

By: Thompson of Harris

H.B. No. 91

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the designation of a juvenile court and a
3 pre-adjudication diversion program for certain juveniles alleged
4 to have engaged in conduct that violates certain penal laws
5 regarding prostitution.

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

7 SECTION 1. Section 51.04, Family Code, is amended by
8 amending Subsections (b) and (e) and adding Subsection (i) to read
9 as follows:

10 (b) In each county, the county's juvenile board shall
11 designate one or more district, criminal district, domestic
12 relations, juvenile, or county courts or county courts at law as the
13 juvenile court, subject to Subsections (c), ~~and~~ (d), and (i) ~~[of~~
14 ~~this section]~~.

15 (e) A designation made under Subsection (b), ~~or~~ (c), or
16 (i) ~~[of this section]~~ may be changed from time to time by the
17 authorized boards or judges for the convenience of the people and
18 the welfare of children. However, there must be at all times a
19 juvenile court designated for each county. It is the intent of the
20 legislature that in selecting a court to be the juvenile court of
21 each county, the selection shall be made as far as practicable so
22 that the court designated as the juvenile court will be one which is
23 presided over by a judge who has a sympathetic understanding of the
24 problems of child welfare and that changes in the designation of

1 juvenile courts be made only when the best interest of the public
2 requires it.

3 (i) If the court designated as the juvenile court under
4 Subsection (b) does not have jurisdiction over proceedings under
5 Subtitle E, Title 5, the county's juvenile board shall designate at
6 least one other court that does have jurisdiction over proceedings
7 under Subtitle E, Title 5, as a juvenile court or alternative
8 juvenile court.

9 SECTION 2. Chapter 51, Family Code, is amended by adding
10 Section 51.0413 to read as follows:

11 Sec. 51.0413. JURISDICTION OVER AND TRANSFER OF COMBINATION
12 OF PROCEEDINGS. (a) A juvenile court designated under Section
13 51.04(b) or, if that court does not have jurisdiction over
14 proceedings under Subtitle E, Title 5, the juvenile court
15 designated under Section 51.04(i), may simultaneously exercise
16 jurisdiction over proceedings under this title and proceedings
17 under Subtitle E, Title 5, if there is probable cause to believe
18 that the child who is the subject of those proceedings engaged in
19 conduct that violates Section 43.02, Penal Code, because the child
20 was the victim of conduct that constitutes an offense under Section
21 20A.02, Penal Code.

22 (b) If a proceeding is instituted under this title in a
23 juvenile court designated under Section 51.04(b) that does not have
24 jurisdiction over proceedings under Subtitle E, Title 5, the court
25 shall transfer the proceedings to a court designated as a juvenile
26 court or alternative juvenile court under Section 51.04(i) if, in
27 the course of the proceedings, evidence is presented that

1 constitutes probable cause to believe that the child who is the
2 subject of those proceedings is a child whose conduct is described
3 by Subsection (a).

4 SECTION 3. Section 52.01, Family Code, is amended by adding
5 Subsection (f) to read as follows:

6 (f) Notwithstanding Subsection (c), a law enforcement
7 officer may not issue a warning to a child instead of taking the
8 child into custody as authorized by Subsection (a)(2) or (3) if the
9 officer has probable cause to believe that the child engaged in
10 conduct that violates Section 43.02, Penal Code, because the child
11 was the victim of conduct that constitutes an offense under Section
12 20A.02, Penal Code.

13 SECTION 4. Section 52.032, Family Code, is amended to read
14 as follows:

15 Sec. 52.032. INFORMAL DISPOSITION GUIDELINES. (a) The
16 juvenile board of each county, in cooperation with each law
17 enforcement agency in the county, shall adopt guidelines for the
18 disposition of a child under Section 52.03 or 52.031. The
19 guidelines adopted under this section shall not be considered
20 mandatory.

21 (b) The guidelines adopted under Subsection (a) may not
22 allow for the case of a child to be disposed of under Section 52.03
23 or 52.031 if there is probable cause to believe that the child
24 engaged in conduct that violates Section 43.02, Penal Code, because
25 the child was the victim of conduct that constitutes an offense
26 under Section 20A.02, Penal Code.

27 SECTION 5. Chapter 54, Family Code, is amended by adding

1 Section 54.0326 to read as follows:

2 Sec. 54.0326. DEFERRAL OF ADJUDICATION AND DISMISSAL OF
3 CERTAIN CASES ON COMPLETION OF TRAFFICKED PERSONS COURT PROGRAM.

4 (a) This section applies only to a juvenile court exercising
5 simultaneous jurisdiction over proceedings under this title and
6 Subtitle E, Title 5, in the manner authorized by Section 51.0413.

7 (b) A juvenile court may defer adjudication proceedings
8 under Section 54.03 until the 30th day before the date of the
9 child's 17th birthday if the child:

10 (1) waives, under Section 51.09, the privilege against
11 self-incrimination and testifies under oath that the allegation
12 that the child engaged in conduct that violated Section 43.02,
13 Penal Code, is true; and

14 (2) presents to the court an oral or written request to
15 participate in the program established under Subsection (c).

16 (c) A juvenile board may establish a program under this
17 section for the assistance, treatment, and rehabilitation of
18 children who are alleged to have engaged in conduct that violates
19 Section 43.02, Penal Code, because the children were victims of
20 conduct that constitutes an offense under Section 20A.02, Penal
21 Code. A program established under this section must:

22 (1) integrate services available to a child pursuant
23 to proceedings under this title and Subtitle E, Title 5;

24 (2) focus on early identification of children who
25 have engaged in conduct that violates Section 43.02, Penal Code,
26 because the children were victims of conduct that constitutes an
27 offense under Section 20A.02, Penal Code, and prompt placement of

1 those children in the program; and

2 (3) require a child participating in the program to
3 periodically appear in court for monitoring and compliance
4 purposes.

5 (d) Following a child's completion of the program, the court
6 shall dismiss the case with prejudice at the time the child presents
7 satisfactory evidence that the child successfully completed a
8 program established under Subsection (c).

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

11 SECTION 6. The changes in law made by this Act apply only to
12 conduct that occurs on or after the effective date of this Act.
13 Conduct that occurs before the effective date of this Act is covered
14 by the law in effect at the time the conduct occurred, and the
15 former law is continued in effect for that purpose. For the
16 purposes of this section, conduct occurs before the effective date
17 of this Act if any element of the conduct occurred before that date.

18 SECTION 7. This Act takes effect September 1, 2013.