

1-1 By: Carona S.B. No. 332
1-2 (In the Senate - Filed December 2, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 8, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8,
1-6 Nays 0; April 8, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 332 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the adjudication of certain gang-related delinquent
1-11 conduct.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 54, Family Code, is amended by adding
1-14 Section 54.0491 to read as follows:

1-15 Sec. 54.0491. GANG-RELATED CONDUCT. (a) In this section:

1-16 (1) "Criminal street gang" has the meaning assigned by
1-17 Section 71.01, Penal Code.

1-18 (2) "Gang-related conduct" means conduct that
1-19 violates a penal law of the grade of Class B misdemeanor or higher
1-20 and in which a child engages with the intent to:

1-21 (A) further the criminal activities of a criminal
1-22 street gang of which the child is a member;

1-23 (B) gain membership in a criminal street gang; or

1-24 (C) avoid detection as a member of a criminal
1-25 street gang.

1-26 (b) A juvenile court, in a disposition hearing under Section
1-27 54.04 regarding a child who has been adjudicated to have engaged in
1-28 delinquent conduct that is also gang-related conduct, shall order
1-29 the child to participate in a criminal street gang intervention
1-30 program that is appropriate for the child based on the child's level
1-31 of involvement in the criminal activities of a criminal street
1-32 gang. The intervention program:

1-33 (1) must include at least 12 hours of instruction; and

1-34 (2) may include voluntary tattoo removal.

1-35 (c) If a child required to attend a criminal street gang
1-36 intervention program is committed to the Texas Youth Commission as
1-37 a result of the gang-related conduct, the child must complete the
1-38 intervention program before being discharged from the custody of or
1-39 released under supervision by the commission.

1-40 SECTION 2. Section 54.0491, Family Code, as added by this
1-41 Act, applies only to conduct that violates a penal law of this state
1-42 and occurs on or after the effective date of this Act. Conduct that
1-43 violates a penal law of this state and occurs before the effective
1-44 date of this Act is covered by the law in effect at the time the
1-45 conduct occurred, and the former law is continued in effect for that
1-46 purpose. For purposes of this section, conduct occurs before the
1-47 effective date of this Act if each element of the violation occurred
1-48 before that date.

1-49 SECTION 3. This Act takes effect September 1, 2009.

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