission  
25 or by a secure correctional facility or secure detention facility  
26 for juveniles, except for delivery to a warehouse, pharmacy, or  
27 physician on property owned, used, or controlled by the commission

1 or the facility;

2 (6) possesses a controlled substance or dangerous drug  
3 while:

4 (A) on property owned, used, or controlled by the  
5 Texas Youth Commission or by a secure correctional facility or  
6 secure detention facility for juveniles; or

7 (B) in a secure correctional facility or secure  
8 detention facility for juveniles; or

9 (7) possesses a deadly weapon while in a secure  
10 correctional facility or secure detention facility for juveniles.

11 (c) It is an affirmative defense to prosecution under  
12 Subsection (b)(1) that the actor:

13 (1) is an authorized member of the clergy with rights  
14 and privileges granted by an ordaining authority that includes  
15 administration of a religious ritual or ceremony requiring the  
16 presence or consumption of an alcoholic beverage; and

17 (2) takes not more than four ounces of an alcoholic  
18 beverage into the correctional or detention facility and personally  
19 consumes all of the alcoholic beverage or departs from the facility  
20 with any portion of the beverage not consumed.

21 (d) It is an affirmative defense to prosecution under  
22 Subsection (b)(6) that the person possessed the controlled  
23 substance or dangerous drug pursuant to a prescription issued by a  
24 practitioner or while delivering the substance or drug to a  
25 warehouse, pharmacy, or physician on property owned, used, or  
26 controlled by the Texas Youth Commission or by the operator of the  
27 secure correctional facility or secure detention facility.

1       (e) It is an affirmative defense to prosecution under  
2 Subsection (b)(7) that the person possessing the deadly weapon is a  
3 peace officer.

4       (f) An offense under this section is a felony of the third  
5 degree.

6       (g) Notwithstanding Section 15.01(d), if a person commits  
7 the offense of criminal attempt to commit an offense under  
8 Subsection (b)(1) or (2), the offense committed under Section 15.01  
9 is a felony of the third degree.

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

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

16       (b) In addition to any other action or remedy provided by  
17 law, the department may deny renewal of the person's driver's  
18 license under Section 521.310 or Chapter 706.

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

21       SECTION 50. Section 521.201, Transportation Code, is  
22 amended to read as follows:

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

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

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

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

7           (5) has been determined by a judgment of a court to be  
8 totally incapacitated or incapacitated to act as the operator of a  
9 motor vehicle unless the person has, by the date of the license  
10 application, been:

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

12                   (B) released from a hospital for the mentally  
13 incapacitated on a certificate by the superintendent or  
14 administrator of the hospital that the person has regained  
15 capacity;

16           (6) the department determines to be afflicted with a  
17 mental or physical disability or disease that prevents the person  
18 from exercising reasonable and ordinary control over a motor  
19 vehicle while operating the vehicle on a highway, except that a  
20 person may not be refused a license because of a physical defect if  
21 common experience shows that the defect does not incapacitate a  
22 person from safely operating a motor vehicle;

23           (7) has been reported by a court under Section  
24 521.3452 [~~729.003~~] for failure to appear unless the court has filed  
25 an additional report on final disposition of the case; or

26           (8) has been reported by a court for failure to appear  
27 or default in payment of a fine for a misdemeanor that is not

1 covered under Subdivision (7) and that is punishable by a fine only,  
2 including a misdemeanor under a municipal ordinance, committed by a  
3 person who was under 17 years of age at the time of the alleged  
4 offense, unless the court has filed an additional report on final  
5 disposition of the case.

6 SECTION 51. Section 521.294, Transportation Code, is  
7 amended to read as follows:

8 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE  
9 REVOCATION. The department shall revoke the person's license if  
10 the department determines that the person:

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

12 (2) has not complied with the terms of a citation  
13 issued by a jurisdiction that is a party to the Nonresident Violator  
14 Compact of 1977 for a traffic violation to which that compact  
15 applies;

16 (3) has failed to provide medical records or has  
17 failed to undergo medical or other examinations as required by a  
18 panel of the medical advisory board;

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

21 (5) has been reported by a court under Section  
22 521.3452 [~~729.003~~] for failure to appear unless the court files an  
23 additional report on final disposition of the case;

24 (6) has been reported within the preceding two years  
25 by a justice or municipal court for failure to appear or for a  
26 default in payment of a fine for a misdemeanor punishable only by  
27 fine, other than a failure reported under Section 521.3452

1 [729.003], committed by a person who is at least 14 years of age but  
2 younger than 17 years of age when the offense was committed, unless  
3 the court files an additional report on final disposition of the  
4 case; or

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

8 SECTION 52. The following sections are repealed:

9 (1) Section 106.11, Alcoholic Beverage Code;

10 (2) Section 54.10(c), Family Code; and

11 (3) Section 729.003, Transportation Code.

12 SECTION 53. The legislature finds in relationship to  
13 Section 51.07, Family Code, as amended by this Act, and Sections  
14 51.071, 51.072, 51.073, 51.074, and 51.075, Family Code, as added  
15 by this Act, that:

16 (1) children and families in Texas are becoming  
17 increasingly mobile and children on probation frequently move to  
18 other counties in the state;

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

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

27 (4) numerous issues are raised by transfer of



1 probation between counties that are not currently addressed by law  
2 but that should be resolved;

3 (5) the county to which supervision has been  
4 transferred should provide similar supervision and services to  
5 transferred children as is provided to children adjudicated in that  
6 county; and

7 (6) the current informal system of courtesy  
8 supervision provides neither the assistance to the child nor the  
9 protection of the public that should be provided.

10 SECTION 54. (a) Except as otherwise provided by this  
11 section, this Act applies only to conduct that occurs on or after  
12 the effective date of this Act. Conduct violating the penal law of  
13 this state occurs on or after the effective date of this Act if any  
14 element of the violation occurs on or after that date.

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

18 (c) The following sections of this Act apply to a judicial  
19 proceeding that occurs or an official action or decision that is  
20 made on or after the effective date of this Act without regard to  
21 whether any prior event connected to the proceeding, action, or  
22 decision occurred before the effective date of this Act:

23 (1) Sections 52.0151 and 58.211, Family Code, as added  
24 by this Act;

25 (2) Sections 51.20, 53.03, 54.01, 54.012, 54.05,  
26 54.10, 58.003, 58.104, 58.106, 58.203, and 58.207, Family Code, as  
27 amended by this Act;

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

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

5           (d) Section 55.20, Family Code, as added by this Act,  
6 applies only to a child who completes the child's juvenile  
7 probation term on or after December 1, 2005. A child who completes  
8 the child's juvenile probation term before December 1, 2005, is  
9 governed by the law in effect before December 1, 2005, and the  
10 former law is continued in effect for that purpose.

11           (e) Section 58.106, Family Code, as amended by this Act,  
12 applies to any information entered in the juvenile justice  
13 information system before, on, or after the effective date of this  
14 Act.

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

16