

BILL ANALYSIS

C.S.H.B. 2450
By: Raymond
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned about students who are engaging in activity that poses a risk to the students or others that their parents may suspect will happen but school officials may not be aware of. The parties contend that students need help to keep adverse behavior from occurring. C.S.H.B. 2450 seeks to implement a pilot program operated by certain public or private primary or secondary or open-enrollment charter schools in Webb County concerning searches and drug testing of students with parental consent and certain disciplinary measures and other procedures that may arise from such a search or test.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2450 amends the Education Code to authorize a public school district, private school, or open-enrollment charter school in Webb County to operate an alternative discipline pilot program to determine whether the conduct of parental-consent searches of students and parental-consent drug or alcohol tests of students and the subsequent use of alternative juvenile discipline procedures for those students are effective in reducing drug or alcohol use while minimizing involvement in the criminal justice system for matters related to drug or alcohol use. The bill specifies that the pilot program concludes and the related provisions expire June 15, 2015.

C.S.H.B. 2450 authorizes a school principal in a public school district or private primary or secondary school or open-enrollment charter school operating the pilot program who reasonably suspects a student possesses alcohol, marihuana, or a controlled substance to seek written consent from the parent or guardian of the student to search the student and the possessions of the student for those substances. The bill authorizes the principal or the principal's designee, if the student's parent or guardian provides written consent for the search, to conduct the search in accordance with rules adopted by the board of trustees of a district or governing body of the private school or charter school under the bill's provisions and requires the principal or the principal's designee who conducts a search to confiscate any alcohol, marihuana, or controlled substance discovered in the search and to immediately inform a local law enforcement agency. The bill requires a local law enforcement agency that receives such notice to take possession of the substance as soon as practicable but in no case later than 72 hours after the agency receives notice. The bill prohibits a student from being searched under the pilot program more than one time in a week.

C.S.H.B. 2450 authorizes a school principal in a school district or school operating the pilot program to seek written consent from the parent or guardian of a student younger than 17 years of age to perform a nonintrusive drug or alcohol test on the student if the principal reasonably believes that the student is using alcohol, marihuana, or a controlled substance and authorizes a parent or guardian of a student younger than 17 years of age to request in writing that the school

perform a nonintrusive drug or alcohol test on the student if the parent or guardian reasonably believes that the student is using alcohol, marihuana, or a controlled substance. The bill authorizes a school that receives the written consent of a parent or guardian or a written request from a parent or guardian to perform a nonintrusive drug or alcohol test on the student in accordance with the rules and procedures adopted by the board of trustees of the district or governing body of the school. If a student tests positive in a nonintrusive drug or alcohol test, the bill requires administration of a second test as soon as practicable to confirm the positive test results, and the bill requires the principal to send all positive or negative test results to the student's parent or guardian.

C.S.H.B. 2450 authorizes a school that performs a nonintrusive drug or alcohol test on a student under the pilot program to request the student's parent or guardian to reimburse the school for the cost of the test and authorizes a school to seek any available federal, state, or private funds, grants, or donations to defray costs of performing the tests. The bill specifies that its provisions do not prohibit or otherwise affect any other drug or alcohol testing program conducted by or on behalf of a school or school district. The bill prohibits a student from being administered a nonintrusive drug or alcohol test under the pilot program more than one time in a month.

C.S.H.B. 2450 requires a district board or governing body of a school that operates the pilot program to adopt rules concerning the conduct of searches and administration of drug or alcohol tests and requires the board or governing board, in adopting such rules, to:

- develop a written consent form to be used by the parent or guardian to consent to a search or drug or alcohol test;
- provide that in the case where only one parent or guardian has authority to consent, pursuant to a custody agreement or any applicable court order, the consent of that parent is sufficient for purposes of the bill's provisions;
- specify that a principal of a school operating the pilot program may designate an appropriate staff member to conduct searches or drug or alcohol tests; and
- ensure that a search or drug or alcohol test conducted under the pilot program does not result in the student's involvement in the criminal justice system, including by receiving a citation or by being confined.

