

1-1 By: Van de Putte, Paxton S.B. No. 92
 1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,
 1-3 read first time and referred to Committee on Jurisprudence;
 1-4 April 2, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 2, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 92 By: Paxton

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the designation of a juvenile court and a program for
 1-20 certain juveniles who may be the victims of human trafficking.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 51.04, Family Code, is amended by
 1-23 amending Subsections (b) and (e) and adding Subsection (i) to read
 1-24 as follows:

1-25 (b) In each county, the county's juvenile board shall
 1-26 designate one or more district, criminal district, domestic
 1-27 relations, juvenile, or county courts or county courts at law as the
 1-28 juvenile court, subject to Subsections (c), ~~and~~ (d), and (i) ~~[of~~
 1-29 ~~this section]~~.

1-30 (e) A designation made under Subsection (b), ~~or~~ (c), or
 1-31 (i) ~~[of this section]~~ may be changed from time to time by the
 1-32 authorized boards or judges for the convenience of the people and
 1-33 the welfare of children. However, there must be at all times a
 1-34 juvenile court designated for each county. It is the intent of the
 1-35 legislature that in selecting a court to be the juvenile court of
 1-36 each county, the selection shall be made as far as practicable so
 1-37 that the court designated as the juvenile court will be one which is
 1-38 presided over by a judge who has a sympathetic understanding of the
 1-39 problems of child welfare and that changes in the designation of
 1-40 juvenile courts be made only when the best interest of the public
 1-41 requires it.

1-42 (i) If the court designated as the juvenile court under
 1-43 Subsection (b) does not have jurisdiction over proceedings under
 1-44 Subtitle E, Title 5, the county's juvenile board may designate at
 1-45 least one other court that does have jurisdiction over proceedings
 1-46 under Subtitle E, Title 5, as a juvenile court or alternative
 1-47 juvenile court.

1-48 SECTION 2. Chapter 51, Family Code, is amended by adding
 1-49 Section 51.0413 to read as follows:

1-50 Sec. 51.0413. JURISDICTION OVER AND TRANSFER OF COMBINATION
 1-51 OF PROCEEDINGS. (a) A juvenile court designated under Section
 1-52 51.04(b) or, if that court does not have jurisdiction over
 1-53 proceedings under Subtitle E, Title 5, the juvenile court
 1-54 designated under Section 51.04(i) may simultaneously exercise
 1-55 jurisdiction over proceedings under this title and proceedings
 1-56 under Subtitle E, Title 5, if there is probable cause to believe
 1-57 that the child who is the subject of those proceedings engaged in
 1-58 delinquent conduct or conduct indicating a need for supervision and
 1-59 cause to believe that the child may be the victim of conduct that
 1-60 constitutes an offense under Section 20A.02, Penal Code.

2-1 (b) If a proceeding is instituted under this title in a
2-2 juvenile court designated under Section 51.04(b) that does not have
2-3 jurisdiction over proceedings under Subtitle E, Title 5, the court
2-4 shall assess the case and may transfer the proceedings to a court
2-5 designated as a juvenile court or alternative juvenile court under
2-6 Section 51.04(i) if the receiving court agrees and if, in the course
2-7 of the proceedings, evidence is presented that constitutes cause to
2-8 believe that the child who is the subject of those proceedings is a
2-9 child described by Subsection (a).

2-10 SECTION 3. Section 52.032, Family Code, is amended to read
2-11 as follows:

2-12 Sec. 52.032. INFORMAL DISPOSITION GUIDELINES. (a) The
2-13 juvenile board of each county, in cooperation with each law
2-14 enforcement agency in the county, shall adopt guidelines for the
2-15 disposition of a child under Section 52.03 or 52.031. The
2-16 guidelines adopted under this section shall not be considered
2-17 mandatory.

2-18 (b) The guidelines adopted under Subsection (a) may not
2-19 allow for the case of a child to be disposed of under Section 52.03
2-20 or 52.031 if there is probable cause to believe that the child
2-21 engaged in delinquent conduct or conduct indicating a need for
2-22 supervision and cause to believe that the child may be the victim of
2-23 conduct that constitutes an offense under Section 20A.02, Penal
2-24 Code.

2-25 SECTION 4. Chapter 54, Family Code, is amended by adding
2-26 Section 54.0326 to read as follows:

2-27 Sec. 54.0326. DEFERRAL OF ADJUDICATION AND DISMISSAL OF
2-28 CERTAIN CASES ON COMPLETION OF TRAFFICKED PERSONS PROGRAM.

2-29 (a) This section applies to a juvenile court or to an alternative
2-30 juvenile court exercising simultaneous jurisdiction over
2-31 proceedings under this title and Subtitle E, Title 5, in the manner
2-32 authorized by Section 51.0413.

