

1-1 By: Dutton, Goodman (Senate Sponsor - West) H.B. No. 1575
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2005, reported favorably, as amended, by the
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Hinojosa

1-7 Amend H.B. No. 1575 in SECTION 37 of the bill, in amended
1-8 Section 25.0951(a), Education Code (page 15, Line 33), by striking
1-9 "two" and substituting "seven".

1-10 A BILL TO BE ENTITLED
1-11 AN ACT

1-12 relating to juvenile delinquency; providing a criminal penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 51.02(16), Family Code, is amended to
1-15 read as follows:

1-16 (16) "Traffic offense" means:

1-17 (A) a violation of a penal statute cognizable
1-18 under Chapter 729, Transportation Code, except for conduct for
1-19 which the person convicted may be sentenced to imprisonment or
1-20 confinement in jail[-

1-21 ~~[(i) conduct constituting an offense under~~
1-22 ~~Section 521.457, Transportation Code,~~

1-23 ~~[(ii) conduct constituting an offense under~~
1-24 ~~Section 550.021, Transportation Code,~~

1-25 ~~[(iii) conduct constituting an offense~~
1-26 ~~punishable as a Class B misdemeanor under Section 550.022,~~
1-27 ~~Transportation Code,~~

1-28 ~~[(iv) conduct constituting an offense~~
1-29 ~~punishable as a Class B misdemeanor under Section 550.024,~~
1-30 ~~Transportation Code, or~~

1-31 ~~[(v) conduct constituting an offense~~
1-32 ~~punishable as a Class B misdemeanor under Section 550.025,~~
1-33 ~~Transportation Code]; or~~

1-34 (B) a violation of a motor vehicle traffic
1-35 ordinance of an incorporated city or town in this state.

1-36 SECTION 2. Section 51.03(d), Family Code, is amended to
1-37 read as follows:

1-38 (d) It is an affirmative defense to an allegation of conduct
1-39 under Subsection (b)(2) that one or more of the absences required to
1-40 be proven under that subsection have been excused by a school
1-41 official or ~~[should be excused]~~ by the court or that one or more of
1-42 the absences were ~~[was]~~ involuntary, but only if there is an
1-43 insufficient number of unexcused or voluntary absences remaining to
1-44 constitute conduct under Subsection (b)(2). The burden is on the
1-45 respondent to show by a preponderance of the evidence that the
1-46 absence has been or should be excused or that the absence was
1-47 involuntary. A decision by the court to excuse an absence for
1-48 purposes of this subsection does not affect the ability of the
1-49 school district to determine whether to excuse the absence for
1-50 another purpose.

1-51 SECTION 3. Section 51.07, Family Code, is amended to read as
1-52 follows:

1-53 Sec. 51.07. TRANSFER TO ANOTHER COUNTY FOR DISPOSITION.
1-54 ~~[(a)]~~ When a child has been found to have engaged in delinquent
1-55 conduct or conduct indicating a need for supervision under Section
1-56 54.03 ~~[of this code]~~, the juvenile court~~[, with the consent of the~~
1-57 ~~child and appropriate adult given in accordance with Section 51.09~~
1-58 ~~of this code,~~] may transfer the case and transcripts of records and
1-59 documents to the juvenile court of the county where the child
1-60 resides for disposition of the case under Section 54.04 ~~[of this~~
1-61 ~~code]~~. Consent by the court of the county where the child resides
1-62 is not required.

~~2-1 [(b) When a child who is on probation moves with his family
2-2 from one county to another, the juvenile court may transfer the case
2-3 to the juvenile court in the county of the child's new residence if
2-4 the transfer is in the best interest of the child. In all other
2-5 cases of transfer, consent of the receiving court is required. The
2-6 transferring court shall forward transcripts of records and
2-7 documents in the case to the judge of the receiving court.]~~

2-8 SECTION 4. Chapter 51, Family Code, is amended by adding
2-9 Sections 51.071-51.075 to read as follows:

2-10 Sec. 51.071. TRANSFER OF PROBATION SUPERVISION BETWEEN
2-11 COUNTIES: COURTESY SUPERVISION PROHIBITED. Except as provided by
2-12 Section 51.075, a juvenile court or juvenile probation department
2-13 may not engage in the practice of courtesy supervision of a child on
2-14 probation.

2-15 Sec. 51.072. TRANSFER OF PROBATION SUPERVISION BETWEEN
2-16 COUNTIES: INTERIM SUPERVISION. (a) In this section:

2-17 (1) "Receiving county" means the county to which a
2-18 child on probation has moved or intends to move.

2-19 (2) "Sending county" means the county that:
2-20 (A) originally placed the child on probation; or
2-21 (B) assumed permanent supervision of the child
2-22 under an inter-county transfer of probation supervision.

2-23 (b) When a child on probation moves or intends to move from
2-24 one county to another and intends to remain in the receiving county
2-25 for at least 60 days, the juvenile probation department of the
2-26 sending county shall request that the juvenile probation department
2-27 of the receiving county provide interim supervision of the child.

2-28 (c) The juvenile probation department of the receiving
2-29 county may refuse the request to provide interim supervision only
2-30 if:

2-31 (1) the residence of the child in the receiving county
2-32 is in a residential placement facility arranged by the sending
2-33 county; or

2-34 (2) the residence of the child in the receiving county
2-35 is in a foster care placement arranged by the Department of Family
2-36 and Protective Services.

2-37 (d) The juvenile probation department of the sending county
2-38 shall initiate the request for interim supervision by electronic
2-39 communication to the probation officer designated as the
2-40 inter-county transfer officer for the juvenile probation
2-41 department of the receiving county or, in the absence of this
2-42 designation, to the chief juvenile probation officer.

2-43 (e) The juvenile probation department of the sending county
2-44 shall provide the juvenile probation department of the receiving
2-45 county with the following information in the request for interim
2-46 supervision initiated under Subsection (d):

2-47 (1) the child's name, sex, age, and date of birth;

2-48 (2) the name, address, date of birth, and social
2-49 security or driver's license number of the person with whom the
2-50 child proposes to reside or is residing in the receiving county;

2-51 (3) the offense for which the child is on probation;

2-52 (4) the length of the child's probation term;

2-53 (5) a brief summary of the child's history of
2-54 referrals;

2-55 (6) a brief statement of any special needs of the
2-56 child; and

2-57 (7) the reason for the child moving or intending to
2-58 move to the receiving county.

2-59 (f) Not later than five business days after a receiving
2-60 county has agreed to provide interim supervision of a child, the
2-61 juvenile probation department of the sending county shall provide
2-62 the juvenile probation department of the receiving county with a
2-63 copy of the following documents:

2-64 (1) the petition and the adjudication and disposition
2-65 orders for the child, including the child's thumbprint;

2-66 (2) the child's conditions of probation;

2-67 (3) the social history report for the child;

2-68 (4) any psychological or psychiatric reports
2-69 concerning the child;

3-1 (5) the Department of Public Safety CR 43J form or
3-2 tracking incident number concerning the child;
3-3 (6) any law enforcement incident reports concerning
3-4 the offense for which the child is on probation;
3-5 (7) any sex offender registration information
3-6 concerning the child;
3-7 (8) any juvenile probation department progress
3-8 reports concerning the child and any other pertinent documentation
3-9 for the child's probation officer;
3-10 (9) case plans concerning the child;
3-11 (10) the Texas Juvenile Probation Commission standard
3-12 assessment tool results for the child;
3-13 (11) the computerized referral and case history for
3-14 the child, including case disposition;
3-15 (12) the child's birth certificate;
3-16 (13) the child's social security number or social
3-17 security card, if available;
3-18 (14) the name, address, and telephone number of the
3-19 contact person in the sending county's juvenile probation
3-20 department;
3-21 (15) Title IV-E eligibility screening information for
3-22 the child, if available;
3-23 (16) the address in the sending county for forwarding
3-24 funds collected to which the sending county is entitled;
3-25 (17) any of the child's school or immunization records
3-26 that the juvenile probation department of the sending county
3-27 possesses; and
3-28 (18) any victim information concerning the case for
3-29 which the child is on probation.
3-30 (g) The juvenile probation department of the receiving
3-31 county shall supervise the child under the probation conditions
3-32 imposed by the sending county and provide services similar to those
3-33 provided to a child placed on probation under the same conditions in
3-34 the receiving county. On request of the juvenile probation
3-35 department of the receiving county, the juvenile court of the
3-36 receiving county may modify the original probation conditions and
3-37 impose new conditions using the procedures in Section 54.05. The
3-38 juvenile court of the receiving county may not modify a financial
3-39 probation condition imposed by the juvenile court of the sending
3-40 county or the length of the child's probation term. The juvenile
3-41 court of the receiving county shall designate a cause number for
3-42 identifying the modification proceedings.
3-43 (h) The juvenile court of the sending county may revoke
3-44 probation for a violation of a condition imposed by the juvenile
3-45 court of the sending county only if the condition has not been
3-46 specifically modified or replaced by the juvenile court of the
3-47 receiving county. The juvenile court of the receiving county may
3-48 revoke probation for a violation of a condition of probation that
3-49 the juvenile court of the receiving county has modified or imposed.
3-50 (i) If a child is reasonably believed to have violated a
3-51 condition of probation imposed by the juvenile court of the sending
3-52 county, the juvenile court of the sending or receiving county may
3-53 issue a directive to apprehend or detain the child in a certified
3-54 detention facility, as in other cases of probation violation. In
3-55 order to respond to a probation violation under this subsection,
3-56 the juvenile court of the receiving county may:
3-57 (1) modify the conditions of probation or extend the
3-58 probation term; or
3-59 (2) require that the juvenile probation department of
3-60 the sending county resume direct supervision for the child.
3-61 (j) On receiving a directive from the juvenile court of the
3-62 receiving county under Subsection (i)(2), the juvenile probation
3-63 department of the sending county shall arrange for the prompt
3-64 transportation of the child back to the sending county at the
3-65 expense of the sending county.
3-66 (k) The juvenile probation department of the receiving
3-67 county is entitled to any probation supervision fees collected from
3-68 the child or the child's parent while providing interim supervision
3-69 for the child.

