

1-1 By: Harris S.B. No. 518
1-2 (In the Senate - Filed January 23, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 19, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 19, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to providing access to certain information relating to the
1-9 discretionary transfer of a child from a juvenile court to a
1-10 criminal court.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (e), Section 54.02, Family Code, is
1-13 amended to read as follows:

1-14 (e) At the transfer hearing the court may consider written
1-15 reports from probation officers, professional court employees, or
1-16 professional consultants in addition to the testimony of witnesses.
1-17 At least five days [~~one day~~] prior to the transfer hearing, the
1-18 court shall provide the attorney for the child and the prosecuting
1-19 attorney with access to all written matter to be considered by the
1-20 court in making the transfer decision. The court may order counsel
1-21 not to reveal items to the child or the child's [~~his~~] parent,
1-22 guardian, or guardian ad litem if such disclosure would materially
1-23 harm the treatment and rehabilitation of the child or would
1-24 substantially decrease the likelihood of receiving information
1-25 from the same or similar sources in the future.

1-26 SECTION 2. Subsection (e), Section 54.02, Family Code, as
1-27 amended by this Act, applies to a transfer hearing commenced under
1-28 Section 54.02, Family Code, on or after the effective date of this
1-29 Act. A transfer hearing commenced before the effective date of this
1-30 Act is governed by the law in effect on the date the hearing was
1-31 commenced, and the former law is continued in effect for that
1-32 purpose.

1-33 SECTION 3. This Act takes effect September 1, 2009.

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