C.S.H.B. 2450 prohibits a student found to be in violation of law or school policy based on a parental-consent search or a parental-consent drug or alcohol test conducted under the pilot program from being expelled for the violation unless the student fails to comply with compulsory attendance at a substance abuse treatment program established by the bill, as applicable, and establishes that such a student may be subject to such attendance with the consent of the student's parent or guardian. If after a search a student is found in possession of alcohol, marihuana, or a controlled substance for the second or subsequent time during a one-year period, or if the student tests positive for drugs or alcohol for the second or subsequent time during a one-year period, the bill subjects the student to all disciplinary measures according to school policy or other applicable law.

C.S.H.B. 2450 authorizes a district board or governing body of a school operating the pilot program to employ a juvenile case manager in the manner provided by the Code of Criminal Procedure to provide services in a special juvenile docket composed of those juvenile cases arising from a parental-consent search or a parental-consent drug or alcohol test conducted under the pilot program. The bill requires a case manager so employed, if the district or school operating the pilot program is within the jurisdiction of a designated juvenile court in the county, to assist the court in administering the special juvenile docket. The bill requires the judge of the designated juvenile court in presiding over the special juvenile docket to coordinate with the school juvenile case manager and the district or school to provide alternative juvenile discipline solutions that do not involve the student's involvement in the criminal justice system. The bill authorizes a designated juvenile court in the county to coordinate with a school juvenile case

manager employed by a district or school to establish a special juvenile disciplinary drug-intervention program for students of the district or school whose juvenile cases are in the special juvenile docket.

C.S.H.B. 2450 authorizes a district board or governing body of a school that operates the pilot program to cooperate with the juvenile board of the county, the local juvenile probation department, or any designated juvenile court in the county in establishing a substance abuse treatment program for students who violate a law or school policy by engaging in prohibited conduct related to the use, possession, or delivery of alcohol, marijuana, or a controlled substance.

C.S.H.B. 2450 authorizes a juvenile court to defer adjudication proceedings for not more than 180 days if a child who, based on evidence obtained pursuant to a parental-consent search or a parental-consent drug or alcohol test conducted under the pilot program, is alleged to have engaged in conduct indicating a need for supervision or delinquent conduct presents to the court a written request to attend a substance abuse treatment program. The bill requires a child for whom adjudication proceedings are deferred to complete the substance abuse treatment program not later than the 90th day after the date the hearing to determine punishment is held or the last day of the deferral period, whichever date is earlier. The bill requires the court to dismiss the case with prejudice at the time the child presents satisfactory evidence that the child has successfully completed the substance abuse treatment program and prohibits a case so dismissed from being part of the child's records for any purpose.

C.S.H.B. 2450 requires a district board or governing body of a school that operates the pilot program to submit a report, not later than December 1, 2014, containing the board or governing body's conclusions regarding whether the pilot program reduced drug or alcohol use and related involvement in the criminal justice system among students to certain specified recipients.

C.S.H.B. 2450 amends the Family Code to authorize a juvenile court to order the sealing of records concerning a child who, based on evidence obtained pursuant to a parental-consent search or a parental-consent drug or alcohol test conducted under the pilot program, is adjudicated to have engaged in conduct indicating a need for supervision or delinquent conduct if the child successfully completed a substance abuse treatment program under the bill's provisions, graduated from high school, or received the child's certificate of high school equivalency. The bill authorizes the court to order the sealing of the records immediately and without a hearing or to hold a hearing to determine whether to seal the records. The bill authorizes the court to grant such relief at any time after the child satisfies the applicable requirements and requires the court, if the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, to immediately and without any additional hearing order the sealing of all files and records relating to the case. These provisions expire June 15, 2015.

C.S.H.B. 2450 authorizes a court, on or after June 15, 2015, to order the sealing of juvenile court records of a child entitled before that date to the sealing of records under the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2450 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Sections 37.0012 and 37.0013 to read as follows:

No equivalent provision.

