

By: West

S.B. No. 1440

A BILL TO BE ENTITLED

AN ACT

relating to adjudication and disposition of juvenile conduct.

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. Subsection (f), Article 45.0216, Code of
19 Criminal Procedure, 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. Subsection (b), Section 51.03, Family Code, as
8 amended by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of
9 the 82nd Legislature, Regular Session, 2011, is reenacted and
10 amended to read as follows:

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

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

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

16 (B) the penal ordinances of any political
17 subdivision of this state;

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

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

25 (4) conduct prohibited by city ordinance or by state
26 law involving the inhalation of the fumes or vapors of paint and
27 other protective coatings or glue and other adhesives and the

1 volatile chemicals itemized in Section 485.001, Health and Safety
2 Code;

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

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

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

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

13 SECTION 5. Section 51.0412, Family Code, is amended to read
14 as follows:

15 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
16 The court retains jurisdiction over a person, without regard to the
17 age of the person, who is a respondent in an adjudication
18 proceeding, a disposition proceeding, a proceeding to modify
19 disposition, a proceeding for waiver of jurisdiction and transfer
20 to criminal court under Section 54.02(a), or a motion for transfer
21 of determinate sentence probation to an appropriate district court
22 if:

23 (1) the petition or motion ~~[to modify]~~ was filed while
24 the respondent was younger than 18 ~~[years of age]~~ or ~~[the motion for~~
25 ~~transfer was filed while the respondent was younger than]~~ 19 years
26 of age, as applicable;

27 (2) the proceeding is not complete before the

1 respondent becomes 18 or 19 years of age, as applicable; and

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

6 SECTION 6. Section 51.07, Family Code, is amended to read as
7 follows:

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

9 (a) When a child has been found to have engaged in delinquent
10 conduct or conduct indicating a need for supervision under Section
11 54.03, the juvenile court may transfer the case and transcripts of
12 records and documents to the juvenile court of the county where the
13 child resides for disposition of the case under Section 54.04.
14 Consent by the court of the county where the child resides is not
15 required.

16 (b) For purposes of Subsection (a), while a child is the
17 subject of a suit under Title 5, the child is considered to reside
18 in the county in which the court of continuing exclusive
19 jurisdiction over the child is located.

20 SECTION 7. Section 51.072, Family Code, is amended by
21 amending Subsection (f) and adding Subsections (f-2), (j-1), and
22 (j-2) to read as follows:

23 (f) Not later than 10 business days after a receiving county
24 has agreed to provide interim supervision of a child, the juvenile
25 probation department of the sending county shall provide the
26 juvenile probation department of the receiving county with a copy
27 of the following documents:

- 1 (1) the petition and the adjudication and disposition
2 orders for the child, including the child's thumbprint;
- 3 (2) the child's conditions of probation;
- 4 (3) the social history report for the child;
- 5 (4) any psychological or psychiatric reports
6 concerning the child;
- 7 (5) the Department of Public Safety CR 43J form or
8 tracking incident number concerning the child;
- 9 (6) any law enforcement incident reports concerning
10 the offense for which the child is on probation;
- 11 (7) any sex offender registration information
12 concerning the child;
- 13 (8) any juvenile probation department progress
14 reports concerning the child and any other pertinent documentation
15 for the child's probation officer;
- 16 (9) case plans concerning the child;
- 17 (10) the Texas Juvenile Justice Department [~~Probation~~
18 ~~Commission~~] standard assessment tool results for the child;
- 19 (11) the computerized referral and case history for
20 the child, including case disposition;
- 21 (12) the child's birth certificate;
- 22 (13) the child's social security number or social
23 security card, if available;
- 24 (14) the name, address, and telephone number of the
25 contact person in the sending county's juvenile probation
26 department;
- 27 (15) Title IV-E eligibility screening information for

1 the child, if available;

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

4 (17) any of the child's school or immunization records
5 that the juvenile probation department of the sending county
6 possesses; ~~and~~

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

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

13 (f-2) On initiating a transfer of probation supervision
14 under this section, for a child ordered to submit a DNA sample as a
15 condition of probation, the sending county shall provide to the
16 receiving county documentation of compliance with the requirements
17 of Section 54.0405 or 54.0409 or of Subchapter G, Chapter 411,
18 Government Code, as applicable. If the sending county has not
19 provided the documentation required under this section within the
20 time provided by Subsection (f), the receiving county may refuse to
21 accept interim supervision until the sending county has provided
22 the documentation.