4-1 (1) The sending county is financially responsible for any
 4-2 special treatment program or placement that the juvenile court of
 4-3 the sending county requires as a condition of probation if the
 4-4 child's family is financially unable to pay for the program or
 4-5 placement.

4-6 (m) Except as provided by Subsection (n), a period of
 4-7 interim supervision may not exceed 180 days. Permanent supervision
 4-8 automatically transfers to the juvenile probation department of the
 4-9 receiving county after the expiration of the period of interim
 4-10 supervision. The juvenile probation department of the receiving
 4-11 county may request permanent supervision from the juvenile
 4-12 probation department of the sending county at any time before the
 4-13 180-day interim supervision period expires.

4-14 (n) Notwithstanding Subsection (m), the period of interim
 4-15 supervision of a child who is placed on probation under Section
 4-16 54.04(q) does not expire until the child has satisfactorily
 4-17 completed one-third of the term of probation, including one-third
 4-18 of the term of any extension of the probation term ordered under
 4-19 Section 54.05. Permanent supervision automatically transfers to
 4-20 the probation department of the receiving county after the
 4-21 expiration of the period of interim supervision under this
 4-22 subsection. The juvenile court of the sending county may order
 4-23 transfer of the permanent supervision before the expiration of the
 4-24 period of interim supervision under this subsection.

4-25 (o) At least once every 90 days during the period of interim
 4-26 supervision, the juvenile probation department of the receiving
 4-27 county shall provide the juvenile probation department of the
 4-28 sending county with a progress report of supervision concerning the
 4-29 child.

4-30 Sec. 51.073. TRANSFER OF PROBATION SUPERVISION BETWEEN
 4-31 COUNTIES: PERMANENT SUPERVISION. (a) In this section:

4-32 (1) "Receiving county" means the county to which a
 4-33 child on probation has moved or intends to move.

4-34 (2) "Sending county" means the county that:
 4-35 (A) originally placed the child on probation; or
 4-36 (B) assumed permanent supervision of the child
 4-37 under an inter-county transfer of probation supervision.

4-38 (b) On transfer of permanent supervision of a child under
 4-39 Section 51.072(m) or (n), the juvenile court of the sending county
 4-40 shall order the juvenile probation department of the sending county
 4-41 to provide the juvenile probation department of the receiving
 4-42 county with the order of transfer. On receipt of the order of
 4-43 transfer, the juvenile probation department of the receiving county
 4-44 shall ensure that the order of transfer, the petition, the order of
 4-45 adjudication, the order of disposition, and the conditions of
 4-46 probation are filed with the clerk of the juvenile court of the
 4-47 receiving county.

4-48 (c) The juvenile court of the receiving county shall require
 4-49 that the child be brought before the court in order to impose
 4-50 conditions of probation. The child shall be represented by counsel
 4-51 as provided by Section 51.10.

4-52 (d) Once permanent supervision is transferred to the
 4-53 juvenile probation department of the receiving county, the
 4-54 receiving county is fully responsible for selecting and imposing
 4-55 conditions of probation, providing supervision, modifying
 4-56 conditions of probation, and revoking probation. The sending
 4-57 county has no further jurisdiction over the child's case.

4-58 (e) This section does not affect the sending county's
 4-59 jurisdiction over any new offense committed by the child in the
 4-60 sending county.

4-61 Sec. 51.074. TRANSFER OF PROBATION SUPERVISION BETWEEN
 4-62 COUNTIES: DEFERRED PROSECUTION. A juvenile court may transfer
 4-63 interim supervision, but not permanent supervision, to the county
 4-64 where a child on deferred prosecution resides.

4-65 Sec. 51.075. COLLABORATIVE SUPERVISION BETWEEN ADJOINING
 4-66 COUNTIES. (a) If a child who is on probation in one county spends
 4-67 substantial time in an adjoining county, including residing,
 4-68 attending school, or working in the adjoining county, the juvenile
 4-69 probation departments of the two counties may enter into a

5-1 collaborative supervision arrangement regarding the child.

5-2 (b) Under a collaborative supervision arrangement, the
 5-3 juvenile probation department of the adjoining county may authorize
 5-4 a probation officer for the county to provide supervision and other
 5-5 services for the child as an agent of the juvenile probation
 5-6 department of the county in which the child was placed on probation.
 5-7 The probation officer providing supervision and other services for
 5-8 the child in the adjoining county shall provide the probation
 5-9 officer supervising the child in the county in which the child was
 5-10 placed on probation with periodic oral, electronic, or written
 5-11 reports concerning the child.

5-12 (c) The juvenile court of the county in which the child was
 5-13 placed on probation retains sole authority to modify, amend,
 5-14 extend, or revoke the child's probation.

5-15 SECTION 5. Section 51.095, Family Code, is amended by
 5-16 amending Subsection (a) and adding Subsection (f) to read as
 5-17 follows:

5-18 (a) Notwithstanding Section 51.09, the statement of a child
 5-19 is admissible in evidence in any future proceeding concerning the
 5-20 matter about which the statement was given if:

5-21 (1) the statement is made in writing under a
 5-22 circumstance described by Subsection (d) and:

5-23 (A) the statement shows that the child has at
 5-24 some time before the making of the statement received from a
 5-25 magistrate a warning that:

5-26 (i) the child may remain silent and not make
 5-27 any statement at all and that any statement that the child makes may
 5-28 be used in evidence against the child;

5-29 (ii) the child has the right to have an
 5-30 attorney present to advise the child either prior to any
 5-31 questioning or during the questioning;

5-32 (iii) if the child is unable to employ an
 5-33 attorney, the child has the right to have an attorney appointed to
 5-34 counsel with the child before or during any interviews with peace
 5-35 officers or attorneys representing the state; and

5-36 (iv) the child has the right to terminate
 5-37 the interview at any time;

5-38 (B) and:

5-39 (i) the statement must be signed in the
 5-40 presence of a magistrate by the child with no law enforcement
 5-41 officer or prosecuting attorney present, except that a magistrate
 5-42 may require a bailiff or a law enforcement officer if a bailiff is
 5-43 not available to be present if the magistrate determines that the
 5-44 presence of the bailiff or law enforcement officer is necessary for
 5-45 the personal safety of the magistrate or other court personnel,
 5-46 provided that the bailiff or law enforcement officer may not carry a
 5-47 weapon in the presence of the child; and

5-48 (ii) the magistrate must be fully convinced
 5-49 that the child understands the nature and contents of the statement
 5-50 and that the child is signing the same voluntarily, and if a
 5-51 statement is taken, the magistrate must sign a written statement
 5-52 verifying the foregoing requisites have been met;

5-53 (C) the child knowingly, intelligently, and
 5-54 voluntarily waives these rights before and during the making of the
 5-55 statement and signs the statement in the presence of a magistrate;
 5-56 and

5-57 (D) the magistrate certifies that the magistrate
 5-58 has examined the child independent of any law enforcement officer
 5-59 or prosecuting attorney, except as required to ensure the personal
 5-60 safety of the magistrate or other court personnel, and has
 5-61 determined that the child understands the nature and contents of
 5-62 the statement and has knowingly, intelligently, and voluntarily
 5-63 waived these rights;

5-64 (2) the statement is made orally and the child makes a
 5-65 statement of facts or circumstances that are found to be true and
 5-66 tend to establish the child's guilt, such as the finding of secreted
 5-67 or stolen property, or the instrument with which the child states
 5-68 the offense was committed;

5-69 (3) the statement was res gestae of the delinquent

6-1 conduct or the conduct indicating a need for supervision or of the
6-2 arrest;

6-3 (4) the statement is made:

6-4 (A) in open court at the child's adjudication
6-5 hearing;

6-6 (B) before a grand jury considering a petition,
6-7 under Section 53.045, that the child engaged in delinquent conduct;
6-8 or

6-9 (C) at a preliminary hearing concerning the child
6-10 held in compliance with this code, other than at a detention hearing
6-11 under Section 54.01; or

6-12 (5) subject to Subsection (f), the statement is made
6-13 orally under a circumstance described by Subsection (d) and the
6-14 statement is recorded by an electronic recording device, including
6-15 a device that records images, and:

6-16 (A) before making the statement, the child is
6-17 given the warning described by Subdivision (1)(A) by a magistrate,
6-18 the warning is a part of the recording, and the child knowingly,
6-19 intelligently, and voluntarily waives each right stated in the
6-20 warning;

6-21 (B) the recording device is capable of making an
6-22 accurate recording, the operator of the device is competent to use
6-23 the device, the recording is accurate, and the recording has not
6-24 been altered;

6-25 (C) each voice on the recording is identified;
6-26 and

6-27 (D) not later than the 20th day before the date of
6-28 the proceeding, the attorney representing the child is given a
6-29 complete and accurate copy of each recording of the child made under
6-30 this subdivision.