No equivalent provision.

Sec. 37.0012. PARENTAL-CONSENT SEARCH.

(a) The principal of a public or private primary or secondary school or open-enrollment charter school who suspects a student of engaging in harmful or illegal conduct that poses a serious risk to the student or other students at the school may seek consent from the parent or guardian of the student to search the student and the possessions of the student for evidence of a violation of the law or school policy. If the student's parent or guardian consents to the search, the principal may conduct the search with the assistance of a peace officer commissioned by the board of trustees of a district or security personnel employed by the school.

(b) The principal of a public or private primary or secondary school or open-enrollment charter school or a peace officer commissioned by the board of trustees of a district or security personnel employed by the school shall confiscate any item or substance prohibited by law and immediately deliver the item or substance to

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. ALTERNATIVE DISCIPLINE PILOT PROGRAM

Sec. 37.031. DEFINITIONS. In this subchapter, "controlled substance" and "marihuana" have the meanings assigned by Section 481.002, Health and Safety Code.

Sec. 37.032. PILOT PROGRAM. A public school district, private school, or open-enrollment charter school in Webb County may operate a pilot program described by this subchapter to determine whether the conduct of parental-consent searches of students and parental-consent drug or alcohol tests of students and the subsequent use of alternative juvenile discipline procedures for those students are effective in reducing drug or alcohol use while minimizing involvement in the criminal justice system for matters related to drug or alcohol use.

Sec. 37.033. PARENTAL-CONSENT SEARCH. (a) In a public school district or private primary or secondary school or open-enrollment charter school operating a pilot program under this subchapter, a school principal who reasonably suspects a student possesses alcohol, marihuana, or a controlled substance may seek written consent from the parent or guardian of the student to search the student and the possessions of the student for alcohol, marihuana, or a controlled substance. If the student's parent or guardian provides written consent for the search, the principal or the principal's designee may conduct the search in accordance with rules adopted by the board of trustees of a district or governing body of the private school or charter school under Section 37.035.

(b) The principal of a public or private primary or secondary school or open-enrollment charter school or the principal's designee that conducts a search under this section shall confiscate any alcohol, marihuana, or controlled substance discovered in the search and shall immediately inform a local law enforcement

a local law enforcement agency.

agency. A local law enforcement agency that receives notice under this subsection shall take possession of the alcohol, marihuana, or controlled substance as soon as practicable but in no case later than 72 hours after the agency receives notice.

(c) A student may not be searched under this section more than one time in a week.

No equivalent provision.

Sec. 37.034. PARENTAL-CONSENT DRUG OR ALCOHOL TESTS. (a) In a public school district or private primary or secondary school or open-enrollment charter school operating a pilot program under this subchapter, a school principal may seek written consent from the parent or guardian of a student younger than 17 years of age to perform a nonintrusive drug or alcohol test on the student if the principal reasonably believes that the student is using alcohol, marihuana, or a controlled substance.

(b) A parent or guardian of a student younger than 17 years of age may request in writing that the school perform a nonintrusive drug or alcohol test on the student under this section if the parent or guardian reasonably believes that the student is using alcohol, marihuana, or a controlled substance.

(c) A school that receives the written consent of a parent or guardian under Subsection (a) or a request in writing from a parent or guardian under Subsection (b) may perform a nonintrusive drug or alcohol test on the student in accordance with the rules and procedures adopted by the board of trustees of the district or governing body of the private school or open-enrollment charter school under Section 37.035.

(d) If a student tests positive in a nonintrusive drug or alcohol test administered under this section, a second test must be administered as soon as practicable to confirm the positive test results. The principal must send all positive or negative test results to the student's parent or guardian.

(e) A school that performs a nonintrusive drug or alcohol test on a student under this section may request the student's parent or guardian to reimburse the school for the cost of the drug or alcohol test.

(f) A school may seek any available federal, state, or private funds, grants, or donations

No equivalent provision.

to defray costs of performing nonintrusive drug or alcohol tests under this section.