23 (j-1) Notwithstanding Subsection (j), the sending county
24 may request interim supervision from the receiving county that
25 issued a directive under Subsection (i)(2). Following the
26 conclusion of any judicial proceedings in the sending county or on
27 the completion of any residential placement ordered by the juvenile

1 court of the sending county, the sending and receiving counties may
2 mutually agree to return the child to the receiving county. The
3 sending and receiving counties may take into consideration whether:

4 (1) the person having legal custody of the child
5 resides in the receiving county;

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

9 (3) the case meets the statutory requirements for
10 collaborative supervision.

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

13 SECTION 8. Subsections (d) and (e), Section 51.13, Family
14 Code, are amended to read as follows:

15 (d) An adjudication under Section 54.03 that a child engaged
16 in conduct that occurred on or after January 1, 1996, and that
17 constitutes a felony offense resulting in commitment to the Texas
18 Juvenile Justice Department [~~Youth Commission~~] under Section
19 54.04(d)(2), (d)(3), or (m) or 54.05(f) is a final felony
20 conviction only for the purposes of Sections 12.42(a), (b), and
21 (c)(1), [~~and (e),~~] Penal Code.

22 (e) A finding that a child engaged in conduct indicating a
23 need for supervision as described by Section 51.03(b)(8)
24 [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections
25 43.261(c) and (d), Penal Code.

26 SECTION 9. Subsection (c), Section 51.17, Family Code, is
27 amended to read as follows:

1 (c) Except as otherwise provided by this title, the Texas
2 Rules of Evidence applicable [~~apply~~] to criminal cases and Articles
3 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in
4 a judicial proceeding under this title.

5 SECTION 10. Section 52.0151, Family Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) If a witness is in a placement in the custody of the
9 Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile
10 secure detention facility, or a juvenile secure correctional
11 facility, the court may issue a bench warrant or direct that an
12 attachment issue to require a peace officer or probation officer to
13 secure custody of the person at the placement and produce the person
14 in court. Once the person is no longer needed as a witness or the
15 period prescribed by Subsection (c) has expired without extension,
16 the court shall order the peace officer or probation officer to
17 return the person to the placement from which the person was
18 released.

19 (c) A witness held in custody under this section may be
20 placed in a certified juvenile detention facility for a period not
21 to exceed 30 days. The length of placement may be extended in
22 30-day increments by the court that issued the original bench
23 warrant. If the placement is not extended, the period under this
24 section expires and the witness may be returned as provided by
25 Subsection (a).

26 SECTION 11. The heading to Section 53.045, Family Code, is
27 amended to read as follows:

1 Sec. 53.045. OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE
2 ~~[VIOLENT OR HABITUAL OFFENDERS]~~.

3 SECTION 12. Subsection (e), Section 54.011, Family Code, is
4 amended to read as follows:

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

9 SECTION 13. Section 54.02, Family Code, is amended by
10 adding Subsection (h-1) and amending Subsections (k) and (l) to
11 read as follows:

12 (h-1) If the juvenile court orders a person detained in a
13 certified juvenile detention facility under Subsection (h), the
14 juvenile court shall set or deny bond for the person as required by
15 the Code of Criminal Procedure and other law applicable to the
16 pretrial detention of adults accused of criminal offenses.

