

By: Carona

S.B. No. 332

A BILL TO BE ENTITLED

AN ACT

relating to the adjudication of certain gang-related delinquent conduct.

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

SECTION 1. Chapter 54, Family Code, is amended by adding Section 54.0491 to read as follows:

Sec. 54.0491. GANG-RELATED CONDUCT. (a) In this section:

(1) "Criminal street gang" has the meaning assigned by Section 71.01, Penal Code.

(2) "Gang-related conduct" means conduct that violates a penal law of the grade of Class B misdemeanor or higher and in which a child engages with the intent to:

(A) further the criminal activities of a criminal street gang of which the child is a member;

(B) gain membership in a criminal street gang; or

(C) avoid detection as a member of a criminal street gang.

(b) A juvenile court, in a disposition hearing under Section 54.04 regarding a child who has been adjudicated to have engaged in delinquent conduct that is also gang-related conduct, shall order the child to participate in a criminal street gang intervention program that is appropriate for the child based on the child's level of involvement in the criminal activities of a criminal street gang. The intervention program:

1           (1) must include at least 12 hours of instruction; and

2           (2) may include voluntary tattoo removal.

3           (c) If a child required to attend a criminal street gang  
4 intervention program is committed to the Texas Youth Commission as  
5 a result of the gang-related conduct, the child must complete the  
6 intervention program before being discharged from the custody of or  
7 released under supervision by the commission.

8           SECTION 2. Section 54.0491, Family Code, as added by this  
9 Act, applies only to conduct that violates a penal law of this state  
10 and occurs on or after the effective date of this Act. Conduct that  
11 violates a penal law of this state and occurs before the effective  
12 date of this Act is covered by the law in effect at the time the  
13 conduct occurred, and the former law is continued in effect for that  
14 purpose. For purposes of this section, conduct occurs before the  
15 effective date of this Act if each element of the violation occurred  
16 before that date.

17           SECTION 3. This Act takes effect September 1, 2009.