6-31 (f) A magistrate who provides the warnings required by
6-32 Subsection (a)(5) for a videotaped statement may at the time the
6-33 warnings are provided request by speaking on the tape recording
6-34 that the officer return the child and the videotape to the
6-35 magistrate at the conclusion of the process of questioning. The
6-36 magistrate may then view the videotape with the child or have the
6-37 child view the videotape to enable the magistrate to determine
6-38 whether the child's statements were given voluntarily. If a
6-39 magistrate uses the procedure described by this subsection, a
6-40 child's statement is not admissible unless the magistrate
6-41 determines that the statement was given voluntarily.

6-42 SECTION 6. Section 51.17, Family Code, is amended by adding
6-43 Subsection (g) to read as follows:

6-44 (g) Articles 21.07, 26.07, 26.08, 26.09, and 26.10, Code of
6-45 Criminal Procedure, relating to the name of an adult defendant in a
6-46 criminal case, apply to a child in a proceeding held under this
6-47 title.

6-48 SECTION 7. Section 51.20, Family Code, is amended by adding
6-49 Subsections (c), (d), and (e) to read as follows:

6-50 (c) If, while a child is under deferred prosecution
6-51 supervision or court-ordered probation, a qualified professional
6-52 determines that the child has a mental illness or mental
6-53 retardation and the child is not currently receiving treatment
6-54 services for the mental illness or mental retardation, the
6-55 probation department shall refer the child to the local mental
6-56 health or mental retardation authority for evaluation and services.

6-57 (d) A probation department shall report each referral of a
6-58 child to a local mental health or mental retardation authority made
6-59 under Subsection (b) or (c) to the Texas Juvenile Probation
6-60 Commission in a format specified by the commission.

6-61 (e) At any stage of the proceedings under this title, the
6-62 juvenile court may order a child who has been referred to the
6-63 juvenile court or who is alleged by the petition or found to have
6-64 engaged in delinquent conduct or conduct indicating a need for
6-65 supervision to be subjected to a physical examination by a licensed
6-66 physician.

6-67 SECTION 8. Chapter 51, Family Code, is amended by adding
6-68 Section 51.21 to read as follows:

6-69 Sec. 51.21. MENTAL HEALTH SCREENING AND REFERRAL. (a) A

7-1 probation department that administers the mental health screening
7-2 instrument or clinical assessment required by Section 141.042(e),
7-3 Human Resources Code, shall refer the child to the local mental
7-4 health authority for assessment and evaluation if:

7-5 (1) the child's scores on the screening instrument or
7-6 clinical assessment indicate a need for further mental health
7-7 assessment and evaluation; and

7-8 (2) the department and child do not have access to an
7-9 internal, contract, or private mental health professional.

7-10 (b) A probation department shall report each referral of a
7-11 child to a local mental health authority made under Subsection (a)
7-12 to the Texas Juvenile Probation Commission in a format specified by
7-13 the commission.

7-14 SECTION 9. Section 52.01(a), Family Code, is amended to
7-15 read as follows:

7-16 (a) A child may be taken into custody:

7-17 (1) pursuant to an order of the juvenile court under
7-18 the provisions of this subtitle;

7-19 (2) pursuant to the laws of arrest;

7-20 (3) by a law-enforcement officer, including a school
7-21 district peace officer commissioned under Section 37.081,
7-22 Education Code, if there is probable cause to believe that the child
7-23 has engaged in:

7-24 (A) conduct that violates a penal law of this
7-25 state or a penal ordinance of any political subdivision of this
7-26 state;

7-27 (B) delinquent conduct or conduct indicating a
7-28 need for supervision; or

7-29 (C) conduct that violates a condition of
7-30 probation imposed by the juvenile court;

7-31 (4) by a probation officer if there is probable cause
7-32 to believe that the child has violated a condition of probation
7-33 imposed by the juvenile court; [~~or~~]

7-34 (5) pursuant to a directive to apprehend issued as
7-35 provided by Section 52.015; or

7-36 (6) by a probation officer if there is probable cause
7-37 to believe that the child has violated a condition of release
7-38 imposed by the juvenile court or referee under Section 54.01.

7-39 SECTION 10. Chapter 52, Family Code, is amended by adding
7-40 Section 52.0151 to read as follows:

7-41 Sec. 52.0151. BENCH WARRANT; ATTACHMENT OF WITNESS IN
7-42 CUSTODY. (a) If a witness is in a placement in the custody of the
7-43 Texas Youth Commission, a juvenile secure detention facility, or a
7-44 juvenile secure correctional facility, the court may issue a bench
7-45 warrant or direct that an attachment issue to require a peace
7-46 officer or probation officer to secure custody of the person at the
7-47 placement and produce the person in court. Once the person is no
7-48 longer needed as a witness, the court shall order the peace officer
7-49 or probation officer to return the person to the placement from
7-50 which the person was released.

7-51 (b) The court may order that the person who is the witness be
7-52 detained in a certified juvenile detention facility if the person
7-53 is younger than 17 years of age. If the person is at least 17 years
7-54 of age, the court may order that the person be detained without bond
7-55 in an appropriate county facility for the detention of adults
7-56 accused of criminal offenses.

7-57 SECTION 11. Section 53.03, Family Code, is amended by
7-58 adding Subsection (k) to read as follows:

7-59 (k) In deciding whether to grant deferred prosecution under
7-60 Subsection (i), the court may consider professional
7-61 representations by the parties concerning the nature of the case
7-62 and the background of the respondent. The representations made
7-63 under this subsection by the child or counsel for the child are not
7-64 admissible against the child at trial should the court reject the
7-65 application for deferred prosecution.

7-66 SECTION 12. Section 54.01, Family Code, is amended by
7-67 adding Subsection (q-1) to read as follows:

7-68 (q-1) The juvenile board may impose an earlier deadline than
7-69 the specified deadlines for filing petitions under Subsection (q)

8-1 and may specify the consequences of not filing a petition by the
 8-2 deadline the juvenile board has established. The juvenile board
 8-3 may authorize but not require the juvenile court to release a
 8-4 respondent from detention for failure of the prosecutor to file a
 8-5 petition by the juvenile board's deadline.

8-6 SECTION 13. Section 54.012(a), Family Code, is amended to
 8-7 read as follows:

8-8 (a) A detention hearing under Section 54.01[~~other than the~~
 8-9 ~~first detention hearing,~~] may be held using interactive video
 8-10 equipment if:

8-11 (1) the child and the child's attorney agree to the
 8-12 video hearing; and

8-13 (2) the parties to the proceeding have the opportunity
 8-14 to cross-examine witnesses.

8-15 SECTION 14. Chapter 54, Family Code, is amended by adding
 8-16 Section 54.0408 to read as follows:

8-17 Sec. 54.0408. REFERRAL OF CHILD EXITING PROBATION TO MENTAL
 8-18 HEALTH OR MENTAL RETARDATION AUTHORITY. A juvenile probation
 8-19 officer shall refer a child who has been determined to have a mental
 8-20 illness or mental retardation to an appropriate local mental health
 8-21 or mental retardation authority at least three months before the
 8-22 child is to complete the child's juvenile probation term unless the
 8-23 child is currently receiving treatment from the local mental health
 8-24 or mental retardation authority of the county in which the child
 8-25 resides.

8-26 SECTION 15. Section 54.05, Family Code, is amended by
 8-27 adding Subsection (m) to read as follows:

8-28 (m) If the court places the child on probation outside the
 8-29 child's home or commits the child to the Texas Youth Commission, the
 8-30 court:

8-31 (1) shall include in the court's order a determination
 8-32 that:

8-33 (A) it is in the child's best interests to be
 8-34 placed outside the child's home;

8-35 (B) reasonable efforts were made to prevent or
 8-36 eliminate the need for the child's removal from the child's home and
 8-37 to make it possible for the child to return home; and

8-38 (C) the child, in the child's home, cannot be
 8-39 provided the quality of care and level of support and supervision
 8-40 that the child needs to meet the conditions of probation; and

8-41 (2) may approve an administrative body to conduct a
 8-42 permanency hearing pursuant to 42 U.S.C. Section 675 if required
 8-43 during the placement or commitment of the child.

8-44 SECTION 16. Section 58.003, Family Code, is amended by
 8-45 amending Subsections (a) and (o), and adding Subsections (g-1) and
 8-46 (p) to read as follows:

8-47 (a) Except as provided by Subsections (b) and (c), on the
 8-48 application of a person who has been found to have engaged in
 8-49 delinquent conduct or conduct indicating a need for supervision, or
 8-50 a person taken into custody to determine whether the person engaged
 8-51 in delinquent conduct or conduct indicating a need for supervision,
 8-52 on the juvenile court's own motion [~~or on receipt of a certification~~
 8-53 ~~from the Department of Public Safety of the State of Texas that the~~
 8-54 ~~records of a person are eligible for sealing under this section,~~]
 8-55 the court shall order the sealing of the records in the case if the
 8-56 court finds that:

8-57 (1) two years have elapsed since final discharge of
 8-58 the person or since the last official action in the person's case if
 8-59 there was no adjudication; and

8-60 (2) since the time specified in Subdivision (1), the
 8-61 person has not been convicted of a felony or a misdemeanor involving
 8-62 moral turpitude or found to have engaged in delinquent conduct or
 8-63 conduct indicating a need for supervision and no proceeding is
 8-64 pending seeking conviction or adjudication.

8-65 (g-1) Any records collected or maintained by the Texas
 8-66 Juvenile Probation Commission, including statistical data
 8-67 submitted under Section 141.044, Human Resources Code, are not
 8-68 subject to a sealing order issued under this section.

