

**House Bill 1113**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

CONFERENCE

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

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

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

- (A) the Texas Youth Commission;
- (B) the Texas Juvenile Probation Commission;
- (C) the Department of Family and Protective Services;
- (D) the Texas Education Agency;
- (E) a juvenile probation department;
- (F) a school district or open-enrollment charter school;
- (G) a local mental health or mental retardation authority;
- (H) a municipal or county health department;
- (I) a hospital district; or
- (J) a county-funded program for at-risk youth.

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

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

- (B) who:
  - (i) has been adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; and
  - (ii) is in the custody of the Texas Youth Commission or a juvenile board or is under any form of juvenile probation or supervision; or

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

(b) An agency shall:

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

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

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

(1) protecting the community; or

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

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

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

(2) the protocols for information sharing, including methods for ensuring the continued protection of

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confidential information by the receiving agency.

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

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:

(1) **research administering surveys or questionnaires;**

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

(3) **studies employing neurocognitive testing; or**

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

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

(1) **a district court in Travis County;**

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

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

Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The

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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 child is participating;

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

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

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

(1) governor;

(2) lieutenant governor;

(3) speaker of the house of representatives; and

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

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

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

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commission shall keep records relating to children within the juvenile probation system that participate in research programs or studies.

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(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 child is participating;

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

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

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

(1) governor;

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(3) speaker of the house of representatives; and

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

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

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

SENATE VERSION

Same as House version.

CONFERENCE