

BILL ANALYSIS

C.S.S.B. 861
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State laws allow limited information sharing relating to adults and juveniles with mental illness after entry into the criminal justice system. No provisions exist for information sharing to prevent entry into the criminal justice system by the early identification of “at risk” behaviors in juveniles and the delivery of targeted prevention and early intervention services.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Makes changes to the purposes section of the juvenile code to include prevention activities.

SECTION 2. Adds 58.0052, Family Code to authorize the interagency sharing of a juvenile’s information, excluding education records, between certain local and state agencies to identify “at risk” behaviors in juveniles and deliver targeted services to juveniles who are at risk of delinquency.

It requires that the agency receiving the information maintain the confidentiality.

It provides that the juvenile justice system agencies may enter into a Memorandum of Understanding to set the protocols to share information.

It exempts the disclosed information from the Public Information Act.

SECTION 3. Adds 58.0053, Family Code to authorize the interagency sharing of a juvenile’s information contained in educational records, between certain local and state agencies to identify “at risk” behaviors in juveniles and deliver targeted prevention and early intervention services to juveniles who are at risk of delinquency. Section 58.0053 contains the same privacy safeguards as Section 58.0052.

SECTION 4. Repeals Sec. 58.0051, Family Code, the current law on interagency agency sharing of a juvenile’s educational records.

EFFECTIVE DATE

Upon passage or September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The major substantive change between the S.B.861 and C.S.S.B.861 is the additional of section that provides for sharing of information by juvenile justice system agencies. These agencies would also be able to share information contained in educational records. In order to comply with the federal education privacy laws, it was necessary to limit the types of agencies that could share the information and the allowable uses.