8-69 (o) An agency or official named in the order that cannot

9-1 seal the records because the information required in the order
 9-2 under Subsection (p) [~~there~~] is incorrect or insufficient
 9-3 [~~information in the order~~] shall notify the court issuing the order
 9-4 before the 61st day after the date the agency or official receives
 9-5 the order. The court shall notify the person who made the
 9-6 application or who is the subject of the records named in the
 9-7 motion, or the attorney for that person, before the 61st day after
 9-8 the date the court receives the notice that the agency or official
 9-9 cannot seal the records because there is incorrect or insufficient
 9-10 information in the order.

9-11 (p) A person who is eligible to seal records may file an
 9-12 application for the sealing of records in a juvenile court of the
 9-13 county in which the proceedings occurred. The application and
 9-14 sealing order entered on the application must include the following
 9-15 information or an explanation for why one or more of the following
 9-16 is not included:

- 9-17 (1) the applicant's:
 - 9-18 (A) full name;
 - 9-19 (B) sex;
 - 9-20 (C) race or ethnicity;
 - 9-21 (D) date of birth;
 - 9-22 (E) driver's license or identification card
 9-23 number; and

- 9-24 (F) social security number;
- 9-25 (2) the offense charged against the applicant or for
 9-26 which the applicant was referred to the juvenile justice system;
- 9-27 (3) the date on which and the county where the offense
 9-28 was alleged to have been committed; and
- 9-29 (4) if a petition was filed in the juvenile court, the
 9-30 cause number assigned to the petition and the court and county in
 9-31 which the petition was filed.

9-32 SECTION 17. Subchapter A, Chapter 58, Family Code, is
 9-33 amended by adding Section 58.0072 to read as follows:

9-34 Sec. 58.0072. DISSEMINATION OF JUVENILE JUSTICE
 9-35 INFORMATION. (a) Except as provided by this section, juvenile
 9-36 justice information collected and maintained by the Texas Juvenile
 9-37 Probation Commission for statistical and research purposes is
 9-38 confidential information for the use of the commission and may not
 9-39 be disseminated by the commission.

9-40 (b) Juvenile justice information consists of information of
 9-41 the type described by Section 58.104, including statistical data in
 9-42 any form or medium collected, maintained, or submitted to the Texas
 9-43 Juvenile Probation Commission under Section 141.044, Human
 9-44 Resources Code.

9-45 (c) The Texas Juvenile Probation Commission may grant the
 9-46 following entities access to juvenile justice information for
 9-47 research and statistical purposes or for any other purpose approved
 9-48 by the commission:

- 9-49 (1) criminal justice agencies as defined by Section
 9-50 411.082, Government Code;
- 9-51 (2) the Texas Education Agency;
- 9-52 (3) any agency under the authority of the Health and
 9-53 Human Services Commission; or
- 9-54 (4) a public or private university.

9-55 (d) The Texas Juvenile Probation Commission may grant the
 9-56 following entities access to juvenile justice information only for
 9-57 a purpose approved by the commission:

- 9-58 (1) a person working on a research or statistical
 9-59 project that:
 - 9-60 (A) is funded in whole or in part by state funds;
 - 9-61 or
 - 9-62 (B) meets the requirements of 28 C.F.R. Part 22
 9-63 and is approved by the commission; or
- 9-64 (2) a governmental entity that has a specific
 9-65 agreement with the commission, if the agreement:
 - 9-66 (A) specifically authorizes access to
 9-67 information;
 - 9-68 (B) limits the use of information to the purposes
 9-69 for which the information is given;

10-1 (C) ensures the security and confidentiality of
 10-2 the information; and

10-3 (D) provides for sanctions if a requirement
 10-4 imposed under Paragraph (A), (B), or (C) is violated.

10-5 (e) The Texas Juvenile Probation Commission shall grant
 10-6 access to juvenile justice information for legislative purposes
 10-7 under Section 552.008, Government Code.

10-8 (f) The Texas Juvenile Probation Commission may not release
 10-9 juvenile justice information in identifiable form, except for
 10-10 information released under Subsection (c)(1), (2), or (3) or under
 10-11 the terms of an agreement entered into under Subsection (d)(2). For
 10-12 purposes of this subsection, identifiable information means
 10-13 information that contains a juvenile offender's name or other
 10-14 personal identifiers or that can, by virtue of sample size or other
 10-15 factors, be reasonably interpreted as referring to a particular
 10-16 juvenile offender.

10-17 (g) The Texas Juvenile Probation Commission is not required
 10-18 to release or disclose juvenile justice information to any person
 10-19 not identified under this section.

10-20 SECTION 18. Section 58.104(f), Family Code, is amended to
 10-21 read as follows:

10-22 (f) Records maintained by the department in the depository
 10-23 are subject to being sealed under Section 58.003. ~~[The department~~
 10-24 ~~shall send to the appropriate juvenile court its certification of~~
 10-25 ~~records that the department determines, according to the~~
 10-26 ~~department's records, are eligible for sealing under Section~~
 10-27 ~~58.003(a).]~~

10-28 SECTION 19. Section 58.203, Family Code, is amended to read
 10-29 as follows:

10-30 Sec. 58.203. CERTIFICATION. (a) The department shall
 10-31 certify to ~~[the juvenile court or]~~ the juvenile probation
 10-32 department to which a referral was made that resulted in
 10-33 information being submitted to the juvenile justice information
 10-34 system that the records relating to a person's juvenile case are
 10-35 subject to automatic restriction of access if:

10-36 (1) the person is at least 21 years of age;
 10-37 (2) the juvenile case did not include violent or
 10-38 habitual felony conduct resulting in proceedings in the juvenile
 10-39 court under Section 53.045;

10-40 (3) the juvenile case was not certified for trial in
 10-41 criminal court under Section 54.02; and

10-42 (4) the department has not received a report in its
 10-43 criminal history system that the person was granted deferred
 10-44 adjudication for or convicted of a felony or a misdemeanor
 10-45 punishable by confinement in jail for an offense committed after
 10-46 the person became 17 years of age.

10-47 (b) If the department's records relate to a juvenile court
 10-48 with multicounty jurisdiction, the department shall issue the
 10-49 certification described by Subsection (a) to each juvenile
 10-50 probation department that serves the court. On receipt of the
 10-51 certification, each juvenile probation department shall determine
 10-52 whether it received the referral and, if it received the referral,
 10-53 take the restrictive action notification required by law.

10-54 (c) The department may issue the certification described by
 10-55 Subsection (a) by electronic means, including by electronic mail.

10-56 SECTION 20. Section 58.207(a), Family Code, is amended to
 10-57 read as follows:

10-58 (a) On certification of records in a case under Section
 10-59 58.203, the juvenile court shall order:

10-60 (1) that the following records relating to the case
 10-61 may be accessed only as provided by Section 58.204(b):

10-62 (A) if the respondent was committed to the Texas
 10-63 Youth Commission, records maintained by the commission;

10-64 (B) records maintained by the juvenile probation
 10-65 department ~~[and by any agency that provided care or custody of the~~
 10-66 ~~child under order or arrangement of the juvenile court];~~

10-67 (C) records maintained by the clerk of the court;

10-68 (D) records maintained by the prosecutor's
 10-69 office; and

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

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

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

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

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

(2) a copy of this subchapter; and

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

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

Sec. 58.211. RESCINDING RESTRICTED ACCESS. (a) If the department has notified a juvenile probation department that a record has been placed on restricted access and the department later receives information in the department's criminal history system that the subject of the records has been convicted or placed on deferred adjudication for a felony or a misdemeanor punishable by confinement in jail for an offense committed after the person reached the age of 17, the person's juvenile records are no longer subject to restricted access. The department shall notify the appropriate local juvenile probation departments in the manner described by Section 58.203 that the person's records are no longer subject to restricted access.

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

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

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

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

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

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

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

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

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

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

(5) ~~(1)~~ electronic filing of complaints or petitions;

(6) ~~(2)~~ electronic offense and intake processing;

(7) ~~(3)~~ case docket management and calendaring;

(8) ~~(4)~~ communications by email or other electronic

12-1 communications between partner agencies;
 12-2 (9) [~~45~~] reporting of charges filed, adjudications
 12-3 and dispositions of juveniles by municipal and justice courts and
 12-4 the juvenile court, and transfers of cases to the juvenile court as
 12-5 authorized or required by Section 51.08;
 12-6 (10) [~~6~~] reporting to schools under Article 15.27,
 12-7 Code of Criminal Procedure, by law enforcement agencies,
 12-8 prosecuting attorneys, and juvenile courts;
 12-9 (11) [~~7~~] records of adjudications and dispositions,
 12-10 including probation conditions ordered by the juvenile court; and
 12-11 (12) [~~8~~] warrant management and confirmation
 12-12 capabilities.

12-13 SECTION 25. Section 58.305, Family Code, is amended to read
 12-14 as follows:

12-15 Sec. 58.305. PARTNER AGENCIES. (a) A local juvenile
 12-16 justice information system shall to the extent possible [~~for a~~
 12-17 ~~single county shall~~] include the following partner agencies within
 12-18 that county:

- 12-19 (1) the juvenile court;
- 12-20 (2) justice of the peace and municipal courts;
- 12-21 (3) the county juvenile probation department;
- 12-22 (4) the prosecuting attorneys who prosecute juvenile
 12-23 cases in juvenile court, municipal court, or justice court;
- 12-24 (5) law enforcement agencies;
- 12-25 (6) each public school district in the county;
- 12-26 (7) governmental service providers approved by the
 12-27 county juvenile board; and
- 12-28 (8) governmental placement facilities approved by the
 12-29 county juvenile board.

