

1-1 By: West S.B. No. 1440
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 29, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 29, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Whitmire	X			
1-9 Huffman	X			
1-10 Carona			X	
1-11 Hinojosa			X	
1-12 Patrick	X			
1-13 Rodriguez	X			
1-14 Schwertner	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1440 By: Rodriguez

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

1-19 relating to adjudication and disposition of juvenile conduct.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Article 4.19, Code of Criminal Procedure, is
 1-22 amended to read as follows:
 1-23 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
 1-24 ADULT [CHILD]. (a) Notwithstanding the order of a juvenile court
 1-25 to detain a person under the age of 17 who has been certified to
 1-26 stand trial as an adult [child] in a certified juvenile detention
 1-27 facility under Section 54.02(h), Family Code, the judge of the
 1-28 criminal court having jurisdiction over the person [child] may
 1-29 order the person [child] to be transferred to an adult [another]
 1-30 facility [and treated as an adult as provided by this code]. A
 1-31 child who is transferred to an adult facility must be detained under
 1-32 conditions meeting the requirements of Section 51.12, Family Code.
 1-33 (b) On the 17th birthday of a person described by Subsection
 1-34 (a) who is detained in a certified juvenile detention facility
 1-35 under Section 54.02(h), Family Code, the judge of the criminal
 1-36 court having jurisdiction over the person shall order the person to
 1-37 be transferred to an adult facility.
 1-38 SECTION 2. Article 24.011, Code of Criminal Procedure, is
 1-39 amended by amending Subsection (c) and adding Subsection (d-1) to
 1-40 read as follows:
 1-41 (c) If the witness is in a placement in the custody of the
 1-42 Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile
 1-43 secure detention facility, or a juvenile secure correctional
 1-44 facility, the court may issue a bench warrant or direct that an
 1-45 attachment issue to require a peace officer or probation officer to
 1-46 secure custody of the person at the placement and produce the person
 1-47 in court. When the person is no longer needed as a witness or the
 1-48 period prescribed by Subsection (d-1) has expired without
 1-49 extension, the court shall order the peace officer or probation
 1-50 officer to return the person to the placement from which the person
 1-51 was released.
 1-52 (d-1) A witness younger than 17 years of age held in custody
 1-53 under this article may be placed in a certified juvenile detention
 1-54 facility for a period not to exceed 30 days. The length of
 1-55 placement may be extended in increments of 30 days by the court that
 1-56 issued the original bench warrant. If the placement is not
 1-57 extended, the period under this article expires and the witness may
 1-58 be returned as provided by Subsection (c).
 1-59 SECTION 3. Subsection (f), Article 45.0216, Code of
 1-60 Criminal Procedure, is amended to read as follows:

2-1 (f) The court shall order the conviction, together with all
 2-2 complaints, verdicts, sentences, and prosecutorial and law
 2-3 enforcement records, and any other documents relating to the
 2-4 offense, expunged from the person's record if the court finds that:

2-5 (1) for a person applying for the expunction of a
 2-6 conviction for an offense described by Section 8.07(a)(4) or (5),
 2-7 Penal Code, the person was not convicted of any other offense
 2-8 described by Section 8.07(a)(4) or (5), Penal Code, while the
 2-9 person was a child; and

2-10 (2) for a person applying for the expunction of a
 2-11 conviction for an offense described by Section 43.261, Penal Code,
 2-12 the person was not found to have engaged in conduct indicating a
 2-13 need for supervision described by Section 51.03(b)(8)
 2-14 [~~51.03(b)(7)~~], Family Code, while the person was a child.

2-15 SECTION 4. Subsection (b), Section 51.03, Family Code, as
 2-16 amended by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of
 2-17 the 82nd Legislature, Regular Session, 2011, is reenacted and
 2-18 amended to read as follows:

2-19 (b) Conduct indicating a need for supervision is:

2-20 (1) subject to Subsection (f), conduct, other than a
 2-21 traffic offense, that violates:

2-22 (A) the penal laws of this state of the grade of
 2-23 misdemeanor that are punishable by fine only; or

2-24 (B) the penal ordinances of any political
 2-25 subdivision of this state;

