

By: Harris

S.B. No. 518

A BILL TO BE ENTITLED

AN ACT

relating to providing access to certain information relating to the discretionary transfer of a child from a juvenile court to a criminal court.

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

SECTION 1. Subsection (e), Section 54.02, Family Code, is amended to read as follows:

(e) At the transfer hearing the court may consider written reports from probation officers, professional court employees, or professional consultants in addition to the testimony of witnesses. At least five days ~~[one day]~~ prior to the transfer hearing, the court shall provide the attorney for the child and the prosecuting attorney with access to all written matter to be considered by the court in making the transfer decision. The court may order counsel not to reveal items to the child or the child's ~~[his]~~ parent, guardian, or guardian ad litem if such disclosure would materially harm the treatment and rehabilitation of the child or would substantially decrease the likelihood of receiving information from the same or similar sources in the future.

SECTION 2. Subsection (e), Section 54.02, Family Code, as amended by this Act, applies to a transfer hearing commenced under Section 54.02, Family Code, on or after the effective date of this Act. A transfer hearing commenced before the effective date of this Act is governed by the law in effect on the date the hearing was

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1 commenced, and the former law is continued in effect for that
2 purpose.

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