

AN ACT

relating to procedures related to juvenile cases.

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

SECTION 1. Article 4.19, Code of Criminal Procedure, is amended to read as follows:

Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN ADULT [~~CHILD~~]. (a) Notwithstanding the order of a juvenile court to detain a person under the age of 17 who has been certified to stand trial as an adult [~~child~~] in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person [~~child~~] may order the person [~~child~~] to be transferred to an adult [~~another~~] facility [~~and treated as an adult as provided by this code~~]. A child who is transferred to an adult facility must be detained under conditions meeting the requirements of Section 51.12, Family Code.

(b) On the 17th birthday of a person described by Subsection (a) who is detained in a certified juvenile detention facility under Section 54.02(h), Family Code, the judge of the criminal court having jurisdiction over the person shall order the person to be transferred to an adult facility.

SECTION 2. Article 24.011, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (d-1) to read as follows:

(c) If the witness is in a placement in the custody of the

1 Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile  
2 secure detention facility, or a juvenile secure correctional  
3 facility, the court may issue a bench warrant or direct that an  
4 attachment issue to require a peace officer or probation officer to  
5 secure custody of the person at the placement and produce the person  
6 in court. When the person is no longer needed as a witness or the  
7 period prescribed by Subsection (d-1) has expired without  
8 extension, the court shall order the peace officer or probation  
9 officer to return the person to the placement from which the person  
10 was released.

11 (d-1) A witness younger than 17 years of age held in custody  
12 under this article may be placed in a certified juvenile detention  
13 facility for a period not to exceed 30 days. The length of  
14 placement may be extended in increments of 30 days by the court that  
15 issued the original bench warrant. If the placement is not  
16 extended, the period under this article expires and the witness may  
17 be returned as provided by Subsection (c).

18 SECTION 3. Article 45.0216(f), Code of Criminal Procedure,  
19 is amended to read as follows:

20 (f) The court shall order the conviction, together with all  
21 complaints, verdicts, sentences, and prosecutorial and law  
22 enforcement records, and any other documents relating to the  
23 offense, expunged from the person's record if the court finds that:

24 (1) for a person applying for the expunction of a  
25 conviction for an offense described by Section 8.07(a)(4) or (5),  
26 Penal Code, the person was not convicted of any other offense  
27 described by Section 8.07(a)(4) or (5), Penal Code, while the

1 person was a child; and

2 (2) for a person applying for the expunction of a  
3 conviction for an offense described by Section 43.261, Penal Code,  
4 the person was not found to have engaged in conduct indicating a  
5 need for supervision described by Section 51.03(b)(8)  
6 [~~51.03(b)(7)~~], Family Code, while the person was a child.

7 SECTION 4. Articles 62.352(b) and (c), Code of Criminal  
8 Procedure, are amended to read as follows:

9 (b) After a hearing under Article 62.351 or under a plea  
10 agreement described by Article 62.355(b), the juvenile court may  
11 enter an order:

12 (1) deferring decision on requiring registration  
13 under this chapter until the respondent has completed treatment for  
14 the respondent's sexual offense as a condition of probation or  
15 while committed to the Texas Juvenile Justice Department [~~Youth~~  
16 ~~Commission~~]; or

17 (2) requiring the respondent to register as a sex  
18 offender but providing that the registration information is not  
19 public information and is restricted to use by law enforcement and  
20 criminal justice agencies, the Council on Sex Offender Treatment,  
21 and public or private institutions of higher education.

22 (c) If the court enters an order described by Subsection  
23 (b)(1), the court retains discretion and jurisdiction to require,  
24 or exempt the respondent from, registration under this chapter at  
25 any time during the treatment or on the successful or unsuccessful  
26 completion of treatment, except that during the period of deferral,  
27 registration may not be required. Following successful completion

1 of treatment, the respondent is exempted from registration under  
2 this chapter unless a hearing under this subchapter is held on  
3 motion of the prosecuting attorney ~~[state]~~, regardless of whether  
4 the respondent is 18 years of age or older, and the court determines  
5 the interests of the public require registration. Not later than  
6 the 10th day after the date of the respondent's successful  
7 completion of treatment, the treatment provider shall notify the  
8 juvenile court and prosecuting attorney of the completion.

9 SECTION 5. Section 51.02(8-a), Family Code, is amended to  
10 read as follows:

11 (8-a) "Nonsecure correctional facility" means a  
12 facility described by Section 51.126 ~~[, other than a secure~~  
13 ~~correctional facility, that accepts only juveniles who are on~~  
14 ~~probation and that is operated by or under contract with a~~  
15 ~~governmental unit, as defined by Section 101.001, Civil Practice~~  
16 ~~and Remedies Code]~~.

17 SECTION 6. Section 51.03(b), Family Code, as amended by  
18 Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of the 82nd  
19 Legislature, Regular Session, 2011, is reenacted and amended to  
20 read as follows:

21 (b) Conduct indicating a need for supervision is:

22 (1) subject to Subsection (f), conduct, other than a  
23 traffic offense, that violates:

24 (A) the penal laws of this state of the grade of  
25 misdemeanor that are punishable by fine only; or

26 (B) the penal ordinances of any political  
27 subdivision of this state;

1           (2) the absence of a child on 10 or more days or parts  
2 of days within a six-month period in the same school year or on  
3 three or more days or parts of days within a four-week period from  
4 school;

5           (3) the voluntary absence of a child from the child's  
6 home without the consent of the child's parent or guardian for a  
7 substantial length of time or without intent to return;

8           (4) conduct prohibited by city ordinance or by state  
9 law involving the inhalation of the fumes or vapors of paint and  
10 other protective coatings or glue and other adhesives and the  
11 volatile chemicals itemized in Section 485.001, Health and Safety  
12 Code;

13           (5) an act that violates a school district's  
14 previously communicated written standards of student conduct for  
15 which the child has been expelled under Section 37.007(c),  
16 Education Code;

17           (6) conduct that violates a reasonable and lawful  
18 order of a court entered under Section 264.305; ~~[or]~~

19           (7) notwithstanding Subsection (a)(1), conduct  
20 described by Section 43.02(a)(1) or (2), Penal Code; or

21           (8) notwithstanding Subsection (a)(1), [~~(7)~~] conduct  
22 that violates Section 43.261, Penal Code.