2-26 (2) the absence of a child on 10 or more days or parts
 2-27 of days within a six-month period in the same school year or on
 2-28 three or more days or parts of days within a four-week period from
 2-29 school;

2-30 (3) the voluntary absence of a child from the child's
 2-31 home without the consent of the child's parent or guardian for a
 2-32 substantial length of time or without intent to return;

2-33 (4) conduct prohibited by city ordinance or by state
 2-34 law involving the inhalation of the fumes or vapors of paint and
 2-35 other protective coatings or glue and other adhesives and the
 2-36 volatile chemicals itemized in Section 485.001, Health and Safety
 2-37 Code;

2-38 (5) an act that violates a school district's
 2-39 previously communicated written standards of student conduct for
 2-40 which the child has been expelled under Section 37.007(c),
 2-41 Education Code;

2-42 (6) conduct that violates a reasonable and lawful
 2-43 order of a court entered under Section 264.305; ~~[or]~~

2-44 (7) notwithstanding Subsection (a)(1), conduct
 2-45 described by Section 43.02(a)(1) or (2), Penal Code; or

2-46 (8) notwithstanding Subsection (a)(1), ~~[(7)]~~ conduct
 2-47 that violates Section 43.261, Penal Code.

2-48 SECTION 5. Section 51.0412, Family Code, is amended to read
 2-49 as follows:

2-50 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
 2-51 The court retains jurisdiction over a person, without regard to the
 2-52 age of the person, who is a respondent in an adjudication
 2-53 proceeding, a disposition proceeding, a proceeding to modify
 2-54 disposition, a proceeding for waiver of jurisdiction and transfer
 2-55 to criminal court under Section 54.02(a), or a motion for transfer
 2-56 of determinate sentence probation to an appropriate district court
 2-57 if:

2-58 (1) the petition or motion ~~[to modify]~~ was filed while
 2-59 the respondent was younger than 18 ~~[years of age]~~ or ~~[the motion for~~
 2-60 ~~transfer was filed while the respondent was younger than]~~ 19 years
 2-61 of age, as applicable;

2-62 (2) the proceeding is not complete before the
 2-63 respondent becomes 18 or 19 years of age, as applicable; and

2-64 (3) the court enters a finding in the proceeding that
 2-65 the prosecuting attorney exercised due diligence in an attempt to
 2-66 complete the proceeding before the respondent became 18 or 19 years
 2-67 of age, as applicable.

2-68 SECTION 6. Section 51.07, Family Code, is amended to read as
 2-69 follows:

3-1 Sec. 51.07. TRANSFER TO ANOTHER COUNTY FOR DISPOSITION.
3-2 (a) When a child has been found to have engaged in delinquent
3-3 conduct or conduct indicating a need for supervision under Section
3-4 54.03, the juvenile court may transfer the case and transcripts of
3-5 records and documents to the juvenile court of the county where the
3-6 child resides for disposition of the case under Section 54.04.
3-7 Consent by the court of the county where the child resides is not
3-8 required.

3-9 (b) For purposes of Subsection (a), while a child is the
3-10 subject of a suit under Title 5, the child is considered to reside
3-11 in the county in which the court of continuing exclusive
3-12 jurisdiction over the child is located.

3-13 SECTION 7. Section 51.072, Family Code, is amended by
3-14 amending Subsection (f) and adding Subsections (f-2), (j-1), and
3-15 (j-2) to read as follows:

3-16 (f) Not later than 10 business days after a receiving county
3-17 has agreed to provide interim supervision of a child, the juvenile
3-18 probation department of the sending county shall provide the
3-19 juvenile probation department of the receiving county with a copy
3-20 of the following documents:

3-21 (1) the petition and the adjudication and disposition
3-22 orders for the child, including the child's thumbprint;

3-23 (2) the child's conditions of probation;

3-24 (3) the social history report for the child;

3-25 (4) any psychological or psychiatric reports
3-26 concerning the child;

3-27 (5) the Department of Public Safety CR 43J form or
3-28 tracking incident number concerning the child;

3-29 (6) any law enforcement incident reports concerning
3-30 the offense for which the child is on probation;

3-31 (7) any sex offender registration information
3-32 concerning the child;