17 (k) The petition and notice requirements of Sections 53.04,
18 53.05, 53.06, and 53.07 of this code must be satisfied, and the
19 summons must state that the hearing is for the purpose of
20 considering waiver of jurisdiction under Subsection (j) ~~[of this~~
21 ~~section]~~. The person's parent, custodian, guardian, or guardian ad
22 litem is not considered a party to a proceeding under Subsection (j)
23 and it is not necessary to provide the parent, custodian, guardian,
24 or guardian ad litem with notice.

25 (l) The juvenile court shall conduct a hearing without a
26 jury to consider waiver of jurisdiction under Subsection (j) ~~[of~~
27 ~~this section]~~. Except as otherwise provided by this subsection, a

1 waiver of jurisdiction under Subsection (j) may be made without the
2 necessity of conducting the diagnostic study or complying with the
3 requirements of discretionary transfer proceedings under
4 Subsection (d). If requested by the attorney for the person at
5 least 10 days before the transfer hearing, the court shall order
6 that the person be examined pursuant to Section 51.20(a) and that
7 the results of the examination be provided to the attorney for the
8 person and the attorney for the state at least five days before the
9 transfer hearing.

10 SECTION 14. Subsection (a), Section 54.0404, Family Code,
11 is amended to read as follows:

12 (a) If a child is found to have engaged in conduct
13 indicating a need for supervision described by Section 51.03(b)(8)
14 [~~51.03(b)(7)~~], the juvenile court may enter an order requiring the
15 child to attend and successfully complete an educational program
16 described by Section 37.218, Education Code, or another equivalent
17 educational program.

18 SECTION 15. The heading to Section 56.03, Family Code, is
19 amended to read as follows:

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

22 SECTION 16. Subsection (c-3), Section 58.003, Family Code,
23 as added by Chapter 1322 (S.B. 407), Acts of the 82nd Legislature,
24 Regular Session, 2011, is redesignated as Subsection (c-5), Section
25 58.003, Family Code, to read as follows:

26 (c-5) [~~(c-3)~~] Notwithstanding Subsections (a) and (c) and
27 subject to Subsection (b), a juvenile court may order the sealing of

1 records concerning a child found to have engaged in conduct
2 indicating a need for supervision that violates Section 43.261,
3 Penal Code, or taken into custody to determine whether the child
4 engaged in conduct indicating a need for supervision that violates
5 Section 43.261, Penal Code, if the child attends and successfully
6 completes an educational program described by Section 37.218,
7 Education Code, or another equivalent educational program. The
8 court may:

9 (1) order the sealing of the records immediately and
10 without a hearing; or

11 (2) hold a hearing to determine whether to seal the
12 records.

13 SECTION 17. Subsection (c-4), Section 58.003, Family Code,
14 as added by Chapter 1322 (S.B. 407), Acts of the 82nd Legislature,
15 Regular Session, 2011, is redesignated as Subsection (c-6), Section
16 58.003, Family Code, and amended to read as follows:

17 (c-6) [~~(c-4)~~] A prosecuting attorney or juvenile probation
18 department may maintain until a child's 17th birthday a separate
19 record of the child's name and date of birth and the date on which
20 the child successfully completed the educational program, if the
21 child's records are sealed under Subsection (c-5) [~~(c-3)~~]. The
22 prosecuting attorney or juvenile probation department, as
23 applicable, shall send the record to the court as soon as
24 practicable after the child's 17th birthday to be added to the
25 child's other sealed records.