23           SECTION 7. Section 51.0412, Family Code, is amended to read  
24 as follows:

25           Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.  
26 The court retains jurisdiction over a person, without regard to the  
27 age of the person, who is a respondent in an adjudication

1 proceeding, a disposition proceeding, a proceeding to modify  
2 disposition, a proceeding for waiver of jurisdiction and transfer  
3 to criminal court under Section 54.02(a), or a motion for transfer  
4 of determinate sentence probation to an appropriate district court  
5 if:

6 (1) the petition or motion [~~to modify~~] was filed while  
7 the respondent was younger than 18 [~~years of age~~] or [~~the motion for~~  
8 ~~transfer was filed while the respondent was younger than~~] 19 years  
9 of age, as applicable;

10 (2) the proceeding is not complete before the  
11 respondent becomes 18 or 19 years of age, as applicable; and

12 (3) the court enters a finding in the proceeding that  
13 the prosecuting attorney exercised due diligence in an attempt to  
14 complete the proceeding before the respondent became 18 or 19 years  
15 of age, as applicable.

16 SECTION 8. Section 51.07, Family Code, is amended to read as  
17 follows:

18 Sec. 51.07. TRANSFER TO ANOTHER COUNTY FOR DISPOSITION.

19 (a) When a child has been found to have engaged in delinquent  
20 conduct or conduct indicating a need for supervision under Section  
21 54.03, the juvenile court may transfer the case and transcripts of  
22 records and documents to the juvenile court of the county where the  
23 child resides for disposition of the case under Section 54.04.  
24 Consent by the court of the county where the child resides is not  
25 required.

26 (b) For purposes of Subsection (a), while a child is the  
27 subject of a suit under Title 5, the child is considered to reside

1 in the county in which the court of continuing exclusive  
2 jurisdiction over the child is located.

3 SECTION 9. Section 51.072, Family Code, is amended by  
4 amending Subsection (f) and adding Subsections (f-2), (j-1), and  
5 (j-2) to read as follows:

6 (f) Not later than 10 business days after a receiving county  
7 has agreed to provide interim supervision of a child, the juvenile  
8 probation department of the sending county shall provide the  
9 juvenile probation department of the receiving county with a copy  
10 of the following documents:

11 (1) the petition and the adjudication and disposition  
12 orders for the child, including the child's thumbprint;

13 (2) the child's conditions of probation;

14 (3) the social history report for the child;

15 (4) any psychological or psychiatric reports  
16 concerning the child;

17 (5) the Department of Public Safety CR 43J form or  
18 tracking incident number concerning the child;

19 (6) any law enforcement incident reports concerning  
20 the offense for which the child is on probation;

21 (7) any sex offender registration information  
22 concerning the child;

23 (8) any juvenile probation department progress  
24 reports concerning the child and any other pertinent documentation  
25 for the child's probation officer;

26 (9) case plans concerning the child;

27 (10) the Texas Juvenile Justice Department [~~Probation~~

1 ~~Commission]~~ standard assessment tool results for the child;

2 (11) the computerized referral and case history for  
3 the child, including case disposition;

4 (12) the child's birth certificate;

5 (13) the child's social security number or social  
6 security card, if available;

7 (14) the name, address, and telephone number of the  
8 contact person in the sending county's juvenile probation  
9 department;

10 (15) Title IV-E eligibility screening information for  
11 the child, if available;

12 (16) the address in the sending county for forwarding  
13 funds collected to which the sending county is entitled;

14 (17) any of the child's school or immunization records  
15 that the juvenile probation department of the sending county  
16 possesses; ~~and~~

17 (18) any victim information concerning the case for  
18 which the child is on probation; and

19 (19) if applicable, documentation that the sending  
20 county has required the child to provide a DNA sample to the  
21 Department of Public Safety under Section 54.0405 or 54.0409 or  
22 under Subchapter G, Chapter 411, Government Code.

23 (f-2) On initiating a transfer of probation supervision  
24 under this section, for a child ordered to submit a DNA sample as a  
25 condition of probation, the sending county shall provide to the  
26 receiving county documentation of compliance with the requirements  
27 of Section 54.0405 or 54.0409 or of Subchapter G, Chapter 411,



1 Government Code, as applicable. If the sending county has not  
2 provided the documentation required under this section within the  
3 time provided by Subsection (f), the receiving county may refuse to  
4 accept interim supervision until the sending county has provided  
5 the documentation.

6 (j-1) Notwithstanding Subsection (j), the sending county  
7 may request interim supervision from the receiving county that  
8 issued a directive under Subsection (i)(2). Following the  
9 conclusion of any judicial proceedings in the sending county or on  
10 the completion of any residential placement ordered by the juvenile  
11 court of the sending county, the sending and receiving counties may  
12 mutually agree to return the child to the receiving county. The  
13 sending and receiving counties may take into consideration whether:

14 (1) the person having legal custody of the child  
15 resides in the receiving county;

16 (2) the child has been ordered by the juvenile court of  
17 the sending county to reside with a parent, guardian, or other  
18 person who resides in the sending county or any other county; and

19 (3) the case meets the statutory requirements for  
20 collaborative supervision.

21 (j-2) The period of interim supervision under Subsection  
22 (j-1) may not exceed the period under Subsection (m).