3-33 (8) any juvenile probation department progress
3-34 reports concerning the child and any other pertinent documentation
3-35 for the child's probation officer;

3-36 (9) case plans concerning the child;

3-37 (10) the Texas Juvenile Justice Department [~~Probation~~
3-38 ~~Commission~~] standard assessment tool results for the child;

3-39 (11) the computerized referral and case history for
3-40 the child, including case disposition;

3-41 (12) the child's birth certificate;

3-42 (13) the child's social security number or social
3-43 security card, if available;

3-44 (14) the name, address, and telephone number of the
3-45 contact person in the sending county's juvenile probation
3-46 department;

3-47 (15) Title IV-E eligibility screening information for
3-48 the child, if available;

3-49 (16) the address in the sending county for forwarding
3-50 funds collected to which the sending county is entitled;

3-51 (17) any of the child's school or immunization records
3-52 that the juvenile probation department of the sending county
3-53 possesses; ~~and~~

3-54 (18) any victim information concerning the case for
3-55 which the child is on probation; and

3-56 (19) if applicable, documentation that the sending
3-57 county has required the child to provide a DNA sample to the
3-58 Department of Public Safety under Section 54.0405 or 54.0409 or
3-59 under Subchapter G, Chapter 411, Government Code.

3-60 (f-2) On initiating a transfer of probation supervision
3-61 under this section, for a child ordered to submit a DNA sample as a
3-62 condition of probation, the sending county shall provide to the
3-63 receiving county documentation of compliance with the requirements
3-64 of Section 54.0405 or 54.0409 or of Subchapter G, Chapter 411,
3-65 Government Code, as applicable. If the sending county has not
3-66 provided the documentation required under this section within the
3-67 time provided by Subsection (f), the receiving county may refuse to
3-68 accept interim supervision until the sending county has provided
3-69 the documentation.

4-1 (j-1) Notwithstanding Subsection (j), the sending county
 4-2 may request interim supervision from the receiving county that
 4-3 issued a directive under Subsection (i)(2). Following the
 4-4 conclusion of any judicial proceedings in the sending county or on
 4-5 the completion of any residential placement ordered by the juvenile
 4-6 court of the sending county, the sending and receiving counties may
 4-7 mutually agree to return the child to the receiving county. The
 4-8 sending and receiving counties may take into consideration whether:

4-9 (1) the person having legal custody of the child
 4-10 resides in the receiving county;

4-11 (2) the child has been ordered by the juvenile court of
 4-12 the sending county to reside with a parent, guardian, or other
 4-13 person who resides in the sending county or any other county; and

4-14 (3) the case meets the statutory requirements for
 4-15 collaborative supervision.

4-16 (j-2) The period of interim supervision under Subsection
 4-17 (j-1) may not exceed the period under Subsection (m).

4-18 SECTION 8. Subsections (d) and (e), Section 51.13, Family
 4-19 Code, are amended to read as follows:

4-20 (d) An adjudication under Section 54.03 that a child engaged
 4-21 in conduct that occurred on or after January 1, 1996, and that
 4-22 constitutes a felony offense resulting in commitment to the Texas
 4-23 Juvenile Justice Department [~~Youth Commission~~] under Section
 4-24 54.04(d)(2), (d)(3), or (m) or 54.05(f) is a final felony
 4-25 conviction only for the purposes of Sections 12.42(a), (b), and
 4-26 (c)(1), [~~and (e),~~] Penal Code.

4-27 (e) A finding that a child engaged in conduct indicating a
 4-28 need for supervision as described by Section 51.03(b)(8)
 4-29 [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections
 4-30 43.261(c) and (d), Penal Code.

4-31 SECTION 9. Subsection (c), Section 51.17, Family Code, is
 4-32 amended to read as follows:

4-33 (c) Except as otherwise provided by this title, the Texas
 4-34 Rules of Evidence applicable [~~apply~~] to criminal cases and Articles
 4-35 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in
 4-36 a judicial proceeding under this title.