12-30 (b) A local juvenile justice information system for a
 12-31 multicounty region shall to the extent possible include the partner
 12-32 agencies listed in Subsections (a)(1)-(6) for each county in the
 12-33 region and the following partner agencies from within the
 12-34 multicounty region that have applied for membership in the system
 12-35 and have been approved by the regional juvenile board committee:

- 12-36 (1) governmental service providers; and
- 12-37 (2) governmental placement facilities.

12-38 SECTION 26. Subchapter A, Chapter 61, Family Code, is
 12-39 amended by adding Section 61.0031 to read as follows:

12-40 Sec. 61.0031. TRANSFER OF ORDER AFFECTING PARENT OR OTHER
 12-41 ELIGIBLE PERSON TO COUNTY OF CHILD'S RESIDENCE. (a) This section
 12-42 applies only when:

12-43 (1) a juvenile court has placed a parent or other
 12-44 eligible person under a court order under this chapter;

12-45 (2) the child who was the subject of the juvenile court
 12-46 proceedings in which the order was entered:

12-47 (A) resides in a county other than the county in
 12-48 which the order was entered;

12-49 (B) has moved to a county other than the county in
 12-50 which the order was entered and intends to remain in that county for
 12-51 at least 60 days; or

12-52 (C) intends to move to a county other than the
 12-53 county in which the order was entered and to remain in that county
 12-54 for at least 60 days; and

12-55 (3) the parent or other eligible person resides or
 12-56 will reside in the same county as the county in which the child now
 12-57 resides or to which the child has moved or intends to move.

12-58 (b) A juvenile court that enters an order described by
 12-59 Subsection (a)(1) may transfer the order to the juvenile court of
 12-60 the county in which the parent now resides or to which the parent
 12-61 has moved or intends to move.

12-62 (c) The juvenile court shall provide the parent or other
 12-63 eligible person written notice of the transfer. The notification
 12-64 must identify the court to which the order has been transferred.

12-65 (d) The juvenile court to which the order has been
 12-66 transferred shall require the parent or other eligible person to
 12-67 appear before the court to notify the person of the existence and
 12-68 terms of the order. Failure to do so renders the order
 12-69 unenforceable.

13-1 (e) If the notice required by Subsection (d) is provided,
 13-2 the juvenile court to which the order has been transferred may
 13-3 modify, extend, or enforce the order as though the court originally
 13-4 entered the order.

13-5 SECTION 27. Section 261.101(b), Family Code, is amended to
 13-6 read as follows:

13-7 (b) If a professional has cause to believe that a child has
 13-8 been abused or neglected or may be abused or neglected, or that a
 13-9 child is a victim of an offense under Section 21.11, Penal Code, and
 13-10 the professional has cause to believe that the child has been abused
 13-11 as defined by Section 261.001 or 261.401, the professional shall
 13-12 make a report not later than the 48th hour after the hour the
 13-13 professional first suspects that the child has been or may be abused
 13-14 or neglected or is a victim of an offense under Section 21.11, Penal
 13-15 Code. A professional may not delegate to or rely on another person
 13-16 to make the report. In this subsection, "professional" means an
 13-17 individual who is licensed or certified by the state or who is an
 13-18 employee of a facility licensed, certified, or operated by the
 13-19 state and who, in the normal course of official duties or duties for
 13-20 which a license or certification is required, has direct contact
 13-21 with children. The term includes teachers, nurses, doctors,
 13-22 day-care employees, employees of a clinic or health care facility
 13-23 that provides reproductive services, juvenile probation officers,
 13-24 and juvenile detention or correctional officers.

13-25 SECTION 28. Section 261.405, Family Code, is amended by
 13-26 adding Subsection (e) to read as follows:

13-27 (e) As soon as practicable after a child is taken into
 13-28 custody or placed in a juvenile justice facility or juvenile
 13-29 justice program, the facility or program shall provide the child's
 13-30 parents with:

13-31 (1) information regarding the reporting of suspected
 13-32 abuse, neglect, or exploitation of a child in a juvenile justice
 13-33 facility or juvenile justice program to the Texas Juvenile
 13-34 Probation Commission; and

13-35 (2) the commission's toll-free number for this
 13-36 reporting.

13-37 SECTION 29. Section 106.041(f), Alcoholic Beverage Code, is
 13-38 amended to read as follows:

13-39 (f) A minor who commits an offense under this section and
 13-40 who has been previously convicted twice or more of offenses under
 13-41 this section is not eligible for deferred disposition or deferred
 13-42 adjudication.

13-43 SECTION 30. Sections 106.071(f) and (i), Alcoholic Beverage
 13-44 Code, are amended to read as follows:

13-45 (f) ~~In this section [For the purpose of determining whether~~
 13-46 ~~a minor has been previously convicted of an offense to which this~~
 13-47 ~~section applies]:~~

13-48 (1) a prior [an] adjudication under Title 3, Family
 13-49 Code, that the minor engaged in conduct described by this section is
 13-50 considered a conviction [under this section]; and

13-51 (2) a prior [an] order of deferred disposition for an
 13-52 offense alleged under this section is considered a conviction [of
 13-53 an offense under this section].

13-54 (i) A defendant who is not a child and who has been
 13-55 previously convicted at least twice of an offense to which this
 13-56 section applies is not eligible to receive a deferred [deferral of
 13-57 final] disposition or deferred adjudication [of a subsequent
 13-58 offense].

13-59 SECTION 31. Article 15.27, Code of Criminal Procedure, is
 13-60 amended by adding Subsection (i) to read as follows:

13-61 (i) A person may substitute electronic notification for
 13-62 oral notification where oral notification is required by this
 13-63 article. If electronic notification is substituted for oral
 13-64 notification, any written notification required by this article is
 13-65 not required.

13-66 SECTION 32. Article 24.011, Code of Criminal Procedure, is
 13-67 amended by adding Subsections (c), (d), and (e) to read as follows:

13-68 (c) If the witness is in a placement in the custody of the
 13-69 Texas Youth Commission, a juvenile secure detention facility, or a

14-1 juvenile secure correctional facility, the court may issue a bench
 14-2 warrant or direct that an attachment issue to require a peace
 14-3 officer or probation officer to secure custody of the person at the
 14-4 placement and produce the person in court. When the person is no
 14-5 longer needed as a witness, the court shall order the peace officer
 14-6 or probation officer to return the person to the placement from
 14-7 which the person was released.

14-8 (d) The court may order that the person who is the witness be
 14-9 detained in a certified juvenile detention facility if the person
 14-10 is younger than 17 years of age. If the person is at least 17 years
 14-11 of age, the court may order that the person be detained without bond
 14-12 in an appropriate county facility for the detention of adults
 14-13 accused of criminal offenses.

14-14 (e) In this article, "secure detention facility" and
 14-15 "secure correctional facility" have the meanings assigned by
 14-16 Section 51.02, Family Code.

14-17 SECTION 33. Article 45.0215, Code of Criminal Procedure, is
 14-18 amended by adding Subsection (d) to read as follows:

14-19 (d) A justice or municipal court shall endorse on the
 14-20 summons issued to a parent an order to appear personally at a
 14-21 hearing with the child. The summons must include a warning that the
 14-22 failure of the parent to appear may result in arrest and is a Class C
 14-23 misdemeanor.

14-24 SECTION 34. Article 45.056, Code of Criminal Procedure, is
 14-25 amended by amending Subsection (a) and adding Subsections (c), (d),
 14-26 and (e) to read as follows:

14-27 (a) On approval of the commissioners court, city council,
 14-28 school district board of trustees, juvenile board, or other
 14-29 appropriate authority, a county court, [a] justice court, municipal
 14-30 court, school district, juvenile probation department, or other
 14-31 appropriate governmental entity may:

14-32 (1) employ a case manager to provide services in cases
 14-33 involving juvenile offenders before a court consistent with the
 14-34 court's statutory powers; or

14-35 (2) agree in accordance with Chapter 791, Government
 14-36 Code, to jointly employ a case manager.

14-37 (c) A county or justice court on approval of the
 14-38 commissioners court or a municipal court on approval of the city
 14-39 council may employ one or more full-time juvenile case managers to
 14-40 assist the court in administering the court's juvenile docket and
 14-41 in supervising its court orders in juvenile cases.

14-42 (d) Pursuant to Article 102.0174, the court may pay the
 14-43 salary and benefits of the juvenile case manager from the juvenile
 14-44 case manager fund.

14-45 (e) A juvenile case manager employed under Subsection (c)
 14-46 shall work primarily on cases brought under Sections 25.093 and
 14-47 25.094, Education Code.

14-48 SECTION 35. Subchapter A, Chapter 102, Code of Criminal
 14-49 Procedure, is amended by adding Article 102.0174 to read as
 14-50 follows:

14-51 Art. 102.0174. COURT COSTS; JUVENILE CASE MANAGER FUND.

14-52 (a) In this article, "fund" means a juvenile case manager fund.

14-53 (b) The governing body of a municipality by ordinance may
 14-54 create a juvenile case manager fund and may require a defendant
 14-55 convicted of a fine-only misdemeanor offense in a municipal court
 14-56 to pay a juvenile case manager fee not to exceed \$5 as a cost of
 14-57 court.

14-58 (c) The commissioners court of a county by order may create
 14-59 a juvenile case manager fund and may require a defendant convicted
 14-60 of a fine-only misdemeanor offense in a justice court, county
 14-61 court, or county court at law to pay a juvenile case manager fee not
 14-62 to exceed \$5 as a cost of court.

14-63 (d) The ordinance or order must authorize the judge or
 14-64 justice to waive the fee required by Subsection (b) or (c) in a case
 14-65 of financial hardship.