(g) This section does not prohibit or otherwise affect any other drug or alcohol testing program conducted by or on behalf of a school or school district.

(h) A student may not be administered a nonintrusive drug or alcohol test under this section more than one time in a month.

Sec. 37.035. RULES REGARDING PARENTAL-CONSENT SEARCH AND DRUG OR ALCOHOL TEST. (a) The board of trustees of a school district or governing body of a private school or open-enrollment charter school that operates a pilot program under this subchapter shall adopt rules concerning searches conducted under Section 37.033 and drug or alcohol tests administered under Section 37.034.

(b) In adopting rules under this section, the board or governing body shall:

(1) develop a written consent form to be used by the parent or guardian to consent to a search or drug or alcohol test;

(2) provide that in the case where only one parent or guardian has authority to consent, pursuant to a custody agreement or any applicable court order, the consent of that parent is sufficient for purposes of this subchapter;

(3) specify that a principal of a school operating a pilot program under this subchapter may designate an appropriate staff member to conduct searches or drug or alcohol tests under this subchapter; and

(4) ensure that a search or drug or alcohol test conducted under the pilot program operated under this subchapter does not result in the student's involvement in the criminal justice system, including by receiving a citation or by being confined.

Sec. 37.0013. DISCIPLINE FOR VIOLATIONS OF LAW OR SCHOOL POLICY DISCOVERED IN PARENTAL-CONSENT SEARCH.

(a) A student found to be in violation of law or school policy based on a parental-consent search conducted under Section 37.0012 may not be expelled for the violation.

Sec. 37.036. DISCIPLINE FOR VIOLATIONS OF LAW OR SCHOOL POLICY DISCOVERED IN PARENTAL-CONSENT SEARCH OR DRUG OR ALCOHOL TESTING.

(a) Notwithstanding Section 37.007(b) and except as otherwise provided by Subsection (c), a student found to be in violation of law or school policy based on a parental-consent search or a parental-consent drug or alcohol test conducted under a pilot program operated under this subchapter may not be

expelled for the violation unless the student fails to comply with any requirements imposed under Subsection (b).

(b) A student found to be in violation of law or school policy based on a parental-consent search conducted under Section 37.0012 may, with the consent of the student's parent or guardian, be subject to compulsory attendance at, as appropriate:
(1) a youth boot camp established under Section 37.013(b); and
(2) a substance abuse treatment program established under Section 37.013(c).

No equivalent provision.

No equivalent provision.

(b) A student found to be in violation of law or school policy based on a parental-consent search or a parental-consent drug or alcohol test conducted under a pilot program operated under this subchapter may, with the consent of the student's parent or guardian, be subject to compulsory attendance at a substance abuse treatment program established under Section 37.038.

(c) If after a search conducted under Section 37.033 a student is found in possession of alcohol, marihuana, or a controlled substance for the second or subsequent time during a one-year period, or if the student tests positive for drugs or alcohol under Section 37.034 for the second or subsequent time during a one-year period, notwithstanding rules adopted under Section 37.035, the student is subject to all disciplinary measures according to school policy or other applicable law.

Sec. 37.037. SCHOOL JUVENILE CASE MANAGER. (a) The board of trustees of a school district or governing body of a private school or an open-enrollment charter school operating a pilot program under this subchapter may employ a juvenile case manager in the manner provided by Article 45.056, Code of Criminal Procedure, to provide services in a special juvenile docket composed of those juvenile cases arising from a parental-consent search or a parental-consent drug or alcohol test conducted under a pilot program operated under this subchapter.

(b) If a private school, school district, or charter school operating a pilot program under this subchapter is within the jurisdiction of a designated juvenile court in the county and the district or school employs a school juvenile case manager, the case manager shall assist the court in administering the special juvenile docket described by Subsection (a).

(c) In presiding over the special juvenile docket described by Subsection (a), the judge of the designated juvenile court in the

county shall coordinate with the school juvenile case manager and the private school, school district, or charter school to provide alternative juvenile discipline solutions that do not involve the student's involvement in the criminal justice system.