4-37 SECTION 10. Section 52.0151, Family Code, is amended by
 4-38 amending Subsection (a) and adding Subsection (c) to read as
 4-39 follows:

4-40 (a) If a witness is in a placement in the custody of the
 4-41 Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile
 4-42 secure detention facility, or a juvenile secure correctional
 4-43 facility, the court may issue a bench warrant or direct that an
 4-44 attachment issue to require a peace officer or probation officer to
 4-45 secure custody of the person at the placement and produce the person
 4-46 in court. Once the person is no longer needed as a witness or the
 4-47 period prescribed by Subsection (c) has expired without extension,
 4-48 the court shall order the peace officer or probation officer to
 4-49 return the person to the placement from which the person was
 4-50 released.

4-51 (c) A witness held in custody under this section may be
 4-52 placed in a certified juvenile detention facility for a period not
 4-53 to exceed 30 days. The length of placement may be extended in
 4-54 30-day increments by the court that issued the original bench
 4-55 warrant. If the placement is not extended, the period under this
 4-56 section expires and the witness may be returned as provided by
 4-57 Subsection (a).

4-58 SECTION 11. The heading to Section 53.045, Family Code, is
 4-59 amended to read as follows:

4-60 Sec. 53.045. OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE
 4-61 [~~VIOLENT OR HABITUAL OFFENDERS~~].

4-62 SECTION 12. Subsection (e), Section 54.011, Family Code, is
 4-63 amended to read as follows:

4-64 (e) A status offender may be detained for a necessary
 4-65 period, not to exceed the period allowed under the Interstate
 4-66 Compact for Juveniles [~~five days~~], to enable the child's return to
 4-67 the child's home in another state under Chapter 60.

4-68 SECTION 13. Section 54.02, Family Code, is amended by
 4-69 adding Subsection (h-1) and amending Subsections (k) and (l) to

5-1 read as follows:

5-2 (h-1) If the juvenile court orders a person detained in a
 5-3 certified juvenile detention facility under Subsection (h), the
 5-4 juvenile court shall set or deny bond for the person as required by
 5-5 the Code of Criminal Procedure and other law applicable to the
 5-6 pretrial detention of adults accused of criminal offenses.

5-7 (k) The petition and notice requirements of Sections 53.04,
 5-8 53.05, 53.06, and 53.07 of this code must be satisfied, and the
 5-9 summons must state that the hearing is for the purpose of
 5-10 considering waiver of jurisdiction under Subsection (j) [~~of this~~
 5-11 ~~section~~]. The person's parent, custodian, guardian, or guardian ad
 5-12 litem is not considered a party to a proceeding under Subsection (j)
 5-13 and it is not necessary to provide the parent, custodian, guardian,
 5-14 or guardian ad litem with notice.

5-15 (l) The juvenile court shall conduct a hearing without a
 5-16 jury to consider waiver of jurisdiction under Subsection (j) [~~of~~
 5-17 ~~this section~~]. Except as otherwise provided by this subsection, a
 5-18 waiver of jurisdiction under Subsection (j) may be made without the
 5-19 necessity of conducting the diagnostic study or complying with the
 5-20 requirements of discretionary transfer proceedings under
 5-21 Subsection (d). If requested by the attorney for the person at
 5-22 least 10 days before the transfer hearing, the court shall order
 5-23 that the person be examined pursuant to Section 51.20(a) and that
 5-24 the results of the examination be provided to the attorney for the
 5-25 person and the attorney for the state at least five days before the
 5-26 transfer hearing.

5-27 SECTION 14. Subsection (a), Section 54.0404, Family Code,
 5-28 is amended to read as follows:

5-29 (a) If a child is found to have engaged in conduct
 5-30 indicating a need for supervision described by Section 51.03(b)(8)
 5-31 [~~51.03(b)(7)~~], the juvenile court may enter an order requiring the
 5-32 child to attend and successfully complete an educational program
 5-33 described by Section 37.218, Education Code, or another equivalent
 5-34 educational program.

5-35 SECTION 15. The heading to Section 56.03, Family Code, is
 5-36 amended to read as follows:

5-37 Sec. 56.03. APPEAL BY STATE IN CASES OF OFFENSES ELIGIBLE
 5-38 FOR DETERMINATE SENTENCE [~~VIOLENT OR HABITUAL OFFENDER~~].