14-66 (e) In this article, a defendant is considered convicted if:

14-67 (1) a sentence is imposed on the defendant;
 14-68 (2) the defendant receives deferred disposition,
 14-69 including deferred proceedings under Article 45.052 or 45.053; or

15-1 (3) the defendant receives deferred adjudication in
 15-2 county court.

15-3 (f) The clerks of the respective courts shall collect the
 15-4 costs and pay them to the county or municipal treasurer, as
 15-5 applicable, or to any other official who discharges the duties
 15-6 commonly delegated to the county or municipal treasurer for deposit
 15-7 in the fund.

15-8 (g) A fund created under this section may be used only to
 15-9 finance the salary and benefits of a juvenile case manager employed
 15-10 under Article 45.056.

15-11 (h) A fund must be administered by or under the direction of
 15-12 the commissioners court or under the direction of the governing
 15-13 body of the municipality.

15-14 SECTION 36. Section 25.094(f), Education Code, is amended
 15-15 to read as follows:

15-16 (f) It is an affirmative defense to prosecution under this
 15-17 section that one or more of the absences required to be proven under
 15-18 Subsection (a) ~~were~~ [was] excused by a school official or [~~should be~~
 15-19 ~~excused~~] by the court or that one or more of the absences were
 15-20 involuntary, but only if there is an insufficient number of
 15-21 unexcused or voluntary absences remaining to constitute an offense
 15-22 under this section. The burden is on the defendant to show by a
 15-23 preponderance of the evidence that the absence has been [~~or should~~
 15-24 ~~be~~] excused or that the absence was involuntary. A decision by the
 15-25 court to excuse an absence for purposes of this section does not
 15-26 affect the ability of the school district to determine whether to
 15-27 excuse the absence for another purpose.

15-28 SECTION 37. Section 25.0951, Education Code, is amended by
 15-29 amending Subsection (a) and adding Subsection (d) to read as
 15-30 follows:

15-31 (a) If a student fails to attend school without excuse on 10
 15-32 or more days or parts of days within a six-month period in the same
 15-33 school year, a school district shall within two school days of the
 15-34 student's last absence:

15-35 (1) file a complaint against the student or the
 15-36 student's parent or both in a county, justice, or municipal court
 15-37 for an offense under Section 25.093 or 25.094, as appropriate, or
 15-38 refer the student to a juvenile court in a county with a population
 15-39 of less than 100,000 for conduct that violates Section 25.094; or

15-40 (2) refer the student to a juvenile court for conduct
 15-41 indicating a need for supervision under Section 51.03(b)(2), Family
 15-42 Code.

15-43 (d) A court shall dismiss a complaint or referral made by a
 15-44 school district under this section that is not made in compliance
 15-45 with this section.

15-46 SECTION 38. Sections 102.061, 102.081, 102.101, and
 15-47 102.121, Government Code, are amended to read as follows:

15-48 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
 15-49 STATUTORY COUNTY COURT. The clerk of a statutory county court shall
 15-50 collect fees and costs on conviction of a defendant as follows:

15-51 (1) a jury fee (Art. 102.004, Code of Criminal
 15-52 Procedure) . . . \$20;

15-53 (2) a fee for services of the clerk of the court (Art.
 15-54 102.005, Code of Criminal Procedure) . . . \$40;

15-55 (3) a records management and preservation services fee
 15-56 (Art. 102.005, Code of Criminal Procedure) . . . \$20;

15-57 (4) a security fee on a misdemeanor offense (Art.
 15-58 102.017, Code of Criminal Procedure) . . . \$3;

15-59 (5) a graffiti eradication fee (Art. 102.0171, Code of
 15-60 Criminal Procedure) . . . \$5; ~~and~~

15-61 (6) a court cost on conviction in Comal County (Sec.
 15-62 152.0522, Human Resources Code) . . . \$4; and

15-63 (7) a juvenile case manager fee (Art. 102.0174, Code
 15-64 of Criminal Procedure) . . . \$5.

15-65 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
 15-66 COUNTY COURT. The clerk of a county court shall collect fees and
 15-67 costs on conviction of a defendant as follows:

15-68 (1) a jury fee (Art. 102.004, Code of Criminal
 15-69 Procedure) . . . \$20;

- 16-1 (2) a fee for clerk of the court services (Art.
- 16-2 102.005, Code of Criminal Procedure) . . . \$40;
- 16-3 (3) a records management and preservation services fee
- 16-4 (Art. 102.005, Code of Criminal Procedure) . . . \$20;
- 16-5 (4) a security fee on a misdemeanor offense (Art.
- 16-6 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~
- 16-7 (5) a graffiti eradication fee (Art. 102.0171, Code of
- 16-8 Criminal Procedure) . . . \$5; and
- 16-9 (6) a juvenile case manager fee (Art. 102.0174, Code
- 16-10 of Criminal Procedure) . . . \$5.

16-11 Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN
16-12 JUSTICE COURT. A clerk of a justice court shall collect fees and
16-13 costs on conviction of a defendant as follows:

- 16-14 (1) a jury fee (Art. 102.004, Code of Criminal
- 16-15 Procedure) . . . \$3;
- 16-16 (2) a fee for withdrawing request for jury less than 24
- 16-17 hours before time of trial (Art. 102.004, Code of Criminal
- 16-18 Procedure) . . . \$3;
- 16-19 (3) a jury fee for two or more defendants tried jointly
- 16-20 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- 16-21 (4) a security fee on a misdemeanor offense (Art.
- 16-22 102.017, Code of Criminal Procedure) . . . \$3;
- 16-23 (5) a fee for technology fund on a misdemeanor offense
- 16-24 (Art. 102.0173, Code of Criminal Procedure) . . . not to exceed \$4;
- 16-25 ~~and~~
- 16-26 (6) a court cost on conviction in Comal County (Sec.
- 16-27 152.0522, Human Resources Code) . . . \$1.50; and
- 16-28 (7) a juvenile case manager fee (Art. 102.0174, Code
- 16-29 of Criminal Procedure) . . . \$5.

16-30 Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN
16-31 MUNICIPAL COURT. The clerk of a municipal court shall collect fees
16-32 and costs on conviction of a defendant as follows:

- 16-33 (1) a jury fee (Art. 102.004, Code of Criminal
- 16-34 Procedure) . . . \$3;
- 16-35 (2) a fee for withdrawing request for jury less than 24
- 16-36 hours before time of trial (Art. 102.004, Code of Criminal
- 16-37 Procedure) . . . \$3;
- 16-38 (3) a jury fee for two or more defendants tried jointly
- 16-39 (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- 16-40 (4) a security fee on a misdemeanor offense (Art.
- 16-41 102.017, Code of Criminal Procedure) . . . \$3; ~~and~~
- 16-42 (5) a fee for technology fund on a misdemeanor offense
- 16-43 (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4;
- 16-44 and
- 16-45 (6) a juvenile case manager fee (Art. 102.0174, Code
- 16-46 of Criminal Procedure) . . . \$5.

16-47 SECTION 39. Section 61.0432, Human Resources Code, is
16-48 amended to read as follows:

16-49 Sec. 61.0432. STUDENT TRUST FUND; CONTRABAND MONEY. (a)
16-50 Except as provided by Subsection (b), money ~~Money~~ belonging to a
16-51 child committed to the commission in excess of the amount the
16-52 commission allows in a child's possession shall be deposited in a
16-53 trust fund established by the facility operated by the commission
16-54 to which the child is assigned. The commission shall adopt rules
16-55 governing the administration of the trust fund.

16-56 (b) Money possessed by a child committed to the commission
16-57 that is determined to be contraband money as defined by commission
16-58 rule shall be deposited in the student benefit fund described by
16-59 Section 61.0431. The commission shall notify each child committed
16-60 to the commission that the possession of contraband money is
16-61 subject to confiscation by the commission under this subsection.

16-62 SECTION 40. Section 61.079(c), Human Resources Code, is
16-63 amended to read as follows:

16-64 (c) If a child is released under supervision, a juvenile
16-65 court adjudication that the child engaged in delinquent conduct
16-66 constituting a felony offense, a criminal court conviction of the
16-67 child for a felony offense, or a determination under Section
16-68 61.075(4) revoking the child's release under supervision is
16-69 required before referral of the child to the juvenile court under

17-1 Subsection (a).

17-2 SECTION 41. Section 61.081, Human Resources Code, is
17-3 amended by adding Subsection (i) to read as follows:

17-4 (i) Notwithstanding Subsection (f), if a child is committed
17-5 to the commission under a determinate sentence under Section
17-6 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
17-7 the commission may release the child under supervision without
17-8 approval of the juvenile court that entered the order of commitment
17-9 if not more than nine months remain before the child's discharge
17-10 under Section 61.084(b).

17-11 SECTION 42. Sections 141.042(a) and (e), Human Resources
17-12 Code, are amended to read as follows:

17-13 (a) The commission shall adopt reasonable rules that
17-14 provide:

17-15 (1) minimum standards for personnel, staffing, case
17-16 loads, programs, facilities, record keeping, equipment, and other
17-17 aspects of the operation of a juvenile board that are necessary to
17-18 provide adequate and effective probation services;

17-19 (2) a code of ethics for probation and ~~[7] detention~~
17-20 ~~and corrections~~ officers and for the enforcement of that code;

17-21 (3) appropriate educational, preservice and
17-22 in-service training, and certification standards for probation and
17-23 ~~[7] detention~~~~and corrections~~ officers or court-supervised
17-24 community-based program personnel;

17-25 (4) minimum standards for public and private juvenile
17-26 pre-adjudication secure detention facilities, public juvenile
17-27 post-adjudication secure correctional facilities that are operated
17-28 under the authority of a juvenile board, and private juvenile
17-29 post-adjudication secure correctional facilities, except those
17-30 facilities exempt from certification by Section 42.052(g); and

17-31 (5) minimum standards for juvenile justice
17-32 alternative education programs created under Section 37.011,
17-33 Education Code, in collaboration and conjunction with the Texas
17-34 Education Agency, or its designee.