26 SECTION 18. Subsection (d), Section 58.003, Family Code, as
27 amended by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of

1 the 82nd Legislature, Regular Session, 2011, is reenacted and
2 amended to read as follows:

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

12 SECTION 19. Subsection (g-1), Section 58.003, Family Code,
13 is amended to read as follows:

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

19 SECTION 20. Subsection (a), Section 58.203, Family Code, is
20 amended to read as follows:

21 (a) The department shall certify to the juvenile probation
22 department to which a referral was made that resulted in
23 information being submitted to the juvenile justice information
24 system that the records relating to a person's juvenile case are
25 subject to automatic restriction of access if:

- 26 (1) the person is at least 17 years of age;
27 (2) the juvenile case did not include [~~violent or~~]

1 ~~habitual felony~~] conduct resulting in determinate sentence
2 proceedings in the juvenile court under Section 53.045; and

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

5 SECTION 21. Subsection (b), Section 58.204, Family Code, is
6 amended to read as follows:

7 (b) On certification of records in a case under Section
8 58.203, the department may permit access to the information in the
9 juvenile justice information system relating to the case of an
10 individual only:

11 (1) by a criminal justice agency for a criminal
12 justice purpose, as those terms are defined by Section 411.082,
13 Government Code; ~~or~~

14 (2) for research purposes, by the Texas Juvenile
15 Justice Department;

16 (3) by the person who is the subject of the records on
17 an order from the juvenile court granting the petition filed by or
18 on behalf of the person who is the subject of the records;

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

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

26 SECTION 22. Section 58.207, Family Code, is amended to read
27 as follows:

1 Sec. 58.207. JUVENILE COURT ORDERS ON CERTIFICATION.

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

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

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

9 (B) records maintained by the juvenile probation
10 department;

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

12 (D) records maintained by the prosecutor's
13 office; and

14 (E) records maintained by a law enforcement
15 agency; and

16 (2) the juvenile probation department to make a
17 reasonable effort to notify the person who is the subject of records
18 for which access has been restricted of the action restricting
19 access and the legal significance of the action for the person, but
20 only if the person has requested the notification in writing and has
21 provided the juvenile probation department with a current address.

22 (b) Except as provided by Subsection (c), on [~~On~~] receipt of
23 an order under Subsection (a)(1), the agency maintaining the
24 records:

25 (1) may allow access only as provided by Section
26 58.204(b); and

27 (2) shall respond to a request for information about

1 the records by stating that the records do not exist.

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

3 (1) the subject of an order issued under Subsection
4 (a)(1) is under the jurisdiction of the juvenile court or the Texas
5 Juvenile Justice Department; or

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

8 (d) Notwithstanding Subsection (b) and Section 58.206(b),
9 with the permission of the subject of the records, an agency listed
10 in Subsection (a)(1) may permit the state military forces or the
11 United States military forces to have access to juvenile records
12 held by that agency. On receipt of a request from the state
13 military forces or the United States military forces, an agency may
14 provide access to juvenile records held by that agency in the same
15 manner authorized by law for records that have not been restricted
16 under Subsection (a).

17 SECTION 23. Section 58.209, Family Code, is amended to read
18 as follows:

19 Sec. 58.209. INFORMATION TO CHILD BY PROBATION OFFICER OR
20 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) When a
21 child is placed on probation for an offense that may be eligible for
22 automatic restricted access at age 17 or when a child is received by
23 the Texas Juvenile Justice Department [~~Youth Commission~~] on an
24 indeterminate commitment, a probation officer or an official at the
25 Texas Juvenile Justice Department [~~Youth Commission~~] reception
26 center, as soon as practicable, shall explain the substance of the
27 following information to the child:

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

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

9 (3) that the child's juvenile record, other than
10 treatment records made confidential by law, can be accessed by
11 police, sheriff's officers, prosecutors, probation officers,
12 correctional officers, and other criminal and juvenile justice
13 officials in this state and elsewhere;

14 (4) that the child's juvenile record, other than
15 treatment records made confidential by law, can be accessed by
16 employers, educational institutions, licensing agencies, and other
17 organizations when the child applies for employment or educational
18 programs;

19 (5) if the child's juvenile record is placed on
20 restricted access when the child becomes 17 years of age, that
21 access will be denied to employers, educational institutions, and
22 others except for criminal justice agencies; ~~and~~

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

27 (7) that if the child is under the jurisdiction of the

1 juvenile court or the Texas Juvenile Justice Department on or after
2 the child's 17th birthday, the law regarding restricted access will
3 not apply until the person is discharged from the jurisdiction of
4 the court or department, as appropriate.