5-39 SECTION 16. Subsection (c-3), Section 58.003, Family Code,
 5-40 as added by Chapter 1322 (S.B. 407), Acts of the 82nd Legislature,
 5-41 Regular Session, 2011, is redesignated as Subsection (c-5), Section
 5-42 58.003, Family Code, to read as follows:

5-43 (c-5) [~~(c-3)~~] Notwithstanding Subsections (a) and (c) and
 5-44 subject to Subsection (b), a juvenile court may order the sealing of
 5-45 records concerning a child found to have engaged in conduct
 5-46 indicating a need for supervision that violates Section 43.261,
 5-47 Penal Code, or taken into custody to determine whether the child
 5-48 engaged in conduct indicating a need for supervision that violates
 5-49 Section 43.261, Penal Code, if the child attends and successfully
 5-50 completes an educational program described by Section 37.218,
 5-51 Education Code, or another equivalent educational program. The
 5-52 court may:

5-53 (1) order the sealing of the records immediately and
 5-54 without a hearing; or

5-55 (2) hold a hearing to determine whether to seal the
 5-56 records.

5-57 SECTION 17. Subsection (c-4), Section 58.003, Family Code,
 5-58 as added by Chapter 1322 (S.B. 407), Acts of the 82nd Legislature,
 5-59 Regular Session, 2011, is redesignated as Subsection (c-6), Section
 5-60 58.003, Family Code, and amended to read as follows:

5-61 (c-6) [~~(c-4)~~] A prosecuting attorney or juvenile probation
 5-62 department may maintain until a child's 17th birthday a separate
 5-63 record of the child's name and date of birth and the date on which
 5-64 the child successfully completed the educational program, if the
 5-65 child's records are sealed under Subsection (c-5) [~~(c-3)~~]. The
 5-66 prosecuting attorney or juvenile probation department, as
 5-67 applicable, shall send the record to the court as soon as
 5-68 practicable after the child's 17th birthday to be added to the
 5-69 child's other sealed records.

6-1 SECTION 18. Subsection (d), Section 58.003, Family Code, as
6-2 amended by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of
6-3 the 82nd Legislature, Regular Session, 2011, is reenacted and
6-4 amended to read as follows:

6-5 (d) The court may grant to a child the relief authorized in
6-6 Subsection (a), (c-1), ~~or~~ (c-3), or (c-5) at any time after final
6-7 discharge of the child or after the last official action in the case
6-8 if there was no adjudication, subject, if applicable, to Subsection
6-9 (e). If the child is referred to the juvenile court for conduct
6-10 constituting any offense and at the adjudication hearing the child
6-11 is found to be not guilty of each offense alleged, the court shall
6-12 immediately and without any additional hearing order the sealing of
6-13 all files and records relating to the case.

6-14 SECTION 19. Subsection (g-1), Section 58.003, Family Code,
6-15 is amended to read as follows:

6-16 (g-1) Statistical data ~~[Any records]~~ collected or
6-17 maintained by the Texas Juvenile Justice Department, including
6-18 statistical data submitted under Section 221.007, Human Resources
6-19 Code, is ~~are~~ not subject to a sealing order issued under this
6-20 section.

6-21 SECTION 20. Subsection (a), Section 58.203, Family Code, is
6-22 amended to read as follows:

6-23 (a) The department shall certify to the juvenile probation
6-24 department to which a referral was made that resulted in
6-25 information being submitted to the juvenile justice information
6-26 system that the records relating to a person's juvenile case are
6-27 subject to automatic restriction of access if:

- 6-28 (1) the person is at least 17 years of age;
- 6-29 (2) the juvenile case did not include ~~[violent or~~
6-30 ~~habitual felony]~~ conduct resulting in determinate sentence
6-31 proceedings in the juvenile court under Section 53.045; and
- 6-32 (3) the juvenile case was not certified for trial in
6-33 criminal court under Section 54.02.