17-35 (e) Juvenile probation departments shall use the mental
17-36 health screening instrument selected by the commission for the
17-37 initial screening of children under the jurisdiction of probation
17-38 departments who have been formally referred to the department. The
17-39 commission shall give priority to training in the use of this
17-40 instrument in any preservice or in-service training that the
17-41 commission provides for probation officers. A clinical assessment
17-42 by a licensed mental health professional may be substituted for the
17-43 mental health screening instrument selected by the commission if
17-44 the clinical assessment is performed in the time prescribed by the
17-45 commission. Juvenile probation departments shall report data from
17-46 the use of the screening instrument or the clinical assessment to
17-47 the commission in a format and in the time prescribed by the
17-48 commission.

17-49 SECTION 43. Subchapter D, Chapter 141, Human Resources
17-50 Code, is amended by adding Section 141.0611 to read as follows:

17-51 Sec. 141.0611. MINIMUM STANDARDS FOR DETENTION OFFICERS.
17-52 To be eligible for appointment as a detention officer, a person who
17-53 was not employed as a detention officer before September 1, 2005,
17-54 must:

17-55 (1) be of good moral character;

17-56 (2) be at least 21 years of age;

17-57 (3) have acquired a high school diploma or its
17-58 equivalent;

17-59 (4) have satisfactorily completed the course of
17-60 preservice training or instruction required by the commission;

17-61 (5) have passed the tests or examinations required by
17-62 the commission; and

17-63 (6) possess the level of certification required by the
17-64 commission.

17-65 SECTION 44. Section 141.065, Human Resources Code, is
17-66 amended to read as follows:

17-67 Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF
17-68 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION~~[7-OR CORRECTIONS]~~
17-69 OFFICERS. (a) A peace officer, prosecuting attorney, or other

18-1 person who is employed by or who reports directly to a law
 18-2 enforcement or prosecution official may not act as a chief
 18-3 administrative, juvenile probation, or detention~~[, or~~
 18-4 ~~corrections]~~ officer or be made responsible for supervising a
 18-5 juvenile on probation.

18-6 (b) For purposes of this section, a chief administrative
 18-7 officer, regardless of title, is the person who is:

18-8 (1) hired or appointed by or under contract with the
 18-9 juvenile board; and

18-10 (2) responsible for the oversight of the operations of
 18-11 the juvenile probation department or any juvenile justice program
 18-12 operated by or under the authority of the juvenile board.

18-13 SECTION 45. Section 8.07(a), Penal Code, is amended to read
 18-14 as follows:

18-15 (a) A person may not be prosecuted for or convicted of any
 18-16 offense that the person committed when younger than 15 years of age
 18-17 except:

18-18 (1) perjury and aggravated perjury when it appears by
 18-19 proof that the person had sufficient discretion to understand the
 18-20 nature and obligation of an oath;

18-21 (2) a violation of a penal statute cognizable under
 18-22 Chapter 729, Transportation Code, except for conduct for which the
 18-23 person convicted may be sentenced to imprisonment or confinement in
 18-24 jail~~[+]~~

18-25 [~~(A) an offense under Section 521.457,~~
 18-26 ~~Transportation Code;~~

18-27 [~~(B) an offense under Section 550.021,~~
 18-28 ~~Transportation Code;~~

18-29 [~~(C) an offense punishable as a Class B~~
 18-30 ~~misdemeanor under Section 550.022, Transportation Code;~~

18-31 [~~(D) an offense punishable as a Class B~~
 18-32 ~~misdemeanor under Section 550.024, Transportation Code; or~~

18-33 [~~(E) an offense punishable as a Class B~~
 18-34 ~~misdemeanor under Section 550.025, Transportation Code];~~

18-35 (3) a violation of a motor vehicle traffic ordinance
 18-36 of an incorporated city or town in this state;

18-37 (4) a misdemeanor punishable by fine only other than
 18-38 public intoxication;

18-39 (5) a violation of a penal ordinance of a political
 18-40 subdivision;

18-41 (6) a violation of a penal statute that is, or is a
 18-42 lesser included offense of, a capital felony, an aggravated
 18-43 controlled substance felony, or a felony of the first degree for
 18-44 which the person is transferred to the court under Section 54.02,
 18-45 Family Code, for prosecution if the person committed the offense
 18-46 when 14 years of age or older; or

18-47 (7) a capital felony or an offense under Section 19.02
 18-48 for which the person is transferred to the court under Section
 18-49 54.02(j)(2)(A), Family Code.

18-50 SECTION 46. Section 22.04, Penal Code, is amended by
 18-51 amending Subsection (k) and adding Subsection (l) to read as
 18-52 follows:

18-53 (k) ~~[(1)]~~ It is a defense to prosecution under this section
 18-54 that the act or omission consisted of:

18-55 (1) ~~[(A)]~~ reasonable medical care occurring under the
 18-56 direction of or by a licensed physician; or

18-57 (2) ~~[(B)]~~ emergency medical care administered in good
 18-58 faith and with reasonable care by a person not licensed in the
 18-59 healing arts.

18-60 (l) ~~[(2)]~~ It is an affirmative defense to prosecution under
 18-61 this section:

18-62 (1) that the act or omission was based on treatment in
 18-63 accordance with the tenets and practices of a recognized religious
 18-64 method of healing with a generally accepted record of efficacy;

18-65 (2) ~~[- It is an affirmative defense to prosecution]~~
 18-66 ~~for a person charged with an act of omission [under this section]~~
 18-67 ~~causing to a child, elderly individual, or disabled individual a~~
 18-68 ~~condition described by Subsection (a)(1), (2), or (3) that:~~

18-69 (A) there is no evidence that, on the date prior

19-1 to the offense charged, the defendant was aware of an incident of
 19-2 injury to the child, elderly individual, or disabled individual and
 19-3 failed to report the incident; and

19-4 (B) the person:

19-5 (i) was a victim of family violence, as that
 19-6 term is defined by Section 71.004, Family Code, committed by a
 19-7 person who is also charged with an offense against the child,
 19-8 elderly individual, or disabled individual under this section or
 19-9 any other section of this title;

19-10 (ii) did not cause a condition described by
 19-11 Subsection (a)(1), (2), or (3); and

19-12 (iii) did not reasonably believe at the
 19-13 time of the omission that an effort to prevent the person also
 19-14 charged with an offense against the child, elderly individual, or
 19-15 disabled individual from committing the offense would have an
 19-16 effect; or

19-17 (3) that:

19-18 (A) the actor was not more than three years older
 19-19 than the victim at the time of the offense; and

19-20 (B) the victim was a child at the time of the
 19-21 offense.

19-22 SECTION 47. The heading to Section 38.11, Penal Code, is
 19-23 amended to read as follows:

19-24 Sec. 38.11. PROHIBITED SUBSTANCES AND ITEMS IN ADULT OR
 19-25 JUVENILE CORRECTIONAL OR DETENTION FACILITY OR ON PROPERTY OF TEXAS
 19-26 DEPARTMENT OF CRIMINAL JUSTICE OR TEXAS YOUTH COMMISSION.

19-27 SECTION 48. Sections 38.11(a), (b), (c), (d), (e), (f),
 19-28 (i), and (j), Penal Code, are amended to read as follows:

19-29 (a) A person commits an offense if the person provides:

19-30 (1) an alcoholic beverage, controlled substance, or
 19-31 dangerous drug to an inmate of a correctional facility or to a
 19-32 person in the custody of a secure correctional facility or secure
 19-33 detention facility for juveniles, except on the prescription of a
 19-34 physician or practitioner, as defined in Section 551.003,
 19-35 Occupations Code;

19-36 (2) a deadly weapon to an inmate of a correctional
 19-37 facility or to a person in the custody of a secure correctional
 19-38 facility or secure detention facility for juveniles; or

19-39 (3) a cellular telephone, cigarette, tobacco product,
 19-40 or money to an inmate of a correctional facility operated by or
 19-41 under contract with the Texas Department of Criminal Justice or to a
 19-42 person in the custody of a secure correctional facility or secure
 19-43 detention facility for juveniles, except for money that is provided
 19-44 for the benefit of the juvenile in accordance with facility rules.

19-45 (b) A person commits an offense if the person takes an
 19-46 alcoholic beverage, controlled substance, or dangerous drug into a
 19-47 correctional facility or a secure correctional facility or secure
 19-48 detention facility for juveniles, except for delivery to a
 19-49 [correctional] facility warehouse, pharmacy, or physician.

19-50 (c) A person commits an offense if the person takes a
 19-51 controlled substance or dangerous drug on property owned, used, or
 19-52 controlled by the Texas Department of Criminal Justice, the Texas
 19-53 Youth Commission, or a secure correctional facility or secure
 19-54 detention facility for juveniles, except for delivery to a
 19-55 warehouse, pharmacy, or physician on property owned, used, or
 19-56 controlled by the department, the commission, or the facility.