(d) A designated juvenile court in the county may coordinate with a school juvenile case manager employed by a private school, school district, or charter school and the private school, school district, or charter school to establish a special juvenile disciplinary drug-intervention program for students of the private school, school district, or charter school whose juvenile cases are in the special juvenile docket described by Subsection (a).

No equivalent provision.

SECTION 2. Section 37.007(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (k) or Section 37.0013, a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

(1) uses, exhibits, or possesses:

(A) a firearm as defined by Section 46.01(3), Penal Code;

(B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;

(C) a club as defined by Section 46.01(1), Penal Code; or

(D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code;

(2) engages in conduct that contains the elements of the offense of:

(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(B) arson under Section 28.02, Penal Code;

(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;

(D) indecency with a child under Section 21.11, Penal Code;

(E) aggravated kidnapping under Section 20.04, Penal Code;

(F) aggravated robbery under Section 29.03, Penal Code;

(G) manslaughter under Section 19.04,

Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

(I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or

(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

SECTION 3. Section 37.013, Education Code, is amended to read as follows:

Sec. 37.013. COORDINATION BETWEEN SCHOOL DISTRICTS AND JUVENILE BOARDS; YOUTH BOOT CAMP; SUBSTANCE ABUSE PROGRAM. (a) The board of trustees of the school district or the board's designee shall at the call of the president of the board of trustees regularly meet with the juvenile board for the county in which the district's central administrative office is located or the juvenile board's designee concerning supervision and rehabilitative services appropriate for expelled students and students assigned to disciplinary alternative education programs. Matters for discussion shall include service by probation officers at the disciplinary alternative education program site, recruitment of volunteers to serve as mentors and provide tutoring services, and coordination with other social service agencies.

(b) The board of trustees of a school district or governing body of an open-enrollment charter school or private school may cooperate with the juvenile board of the county or local juvenile probation department in establishing a youth boot camp in accordance with Section 152.0011, Human Resources Code, for students who violate a law or school policy in a manner that poses a serious risk to the student or other students at the school.

(c) The board of trustees of a school district or governing body of an open-enrollment charter school or private school may cooperate with the juvenile board of the county or local juvenile probation department in establishing a substance abuse treatment program for students who violate a law or school policy by engaging in prohibited conduct related to the use, possession, or delivery of alcohol or a controlled substance.

SECTION 1. (Cont'd.)

Sec. 37.038. SUBSTANCE ABUSE TREATMENT PROGRAM.

The board of trustees of a school district or governing body of an open-enrollment charter school or private school that operates a pilot program under this subchapter may cooperate with the juvenile board of the county, the local juvenile probation department, or any designated juvenile court in the county in establishing a substance abuse treatment program for students who violate a law or school policy by engaging in prohibited conduct related to

the use, possession, or delivery of alcohol, marihuana, or a controlled substance.

SECTION 4. Chapter 54, Family Code, is amended by adding Section 54.0321 to read as follows:

Sec. 54.0321. DEFERRAL OF ADJUDICATION AND DISMISSAL OF CERTAIN CASES ON COMPLETION OF DISCIPLINARY PROGRAM.

(a) This section applies only to a child who, based on evidence obtained pursuant to a parental-consent search under Section 37.0012, Education Code, is alleged to have engaged in conduct indicating a need for supervision or delinquent conduct.

(b) A juvenile court may defer adjudication proceedings under Section 54.03 for not more than 180 days if a child described by Subsection (a) presents to the court a written request to attend a disciplinary program under Section 37.0013, Education Code.

(c) A child for whom adjudication proceedings are deferred under Subsection (b) shall complete the disciplinary program not later than the 90th day after the date the teen court hearing to determine punishment is held or the last day of the deferral period, whichever date is earlier. The court shall dismiss the case with prejudice at the time the child presents satisfactory evidence that the child has successfully completed the disciplinary program.