6-34 SECTION 21. Subsection (b), Section 58.204, Family Code, is
6-35 amended to read as follows:

6-36 (b) On certification of records in a case under Section
6-37 58.203, the department may permit access to the information in the
6-38 juvenile justice information system relating to the case of an
6-39 individual only:

- 6-40 (1) by a criminal justice agency for a criminal
6-41 justice purpose, as those terms are defined by Section 411.082,
6-42 Government Code; ~~or~~
- 6-43 (2) for research purposes, by the Texas Juvenile
6-44 Justice Department;
- 6-45 (3) by the person who is the subject of the records on
6-46 an order from the juvenile court granting the petition filed by or
6-47 on behalf of the person who is the subject of the records;
- 6-48 (4) with the permission of the juvenile court at the
6-49 request of the person who is the subject of the records; or
- 6-50 (5) with the permission of the juvenile court, by a
6-51 party to a civil suit if the person who is the subject of the records
6-52 has put facts relating to the person's records at issue in the suit
6-53 [Probation Commission, the Texas Youth Commission, or the Criminal
6-54 Justice Policy Council].

6-55 SECTION 22. Section 58.207, Family Code, is amended to read
6-56 as follows:

6-57 Sec. 58.207. JUVENILE COURT ORDERS ON CERTIFICATION.

6-58 (a) On certification of records in a case under Section 58.203,
6-59 the juvenile court shall order:

- 6-60 (1) that the following records relating to the case
6-61 may be accessed only as provided by Section 58.204(b):
 - 6-62 (A) if the respondent was committed to the Texas
6-63 Juvenile Justice Department ~~[Youth Commission]~~, records maintained
6-64 by the department ~~[commission]~~;
 - 6-65 (B) records maintained by the juvenile probation
6-66 department;
 - 6-67 (C) records maintained by the clerk of the court;
 - 6-68 (D) records maintained by the prosecutor's
6-69 office; and

7-1 (E) records maintained by a law enforcement
7-2 agency; and

7-3 (2) the juvenile probation department to make a
7-4 reasonable effort to notify the person who is the subject of records
7-5 for which access has been restricted of the action restricting
7-6 access and the legal significance of the action for the person, but
7-7 only if the person has requested the notification in writing and has
7-8 provided the juvenile probation department with a current address.

7-9 (b) Except as provided by Subsection (c), on [On] receipt of
7-10 an order under Subsection (a)(1), the agency maintaining the
7-11 records:

7-12 (1) may allow access only as provided by Section
7-13 58.204(b); and

7-14 (2) shall respond to a request for information about
7-15 the records by stating that the records do not exist.

7-16 (c) Subsection (b) does not apply if:

7-17 (1) the subject of an order issued under Subsection
7-18 (a)(1) is under the jurisdiction of the juvenile court or the Texas
7-19 Juvenile Justice Department; or

7-20 (2) the agency has received notice that the records
7-21 are not subject to restricted access under Section 58.211.

7-22 (d) Notwithstanding Subsection (b) and Section 58.206(b),
7-23 with the permission of the subject of the records, an agency listed
7-24 in Subsection (a)(1) may permit the state military forces or the
7-25 United States military forces to have access to juvenile records
7-26 held by that agency. On receipt of a request from the state
7-27 military forces or the United States military forces, an agency may
7-28 provide access to juvenile records held by that agency in the same
7-29 manner authorized by law for records that have not been restricted
7-30 under Subsection (a).

7-31 SECTION 23. Section 58.209, Family Code, is amended to read
7-32 as follows:

7-33 Sec. 58.209. INFORMATION TO CHILD BY PROBATION OFFICER OR
7-34 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) When a
7-35 child is placed on probation for an offense that may be eligible for
7-36 automatic restricted access at age 17 or when a child is received by
7-37 the Texas Juvenile Justice Department [~~Youth Commission~~] on an
7-38 indeterminate commitment, a probation officer or an official at the
7-39 Texas Juvenile Justice Department [~~Youth Commission~~] reception
7-40 center, as soon as practicable, shall explain the substance of the
7-41 following information to the child:

7-42 (1) if the child was adjudicated as having committed
7-43 delinquent conduct for a felony or jailable misdemeanor, that the
7-44 child probably has a juvenile record with the department and the
7-45 Federal Bureau of Investigation;

7-46 (2) that the child's juvenile record is a permanent
7-47 record that is not destroyed or erased unless the record is eligible
7-48 for sealing and the child or the child's family hires a lawyer and
7-49 files a petition in court to have the record sealed;

