

By: Van de Putte, Paxton

S.B. No. 92

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the designation of a juvenile court and a program for
3 certain juveniles who may be the victims of human trafficking.

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

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

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

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

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

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

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

20 (b) If a proceeding is instituted under this title in a
21 juvenile court designated under Section 51.04(b) that does not have
22 jurisdiction over proceedings under Subtitle E, Title 5, the court
23 shall assess the case and may transfer the proceedings to a court
24 designated as a juvenile court or alternative juvenile court under
25 Section 51.04(i) if the receiving court agrees and if, in the course
26 of the proceedings, evidence is presented that constitutes cause to
27 believe that the child who is the subject of those proceedings is a

1 child described by Subsection (a).

2 SECTION 3. Section 52.032, Family Code, is amended to read
3 as follows:

4 Sec. 52.032. INFORMAL DISPOSITION GUIDELINES. (a) The
5 juvenile board of each county, in cooperation with each law
6 enforcement agency in the county, shall adopt guidelines for the
7 disposition of a child under Section 52.03 or 52.031. The
8 guidelines adopted under this section shall not be considered
9 mandatory.

10 (b) The guidelines adopted under Subsection (a) may not
11 allow for the case of a child to be disposed of under Section 52.03
12 or 52.031 if there is probable cause to believe that the child
13 engaged in delinquent conduct or conduct indicating a need for
14 supervision and cause to believe that the child may be the victim of
15 conduct that constitutes an offense under Section 20A.02, Penal
16 Code.

17 SECTION 4. Chapter 54, Family Code, is amended by adding
18 Section 54.0326 to read as follows:

19 Sec. 54.0326. DEFERRAL OF ADJUDICATION AND DISMISSAL OF
20 CERTAIN CASES ON COMPLETION OF TRAFFICKED PERSONS PROGRAM.

21 (a) This section applies to a juvenile court or to an alternative
22 juvenile court exercising simultaneous jurisdiction over
23 proceedings under this title and Subtitle E, Title 5, in the manner
24 authorized by Section 51.0413.

25 (b) A juvenile court may defer adjudication proceedings
26 under Section 54.03 until the child's 18th birthday and require a
27 child to participate in a program established under Section

1 152.0016, Human Resources Code, if the child:

2 (1) is alleged to have engaged in delinquent conduct
3 or conduct indicating a need for supervision and may be a victim of
4 conduct that constitutes an offense under Section 20A.02, Penal
5 Code; and

6 (2) presents to the court an oral or written request to
7 participate in the program.

8 (c) Following a child's completion of the program, the court
9 shall dismiss the case with prejudice at the time the child presents
10 satisfactory evidence that the child successfully completed the
11 program.

12 SECTION 5. Chapter 54, Family Code, is amended by adding
13 Section 54.04011 to read as follows:

14 Sec. 54.04011. TRAFFICKED PERSONS PROGRAM. (a) This
15 section applies to a juvenile court or to an alternative juvenile
16 court exercising simultaneous jurisdiction over proceedings under
17 this title and Subtitle E, Title 5, in the manner authorized by
18 Section 51.0413.

19 (b) A juvenile court may require a child adjudicated to have
20 engaged in delinquent conduct or conduct indicating a need for
21 supervision and who is believed to be a victim of conduct that
22 constitutes an offense under Section 20A.02, Penal Code, to
23 participate in a program established under Section 152.0016, Human
24 Resources Code.

25 (c) The court may require a child participating in the
26 program to periodically appear in court for monitoring and
27 compliance purposes.

1 (d) Following a child's successful completion of the
2 program, the court may order the sealing of the records of the case
3 in the manner provided by Sections 58.003(c-7) and (c-8).

4 SECTION 6. Section 58.003, Family Code, is amended by
5 adding Subsections (c-7) and (c-8) to read as follows:

6 (c-7) Notwithstanding Subsections (a) and (c) and subject
7 to Subsection (b), a juvenile court may order the sealing of records
8 concerning a child found to have engaged in delinquent conduct or
9 conduct indicating a need for supervision or taken into custody to
10 determine whether the child engaged in delinquent conduct or
11 conduct indicating a need for supervision if the child successfully
12 completed a trafficked persons program under Section 152.0016,
13 Human Resources Code. The court may:

14 (1) order the sealing of the records immediately and
15 without a hearing; or

16 (2) hold a hearing to determine whether to seal the
17 records.

18 (c-8) If the court orders the sealing of a child's records
19 under Subsection (c-7), a prosecuting attorney or juvenile
20 probation department may maintain until the child's 18th birthday a
21 separate record of the child's name and date of birth and the date
22 the child successfully completed the trafficked persons program.
23 The prosecuting attorney or juvenile probation department, as
24 applicable, shall send the record to the court as soon as
25 practicable after the child's 18th birthday to be added to the
26 child's other sealed records.

27 SECTION 7. Subchapter A, Chapter 152, Human Resources Code,

1 is amended by adding Section 152.0016 to read as follows:

2 Sec. 152.0016. TRAFFICKED PERSONS PROGRAM. (a) A juvenile
3 board may establish a trafficked persons program under this section
4 for the assistance, treatment, and rehabilitation of children who:

5 (1) are alleged to have engaged in or adjudicated as
6 having engaged in delinquent conduct or conduct indicating a need
7 for supervision; and

8 (2) may be victims of conduct that constitutes an
9 offense under Section 20A.02, Penal Code.

10 (b) A program established under this section must:

11 (1) if applicable, allow for the integration of
12 services available to a child pursuant to proceedings under Title
13 3, Family Code, and Subtitle E, Title 5, Family Code;

14 (2) if applicable, allow for the referral to a
15 facility that can address issues associated with human trafficking;
16 and

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

20 SECTION 8. The changes in law made by this Act apply only to
21 conduct that occurs on or after the effective date of this Act.
22 Conduct that occurs before the effective date of this Act is covered
23 by the law in effect at the time the conduct occurred, and the
24 former law is continued in effect for that purpose. For the
25 purposes of this section, conduct occurs before the effective date
26 of this Act if any element of the conduct occurred before that date.

27 SECTION 9. This Act takes effect September 1, 2013.