2-33 (b) A juvenile court may defer adjudication proceedings
2-34 under Section 54.03 until the child's 18th birthday and require a
2-35 child to participate in a program established under Section
2-36 152.0016, Human Resources Code, if the child:

2-37 (1) is alleged to have engaged in delinquent conduct
2-38 or conduct indicating a need for supervision and may be a victim of
2-39 conduct that constitutes an offense under Section 20A.02, Penal
2-40 Code; and

2-41 (2) presents to the court an oral or written request to
2-42 participate in the program.

2-43 (c) Following a child's completion of the program, the court
2-44 shall dismiss the case with prejudice at the time the child presents
2-45 satisfactory evidence that the child successfully completed the
2-46 program.

2-47 SECTION 5. Chapter 54, Family Code, is amended by adding
2-48 Section 54.04011 to read as follows:

2-49 Sec. 54.04011. TRAFFICKED PERSONS PROGRAM. (a) This

2-50 section applies to a juvenile court or to an alternative juvenile
2-51 court exercising simultaneous jurisdiction over proceedings under
2-52 this title and Subtitle E, Title 5, in the manner authorized by
2-53 Section 51.0413.

2-54 (b) A juvenile court may require a child adjudicated to have
2-55 engaged in delinquent conduct or conduct indicating a need for
2-56 supervision and who is believed to be a victim of conduct that
2-57 constitutes an offense under Section 20A.02, Penal Code, to
2-58 participate in a program established under Section 152.0016, Human
2-59 Resources Code.

2-60 (c) The court may require a child participating in the
2-61 program to periodically appear in court for monitoring and
2-62 compliance purposes.

2-63 (d) Following a child's successful completion of the
2-64 program, the court may order the sealing of the records of the case
2-65 in the manner provided by Sections 58.003(c-7) and (c-8).

2-66 SECTION 6. Section 58.003, Family Code, is amended by
2-67 adding Subsections (c-7) and (c-8) to read as follows:

2-68 (c-7) Notwithstanding Subsections (a) and (c) and subject
2-69 to Subsection (b), a juvenile court may order the sealing of records

3-1 concerning a child found to have engaged in delinquent conduct or
3-2 conduct indicating a need for supervision or taken into custody to
3-3 determine whether the child engaged in delinquent conduct or
3-4 conduct indicating a need for supervision if the child successfully
3-5 completed a trafficked persons program under Section 152.0016,
3-6 Human Resources Code. The court may:

3-7 (1) order the sealing of the records immediately and
3-8 without a hearing; or

3-9 (2) hold a hearing to determine whether to seal the
3-10 records.

3-11 (c-8) If the court orders the sealing of a child's records
3-12 under Subsection (c-7), a prosecuting attorney or juvenile
3-13 probation department may maintain until the child's 18th birthday a
3-14 separate record of the child's name and date of birth and the date
3-15 the child successfully completed the trafficked persons program.
3-16 The prosecuting attorney or juvenile probation department, as
3-17 applicable, shall send the record to the court as soon as
3-18 practicable after the child's 18th birthday to be added to the
3-19 child's other sealed records.

3-20 SECTION 7. Subchapter A, Chapter 152, Human Resources Code,
3-21 is amended by adding Section 152.0016 to read as follows:

3-22 Sec. 152.0016. TRAFFICKED PERSONS PROGRAM. (a) A juvenile
3-23 board may establish a trafficked persons program under this section
3-24 for the assistance, treatment, and rehabilitation of children who:

3-25 (1) are alleged to have engaged in or adjudicated as
3-26 having engaged in delinquent conduct or conduct indicating a need
3-27 for supervision; and

3-28 (2) may be victims of conduct that constitutes an
3-29 offense under Section 20A.02, Penal Code.

3-30 (b) A program established under this section must:

3-31 (1) if applicable, allow for the integration of
3-32 services available to a child pursuant to proceedings under Title
3-33 3, Family Code, and Subtitle E, Title 5, Family Code;

3-34 (2) if applicable, allow for the referral to a
3-35 facility that can address issues associated with human trafficking;
3-36 and

3-37 (3) require a child participating in the program to
3-38 periodically appear in court for monitoring and compliance
3-39 purposes.

3-40 SECTION 8. The changes in law made by this Act apply only to
3-41 conduct that occurs on or after the effective date of this Act.
3-42 Conduct that occurs before the effective date of this Act is covered
3-43 by the law in effect at the time the conduct occurred, and the
3-44 former law is continued in effect for that purpose. For the
3-45 purposes of this section, conduct occurs before the effective date
3-46 of this Act if any element of the conduct occurred before that date.

3-47 SECTION 9. This Act takes effect September 1, 2013.

3-48

* * * * *