7-50 (3) that the child's juvenile record, other than
7-51 treatment records made confidential by law, can be accessed by
7-52 police, sheriff's officers, prosecutors, probation officers,
7-53 correctional officers, and other criminal and juvenile justice
7-54 officials in this state and elsewhere;

7-55 (4) that the child's juvenile record, other than
7-56 treatment records made confidential by law, can be accessed by
7-57 employers, educational institutions, licensing agencies, and other
7-58 organizations when the child applies for employment or educational
7-59 programs;

7-60 (5) if the child's juvenile record is placed on
7-61 restricted access when the child becomes 17 years of age, that
7-62 access will be denied to employers, educational institutions, and
7-63 others except for criminal justice agencies; [~~and~~]

7-64 (6) that restricted access does not require any action
7-65 by the child or the child's family, including the filing of a
7-66 petition or hiring of a lawyer, but occurs automatically at age 17;
7-67 and

7-68 (7) that if the child is under the jurisdiction of the
7-69 juvenile court or the Texas Juvenile Justice Department on or after

8-1 the child's 17th birthday, the law regarding restricted access will
8-2 not apply until the person is discharged from the jurisdiction of
8-3 the court or department, as appropriate.

8-4 (b) The probation officer or Texas Juvenile Justice
8-5 Department [~~Youth Commission~~] official shall:

8-6 (1) give the child a written copy of the explanation
8-7 provided; and

8-8 (2) communicate the same information to at least one
8-9 of the child's parents or, if none can be found, to the child's
8-10 guardian or custodian.

8-11 (c) The Texas Juvenile Justice Department [~~Probation~~
8-12 ~~Commission and the Texas Youth Commission~~] shall adopt rules to
8-13 implement this section and to facilitate the effective explanation
8-14 of the information required to be communicated by this section.

8-15 SECTION 24. Subsection (a), Section 23.101, Government
8-16 Code, is amended to read as follows:

8-17 (a) The trial courts of this state shall regularly and
8-18 frequently set hearings and trials of pending matters, giving
8-19 preference to hearings and trials of the following:

8-20 (1) temporary injunctions;

8-21 (2) criminal actions, with the following actions given
8-22 preference over other criminal actions:

8-23 (A) criminal actions against defendants who are
8-24 detained in jail pending trial;

8-25 (B) criminal actions involving a charge that a
8-26 person committed an act of family violence, as defined by Section
8-27 71.004, Family Code;

8-28 (C) an offense under:

8-29 (i) Section 21.02 or 21.11, Penal Code;

8-30 (ii) Chapter 22, Penal Code, if the victim
8-31 of the alleged offense is younger than 17 years of age;

8-32 (iii) Section 25.02, Penal Code, if the
8-33 victim of the alleged offense is younger than 17 years of age;

8-34 (iv) Section 25.06, Penal Code;

8-35 (v) Section 43.25, Penal Code; or

8-36 (vi) Section 20A.03, Penal Code;

8-37 (D) an offense described by Article 62.001(6)(C)
8-38 or (D), Code of Criminal Procedure; and

8-39 (E) criminal actions against persons [~~children~~]
8-40 who are detained as provided by Section 51.12, Family Code, after
8-41 transfer for prosecution in criminal court under Section 54.02,
8-42 Family Code;

8-43 (3) election contests and suits under the Election
8-44 Code;

8-45 (4) orders for the protection of the family under
8-46 Subtitle B, Title 4, Family Code;

8-47 (5) appeals of final rulings and decisions of the
8-48 division of workers' compensation of the Texas Department of
8-49 Insurance regarding workers' compensation claims and claims under
8-50 the Federal Employers' Liability Act and the Jones Act;

8-51 (6) appeals of final orders of the commissioner of the
8-52 General Land Office under Section 51.3021, Natural Resources Code;

8-53 (7) actions in which the claimant has been diagnosed
8-54 with malignant mesothelioma, other malignant asbestos-related
8-55 cancer, malignant silica-related cancer, or acute silicosis; and

8-56 (8) appeals brought under Section 42.01 or 42.015, Tax
8-57 Code, of orders of appraisal review boards of appraisal districts
8-58 established for counties with a population of less than 175,000.

