

1-1 By: Wentworth S.B. No. 1311
1-2 (In the Senate - Filed March 7, 2007; March 19, 2007, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 16, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 16, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1311 By: Wentworth

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

1-10 relating to the exchange of information among certain governmental
1-11 entities concerning at-risk youth.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 58, Family Code, is
1-14 amended by adding Section 58.0052 to read as follows:

1-15 Sec. 58.0052. EXCHANGE OF INFORMATION CONCERNING AT-RISK
1-16 YOUTH. (a) In this section:

1-17 (1) "Agency" means any of the following entities, a
1-18 person with an agency relationship with any of the following
1-19 entities, or a person who contracts with any of the following
1-20 entities:

1-21 (A) the Texas Youth Commission;

1-22 (B) the Texas Juvenile Probation Commission;

1-23 (C) the Department of Family and Protective
1-24 Services;

1-25 (D) the Texas Education Agency;

1-26 (E) a juvenile probation department;

1-27 (F) a school district or open-enrollment charter
1-28 school;

1-29 (G) a local mental health or mental retardation
1-30 authority;

1-31 (H) a municipal or county health department;

1-32 (I) a hospital district; or

1-33 (J) a county-funded program for at-risk youth.

1-34 (2) "At-risk youth" means a person who is under 18
1-35 years of age and:

1-36 (A) who has been referred to a juvenile court for
1-37 allegedly engaging in delinquent conduct or conduct indicating a
1-38 need for supervision;

1-39 (B) who:

1-40 (i) has been adjudicated as having engaged
1-41 in delinquent conduct or conduct indicating a need for supervision;
1-42 and

1-43 (ii) is in the custody of the Texas Youth
1-44 Commission or a juvenile board or is under any form of juvenile
1-45 probation or supervision; or

1-46 (C) who has a history of active involvement with
1-47 the Department of Family and Protective Services or a local mental
1-48 health or mental retardation authority.

1-49 (b) An agency shall:

1-50 (1) disclose to another agency information relating to
1-51 an at-risk youth, including information concerning the at-risk
1-52 youth's identity, needs, treatment, social, criminal, educational,
1-53 and vocational history, probation or supervision status and
1-54 compliance with the conditions of the at-risk youth's probation or
1-55 supervision, and medical and mental health history, if the
1-56 disclosure serves the purposes provided under Subsection (c); and

1-57 (2) accept information relating to an at-risk youth
1-58 that is sent to the agency for the purposes provided under
1-59 Subsection (c), regardless of whether other state law makes that
1-60 information confidential.

1-61 (c) An agency may use information provided to the agency
1-62 under this section only to assist the agency in:

1-63 (1) protecting the community; or

2-1 (2) providing services to the at-risk youth who is the
2-2 subject of the information.

2-3 (d) Before sharing information under this section, an
2-4 agency may enter into a memorandum of understanding with one or more
2-5 other agencies to specify:

2-6 (1) the types of information that may be exchanged
2-7 among agencies under this section without violating any applicable
2-8 provisions of federal law, including any federal funding
2-9 requirements; and

2-10 (2) the protocols for information sharing, including
2-11 methods for ensuring the continued protection of confidential
2-12 information by the receiving agency.

2-13 (e) Nothing in this section shall affect the confidential
2-14 status of the information being shared.

2-15 SECTION 2. This Act takes effect September 1, 2007.

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