(d) A case dismissed under this section may not be part of the child's records for any purpose.

No equivalent provision.

SECTION 1. (*Cont'd.*)

Sec. 37.039. DEFERRAL OF ADJUDICATION AND DISMISSAL OF CERTAIN CASES ON COMPLETION OF SUBSTANCE ABUSE TREATMENT PROGRAM.

(a) This section applies only to a child who, based on evidence obtained pursuant to a parental-consent search or a parental-consent drug or alcohol test conducted under a pilot program operated under this subchapter, is alleged to have engaged in conduct indicating a need for supervision or delinquent conduct.

(b) A juvenile court may defer adjudication proceedings under Section 54.03, Family Code, for not more than 180 days if a child described by Subsection (a) presents to the court a written request to attend a substance abuse treatment program under Section 37.038.

(c) A child for whom adjudication proceedings are deferred under Subsection (b) shall complete the substance abuse treatment program not later than the 90th day after the date the hearing to determine punishment is held or the last day of the deferral period, whichever date is earlier. The court shall dismiss the case with prejudice at the time the child presents satisfactory evidence that the child has successfully completed the substance abuse treatment program.

(d) A case dismissed under this section may not be part of the child's records for any purpose.

Sec. 37.040. REPORT. The board of trustees of a school district or the governing body of an open-enrollment charter school that operates an alternative discipline pilot program under this subchapter shall, not later than December 1, 2014, submit a report containing the board or governing body's conclusions regarding whether the pilot program reduced drug or alcohol use and related involvement in the criminal

justice system among students to:
(1) the governor;
(2) the lieutenant governor;
(3) the speaker of the house of representatives; and
(4) the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over education issues and over criminal justice issues.

No equivalent provision.

SECTION 5. Section 58.003, Family Code, is amended by adding Subsections (c-7) and (d-1) to read as follows:

(c-7) This subsection applies only to a child who, based on evidence obtained pursuant to a parental-consent search under Section 37.0012, Education Code, is adjudicated to have engaged in conduct indicating a need for supervision or delinquent conduct.

Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child described by this subsection if the child successfully completed a disciplinary program described by Section 37.0012, Education Code, or graduated from high school or received the child's certificate of high school equivalency. The court may:

- (1) order the sealing of the records immediately and without a hearing; or
- (2) hold a hearing to determine whether to seal the records.

(d-1) The court may grant the relief authorized under Subsection (c-7) at any time after the child satisfies the requirements of that subsection. If the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, the court shall immediately and without any additional hearing order the sealing of all files and records relating to the case.

Sec. 37.041. CONCLUSION; EXPIRATION. A pilot program operated under this subchapter concludes and this subchapter expires June 15, 2015.

SECTION 2. Section 58.003, Family Code, is amended by adding Subsections (c-7), (d-1), and (d-2) to read as follows:

(c-7) This subsection applies only to a child who, based on evidence obtained pursuant to a parental-consent search or a parental-consent drug or alcohol test conducted under a pilot program operated under Subchapter A-1, Chapter 37, Education Code, is adjudicated to have engaged in conduct indicating a need for supervision or delinquent conduct. Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child described by this subsection if the child successfully completed a program described by Section 37.038, Education Code, or graduated from high school or received the child's certificate of high school equivalency. The court may:

- (1) order the sealing of the records immediately and without a hearing; or
- (2) hold a hearing to determine whether to seal the records.

(d-1) The court may grant the relief authorized under Subsection (c-7) at any time after the child satisfies the requirements of that subsection. If the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, the court shall immediately and without any additional hearing order the sealing of all files and records relating to the case.

(d-2) This subsection and Subsections (c-7)

and (d-1) expire June 15, 2015.

No equivalent provision.

SECTION 3. Notwithstanding Section 58.003(d-2), Family Code, as added by this Act, on or after June 15, 2015, a court may order the sealing of juvenile court records of a child entitled before that date to the sealing of records under Section 58.003(c-7), Family Code, as added by this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.