

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Turner

H.B. No. 1113

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on and reporting research on children within the juvenile probation system.

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

SECTION 1. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Sections 141.0485 and 141.0486 to read as follows:

Sec. 141.0485. RESEARCH. (a) Notwithstanding any other provision of this chapter, including Section 141.048, the commission may not permit medical, pharmaceutical, or cosmetic research to be conducted on a child within the juvenile probation system.

(b) This section does not apply to survey research or retrospective studies that are based only on medical records, claims data, or outcome data.

Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The commission shall keep records relating to children within the juvenile probation system that participate in research programs or studies.

(b) The records must show, for each calendar quarter and for each calendar year:

(1) the number of children participating in research programs or studies for the appropriate reporting period;

(2) the type of research program or study in which each

1 child is participating;

2 (3) the name of the principal investigator conducting  
3 the research program or study; and

4 (4) the entity sponsoring the research program or  
5 study.

6 (c) The commission shall submit a report that contains the  
7 information in the records kept under Subsection (b) on or before  
8 the 15th day after the last day of the appropriate reporting period  
9 to the:

10 (1) governor;

11 (2) lieutenant governor;

12 (3) speaker of the house of representatives; and

13 (4) members of the senate and house of  
14 representatives.

15 (d) A report submitted under this section is public  
16 information under Chapter 552, Government Code.

17 SECTION 2. This Act applies to a child within the juvenile  
18 probation system without regard to whether the child entered the  
19 probation system before, on, or after the effective date of this  
20 Act.

21 SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

*Antony Spaw*  
Secretary of the Senate

*Debra Van der Putte*

FLOOR AMENDMENT NO. 1

BY: *P. Christy*

1 Amend H.B. No. 1113 in SECTION 1 of the bill, in new Section  
2 141.0485, Human Resources Code, by striking Subsection (b) (page 1,  
3 lines 19-21) and substituting:

4 (b) This section does not apply to:

5 (1) research administering surveys or questionnaires;

6 (2) studies that are based only on medical records,  
7 claims data, or outcome data;

8 (3) studies employing neurocognitive testing; or

9 (4) studies using noninvasive brain imaging,  
10 including magnetic resonance imaging.

# ADOPTED

FLOOR AMENDMENT NO. 2

MAY 23 2007

BY:

*Atay Drew*  
Secretary of the Senate

*Shayleigh*  
(Shayleigh)

1 Amend H.B. 1113 (senate committee printing), in SECTION 1  
2 of the bill, in added Section 141.0485, Human Resources Code  
3 (page 1, between lines 21 and 22), by inserting:

4 (c) This section does not apply to a research program if  
5 one of the following courts determines it is in the best  
6 interest of a child for the child to participate in the research  
7 program:

8 (1) a district court in Travis County;

9 (2) a district court whose jurisdiction includes the  
10 county of the child's residence or placement; or

11 (3) a court with continuing jurisdiction over the  
12 child's case.

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# ADOPTED

FLOOR AMENDMENT NO. 3

MAY 23 2007

BY: Wentworth

Leta Spaw  
Secretary of the Senate

1 Amend H. B. No. 1113 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering the subsequent  
3 SECTIONS accordingly:

4 SECTION \_\_. Subchapter A, Chapter 58, Family Code, is  
5 amended by adding Section 58.0052 to read as follows:

6 Sec. 58.0052. EXCHANGE OF INFORMATION CONCERNING AT-RISK  
7 YOUTH. (a) In this section:

8 (1) "Agency" means any of the following entities, a  
9 person with an agency relationship with any of the following  
10 entities, or a person who contracts with any of the following  
11 entities:

12 (A) the Texas Youth Commission;

13 (B) the Texas Juvenile Probation Commission;

14 (C) the Department of Family and Protective  
15 Services;

16 (D) the Texas Education Agency;

17 (E) a juvenile probation department;

18 (F) a school district or open-enrollment charter  
19 school;

20 (G) a local mental health or mental retardation  
21 authority;

22 (H) a municipal or county health department;

23 (I) a hospital district; or

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

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

27 (A) who has been referred to a juvenile court  
28 for allegedly engaging in delinquent conduct or conduct

1 indicating a need for supervision;

2 (B) who:

3 (i) has been adjudicated as having engaged  
4 in delinquent conduct or conduct indicating a need for  
5 supervision; and

6 (ii) is in the custody of the Texas Youth  
7 Commission or a juvenile board or is under any form of juvenile  
8 probation or supervision; or

9 (C) who has a history of active involvement with  
10 the Department of Family and Protective Services or a local  
11 mental health or mental retardation authority.