23 SECTION 10. Section 51.12, Family Code, is amended by  
24 amending Subsection (a) and adding Subsection (j-1) to read as  
25 follows:

26 (a) Except as provided by Subsection (h), a child may be  
27 detained only in a:

1           (1) juvenile processing office in compliance with  
2 Section 52.025;

3           (2) place of nonsecure custody in compliance with  
4 Article 45.058, Code of Criminal Procedure;

5           (3) certified juvenile detention facility that  
6 complies with the requirements of Subsection (f);

7           (4) secure detention facility as provided by  
8 Subsection (j); ~~[or]~~

9           (5) county jail or other facility as provided by  
10 Subsection (l); or

11           (6) nonsecure correctional facility as provided by  
12 Subsection (j-1).

13           (j-1) After being taken into custody, a child may be  
14 detained in a nonsecure correctional facility until the child is  
15 released under Section 53.01, 53.012, or 53.02 or until a detention  
16 hearing is held under Section 54.01(a), if:

17           (1) the nonsecure correctional facility has been  
18 appropriately registered and certified;

19           (2) a certified secure detention facility is not  
20 available in the county in which the child is taken into custody;

21           (3) the nonsecure correctional facility complies with  
22 the short-term detention standards adopted by the Texas Juvenile  
23 Justice Department; and

24           (4) the nonsecure correctional facility has been  
25 designated by the county juvenile board for the county in which the  
26 facility is located.

27           SECTION 11. Sections 51.13(d) and (e), Family Code, are

1 amended to read as follows:

2 (d) An adjudication under Section 54.03 that a child engaged  
3 in conduct that occurred on or after January 1, 1996, and that  
4 constitutes a felony offense resulting in commitment to the Texas  
5 Juvenile Justice Department [~~Youth Commission~~] under Section  
6 54.04(d)(2), (d)(3), or (m) or 54.05(f) is a final felony  
7 conviction only for the purposes of Sections 12.42(a), (b), and  
8 (c)(1), [~~and (e),~~] Penal Code.

9 (e) A finding that a child engaged in conduct indicating a  
10 need for supervision as described by Section 51.03(b)(8)  
11 [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections  
12 43.261(c) and (d), Penal Code.

13 SECTION 12. Section 51.17(c), Family Code, is amended to  
14 read as follows:

15 (c) Except as otherwise provided by this title, the Texas  
16 Rules of Evidence applicable [~~apply~~] to criminal cases and Articles  
17 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in  
18 a judicial proceeding under this title.

19 SECTION 13. Section 52.0151, Family Code, is amended by  
20 amending Subsection (a) and adding Subsection (c) to read as  
21 follows:

22 (a) If a witness is in a placement in the custody of the  
23 Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile  
24 secure detention facility, or a juvenile secure correctional  
25 facility, the court may issue a bench warrant or direct that an  
26 attachment issue to require a peace officer or probation officer to  
27 secure custody of the person at the placement and produce the person

1 in court. Once the person is no longer needed as a witness or the  
2 period prescribed by Subsection (c) has expired without extension,  
3 the court shall order the peace officer or probation officer to  
4 return the person to the placement from which the person was  
5 released.

6 (c) A witness held in custody under this section may be  
7 placed in a certified juvenile detention facility for a period not  
8 to exceed 30 days. The length of placement may be extended in  
9 30-day increments by the court that issued the original bench  
10 warrant. If the placement is not extended, the period under this  
11 section expires and the witness may be returned as provided by  
12 Subsection (a).

13 SECTION 14. The heading to Section 53.045, Family Code, is  
14 amended to read as follows:

15 Sec. 53.045. OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE  
16 [~~VIOLENT OR HABITUAL OFFENDERS~~].

17 SECTION 15. Section 54.011(e), Family Code, is amended to  
18 read as follows:

19 (e) A status offender may be detained for a necessary  
20 period, not to exceed the period allowed under the Interstate  
21 Compact for Juveniles [five days], to enable the child's return to  
22 the child's home in another state under Chapter 60.

23 SECTION 16. Section 54.02, Family Code, is amended by  
24 adding Subsections (h-1) and (s) and amending Subsections (k) and  
25 (l) to read as follows:

26 (h-1) If the juvenile court orders a person detained in a  
27 certified juvenile detention facility under Subsection (h), the

1 juvenile court shall set or deny bond for the person as required by  
2 the Code of Criminal Procedure and other law applicable to the  
3 pretrial detention of adults accused of criminal offenses.

4 (k) The petition and notice requirements of Sections 53.04,  
5 53.05, 53.06, and 53.07 of this code must be satisfied, and the  
6 summons must state that the hearing is for the purpose of  
7 considering waiver of jurisdiction under Subsection (j) [~~of this~~  
8 ~~section~~]. The person's parent, custodian, guardian, or guardian ad  
9 litem is not considered a party to a proceeding under Subsection (j)  
10 and it is not necessary to provide the parent, custodian, guardian,  
11 or guardian ad litem with notice.

12 (l) The juvenile court shall conduct a hearing without a  
13 jury to consider waiver of jurisdiction under Subsection (j) [~~of~~  
14 ~~this section~~]. Except as otherwise provided by this subsection, a  
15 waiver of jurisdiction under Subsection (j) may be made without the  
16 necessity of conducting the diagnostic study or complying with the  
17 requirements of discretionary transfer proceedings under  
18 Subsection (d). If requested by the attorney for the person at  
19 least 10 days before the transfer hearing, the court shall order  
20 that the person be examined pursuant to Section 51.20(a) and that  
21 the results of the examination be provided to the attorney for the  
22 person and the attorney for the state at least five days before the  
23 transfer hearing.

24 (s) If a child is transferred to criminal court under this  
25 section, only the petition for discretionary transfer, the order of  
26 transfer, and the order of commitment, if any, are a part of the  
27 district clerk's public record.