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

7 (1) give the child a written copy of the explanation
8 provided; and

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

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

16 SECTION 24. Subsection (a), Section 23.101, Government
17 Code, is amended to read as follows:

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

21 (1) temporary injunctions;

22 (2) criminal actions, with the following actions given
23 preference over other criminal actions:

24 (A) criminal actions against defendants who are
25 detained in jail pending trial;

26 (B) criminal actions involving a charge that a
27 person committed an act of family violence, as defined by Section

- 1 71.004, Family Code;
- 2 (C) an offense under:
- 3 (i) Section 21.02 or 21.11, Penal Code;
- 4 (ii) Chapter 22, Penal Code, if the victim
- 5 of the alleged offense is younger than 17 years of age;
- 6 (iii) Section 25.02, Penal Code, if the
- 7 victim of the alleged offense is younger than 17 years of age;
- 8 (iv) Section 25.06, Penal Code;
- 9 (v) Section 43.25, Penal Code; or
- 10 (vi) Section 20A.03, Penal Code;
- 11 (D) an offense described by Article 62.001(6)(C)
- 12 or (D), Code of Criminal Procedure; and
- 13 (E) criminal actions against persons [~~children~~]
- 14 who are detained as provided by Section 51.12, Family Code, after
- 15 transfer for prosecution in criminal court under Section 54.02,
- 16 Family Code;
- 17 (3) election contests and suits under the Election
- 18 Code;
- 19 (4) orders for the protection of the family under
- 20 Subtitle B, Title 4, Family Code;
- 21 (5) appeals of final rulings and decisions of the
- 22 division of workers' compensation of the Texas Department of
- 23 Insurance regarding workers' compensation claims and claims under
- 24 the Federal Employers' Liability Act and the Jones Act;
- 25 (6) appeals of final orders of the commissioner of the
- 26 General Land Office under Section 51.3021, Natural Resources Code;
- 27 (7) actions in which the claimant has been diagnosed

1 with malignant mesothelioma, other malignant asbestos-related
2 cancer, malignant silica-related cancer, or acute silicosis; and

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

6 SECTION 25. Section 243.005, Human Resources Code, is
7 amended to read as follows:

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

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

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

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

18 (4) any psychological or psychiatric reports
19 concerning the child;

20 (5) the contact information sheet for the child's
21 parents or guardian;

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

24 (7) any sex offender registration information
25 concerning the child;

26 (8) any juvenile probation department progress
27 reports concerning the child;

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

27 SECTION 26. The heading to Section 244.014, Human Resources

1 Code, is amended to read as follows:

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

4 SECTION 27. (a) Article 4.19, Code of Criminal Procedure,
5 and Section 51.07, Family Code, as amended by this Act, apply to a
6 juvenile case transfer that occurs on or after the effective date of
7 this Act, regardless of whether the delinquent conduct or conduct
8 indicating a need for supervision that is the basis of the case
9 occurred before, on, or after the effective date of this Act.

10 (b) Article 24.011, Code of Criminal Procedure, and Section
11 52.0151, Family Code, as amended by this Act, apply to the detention
12 of a witness that occurs on or after the effective date of this Act,
13 regardless of whether any prior event connected to the proceeding,
14 action, or decision occurred before the effective date of this Act.

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

20 (d) Section 243.005, Human Resources Code, as amended by
21 this Act, applies to a child who is committed to the Texas Juvenile
22 Justice Department on or after the effective date of this Act,
23 regardless of whether the delinquent conduct or conduct indicating
24 a need for supervision for which the child was committed occurred
25 before, on, or after the effective date of this Act.

26 SECTION 28. To the extent of any conflict, this Act prevails
27 over another Act of the 83rd Legislature, Regular Session, 2013,

S.B. No. 1440

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 29. This Act takes effect September 1, 2013.