

By: Shapleigh

S.B. No. 1915

A BILL TO BE ENTITLED

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AN ACT

relating to the electronic filing of court documents in Local Juvenile Justice Information Systems.

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

SECTION 1. § 58.302(b)(5), Family Code, is amended to read as follows:

(5) provide efficient computerized case management resources to juvenile courts, prosecutors, court clerks, county juvenile probation departments, and partner agencies authorized by this subchapter;

SECTION 2. § 58.303(b)(1) and (5), Family Code, are amended to read as follows:

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

(5) electronic filing of complaints or petitions, court orders and other documents filed with the court, which documents may contain electronic signatures;

SECTION 3. § 58.304(b), Family Code, is amended to read as follows:

(b) To the extent possible and subject to Subsections (a) and (d), the local juvenile justice information system may include the following information for each juvenile taken into custody, detained, or referred under this title:

- 1           (1) the juvenile's name, including other names by which the  
2 juvenile is known;
- 3           (2) the juvenile's date and place of birth;
- 4           (3) the juvenile's physical description, including sex,  
5 weight, height, race, ethnicity, eye color, hair color, scars,  
6 marks, and tattoos;
- 7           (4) the juvenile's state identification number and other  
8 identifying information;
- 9           (5) the juvenile's fingerprints and photograph;
- 10          (6) the juvenile's last known residential address,  
11 including the census tract number designation for the address;
- 12          (7) the name, address, and phone number of the juvenile's  
13 parent, guardian, or custodian;
- 14          (8) the name and identifying number of the agency that took  
15 into custody or detained the juvenile;
- 16          (9) each date of custody or detention;
- 17          (10) a detailed description of the conduct for which the  
18 juvenile was taken into custody, detained, or referred, including  
19 the level and degree of the alleged offense;
- 20          (11) the name and identifying number of the juvenile intake  
21 agency or juvenile probation office;
- 22          (12) each disposition by the juvenile intake agency or  
23 juvenile probation office;
- 24          (13) the date of disposition by the juvenile intake agency  
25 or juvenile probation office;
- 26          (14) the name and identifying number of the prosecutor's  
27 office;

1 (15) each disposition by the prosecutor;

2 (16) the date of disposition by the prosecutor;

3 (17) the name and identifying number of the court;

4 (18) each disposition by the court, including information  
5 concerning custody of a juvenile by a juvenile justice agency or  
6 county juvenile probation department;

7 (19) the date of disposition by the court;

8 (20) any commitment or release under supervision by the  
9 Texas Youth Commission, including the date of the commitment or  
10 release; ~~and~~

11 (21) information concerning each appellate proceeding~~[-]~~;

12 and

13 (22) electronic copies of all documents filed with the  
14 juvenile courts pursuant to section 58.303(b)(5).

15 SECTION 4. § 58.305(1), Family Code, is amended to read as  
16 follows:

17 (1) the juvenile court and court clerk;

18 SECTION 5. § 58.306, Family Code, is amended to read as  
19 follows:

20 (a) This section describes the level of access to  
21 information to which each partner agency in a local juvenile  
22 justice information system is entitled.

23 (b) Information is at Access Level 1 if the information  
24 relates to a child:

25 (1) who:

26 (A) a school official has reasonable grounds to  
27 believe has committed an offense for which a report is required

1 under Section 37.015, Education Code; or

2 (B) has been expelled, the expulsion of which is  
3 required to be reported under Section 52.041; and

4 (2) who has not been charged with a fineable only  
5 offense, a status offense, or delinquent conduct.

6 (c) Information is at Access Level 2 if the information  
7 relates to a child who:

8 (1) is alleged in a justice or municipal court to have  
9 committed a fineable only offense, municipal ordinance violation,  
10 or status offense; and

11 (2) has not been charged with delinquent conduct or  
12 conduct indicating a need for supervision.

13 (d) Information is at Access Level 3 if the information  
14 relates to a child who is alleged to have engaged in delinquent  
15 conduct or conduct indicating a need for supervision.

16 (e) Level 1 Access is by public school districts in the  
17 county or region served by the local juvenile justice information  
18 system.

19 (f) Level 2 Access is by:

20 (1) justice of the peace courts that process juvenile  
21 cases; and

22 (2) municipal courts that process juvenile cases.

23 (g) Level 3 Access is by:

24 (1) the juvenile court;

25 (2) the prosecuting attorney;

26 (3) the county juvenile probation department;

27 (4) law enforcement agencies;

1           (5) governmental service providers that are partner  
2 agencies; and

3           (6) governmental placement facilities that are  
4 partner agencies.

5           (h) Access for Level 1 agencies is only to information at  
6 Level 1. Access for Level 2 agencies is only to information at  
7 Levels 1 and 2. Access for Level 3 agencies is to information at  
8 Levels 1, 2, and 3.

9           (i) Access to the juvenile justice information system for  
10 court clerks is limited to access to documents officially filed  
11 with the juvenile court.

12           SECTION 6. §§ 58.307(a) and (e), Family Code, are amended to  
13 read as follows:

14           (a) Information that is part of a local juvenile justice  
15 information system is not public information and may not be  
16 released to the public, except as authorized by law.

17           (e) Information in a local juvenile justice information  
18 system, including electronic signature systems, shall be protected  
19 from unauthorized access by a system of access security and any  
20 access to information in a local juvenile information system  
21 performed by browser software shall be at the level of at least  
22 128-bit encryption. A juvenile board or a regional juvenile board  
23 committee shall require all partner agencies to maintain security  
24 and restrict access in accordance with the requirements of this  
25 title.

26           SECTION 7. This Act takes effect September 1, 2007.