1 SECTION 17. Sections 54.04(b) and (d), Family Code, are  
2 amended to read as follows:

3 (b) At the disposition hearing, the juvenile court,  
4 notwithstanding the Texas Rules of Evidence or Chapter 37, Code of  
5 Criminal Procedure, may consider written reports from probation  
6 officers, professional court employees, or professional  
7 consultants in addition to the testimony of witnesses. On or  
8 before the second day before the date of [~~Prior to~~] the disposition  
9 hearing, the court shall provide the attorney for the child and the  
10 prosecuting attorney with access to all written matter to be  
11 considered by the court in disposition. The court may order  
12 counsel not to reveal items to the child or the child's parent,  
13 guardian, or guardian ad litem if such disclosure would materially  
14 harm the treatment and rehabilitation of the child or would  
15 substantially decrease the likelihood of receiving information  
16 from the same or similar sources in the future.

17 (d) If the court or jury makes the finding specified in  
18 Subsection (c) allowing the court to make a disposition in the case:

19 (1) the court or jury may, in addition to any order  
20 required or authorized under Section 54.041 or 54.042, place the  
21 child on probation on such reasonable and lawful terms as the court  
22 may determine:

23 (A) in the child's own home or in the custody of a  
24 relative or other fit person; or

25 (B) subject to the finding under Subsection (c)  
26 on the placement of the child outside the child's home, in:

27 (i) a suitable foster home;

1 (ii) a suitable public or private  
2 residential treatment facility licensed by a state governmental  
3 entity or exempted from licensure by state law, except a facility  
4 operated by the Texas Juvenile Justice Department [~~Youth~~  
5 ~~Commission~~]; or

6 (iii) a suitable public or private  
7 post-adjudication secure correctional facility that meets the  
8 requirements of Section 51.125, except a facility operated by the  
9 Texas Juvenile Justice Department [~~Youth Commission~~];

10 (2) if the court or jury found at the conclusion of the  
11 adjudication hearing that the child engaged in delinquent conduct  
12 that violates a penal law of this state or the United States of the  
13 grade of felony and if the petition was not approved by the grand  
14 jury under Section 53.045, the court may commit the child to the  
15 Texas Juvenile Justice Department [~~Youth Commission~~] without a  
16 determinate sentence;

17 (3) if the court or jury found at the conclusion of the  
18 adjudication hearing that the child engaged in delinquent conduct  
19 that included a violation of a penal law listed in Section 53.045(a)  
20 and if the petition was approved by the grand jury under Section  
21 53.045, the court or jury may sentence the child to commitment in  
22 the Texas Juvenile Justice Department [~~Youth Commission~~] with a  
23 possible transfer to the Texas Department of Criminal Justice for a  
24 term of:

25 (A) not more than 40 years if the conduct  
26 constitutes:

27 (i) a capital felony;

1 (ii) a felony of the first degree; or  
2 (iii) an aggravated controlled substance  
3 felony;

4 (B) not more than 20 years if the conduct  
5 constitutes a felony of the second degree; or

6 (C) not more than 10 years if the conduct  
7 constitutes a felony of the third degree;

8 (4) the court may assign the child an appropriate  
9 sanction level and sanctions as provided by the assignment  
10 guidelines in Section 59.003; ~~or~~

11 (5) the court may place the child in a suitable  
12 nonsecure correctional facility that is registered and meets the  
13 applicable standards for the facility as provided by Section  
14 51.126; or

15 (6) if applicable, the court or jury may make a  
16 disposition under Subsection (m).

17 SECTION 18. Section 54.0404(a), Family Code, is amended to  
18 read as follows:

19 (a) If a child is found to have engaged in conduct  
20 indicating a need for supervision described by Section 51.03(b)(8)  
21 [~~51.03(b)(7)~~], the juvenile court may enter an order requiring the  
22 child to attend and successfully complete an educational program  
23 described by Section 37.218, Education Code, or another equivalent  
24 educational program.

25 SECTION 19. Section 54.0482, Family Code, is amended by  
26 amending Subsections (a), (e), and (f) and adding Subsection (b-1)  
27 to read as follows:



1 (a) A juvenile probation department that receives a payment  
2 to a victim as the result of a juvenile court order for restitution  
3 shall immediately:

4 (1) deposit the payment in an interest-bearing account  
5 in the county treasury; and

6 (2) notify the victim [~~by certified mail, sent to the~~  
7 ~~last known address of the victim,~~] that a payment has been received.

8 (b-1) If the victim does not make a claim for payment on or  
9 before the 30th day after the date of being notified under  
10 Subsection (a), the juvenile probation department shall notify the  
11 victim by certified mail, sent to the last known address of the  
12 victim, that a payment has been received.

13 (e) If a victim claims a payment on or before the fifth  
14 anniversary of the date on which the juvenile probation department  
15 mailed a notice to the victim under Subsection (b-1) [~~(a)~~], the  
16 juvenile probation department shall pay the victim the amount of  
17 the original payment, less any interest earned while holding the  
18 payment.

19 (f) If a victim does not claim a payment on or before the  
20 fifth anniversary of the date on which the juvenile probation  
21 department mailed a notice to the victim under Subsection (b-1)  
22 [~~(a)~~], the department:

23 (1) has no liability to the victim or anyone else in  
24 relation to the payment; and

25 (2) shall transfer the payment from the  
26 interest-bearing account to a special fund of the county treasury,  
27 the unclaimed juvenile restitution fund.

1 SECTION 20. Section 54.05(e), Family Code, is amended to  
2 read as follows:

3 (e) After the hearing on the merits or facts, the court may  
4 consider written reports from probation officers, professional  
5 court employees, or professional consultants in addition to the  
6 testimony of other witnesses. On or before the second day before  
7 the date of [~~Prior to~~] the hearing to modify disposition, the court  
8 shall provide the attorney for the child and the prosecuting  
9 attorney with access to all written matter to be considered by the  
10 court in deciding whether to modify disposition. The court may  
11 order counsel not to reveal items to the child or his parent,  
12 guardian, or guardian ad litem if such disclosure would materially  
13 harm the treatment and rehabilitation of the child or would  
14 substantially decrease the likelihood of receiving information  
15 from the same or similar sources in the future.