8-59 SECTION 25. Section 243.005, Human Resources Code, is
8-60 amended to read as follows:

8-61 Sec. 243.005. INFORMATION PROVIDED BY COMMITTING COURT. In
8-62 addition to the information provided under Section 243.004, a court
8-63 that commits a child to the department shall provide the department
8-64 with a copy of the following documents:

8-65 (1) the petition and the adjudication and disposition
8-66 orders for the child, including the child's thumbprint;

8-67 (2) if the commitment is a result of revocation of
8-68 probation, a copy of the conditions of probation and the revocation
8-69 order;

- 9-1 (3) the social history report for the child;
- 9-2 (4) any psychological or psychiatric reports
- 9-3 concerning the child;
- 9-4 (5) the contact information sheet for the child's
- 9-5 parents or guardian;
- 9-6 (6) any law enforcement incident reports concerning
- 9-7 the offense for which the child is committed;
- 9-8 (7) any sex offender registration information
- 9-9 concerning the child;
- 9-10 (8) any juvenile probation department progress
- 9-11 reports concerning the child;
- 9-12 (9) any assessment documents concerning the child;
- 9-13 (10) the computerized referral and case history for
- 9-14 the child, including case disposition;
- 9-15 (11) the child's birth certificate;
- 9-16 (12) the child's social security number or social
- 9-17 security card, if available;
- 9-18 (13) the name, address, and telephone number of the
- 9-19 court administrator in the committing county;
- 9-20 (14) Title IV-E eligibility screening information for
- 9-21 the child, if available;
- 9-22 (15) the address in the committing county for
- 9-23 forwarding funds collected to which the committing county is
- 9-24 entitled;
- 9-25 (16) any of the child's school or immunization records
- 9-26 that the committing county possesses;
- 9-27 (17) any victim information concerning the case for
- 9-28 which the child is committed; ~~and~~
- 9-29 (18) any of the child's pertinent medical records that
- 9-30 the committing court possesses;
- 9-31 (19) the Texas Juvenile Justice Department standard
- 9-32 assessment tool results for the child;
- 9-33 (20) the Department of Public Safety CR-43J form or
- 9-34 tracking incident number concerning the child; and
- 9-35 (21) documentation that the committing court has
- 9-36 required the child to provide a DNA sample to the Department of
- 9-37 Public Safety.

9-38 SECTION 26. The heading to Section 244.014, Human Resources
9-39 Code, is amended to read as follows:

9-40 Sec. 244.014. REFERRAL OF DETERMINATE SENTENCE [~~VIOLENT AND~~
9-41 ~~HABITUAL~~] OFFENDERS FOR TRANSFER.

9-42 SECTION 27. (a) Article 4.19, Code of Criminal Procedure,
9-43 and Section 51.07, Family Code, as amended by this Act, apply to a
9-44 juvenile case transfer that occurs on or after the effective date of
9-45 this Act, regardless of whether the delinquent conduct or conduct
9-46 indicating a need for supervision that is the basis of the case
9-47 occurred before, on, or after the effective date of this Act.

9-48 (b) Article 24.011, Code of Criminal Procedure, and Section
9-49 52.0151, Family Code, as amended by this Act, apply to the detention
9-50 of a witness that occurs on or after the effective date of this Act,
9-51 regardless of whether any prior event connected to the proceeding,
9-52 action, or decision occurred before the effective date of this Act.

9-53 (c) Section 51.072, Family Code, as amended by this Act,
9-54 applies to a request for interim supervision that is initiated on or
9-55 after the effective date of this Act, regardless of whether the
9-56 child was placed on probation before, on, or after the effective
9-57 date of this Act.

9-58 (d) Section 243.005, Human Resources Code, as amended by
9-59 this Act, applies to a child who is committed to the Texas Juvenile
9-60 Justice Department on or after the effective date of this Act,
9-61 regardless of whether the delinquent conduct or conduct indicating
9-62 a need for supervision for which the child was committed occurred
9-63 before, on, or after the effective date of this Act.

9-64 SECTION 28. To the extent of any conflict, this Act prevails
9-65 over another Act of the 83rd Legislature, Regular Session, 2013,
9-66 relating to nonsubstantive additions to and corrections in enacted
9-67 codes.

10-1 SECTION 29. This Act takes effect September 1, 2013.

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