19-57 (d) A person commits an offense if the person:

19-58 (1) possesses a controlled substance or dangerous drug
 19-59 while:

19-60 (A) on property owned, used, or controlled by the
 19-61 Texas Department of Criminal Justice, the Texas Youth Commission,
 19-62 or a secure correctional facility or secure detention facility for
 19-63 juveniles; or

19-64 (B) in a correctional facility or a secure
 19-65 correctional facility or secure detention facility for juveniles;
 19-66 or

19-67 (2) possesses a deadly weapon while in a correctional
 19-68 facility or in a secure correctional facility or secure detention
 19-69 facility for juveniles.

20-1 (e) It is an affirmative defense to prosecution under
 20-2 Subsection (d)(1) of this section that the person possessed the
 20-3 controlled substance or dangerous drug pursuant to a prescription
 20-4 issued by a practitioner or while delivering the substance or drug
 20-5 to a warehouse, pharmacy, or physician on property owned, used, or
 20-6 controlled by the department, the Texas Youth Commission, or by the
 20-7 operator of a secure correctional facility or secure detention
 20-8 facility for juveniles. It is an affirmative defense to
 20-9 prosecution under Subsection (d)(2) of this section that the person
 20-10 possessing the deadly weapon is a peace officer or is an officer or
 20-11 employee of the correctional facility authorized to possess the
 20-12 deadly weapon while on duty or traveling to or from the person's
 20-13 place of assignment.

20-14 (f) In this section:

20-15 (1) "Practitioner" has the meaning assigned by Section
 20-16 481.002, Health and Safety Code.

20-17 (2) "Prescription" has the meaning assigned by Section
 20-18 481.002, Health and Safety Code.

20-19 (3) "Cigarette" has the meaning assigned by Section
 20-20 154.001, Tax Code.

20-21 (4) "Tobacco product" has the meaning assigned by
 20-22 Section 155.001, Tax Code.

20-23 (5) "Secure correctional facility" and "secure
 20-24 detention facility" have the meanings assigned by Section 51.02,
 20-25 Family Code.

20-26 (i) It is an affirmative defense to prosecution under
 20-27 Subsection (b) that the actor:

20-28 (1) is a duly authorized member of the clergy with
 20-29 rights and privileges granted by an ordaining authority that
 20-30 includes administration of a religious ritual or ceremony requiring
 20-31 the presence or consumption of an alcoholic beverage; and

20-32 (2) takes four ounces or less of an alcoholic beverage
 20-33 into the correctional facility or the secure correctional facility
 20-34 or secure detention facility for juveniles and personally consumes
 20-35 all of the alcoholic beverage or departs from the facility with any
 20-36 portion of the beverage not consumed.

20-37 (j) A person commits an offense if the person while an
 20-38 inmate of a correctional facility operated by or under contract
 20-39 with the Texas Department of Criminal Justice or while in the
 20-40 custody of a secure correctional facility or secure detention
 20-41 facility for juveniles possesses a cellular telephone.

20-42 SECTION 49. Subchapter O, Chapter 521, Transportation Code,
 20-43 is amended by adding Section 521.3452 to read as follows:

20-44 Sec. 521.3452. PROCEDURE IN CASES INVOLVING MINORS. (a) A
 20-45 court shall report to the department a person charged with a traffic
 20-46 offense under this chapter who does not appear before the court as
 20-47 required by law.

20-48 (b) In addition to any other action or remedy provided by
 20-49 law, the department may deny renewal of the person's driver's
 20-50 license under Section 521.317 or Chapter 706.

20-51 (c) The court shall also report to the department on final
 20-52 disposition of the case.

20-53 SECTION 50. Section 521.201, Transportation Code, is
 20-54 amended to read as follows:

20-55 Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. The
 20-56 department may not issue any license to a person who:

20-57 (1) is under 15 years of age;

20-58 (2) is under 18 years of age unless the person complies
 20-59 with the requirements imposed by Section 521.204;

20-60 (3) is shown to be addicted to the use of alcohol, a
 20-61 controlled substance, or another drug that renders a person
 20-62 incapable of driving;

20-63 (4) holds a driver's license issued by this state or
 20-64 another state or country that is revoked, canceled, or under
 20-65 suspension;

20-66 (5) has been determined by a judgment of a court to be
 20-67 totally incapacitated or incapacitated to act as the operator of a
 20-68 motor vehicle unless the person has, by the date of the license
 20-69 application, been:

21-1 (A) restored to capacity by judicial decree; or
21-2 (B) released from a hospital for the mentally
21-3 incapacitated on a certificate by the superintendent or
21-4 administrator of the hospital that the person has regained
21-5 capacity;

21-6 (6) the department determines to be afflicted with a
21-7 mental or physical disability or disease that prevents the person
21-8 from exercising reasonable and ordinary control over a motor
21-9 vehicle while operating the vehicle on a highway, except that a
21-10 person may not be refused a license because of a physical defect if
21-11 common experience shows that the defect does not incapacitate a
21-12 person from safely operating a motor vehicle;

21-13 (7) has been reported by a court under Section
21-14 521.3452 [~~729.003~~] for failure to appear unless the court has filed
21-15 an additional report on final disposition of the case; or

21-16 (8) has been reported by a court for failure to appear
21-17 or default in payment of a fine for a misdemeanor that is not
21-18 covered under Subdivision (7) and that is punishable by a fine only,
21-19 including a misdemeanor under a municipal ordinance, committed by a
21-20 person who was under 17 years of age at the time of the alleged
21-21 offense, unless the court has filed an additional report on final
21-22 disposition of the case.

21-23 SECTION 51. Section 521.294, Transportation Code, is
21-24 amended to read as follows:

21-25 Sec. 521.294. DEPARTMENT'S DETERMINATION FOR LICENSE
21-26 REVOCATION. The department shall revoke the person's license if
21-27 the department determines that the person:

21-28 (1) is incapable of safely operating a motor vehicle;

21-29 (2) has not complied with the terms of a citation
21-30 issued by a jurisdiction that is a party to the Nonresident Violator
21-31 Compact of 1977 for a traffic violation to which that compact
21-32 applies;

21-33 (3) has failed to provide medical records or has
21-34 failed to undergo medical or other examinations as required by a
21-35 panel of the medical advisory board;

21-36 (4) has failed to pass an examination required by the
21-37 director under this chapter;

21-38 (5) has been reported by a court under Section
21-39 521.3452 [~~729.003~~] for failure to appear unless the court files an
21-40 additional report on final disposition of the case;

21-41 (6) has been reported within the preceding two years
21-42 by a justice or municipal court for failure to appear or for a
21-43 default in payment of a fine for a misdemeanor punishable only by
21-44 fine, other than a failure reported under Section 521.3452
21-45 [~~729.003~~], committed by a person who is at least 14 years of age but
21-46 younger than 17 years of age when the offense was committed, unless
21-47 the court files an additional report on final disposition of the
21-48 case; or

21-49 (7) has committed an offense in another state or
21-50 Canadian province that, if committed in this state, would be
21-51 grounds for revocation.

21-52 SECTION 52. The following sections are repealed:

21-53 (1) Section 106.11, Alcoholic Beverage Code; and

21-54 (2) Section 729.003, Transportation Code.

21-55 SECTION 53. The legislature finds in relationship to
21-56 Section 51.07, Family Code, as amended by this Act, and Sections
21-57 51.071, 51.072, 51.073, 51.074, and 51.075, Family Code, as added
21-58 by this Act, that:

21-59 (1) children and families in Texas are becoming
21-60 increasingly mobile and children on probation frequently move to
21-61 other counties in the state;

21-62 (2) when children on probation move from one county to
21-63 another, it is in the interests of the child, the child's family,
21-64 and society that probation supervision continue with as little
21-65 interruption as possible;

21-66 (3) if a child on probation in a county to which
21-67 probation has been transferred violates a condition of probation,
21-68 the transfer should not impede appropriate legal consequences for
21-69 the violation;

22-1 (4) numerous issues are raised by transfer of
22-2 probation between counties that are not currently addressed by law
22-3 but that should be resolved;

22-4 (5) the county to which supervision has been
22-5 transferred should provide similar supervision and services to
22-6 transferred children as is provided to children adjudicated in that
22-7 county; and

22-8 (6) the current informal system of courtesy
22-9 supervision provides neither the assistance to the child nor the
22-10 protection of the public that should be provided.

22-11 SECTION 54. (a) Except as otherwise provided by this
22-12 section, this Act applies only to conduct that occurs on or after
22-13 the effective date of this Act. Conduct violating the penal law of
22-14 this state occurs on or after the effective date of this Act if any
22-15 element of the violation occurs on or after that date.

22-16 (b) Conduct that occurs before the effective date of this
22-17 Act is governed by the law in effect at the time the conduct
22-18 occurred, and that law is continued in effect for that purpose.

22-19 (c) The following sections of this Act apply to a judicial
22-20 proceeding that occurs or an official action or decision that is
22-21 made on or after the effective date of this Act without regard to
22-22 whether any prior event connected to the proceeding, action, or
22-23 decision occurred before the effective date of this Act:

22-24 (1) Sections 51.21, 52.0151, 54.0408, and 58.211,
22-25 Family Code, as added by this Act;

22-26 (2) Sections 51.20, 53.03, 54.01, 54.012, 54.05,
22-27 58.003, 58.104, 58.203, and 58.207, Family Code, as amended by this
22-28 Act;

22-29 (3) Articles 15.27, 24.011, and 45.0215, Code of
22-30 Criminal Procedure, as amended by this Act; and

22-31 (4) Section 61.0432, Human Resources Code, as amended
22-32 by this Act.

22-33 SECTION 55. This Act takes effect September 1, 2005.

22-34 * * * * *