16 SECTION 21. Section 54.051, Family Code, is amended by  
17 amending Subsections (b), (e), (e-2), (e-3), and (i) and adding  
18 Subsection (d-1) to read as follows:

19 (b) The hearing must be conducted before the person's  
20 [child's] 19th birthday, or before the person's 18th birthday if the  
21 offense for which the person was placed on probation occurred  
22 before September 1, 2011, and must be conducted in the same manner  
23 as a hearing to modify disposition under Section 54.05.

24 (d-1) After a transfer to district court under Subsection  
25 (d), only the petition, the grand jury approval, the judgment  
26 concerning the conduct for which the person was placed on  
27 determinate sentence probation, and the transfer order are a part

1 of the district clerk's public record.

2 (e) A district court that exercises jurisdiction over a  
3 person [~~child~~] transferred under Subsection (d) shall place the  
4 person [~~child~~] on community supervision under Article 42.12, Code  
5 of Criminal Procedure, for the remainder of the person's [~~child's~~]  
6 probationary period and under conditions consistent with those  
7 ordered by the juvenile court.

8 (e-2) If a person [~~child~~] who is placed on community  
9 supervision under this section violates a condition of that  
10 supervision or if the person [~~child~~] violated a condition of  
11 probation ordered under Section 54.04(q) and that probation  
12 violation was not discovered by the state before the person's  
13 [~~child's~~] 19th birthday, the district court shall dispose of the  
14 violation of community supervision or probation, as appropriate, in  
15 the same manner as if the court had originally exercised  
16 jurisdiction over the case. If the judge revokes community  
17 supervision, the judge may reduce the prison sentence to any length  
18 without regard to the minimum term imposed by Section 23(a),  
19 Article 42.12, Code of Criminal Procedure.

20 (e-3) The time that a person [~~child~~] serves on probation  
21 ordered under Section 54.04(q) is the same as time served on  
22 community supervision ordered under this section for purposes of  
23 determining the person's [~~child's~~] eligibility for early discharge  
24 from community supervision under Section 20, Article 42.12, Code of  
25 Criminal Procedure.

26 (i) If the juvenile court exercises jurisdiction over a  
27 person who is 18 or 19 years of age or older, as applicable, under

1 Section 51.041 or 51.0412, the court or jury may, if the person is  
2 otherwise eligible, place the person on probation under Section  
3 54.04(q). The juvenile court shall set the conditions of probation  
4 and immediately transfer supervision of the person to the  
5 appropriate court exercising criminal jurisdiction under  
6 Subsection (e).

7 SECTION 22. Sections 54.11(b) and (d), Family Code, are  
8 amended to read as follows:

9 (b) The court shall notify the following of the time and  
10 place of the hearing:

11 (1) the person to be transferred or released under  
12 supervision;

13 (2) the parents of the person;

14 (3) any legal custodian of the person, including the  
15 Texas Juvenile Justice Department [~~Youth Commission~~];

16 (4) the office of the prosecuting attorney that  
17 represented the state in the juvenile delinquency proceedings;

18 (5) the victim of the offense that was included in the  
19 delinquent conduct that was a ground for the disposition, or a  
20 member of the victim's family; and

21 (6) any other person who has filed a written request  
22 with the court to be notified of a release hearing with respect to  
23 the person to be transferred or released under supervision.

24 (d) At a hearing under this section the court may consider  
25 written reports and supporting documents from probation officers,  
26 professional court employees, professional consultants, or  
27 employees of the Texas Juvenile Justice Department [~~Youth~~

1 ~~Commission~~], in addition to the testimony of witnesses. On or  
2 before the fifth day [~~At least one day~~] before the date of the  
3 hearing, the court shall provide the attorney for the person to be  
4 transferred or released under supervision with access to all  
5 written matter to be considered by the court. All written matter is  
6 admissible in evidence at the hearing.

7 SECTION 23. The heading to Section 56.03, Family Code, is  
8 amended to read as follows:

9 Sec. 56.03. APPEAL BY STATE IN CASES OF OFFENSES ELIGIBLE  
10 FOR DETERMINATE SENTENCE [~~VIOLENT OR HABITUAL OFFENDER~~].

11 SECTION 24. Section 58.003(c-3), Family Code, as added by  
12 Chapter 1322 (S.B. 407), Acts of the 82nd Legislature, Regular  
13 Session, 2011, is redesignated as Section 58.003(c-5), Family Code,  
14 to read as follows:

15 (c-5) [~~(c-3)~~] Notwithstanding Subsections (a) and (c) and  
16 subject to Subsection (b), a juvenile court may order the sealing of  
17 records concerning a child found to have engaged in conduct  
18 indicating a need for supervision that violates Section 43.261,  
19 Penal Code, or taken into custody to determine whether the child  
20 engaged in conduct indicating a need for supervision that violates  
21 Section 43.261, Penal Code, if the child attends and successfully  
22 completes an educational program described by Section 37.218,  
23 Education Code, or another equivalent educational program. The  
24 court may:

25 (1) order the sealing of the records immediately and  
26 without a hearing; or

27 (2) hold a hearing to determine whether to seal the

1 records.

2 SECTION 25. Section 58.003(c-4), Family Code, as added by  
3 Chapter 1322 (S.B. 407), Acts of the 82nd Legislature, Regular  
4 Session, 2011, is redesignated as Section 58.003(c-6), Family Code,  
5 and amended to read as follows:

6 (c-6) [~~(c-4)~~] A prosecuting attorney or juvenile probation  
7 department may maintain until a child's 17th birthday a separate  
8 record of the child's name and date of birth and the date on which  
9 the child successfully completed the educational program, if the  
10 child's records are sealed under Subsection (c-5) [~~(c-3)~~]. The  
11 prosecuting attorney or juvenile probation department, as  
12 applicable, shall send the record to the court as soon as  
13 practicable after the child's 17th birthday to be added to the  
14 child's other sealed records.

