

By: Hodge

H.B. No. 4145

A BILL TO BE ENTITLED

1 AN ACT
2 relating to enhancement of the penalty for a felony conviction
3 based on a juvenile delinquent conduct adjudication.

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

5 SECTION 1. Section 58.003(k), Family Code, and Section
6 12.42(f), Penal Code, are repealed.

7 SECTION 2. Section 58.206(a), Family Code, is amended to
8 read as follows:

9 (a) On certification of records in a case under Section
10 58.203:

11 (1) the person who is the subject of the records is not
12 required to state in any proceeding, except as otherwise authorized
13 by law in a criminal proceeding in which the person is testifying as
14 a defendant, or in any application for employment, licensing, or
15 other public or private benefit that the person has been a
16 respondent in a case under this title and may not be punished, by
17 perjury prosecution or otherwise, for denying:

18 (A) the existence of the records; or

19 (B) the person's participation in a juvenile
20 proceeding related to the records; and

21 (2) information from the records may not be admitted
22 against the person who is the subject of the records in a civil or
23 criminal proceeding except a proceeding in which a juvenile
24 adjudication was admitted [~~under~~]:

1 (A) under [~~Section 12.42, Penal Code,~~
2 [~~(B)~~] Article 37.07, Code of Criminal Procedure;
3 or
4 (B) [~~(C)~~] as otherwise authorized by criminal
5 procedural law.

6 SECTION 3. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect when the offense was committed, and
10 the former law is continued in effect for that purpose. For the
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 4. This Act takes effect September 1, 2009.