

1-1 By: Whitmire S.B. No. 1839  
 1-2 (In the Senate - Filed March 18, 2013; March 20, 2013, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 11, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 11, 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. 1839 By: Whitmire

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

1-19 relating to the detention of certain juvenile offenders.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Subsections (c-1) and (f), Section 51.12, Family  
 1-22 Code, are amended to read as follows:  
 1-23 (c-1) The Texas Juvenile Justice Department [~~Probation~~  
 1-24 ~~Commission~~] shall annually inspect each public or private juvenile  
 1-25 pre-adjudication secure detention facility. The department [~~Texas~~  
 1-26 ~~Juvenile Probation Commission~~] shall provide a report to each  
 1-27 juvenile court judge presiding in the same county as an inspected  
 1-28 facility indicating whether the facility is suitable or unsuitable  
 1-29 for the detention of children in accordance with:  
 1-30 (1) the requirements of Subsections (a) and [~~g~~] (f) [~~g~~  
 1-31 ~~and (g)~~]; and  
 1-32 (2) minimum professional standards for the detention  
 1-33 of children in pre-adjudication secure confinement promulgated by  
 1-34 the Texas Juvenile Justice Board [~~Probation Commission~~] or, at the  
 1-35 election of the juvenile board of the county in which the facility  
 1-36 is located, the current standards promulgated by the American  
 1-37 Correctional Association.  
 1-38 (f) A child detained in a building that contains a jail,  
 1-39 lockup, or other place of secure confinement, including an alcohol  
 1-40 or other drug treatment facility, shall be separated by sight and  
 1-41 sound from adults detained in the same building. Children and  
 1-42 adults are separated by sight and sound only if they are unable to  
 1-43 see each other and conversation between them is not possible. The  
 1-44 separation must extend to all areas of the facility, including  
 1-45 sally ports and passageways, and those areas used for admission,  
 1-46 counseling, sleeping, toileting, showering, dining, recreational,  
 1-47 educational, or vocational activities, and health care. The  
 1-48 separation may be accomplished through architectural design. If  
 1-49 incidental contact between the child and detained adults is  
 1-50 possible at the facility, staff must directly supervise the child  
 1-51 during all times incidental contact is possible. A person who has  
 1-52 been transferred for prosecution in criminal court under Section  
 1-53 54.02 and is under 17 years of age is considered a child for the  
 1-54 purposes of this subsection.  
 1-55 SECTION 2. Subsection (h), Section 54.02, Family Code, is  
 1-56 amended to read as follows:  
 1-57 (h) If the juvenile court waives jurisdiction, it shall  
 1-58 state specifically in the order its reasons for waiver and certify  
 1-59 its action, including the written order and findings of the court,  
 1-60 and shall transfer the person to the appropriate court for criminal

2-1 proceedings and cause the results of the diagnostic study of the  
2-2 person ordered under Subsection (d), including psychological  
2-3 information, to be transferred to the appropriate criminal  
2-4 prosecutor. On transfer of the person for criminal proceedings,  
2-5 the person shall be dealt with as an adult and in accordance with  
2-6 the Code of Criminal Procedure, except that if detention in a  
2-7 certified juvenile detention facility is authorized under Section  
2-8 152.0015, Human Resources Code, the juvenile court may order the  
2-9 person to be detained in the facility pending trial or until the  
2-10 criminal court enters an order under Article 4.19, Code of Criminal  
2-11 Procedure. A person who is ordered to be detained in a juvenile  
2-12 detention facility and who is under 17 years of age is considered a  
2-13 child for purposes of Section 51.12. A transfer of custody made  
2-14 under this subsection is an arrest.

2-15 SECTION 3. Subsection (g), Section 51.12, Family Code, is  
2-16 repealed.

2-17 SECTION 4. The change in law made by this Act applies to a  
2-18 child detained on or after the effective date of this Act,  
2-19 regardless of whether the conduct for which the child was detained  
2-20 occurred before, on, or after the effective date of this Act.

2-21 SECTION 5. This Act takes effect September 1, 2013.

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