15 SECTION 26. Section 58.003(d), Family Code, as amended by  
16 Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of the 82nd  
17 Legislature, Regular Session, 2011, is reenacted and amended to  
18 read as follows:

19 (d) The court may grant to a child the relief authorized in  
20 Subsection (a), (c-1), [~~or~~] (c-3), or (c-5) at any time after final  
21 discharge of the child or after the last official action in the case  
22 if there was no adjudication, subject, if applicable, to Subsection  
23 (e). If the child is referred to the juvenile court for conduct  
24 constituting any offense and at the adjudication hearing the child  
25 is found to be not guilty of each offense alleged, the court shall  
26 immediately and without any additional hearing order the sealing of  
27 all files and records relating to the case.

1 SECTION 27. Section 58.003(g-1), Family Code, is amended to  
2 read as follows:

3 (g-1) Statistical data [~~Any records~~] collected or  
4 maintained by the Texas Juvenile Justice Department, including  
5 statistical data submitted under Section 221.007, Human Resources  
6 Code, is [~~are~~] not subject to a sealing order issued under this  
7 section.

8 SECTION 28. Section 58.007(b), Family Code, is amended to  
9 read as follows:

10 (b) Except as provided by Section 54.051(d-1) and by Article  
11 15.27, Code of Criminal Procedure, the records and files of a  
12 juvenile court, a clerk of court, a juvenile probation department,  
13 or a prosecuting attorney relating to a child who is a party to a  
14 proceeding under this title are open to inspection only by:

15 (1) the judge, probation officers, and professional  
16 staff or consultants of the juvenile court;

17 (2) a juvenile justice agency as that term is defined  
18 by Section 58.101;

19 (3) an attorney for a party to the proceeding;

20 (4) a public or private agency or institution  
21 providing supervision of the child by arrangement of the juvenile  
22 court, or having custody of the child under juvenile court order; or

23 (5) with leave of the juvenile court, any other  
24 person, agency, or institution having a legitimate interest in the  
25 proceeding or in the work of the court.

26 SECTION 29. Section 58.203(a), Family Code, is amended to  
27 read as follows:

1 (a) The department shall certify to the juvenile probation  
2 department to which a referral was made that resulted in  
3 information being submitted to the juvenile justice information  
4 system that the records relating to a person's juvenile case are  
5 subject to automatic restriction of access if:

6 (1) the person is at least 17 years of age;

7 (2) the juvenile case did not include [~~violent or~~  
8 ~~habitual felony~~] conduct resulting in determinate sentence  
9 proceedings in the juvenile court under Section 53.045; and

10 (3) the juvenile case was not certified for trial in  
11 criminal court under Section 54.02.

12 SECTION 30. Section 58.204(b), Family Code, is amended to  
13 read as follows:

14 (b) On certification of records in a case under Section  
15 58.203, the department may permit access to the information in the  
16 juvenile justice information system relating to the case of an  
17 individual only:

18 (1) by a criminal justice agency for a criminal  
19 justice purpose, as those terms are defined by Section 411.082,  
20 Government Code; [~~or~~]

21 (2) for research purposes, by the Texas Juvenile  
22 Justice Department;

23 (3) by the person who is the subject of the records on  
24 an order from the juvenile court granting the petition filed by or  
25 on behalf of the person who is the subject of the records;

26 (4) with the permission of the juvenile court at the  
27 request of the person who is the subject of the records; or



1           (5) with the permission of the juvenile court, by a  
2 party to a civil suit if the person who is the subject of the records  
3 has put facts relating to the person's records at issue in the suit  
4 ~~[Probation Commission, the Texas Youth Commission, or the Criminal~~  
5 ~~Justice Policy Council].~~

6           SECTION 31. Section 58.207, Family Code, is amended to read  
7 as follows:

8           Sec. 58.207. JUVENILE COURT ORDERS ON CERTIFICATION.

9           (a) On certification of records in a case under Section 58.203,  
10 the juvenile court shall order:

11                 (1) that the following records relating to the case  
12 may be accessed only as provided by Section 58.204(b):

13                         (A) if the respondent was committed to the Texas  
14 Juvenile Justice Department ~~[Youth Commission]~~, records maintained  
15 by the department ~~[commission]~~;

16                         (B) records maintained by the juvenile probation  
17 department;

18                         (C) records maintained by the clerk of the court;

19                         (D) records maintained by the prosecutor's  
20 office; and

21                         (E) records maintained by a law enforcement  
22 agency; and

23                 (2) the juvenile probation department to make a  
24 reasonable effort to notify the person who is the subject of records  
25 for which access has been restricted of the action restricting  
26 access and the legal significance of the action for the person, but  
27 only if the person has requested the notification in writing and has

1 provided the juvenile probation department with a current address.

2 (b) Except as provided by Subsection (c), on [On] receipt of  
3 an order under Subsection (a)(1), the agency maintaining the  
4 records:

5 (1) may allow access only as provided by Section  
6 58.204(b); and

7 (2) shall respond to a request for information about  
8 the records by stating that the records do not exist.

9 (c) Subsection (b) does not apply if:

10 (1) the subject of an order issued under Subsection  
11 (a)(1) is under the jurisdiction of the juvenile court or the Texas  
12 Juvenile Justice Department; or

13 (2) the agency has received notice that the records  
14 are not subject to restricted access under Section 58.211.

15 (d) Notwithstanding Subsection (b) and Section 58.206(b),  
16 with the permission of the subject of the records, an agency listed  
17 in Subsection (a)(1) may permit the state military forces or the  
18 United States military forces to have access to juvenile records  
19 held by that agency. On receipt of a request from the state  
20 military forces or the United States military forces, an agency may  
21 provide access to juvenile records held by that agency in the same  
22 manner authorized by law for records that have not been restricted  
23 under Subsection (a).

