

Amend CSSB 407 (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, lines 52-54), strike proposed Paragraph (A).

(2) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, line 55), strike "(B)" and substitute "(A)".

(3) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, line 58), strike "(C)" and substitute "(B)".

(4) In SECTION 2 of the bill, in proposed Section 43.261(c)(2)(A), Penal Code (page 2, line 1), strike "or (B)".

(5) In SECTION 2 of the bill, in proposed Section 43.261, Penal Code (page 2, lines 22-32), strike proposed Subsection (f) and substitute the following:

(f) It is a defense to prosecution under Subsection (b)(2) that the actor:

(1) did not produce or solicit the visual material;

(2) possessed the visual material only after receiving the material from another minor; and

(3) destroyed the visual material within a reasonable amount of time after receiving the material from another minor.

(6) In SECTION 3 of the bill, in amended Section 51.03(b), Family Code (page 2, line 68, through page 3, line 1), strike proposed Subdivision (7) and substitute the following:

(7) conduct that violates Section 43.261, Penal Code.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subsections (b) and (d), Section 51.08, Family Code, are amended to read as follows:

(b) A court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense:

(1) except as provided by Subsection (d), shall waive its original jurisdiction and refer the child to juvenile court if:

(A) the complaint pending against the child

alleges a violation of a misdemeanor offense under Section 43.261, Penal Code, that is punishable by fine only; or

(B) the child has previously been convicted of:

(i) [~~(A)~~] two or more misdemeanors punishable by fine only other than a traffic offense;

(ii) [~~(B)~~] two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or

(iii) [~~(C)~~] one or more of each of the types of misdemeanors described in Subparagraph (i) or (ii) [~~Paragraph (A) or (B)~~]; and

(2) may waive its original jurisdiction and refer the child to juvenile court if the child:

(A) has not previously been convicted of a misdemeanor punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense; or

(B) has previously been convicted of fewer than two misdemeanors punishable by fine only other than a traffic offense or two violations of a penal ordinance of a political subdivision other than a traffic offense.

(d) A court that has implemented a juvenile case manager program under Article 45.056, Code of Criminal Procedure, may, but is not required to, waive its original jurisdiction under Subsection (b)(1)(B) [~~(b)(1)~~].

SECTION \_\_\_\_\_. Section 51.13, Family Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections (d) and (e) [~~Subsection (d)~~], an order of adjudication or disposition in a proceeding under this title is not a conviction of crime. Except as provided by Chapter 841, Health and Safety Code, an order of adjudication or disposition does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(7) is a

conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION \_\_\_\_\_. Subsection (a), Section 61.002, Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1) for payment of probation fees under Section 54.061;

(2) for restitution under Sections 54.041(b) and 54.048;

(3) for payment of graffiti eradication fees under Section 54.0461;

(4) for community service under Section 54.044(b);

(5) for payment of costs of court under Section 54.0411 or other provisions of law;

(6) requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);

(7) enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);

(8) ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);

(9) requiring a parent or guardian of a child found to be truant to participate in an available program addressing truancy under Section 54.041(f);

(10) requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);

(11) requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);

(12) requiring payment of deferred prosecution supervision fees under Section 53.03(d);

(13) requiring a parent or other eligible person to attend a court hearing under Section 51.115;

(14) requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with

conditions of release from detention under Section 54.01(r);

(15) requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title; [~~or~~]

(16) for payment of fees under Section 54.0462; or

(17) for payment of the cost of attending an educational program under Section 54.0404.