

Amend CSHB 38 (house committee report) as follows:

(1) On page 1, line 13, between "or" and "a community", insert "a historic structure, or on".

(2) On page 3, line 26, between "or" and "a community", insert "a historic structure, or at".

(3) On page 5, line 17, between "an offense committed" and "on or after", insert ", or conduct violating a penal law that occurs,".

(4) On page 5, line 18, between "An offense committed" and "before", insert ", or conduct violating a penal law that occurs,".

(5) On page 5, line 20, between "committed" and the comma, insert "or the conduct occurred".

(6) On page 5, line 21, after "was committed", insert ", or conduct violating a penal law occurred,".

(7) On page 5, line 22, after "the offense", insert "or violation".

(8) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Section 28.08(e), Penal Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Historic structure" means a structure that:

(A) is publicly owned and included on the National Register of Historic Places;

(B) is designated as a Recorded Texas Historic Landmark; or

(C) is designated as a State Archeological Landmark.

SECTION _____. Section 54.0481, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), a [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 violates Section 28.08, Penal Code:

(1) may order the child or a parent or other person responsible for the child's support to make restitution by:

(A) reimbursing the owner of the property for the

cost of restoring the property; or

(B) with the consent of the owner of the property, personally restoring the property by removing or painting over any markings the child made; and

(2) if the child made markings on public property, a street sign, or an official traffic-control device in violation of Section 28.08, Penal Code, may order the child or a parent or other person responsible for the child's support to:

(A) make to the political subdivision that owns the public property or erected the street sign or official traffic-control device restitution in an amount equal to the lesser of the cost to the political subdivision of replacing or restoring the public property, street sign, or official traffic-control device; or

(B) with the consent of the political subdivision, restore the public property, street sign, or official traffic-control device by removing or painting over any markings made by the child on the property, sign, or device.

(a-1) A juvenile court, in a disposition hearing described by Subsection (a) involving a child who has previously been adjudicated for having engaged in delinquent conduct that violates Section 28.08, Penal Code, in addition to any other disposition ordered, if the child made markings on a historic structure or other property described in Section 28.08(a), Penal Code, or private property, shall order the child and the parent or other person responsible for the child's support to make restitution by personally restoring the property by removing or painting over any markings the child made, with the consent of the owner of the property.

(a-2) A juvenile court may not require that a child or a child's parent or other person responsible for the child's support personally restore the property under this section if:

(1) the child, parent, or other person is physically or mentally incapable of participating in the restoration; or

(2) the restoration is inherently dangerous or would otherwise endanger the health or safety of the child, parent, or other person.

SECTION _____. The change in law made by this Act to Section 54.0481, Family Code, applies only to conduct violating a penal law that occurs on or after the effective date of this Act. Conduct violating a penal law that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct violating a penal law occurred before the effective date of this Act if any element of the violation occurred before that date.