24 SECTION 32. Section 58.209, Family Code, is amended to read  
25 as follows:

26 Sec. 58.209. INFORMATION TO CHILD BY PROBATION OFFICER OR  
27 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) When a

1 child is placed on probation for an offense that may be eligible for  
2 automatic restricted access at age 17 or when a child is received by  
3 the Texas Juvenile Justice Department [~~Youth Commission~~] on an  
4 indeterminate commitment, a probation officer or an official at the  
5 Texas Juvenile Justice Department [~~Youth Commission~~] reception  
6 center, as soon as practicable, shall explain the substance of the  
7 following information to the child:

8           (1) if the child was adjudicated as having committed  
9 delinquent conduct for a felony or jailable misdemeanor, that the  
10 child probably has a juvenile record with the department and the  
11 Federal Bureau of Investigation;

12           (2) that the child's juvenile record is a permanent  
13 record that is not destroyed or erased unless the record is eligible  
14 for sealing and the child or the child's family hires a lawyer and  
15 files a petition in court to have the record sealed;

16           (3) that the child's juvenile record, other than  
17 treatment records made confidential by law, can be accessed by  
18 police, sheriff's officers, prosecutors, probation officers,  
19 correctional officers, and other criminal and juvenile justice  
20 officials in this state and elsewhere;

21           (4) that the child's juvenile record, other than  
22 treatment records made confidential by law, can be accessed by  
23 employers, educational institutions, licensing agencies, and other  
24 organizations when the child applies for employment or educational  
25 programs;

26           (5) if the child's juvenile record is placed on  
27 restricted access when the child becomes 17 years of age, that

1 access will be denied to employers, educational institutions, and  
2 others except for criminal justice agencies; ~~and~~

3 (6) that restricted access does not require any action  
4 by the child or the child's family, including the filing of a  
5 petition or hiring of a lawyer, but occurs automatically at age 17;  
6 and

7 (7) that if the child is under the jurisdiction of the  
8 juvenile court or the Texas Juvenile Justice Department on or after  
9 the child's 17th birthday, the law regarding restricted access will  
10 not apply until the person is discharged from the jurisdiction of  
11 the court or department, as appropriate.

12 (b) The probation officer or Texas Juvenile Justice  
13 Department ~~[Youth Commission]~~ official shall:

14 (1) give the child a written copy of the explanation  
15 provided; and

16 (2) communicate the same information to at least one  
17 of the child's parents or, if none can be found, to the child's  
18 guardian or custodian.

19 (c) The Texas Juvenile Justice Department ~~[Probation~~  
20 ~~Commission and the Texas Youth Commission]~~ shall adopt rules to  
21 implement this section and to facilitate the effective explanation  
22 of the information required to be communicated by this section.

23 SECTION 33. Section 61.0031(d), Family Code, is amended to  
24 read as follows:

25 (d) The juvenile court to which the order has been  
26 transferred shall require the parent or other eligible person to  
27 appear before the court to notify the person of the existence and

1 terms of the order, unless the permanent supervision hearing under  
2 Section 51.073(c) has been waived. Failure to do so renders the  
3 order unenforceable.

4 SECTION 34. Section 23.101(a), Government Code, is amended  
5 to read as follows:

6 (a) The trial courts of this state shall regularly and  
7 frequently set hearings and trials of pending matters, giving  
8 preference to hearings and trials of the following:

9 (1) temporary injunctions;

10 (2) criminal actions, with the following actions given  
11 preference over other criminal actions:

12 (A) criminal actions against defendants who are  
13 detained in jail pending trial;

14 (B) criminal actions involving a charge that a  
15 person committed an act of family violence, as defined by Section  
16 71.004, Family Code;

17 (C) an offense under:

18 (i) Section 21.02 or 21.11, Penal Code;

19 (ii) Chapter 22, Penal Code, if the victim  
20 of the alleged offense is younger than 17 years of age;

21 (iii) Section 25.02, Penal Code, if the  
22 victim of the alleged offense is younger than 17 years of age;

23 (iv) Section 25.06, Penal Code;

24 (v) Section 43.25, Penal Code; or

25 (vi) Section 20A.03, Penal Code;

26 (D) an offense described by Article 62.001(6)(C)

27 or (D), Code of Criminal Procedure; and

1 (E) criminal actions against persons [~~children~~]  
2 who are detained as provided by Section 51.12, Family Code, after  
3 transfer for prosecution in criminal court under Section 54.02,  
4 Family Code;

5 (3) election contests and suits under the Election  
6 Code;

7 (4) orders for the protection of the family under  
8 Subtitle B, Title 4, Family Code;

9 (5) appeals of final rulings and decisions of the  
10 division of workers' compensation of the Texas Department of  
11 Insurance regarding workers' compensation claims and claims under  
12 the Federal Employers' Liability Act and the Jones Act;

13 (6) appeals of final orders of the commissioner of the  
14 General Land Office under Section 51.3021, Natural Resources Code;

15 (7) actions in which the claimant has been diagnosed  
16 with malignant mesothelioma, other malignant asbestos-related  
17 cancer, malignant silica-related cancer, or acute silicosis; and

18 (8) appeals brought under Section 42.01 or 42.015, Tax  
19 Code, of orders of appraisal review boards of appraisal districts  
20 established for counties with a population of less than 175,000.

21 SECTION 35. Chapter 203, Human Resources Code, is amended  
22 by adding Section 203.016 to read as follows:

23 Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY  
24 SECLUSION. (a) In this section:

25 (1) "Disciplinary seclusion" means the separation of a  
26 resident from other residents for disciplinary reasons and the  
27 placement of the resident alone in an area from which egress is

1 prevented for more than 90 minutes.

2 (2) "Juvenile facility" means a facility that serves  
3 juveniles under juvenile court jurisdiction and that is operated as  
4 a pre-adjudication secure detention facility, a short-term  
5 detention facility, or a post-adjudication secure correctional  
6 facility.