12 (b) An agency shall:

13 (1) disclose to another agency information relating  
14 to an at-risk youth, including information concerning the at-  
15 risk youth's identity, needs, treatment, social, criminal,  
16 educational, and vocational history, probation or supervision  
17 status and compliance with the conditions of the at-risk youth's  
18 probation or supervision, and medical and mental health history,  
19 if the disclosure serves the purposes provided under Subsection  
20 (c); and

21 (2) accept information relating to an at-risk youth  
22 that is sent to the agency for the purposes provided under  
23 Subsection (c), regardless of whether other state law makes that  
24 information confidential.

25 (c) An agency may use information provided to the agency  
26 under this section only to assist the agency in:

27 (1) protecting the community; or

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

30 (d) Before sharing information under this section, an

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1 agency may enter into a memorandum of understanding with one or  
2 more other agencies to specify:

3 (1) the types of information that may be exchanged  
4 among agencies under this section without violating any  
5 applicable provisions of federal law, including any federal  
6 funding requirements; and

7 (2) the protocols for information sharing, including  
8 methods for ensuring the continued protection of confidential  
9 information by the receiving agency.

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**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1113** by Turner (Relating to prohibitions on and reporting research on children within the juvenile probation system.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Human Resources Code, Chapter 141, Subchapter C to restrict the Juvenile Probation Commission from permitting medical, pharmaceutical, or cosmetic research to be conducted on a child in the juvenile probation system. This bill would not affect survey research or retrospective studies based solely on medical records, claims data or outcome data. The Juvenile Probation Commission (JPC) would be required to maintain records relating to youth in the probation system that participated in research programs or studies. JPC would be required to regularly submit a report of the information in the records to the governor and the legislature. JPC anticipates the bill would have no significant fiscal impact to the State.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 665 Juvenile Probation Commission

**LBB Staff:** JOB, ES, MN, GG, AI



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 28, 2007**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1113** by Turner (Relating to prohibitions on and reporting research on children within the juvenile probation system.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Human Resources Code, Chapter 141, Subchapter C to restrict the Juvenile Probation Commission from permitting medical, pharmaceutical, or cosmetic research to be conducted on a child in the juvenile probation system. This bill would not affect survey research or retrospective studies based solely on medical records, claims data or outcome data. The Juvenile Probation Commission (JPC) would be required to maintain records relating to youth in the probation system that participated in research programs or studies. JPC would be required to regularly submit a report of the information in the records to the governor and the legislature. JPC anticipates the bill would have no significant fiscal impact to the State.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 665 Juvenile Probation Commission

**LBB Staff:** JOB, MN, GG, AI

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 4, 2007**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1113** by Turner (Relating to prohibiting research on children within the juvenile probation system.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Human Resources Code, Chapter 141, Subchapter C to restrict the Juvenile Probation Commission from permitting medical, psychiatric, pharmaceutical, or other research to be conducted on a child in the juvenile probation system. The Juvenile Probation Commission anticipates the bill would have no significant fiscal impact to the State.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 665 Juvenile Probation Commission

**LBB Staff:** JOB, MN, GG, AI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1113** by Turner (Relating to prohibitions on and reporting research on children within the juvenile probation system.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff:** JOB, GG, LM

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

April 27, 2007

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1113** by Turner (Relating to prohibitions on and reporting research on children within the juvenile probation system.), **Committee Report 1st House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff:** JOB, LM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**March 6, 2007**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1113** by Turner (Relating to prohibiting research on children within the juvenile probation system.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

**Source Agencies:**

**LBB Staff:** JOB, GG