7 (b) The department shall collect the following data during  
8 the annual registration of juvenile facilities and make the data  
9 publicly available:

10 (1) the number of placements in disciplinary seclusion  
11 lasting at least 90 minutes but less than 24 hours;

12 (2) the number of placements in disciplinary seclusion  
13 lasting 24 hours or more but less than 48 hours; and

14 (3) the number of placements in disciplinary seclusion  
15 lasting 48 hours or more.

16 SECTION 36. Section 221.003(c), Human Resources Code, is  
17 amended to read as follows:

18 (c) Any statement made by a child and any mental health data  
19 obtained from the child during the administration of the mental  
20 health screening instrument or the initial risk and needs  
21 assessment instruments under this section is not admissible against  
22 the child at any adjudication [~~other~~] hearing. The person  
23 administering the mental health screening instrument or initial  
24 risk and needs assessment instruments shall inform the child that  
25 any statement made by the child and any mental health data obtained  
26 from the child during the administration of the instrument is not  
27 admissible against the child at any adjudication [~~other~~] hearing.

1 SECTION 37. Section 222.003(a), Human Resources Code, is  
2 amended to read as follows:

3 (a) The board by rule shall adopt certification standards  
4 for persons who are employed in nonsecure correctional facilities  
5 that accept [~~only~~] juveniles [~~who are on probation~~] and that are  
6 operated by or under contract with a governmental unit, as defined  
7 by Section 101.001, Civil Practice and Remedies Code.

8 SECTION 38. Section 243.005, Human Resources Code, is  
9 amended to read as follows:

10 Sec. 243.005. INFORMATION PROVIDED BY COMMITTING COURT. In  
11 addition to the information provided under Section 243.004, a court  
12 that commits a child to the department shall provide the department  
13 with a copy of the following documents:

14 (1) the petition and the adjudication and disposition  
15 orders for the child, including the child's thumbprint;

16 (2) if the commitment is a result of revocation of  
17 probation, a copy of the conditions of probation and the revocation  
18 order;

19 (3) the social history report for the child;

20 (4) any psychological or psychiatric reports  
21 concerning the child;

22 (5) the contact information sheet for the child's  
23 parents or guardian;

24 (6) any law enforcement incident reports concerning  
25 the offense for which the child is committed;

26 (7) any sex offender registration information  
27 concerning the child;



- 1           (8) any juvenile probation department progress
- 2 reports concerning the child;
- 3           (9) any assessment documents concerning the child;
- 4           (10) the computerized referral and case history for
- 5 the child, including case disposition;
- 6           (11) the child's birth certificate;
- 7           (12) the child's social security number or social
- 8 security card, if available;
- 9           (13) the name, address, and telephone number of the
- 10 court administrator in the committing county;
- 11           (14) Title IV-E eligibility screening information for
- 12 the child, if available;
- 13           (15) the address in the committing county for
- 14 forwarding funds collected to which the committing county is
- 15 entitled;
- 16           (16) any of the child's school or immunization records
- 17 that the committing county possesses;
- 18           (17) any victim information concerning the case for
- 19 which the child is committed; ~~and~~
- 20           (18) any of the child's pertinent medical records that
- 21 the committing court possesses;
- 22           (19) the Texas Juvenile Justice Department standard
- 23 assessment tool results for the child;
- 24           (20) the Department of Public Safety CR-43J form or
- 25 tracking incident number concerning the child; and
- 26           (21) documentation that the committing court has
- 27 required the child to provide a DNA sample to the Department of

1 Public Safety.

2 SECTION 39. The heading to Section 244.014, Human Resources  
3 Code, is amended to read as follows:

4 Sec. 244.014. REFERRAL OF DETERMINATE SENTENCE [~~VIOLENT AND~~  
5 ~~HABITUAL~~] OFFENDERS FOR TRANSFER.

6 SECTION 40. (a) Article 4.19, Code of Criminal Procedure,  
7 and Section 51.07, Family Code, as amended by this Act, apply to a  
8 juvenile case transfer that occurs on or after the effective date of  
9 this Act, regardless of whether the delinquent conduct or conduct  
10 indicating a need for supervision that is the basis of the case  
11 occurred before, on, or after the effective date of this Act.

12 (b) Article 24.011, Code of Criminal Procedure, and Section  
13 52.0151, Family Code, as amended by this Act, apply to the detention  
14 of a witness that occurs on or after the effective date of this Act,  
15 regardless of whether any prior event connected to the proceeding,  
16 action, or decision occurred before the effective date of this Act.

17 (c) Section 51.072, Family Code, as amended by this Act,  
18 applies to a request for interim supervision that is initiated on or  
19 after the effective date of this Act, regardless of whether the  
20 child was placed on probation before, on, or after the effective  
21 date of this Act.

22 (d) Sections 54.02(s) and 54.051(d-1), Family Code, as  
23 added by this Act, and Section 58.007(b), Family Code, as amended by  
24 this Act, apply to a record created before, on, or after the  
25 effective date of this Act.

26 (e) Sections 54.04(b), 54.05(e), and 54.11(d), Family Code,  
27 as amended by this Act, apply only to conduct that occurs on or

1 after the effective date of this Act. Conduct that occurs before the  
2 effective date of this Act is covered by the law in effect at the  
3 time the conduct occurred, and the former law is continued in effect  
4 for that purpose. For the purposes of this section, conduct occurs  
5 before the effective date of this Act if any element of the conduct  
6 occurred before that date.

7 (f) Section 243.005, Human Resources Code, as amended by  
8 this Act, applies to a child who is committed to the Texas Juvenile  
9 Justice Department on or after the effective date of this Act,  
10 regardless of whether the delinquent conduct or conduct indicating  
11 a need for supervision for which the child was committed occurred  
12 before, on, or after the effective date of this Act.

13 SECTION 41. To the extent of any conflict, this Act prevails  
14 over another Act of the 83rd Legislature, Regular Session, 2013,  
15 relating to nonsubstantive additions to and corrections in enacted  
16 codes.

17 SECTION 42. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2862 was passed by the House on May 8, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2862 on May 24, 2013, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2862 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor