

SENATE AMENDMENTS

2nd Printing

By: McClendon

H.B. No. 2862

A BILL TO BE ENTITLED

AN ACT

relating to procedures related to juvenile cases.

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

SECTION 1. Articles 62.352(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) After a hearing under Article 62.351 or under a plea agreement described by Article 62.355(b), the juvenile court may enter an order:

(1) deferring decision on requiring registration under this chapter until the respondent has completed treatment for the respondent's sexual offense as a condition of probation or while committed to the Texas Juvenile Justice Department [~~Youth Commission~~]; or

(2) requiring the respondent to register as a sex offender but providing that the registration information is not public information and is restricted to use by law enforcement and criminal justice agencies, the Council on Sex Offender Treatment, and public or private institutions of higher education.

(c) If the court enters an order described by Subsection (b)(1), the court retains discretion and jurisdiction to require, or exempt the respondent from, registration under this chapter at any time during the treatment or on the successful or unsuccessful completion of treatment, except that during the period of deferral, registration may not be required. Following successful completion

1 of treatment, the respondent is exempted from registration under
2 this chapter unless a hearing under this subchapter is held on
3 motion of the prosecuting attorney ~~[state]~~, regardless of whether
4 the respondent is 18 years of age or older, and the court determines
5 the interests of the public require registration. Not later than
6 the 10th day after the date of the respondent's successful
7 completion of treatment, the treatment provider shall notify the
8 juvenile court and prosecuting attorney of the completion.

9 SECTION 2. Section 51.02(8-a), Family Code, is amended to
10 read as follows:

11 (8-a) "Nonsecure correctional facility" means a
12 facility described by Section 51.126 ~~[, other than a secure~~
13 ~~correctional facility, that accepts only juveniles who are on~~
14 ~~probation and that is operated by or under contract with a~~
15 ~~governmental unit, as defined by Section 101.001, Civil Practice~~
16 ~~and Remedies Code].~~

17 SECTION 3. Section 51.12, Family Code, is amended by
18 amending Subsection (a) and adding Subsection (j-1) to read as
19 follows:

20 (a) Except as provided by Subsection (h), a child may be
21 detained only in a:

22 (1) juvenile processing office in compliance with
23 Section 52.025;

24 (2) place of nonsecure custody in compliance with
25 Article 45.058, Code of Criminal Procedure;

26 (3) certified juvenile detention facility that
27 complies with the requirements of Subsection (f);

1 (4) secure detention facility as provided by
2 Subsection (j); ~~[or]~~

3 (5) county jail or other facility as provided by
4 Subsection (1); or

5 (6) nonsecure correctional facility as provided by
6 Subsection (j-1).

7 (j-1) After being taken into custody, a child may be
8 detained in a nonsecure correctional facility until the child is
9 released under Section 53.01, 53.012, or 53.02 or until a detention
10 hearing is held under Section 54.01(a), if:

11 (1) the nonsecure correctional facility has been
12 appropriately registered and certified;

13 (2) a certified secure detention facility is not
14 available in the county in which the child is taken into custody;

15 (3) the nonsecure correctional facility complies with
16 the short-term detention standards adopted by the Texas Juvenile
17 Justice Department; and

18 (4) the nonsecure correctional facility has been
19 designated by the county juvenile board for the county in which the
20 facility is located.

21 SECTION 4. Section 54.02, Family Code, is amended by adding
22 Subsection (s) to read as follows:

23 (s) If a child is transferred to criminal court under this
24 section, only the petition for discretionary transfer, the order of
25 transfer, and the order of commitment, if any, are a part of the
26 district clerk's public record.

27 SECTION 5. Sections 54.04(b) and (d), Family Code, are

1 amended to read as follows:

2 (b) At the disposition hearing, the juvenile court,
3 notwithstanding the Texas Rules of Evidence or Chapter 37, Code of
4 Criminal Procedure, may consider written reports from probation
5 officers, professional court employees, or professional
6 consultants in addition to the testimony of witnesses. On or
7 before the second day before the date of [~~Prior to~~] the disposition
8 hearing, the court shall provide the attorney for the child and the
9 prosecuting attorney with access to all written matter to be
10 considered by the court in disposition. The court may order
11 counsel not to reveal items to the child or the child's parent,
12 guardian, or guardian ad litem if such disclosure would materially
13 harm the treatment and rehabilitation of the child or would
14 substantially decrease the likelihood of receiving information
15 from the same or similar sources in the future.

16 (d) If the court or jury makes the finding specified in
17 Subsection (c) allowing the court to make a disposition in the case:

18 (1) the court or jury may, in addition to any order
19 required or authorized under Section 54.041 or 54.042, place the
20 child on probation on such reasonable and lawful terms as the court
21 may determine:

22 (A) in the child's own home or in the custody of a
23 relative or other fit person; or

24 (B) subject to the finding under Subsection (c)
25 on the placement of the child outside the child's home, in:

26 (i) a suitable foster home;

27 (ii) a suitable public or private

1 residential treatment facility licensed by a state governmental
2 entity or exempted from licensure by state law, except a facility
3 operated by the Texas Juvenile Justice Department [~~Youth~~
4 ~~Commission~~]; or

5 (iii) a suitable public or private
6 post-adjudication secure correctional facility that meets the
7 requirements of Section 51.125, except a facility operated by the
8 Texas Juvenile Justice Department [~~Youth Commission~~];

9 (2) if the court or jury found at the conclusion of the
10 adjudication hearing that the child engaged in delinquent conduct
11 that violates a penal law of this state or the United States of the
12 grade of felony and if the petition was not approved by the grand
13 jury under Section 53.045, the court may commit the child to the
14 Texas Juvenile Justice Department [~~Youth Commission~~] without a
15 determinate sentence;

16 (3) if the court or jury found at the conclusion of the
17 adjudication hearing that the child engaged in delinquent conduct
18 that included a violation of a penal law listed in Section 53.045(a)
19 and if the petition was approved by the grand jury under Section
20 53.045, the court or jury may sentence the child to commitment in
21 the Texas Juvenile Justice Department [~~Youth Commission~~] with a
22 possible transfer to the Texas Department of Criminal Justice for a
23 term of:

24 (A) not more than 40 years if the conduct
25 constitutes:

26 (i) a capital felony;

27 (ii) a felony of the first degree; or

1 (iii) an aggravated controlled substance
2 felony;

3 (B) not more than 20 years if the conduct
4 constitutes a felony of the second degree; or

5 (C) not more than 10 years if the conduct
6 constitutes a felony of the third degree;

7 (4) the court may assign the child an appropriate
8 sanction level and sanctions as provided by the assignment
9 guidelines in Section 59.003; ~~or~~

10 (5) the court may place the child in a suitable
11 nonsecure correctional facility that is registered and meets the
12 applicable standards for the facility as provided by Section
13 51.126; or

14 (6) if applicable, the court or jury may make a
15 disposition under Subsection (m).

16 SECTION 6. Section 54.0482, Family Code, is amended by
17 amending Subsections (a), (e), and (f) and adding Subsection (b-1)
18 to read as follows:

19 (a) A juvenile probation department that receives a payment
20 to a victim as the result of a juvenile court order for restitution
21 shall immediately:

22 (1) deposit the payment in an interest-bearing account
23 in the county treasury; and

24 (2) notify the victim [~~by certified mail, sent to the~~
25 ~~last known address of the victim,~~] that a payment has been received.

26 (b-1) If the victim does not make a claim for payment on or
27 before the 30th day after the date of being notified under

1 Subsection (a), the juvenile probation department shall notify the
2 victim by certified mail, sent to the last known address of the
3 victim, that a payment has been received.

4 (e) If a victim claims a payment on or before the fifth
5 anniversary of the date on which the juvenile probation department
6 mailed a notice to the victim under Subsection (b-1) [~~(a)~~], the
7 juvenile probation department shall pay the victim the amount of
8 the original payment, less any interest earned while holding the
9 payment.

10 (f) If a victim does not claim a payment on or before the
11 fifth anniversary of the date on which the juvenile probation
12 department mailed a notice to the victim under Subsection (b-1)
13 [~~(a)~~], the department:

14 (1) has no liability to the victim or anyone else in
15 relation to the payment; and

16 (2) shall transfer the payment from the
17 interest-bearing account to a special fund of the county treasury,
18 the unclaimed juvenile restitution fund.

19 SECTION 7. Section 54.05(e), Family Code, is amended to
20 read as follows:

21 (e) After the hearing on the merits or facts, the court may
22 consider written reports from probation officers, professional
23 court employees, or professional consultants in addition to the
24 testimony of other witnesses. On or before the second day before
25 the date of [~~Prior to~~] the hearing to modify disposition, the court
26 shall provide the attorney for the child and the prosecuting
27 attorney with access to all written matter to be considered by the

1 court in deciding whether to modify disposition. The court may
2 order counsel not to reveal items to the child or his parent,
3 guardian, or guardian ad litem if such disclosure would materially
4 harm the treatment and rehabilitation of the child or would
5 substantially decrease the likelihood of receiving information
6 from the same or similar sources in the future.

7 SECTION 8. Section 54.051, Family Code, is amended by
8 amending Subsections (b), (e), (e-2), (e-3), and (i) and adding
9 Subsection (d-1) to read as follows:

10 (b) The hearing must be conducted before the person's
11 [child's] 19th birthday, or before the person's 18th birthday if the
12 offense for which the person was placed on probation occurred
13 before September 1, 2011, and must be conducted in the same manner
14 as a hearing to modify disposition under Section 54.05.

15 (d-1) After a transfer to district court under Subsection
16 (d), only the petition, the grand jury approval, the judgment
17 concerning the conduct for which the person was placed on
18 determinate sentence probation, and the transfer order are a part
19 of the district clerk's public record.

20 (e) A district court that exercises jurisdiction over a
21 person ~~[child]~~ transferred under Subsection (d) shall place the
22 person ~~[child]~~ on community supervision under Article 42.12, Code
23 of Criminal Procedure, for the remainder of the person's ~~[child's]~~
24 probationary period and under conditions consistent with those
25 ordered by the juvenile court.

26 (e-2) If a person ~~[child]~~ who is placed on community
27 supervision under this section violates a condition of that

1 supervision or if the person [~~child~~] violated a condition of
2 probation ordered under Section 54.04(q) and that probation
3 violation was not discovered by the state before the person's
4 [~~child's~~] 19th birthday, the district court shall dispose of the
5 violation of community supervision or probation, as appropriate, in
6 the same manner as if the court had originally exercised
7 jurisdiction over the case. If the judge revokes community
8 supervision, the judge may reduce the prison sentence to any length
9 without regard to the minimum term imposed by Section 23(a),
10 Article 42.12, Code of Criminal Procedure.

11 (e-3) The time that a person [~~child~~] serves on probation
12 ordered under Section 54.04(q) is the same as time served on
13 community supervision ordered under this section for purposes of
14 determining the person's [~~child's~~] eligibility for early discharge
15 from community supervision under Section 20, Article 42.12, Code of
16 Criminal Procedure.

17 (i) If the juvenile court exercises jurisdiction over a
18 person who is 18 or 19 years of age or older, as applicable, under
19 Section 51.041 or 51.0412, the court or jury may, if the person is
20 otherwise eligible, place the person on probation under Section
21 54.04(q). The juvenile court shall set the conditions of probation
22 and immediately transfer supervision of the person to the
23 appropriate court exercising criminal jurisdiction under
24 Subsection (e).

25 SECTION 9. Sections 54.11(b) and (d), Family Code, are
26 amended to read as follows:

27 (b) The court shall notify the following of the time and

1 place of the hearing:

2 (1) the person to be transferred or released under
3 supervision;

4 (2) the parents of the person;

5 (3) any legal custodian of the person, including the
6 Texas Juvenile Justice Department [~~Youth Commission~~];

7 (4) the office of the prosecuting attorney that
8 represented the state in the juvenile delinquency proceedings;

9 (5) the victim of the offense that was included in the
10 delinquent conduct that was a ground for the disposition, or a
11 member of the victim's family; and

12 (6) any other person who has filed a written request
13 with the court to be notified of a release hearing with respect to
14 the person to be transferred or released under supervision.

15 (d) At a hearing under this section the court may consider
16 written reports and supporting documents from probation officers,
17 professional court employees, professional consultants, or
18 employees of the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~], in addition to the testimony of witnesses. On or
20 before the fifth day [~~At least one day~~] before the date of the
21 hearing, the court shall provide the attorney for the person to be
22 transferred or released under supervision with access to all
23 written matter to be considered by the court. All written matter is
24 admissible in evidence at the hearing.

25 SECTION 10. Section 58.007(b), Family Code, is amended to
26 read as follows:

27 (b) Except as provided by Section 54.051(d-1) and by Article

1 15.27, Code of Criminal Procedure, the records and files of a
2 juvenile court, a clerk of court, a juvenile probation department,
3 or a prosecuting attorney relating to a child who is a party to a
4 proceeding under this title are open to inspection only by:

5 (1) the judge, probation officers, and professional
6 staff or consultants of the juvenile court;

7 (2) a juvenile justice agency as that term is defined
8 by Section 58.101;

9 (3) an attorney for a party to the proceeding;

10 (4) a public or private agency or institution
11 providing supervision of the child by arrangement of the juvenile
12 court, or having custody of the child under juvenile court order; or

13 (5) with leave of the juvenile court, any other
14 person, agency, or institution having a legitimate interest in the
15 proceeding or in the work of the court.

16 SECTION 11. Section 61.0031(d), Family Code, is amended to
17 read as follows:

18 (d) The juvenile court to which the order has been
19 transferred shall require the parent or other eligible person to
20 appear before the court to notify the person of the existence and
21 terms of the order, unless the permanent supervision hearing under
22 Section 51.073(c) has been waived. Failure to do so renders the
23 order unenforceable.

24 SECTION 12. Section 221.003(c), Human Resources Code, is
25 amended to read as follows:

26 (c) Any statement made by a child and any mental health data
27 obtained from the child during the administration of the mental

1 health screening instrument or the initial risk and needs
2 assessment instruments under this section is not admissible against
3 the child at any adjudication [~~other~~] hearing. The person
4 administering the mental health screening instrument or initial
5 risk and needs assessment instruments shall inform the child that
6 any statement made by the child and any mental health data obtained
7 from the child during the administration of the instrument is not
8 admissible against the child at any adjudication [~~other~~] hearing.

9 SECTION 13. Section 222.003(a), Human Resources Code, is
10 amended to read as follows:

11 (a) The board by rule shall adopt certification standards
12 for persons who are employed in nonsecure correctional facilities
13 that accept [~~only~~] juveniles [~~who are on probation~~] and that are
14 operated by or under contract with a governmental unit, as defined
15 by Section 101.001, Civil Practice and Remedies Code.


16 SECTION 14. (a) Sections 54.02(s) and 54.051(d-1), Family
17 Code, as added by this Act, and Section 58.007(b), Family Code, as
18 amended by this Act, apply to a record created before, on, or after
19 the effective date of this Act.

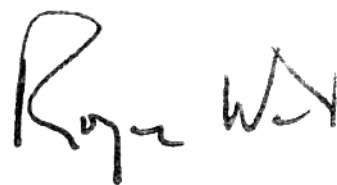
20 (b) Sections 54.04(b), 54.05(e), and 54.11(d), Family Code,
21 as amended by this Act, apply only to conduct that occurs on or
22 after the effective date of this Act. Conduct that occurs before the
23 effective date of this Act is covered by the law in effect at the
24 time the conduct occurred, and the former law is continued in effect
25 for that purpose. For the purposes of this section, conduct occurs
26 before the effective date of this Act if any element of the conduct
27 occurred before that date.

1 SECTION 15. This Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013


Secretary of the Senate



FLOOR AMENDMENT NO. 1

BY: _____

1 Amend H.B. No. 2862 (senate committee printing) as follows:

2 (1) In the recital to SECTION 4 of the bill (page 2, lines
3 23-24), strike "adding Subsection (s)" and substitute "adding
4 Subsections (h-1) and (s) and amending Subsections (k) and (l)".

5 (2) Immediately following the recital to SECTION 4 of the
6 bill (page 2, between lines 24 and 25), insert the following:

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

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

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

1 person and the attorney for the state at least five days before the
2 transfer hearing.

3 (3) In SECTION 14 of the bill (page 5, lines 48-59), add the
4 following appropriately lettered subsections to that SECTION and
5 reletter subsequent subsections accordingly:

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

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

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

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

28 (4) Add the following appropriately numbered SECTIONS to
29 the bill and renumber subsequent SECTIONS of the bill accordingly:

30 SECTION _____. Article 4.19, Code of Criminal Procedure, is
31 amended to read as follows:

1 Art. 4.19. TRANSFER OF PERSON CERTIFIED TO STAND TRIAL AS AN
2 ADULT [CHILD]. (a) Notwithstanding the order of a juvenile court
3 to detain a person under the age of 17 who has been certified to
4 stand trial as an adult [child] in a certified juvenile detention
5 facility under Section 54.02(h), Family Code, the judge of the
6 criminal court having jurisdiction over the person [child] may
7 order the person [child] to be transferred to an adult [another]
8 facility [~~and treated as an adult as provided by this code~~]. A
9 child who is transferred to an adult facility must be detained under
10 conditions meeting the requirements of Section 51.12, Family Code.

11 (b) On the 17th birthday of a person described by Subsection
12 (a) who is detained in a certified juvenile detention facility
13 under Section 54.02(h), Family Code, the judge of the criminal
14 court having jurisdiction over the person shall order the person to
15 be transferred to an adult facility.

16 SECTION _____. Article 24.011, Code of Criminal Procedure,
17 is amended by amending Subsection (c) and adding Subsection (d-1)
18 to read as follows:

19 (c) If the witness is in a placement in the custody of the
20 Texas Juvenile Justice Department [Youth Commission], a juvenile
21 secure detention facility, or a juvenile secure correctional
22 facility, the court may issue a bench warrant or direct that an
23 attachment issue to require a peace officer or probation officer to
24 secure custody of the person at the placement and produce the person
25 in court. When the person is no longer needed as a witness or the
26 period prescribed by Subsection (d-1) has expired without
27 extension, the court shall order the peace officer or probation
28 officer to return the person to the placement from which the person
29 was released.

30 (d-1) A witness younger than 17 years of age held in custody
31 under this article may be placed in a certified juvenile detention

1 facility for a period not to exceed 30 days. The length of
2 placement may be extended in increments of 30 days by the court that
3 issued the original bench warrant. If the placement is not
4 extended, the period under this article expires and the witness may
5 be returned as provided by Subsection (c).

6 SECTION _____. Subsection (f), Article 45.0216, Code of
7 Criminal Procedure, is amended to read as follows:

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

12 (1) for a person applying for the expunction of a
13 conviction for an offense described by Section 8.07(a)(4) or (5),
14 Penal Code, the person was not convicted of any other offense
15 described by Section 8.07(a)(4) or (5), Penal Code, while the
16 person was a child; and

17 (2) for a person applying for the expunction of a
18 conviction for an offense described by Section 43.261, Penal Code,
19 the person was not found to have engaged in conduct indicating a
20 need for supervision described by Section 51.03(b)(8)
21 [~~51.03(b)(7)~~], Family Code, while the person was a child.

22 SECTION _____. Subsection (b), Section 51.03, Family Code,
23 as amended by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of
24 the 82nd Legislature, Regular Session, 2011, is reenacted and
25 amended to read as follows:

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

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

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

31 (B) the penal ordinances of any political

1 subdivision of this state;

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

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

9 (4) conduct prohibited by city ordinance or by state
10 law involving the inhalation of the fumes or vapors of paint and
11 other protective coatings or glue and other adhesives and the
12 volatile chemicals itemized in Section 485.001, Health and Safety
13 Code;

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

18 (6) conduct that violates a reasonable and lawful
19 order of a court entered under Section 264.305; ~~or~~

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

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

24 SECTION _____. Section 51.0412, Family Code, is amended to
25 read as follows:

26 Sec. 51.0412. JURISDICTION OVER INCOMPLETE PROCEEDINGS.
27 The court retains jurisdiction over a person, without regard to the
28 age of the person, who is a respondent in an adjudication
29 proceeding, a disposition proceeding, a proceeding to modify
30 disposition, a proceeding for waiver of jurisdiction and transfer
31 to criminal court under Section 54.02(a), or a motion for transfer

1 of determinate sentence probation to an appropriate district court
2 if:

3 (1) the petition or motion [~~to modify~~] was filed while
4 the respondent was younger than 18 [~~years of age~~] or [~~the motion for~~
5 ~~transfer was filed while the respondent was younger than~~] 19 years
6 of age, as applicable;

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

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

13 SECTION _____. Section 51.07, Family Code, is amended to
14 read as follows:

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

16 (a) When a child has been found to have engaged in delinquent
17 conduct or conduct indicating a need for supervision under Section
18 54.03, the juvenile court may transfer the case and transcripts of
19 records and documents to the juvenile court of the county where the
20 child resides for disposition of the case under Section 54.04.
21 Consent by the court of the county where the child resides is not
22 required.

23 (b) For purposes of Subsection (a), while a child is the
24 subject of a suit under Title 5, the child is considered to reside
25 in the county in which the court of continuing exclusive
26 jurisdiction over the child is located.

27 SECTION _____. Section 51.072, Family Code, is amended by
28 amending Subsection (f) and adding Subsections (f-2), (j-1), and
29 (j-2) to read as follows:

30 (f) Not later than 10 business days after a receiving county
31 has agreed to provide interim supervision of a child, the juvenile

1 probation department of the sending county shall provide the
2 juvenile probation department of the receiving county with a copy
3 of the following documents:

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

6 (2) the child's conditions of probation;

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

8 (4) any psychological or psychiatric reports
9 concerning the child;

10 (5) the Department of Public Safety CR 43J form or
11 tracking incident number concerning the child;

12 (6) any law enforcement incident reports concerning
13 the offense for which the child is on probation;

14 (7) any sex offender registration information
15 concerning the child;

16 (8) any juvenile probation department progress
17 reports concerning the child and any other pertinent documentation
18 for the child's probation officer;

19 (9) case plans concerning the child;

20 (10) the Texas Juvenile Justice Department [~~Probation~~
21 ~~Commission~~] standard assessment tool results for the child;

22 (11) the computerized referral and case history for
23 the child, including case disposition;

24 (12) the child's birth certificate;

25 (13) the child's social security number or social
26 security card, if available;

27 (14) the name, address, and telephone number of the
28 contact person in the sending county's juvenile probation
29 department;

30 (15) Title IV-E eligibility screening information for
31 the child, if available;

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

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

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

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

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

22 (j-1) Notwithstanding Subsection (j), the sending county
23 may request interim supervision from the receiving county that
24 issued a directive under Subsection (i)(2). Following the
25 conclusion of any judicial proceedings in the sending county or on
26 the completion of any residential placement ordered by the juvenile
27 court of the sending county, the sending and receiving counties may
28 mutually agree to return the child to the receiving county. The
29 sending and receiving counties may take into consideration whether:

30 (1) the person having legal custody of the child
31 resides in the receiving county;

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

4 (3) the case meets the statutory requirements for
5 collaborative supervision.

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

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

10 (d) An adjudication under Section 54.03 that a child engaged
11 in conduct that occurred on or after January 1, 1996, and that
12 constitutes a felony offense resulting in commitment to the Texas
13 Juvenile Justice Department [~~Youth Commission~~] under Section
14 54.04(d)(2), (d)(3), or (m) or 54.05(f) is a final felony
15 conviction only for the purposes of Sections 12.42(a), (b), and
16 (c)(1), [~~and (e),~~] Penal Code.

17 (e) A finding that a child engaged in conduct indicating a
18 need for supervision as described by Section 51.03(b)(8)
19 [~~51.03(b)(7)~~] is a conviction only for the purposes of Sections
20 43.261(c) and (d), Penal Code.

21 SECTION _____. Subsection (c), Section 51.17, Family Code,
22 is amended to read as follows:

23 (c) Except as otherwise provided by this title, the Texas
24 Rules of Evidence applicable [~~apply~~] to criminal cases and Articles
25 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in
26 a judicial proceeding under this title.

27 SECTION _____. Section 52.0151, Family Code, is amended by
28 amending Subsection (a) and adding Subsection (c) to read as
29 follows:

30 (a) If a witness is in a placement in the custody of the
31 Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile

1 secure detention facility, or a juvenile secure correctional
2 facility, the court may issue a bench warrant or direct that an
3 attachment issue to require a peace officer or probation officer to
4 secure custody of the person at the placement and produce the person
5 in court. Once the person is no longer needed as a witness or the
6 period prescribed by Subsection (c) has expired without extension,
7 the court shall order the peace officer or probation officer to
8 return the person to the placement from which the person was
9 released.

10 (c) A witness held in custody under this section may be
11 placed in a certified juvenile detention facility for a period not
12 to exceed 30 days. The length of placement may be extended in
13 30-day increments by the court that issued the original bench
14 warrant. If the placement is not extended, the period under this
15 section expires and the witness may be returned as provided by
16 Subsection (a).

17 SECTION _____. The heading to Section 53.045, Family Code,
18 is amended to read as follows:

19 Sec. 53.045. OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE
20 [VIOLENT OR HABITUAL OFFENDERS].

21 SECTION _____. Subsection (e), Section 54.011, Family Code,
22 is amended to read as follows:

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

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

29 (a) If a child is found to have engaged in conduct
30 indicating a need for supervision described by Section 51.03(b)(8)
31 [51.03(b)(7)], the juvenile court may enter an order requiring the

1 child to attend and successfully complete an educational program
2 described by Section 37.218, Education Code, or another equivalent
3 educational program.

4 SECTION _____. The heading to Section 56.03, Family Code, is
5 amended to read as follows:

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

8 SECTION _____. Subsection (c-3), Section 58.003, Family
9 Code, as added by Chapter 1322 (S.B. 407), Acts of the 82nd
10 Legislature, Regular Session, 2011, is redesignated as Subsection
11 (c-5), Section 58.003, Family Code, to read as follows:

12 (c-5) [~~(c-3)~~] Notwithstanding Subsections (a) and (c) and
13 subject to Subsection (b), a juvenile court may order the sealing of
14 records concerning a child found to have engaged in conduct
15 indicating a need for supervision that violates Section 43.261,
16 Penal Code, or taken into custody to determine whether the child
17 engaged in conduct indicating a need for supervision that violates
18 Section 43.261, Penal Code, if the child attends and successfully
19 completes an educational program described by Section 37.218,
20 Education Code, or another equivalent educational program. The
21 court may:

22 (1) order the sealing of the records immediately and
23 without a hearing; or

24 (2) hold a hearing to determine whether to seal the
25 records.

26 SECTION _____. Subsection (c-4), Section 58.003, Family
27 Code, as added by Chapter 1322 (S.B. 407), Acts of the 82nd
28 Legislature, Regular Session, 2011, is redesignated as Subsection
29 (c-6), Section 58.003, Family Code, and amended to read as follows:

30 (c-6) [~~(c-4)~~] A prosecuting attorney or juvenile probation
31 department may maintain until a child's 17th birthday a separate

1 record of the child's name and date of birth and the date on which
2 the child successfully completed the educational program, if the
3 child's records are sealed under Subsection (c-5) [~~(c-3)~~]. The
4 prosecuting attorney or juvenile probation department, as
5 applicable, shall send the record to the court as soon as
6 practicable after the child's 17th birthday to be added to the
7 child's other sealed records.

8 SECTION _____. Subsection (d), Section 58.003, Family Code,
9 as amended by Chapters 1150 (H.B. 2015) and 1322 (S.B. 407), Acts of
10 the 82nd Legislature, Regular Session, 2011, is reenacted and
11 amended to read as follows:

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

21 SECTION _____. Subsection (g-1), Section 58.003, Family
22 Code, is amended to read as follows:

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

28 SECTION _____. Subsection (a), Section 58.203, Family Code,
29 is amended to read as follows:

30 (a) The department shall certify to the juvenile probation
31 department to which a referral was made that resulted in

1 information being submitted to the juvenile justice information
2 system that the records relating to a person's juvenile case are
3 subject to automatic restriction of access if:

4 (1) the person is at least 17 years of age;

5 (2) the juvenile case did not include [~~violent or~~
6 ~~habitual felony~~] conduct resulting in determinate sentence
7 proceedings in the juvenile court under Section 53.045; and

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

10 SECTION _____. Subsection (b), Section 58.204, Family Code,
11 is amended to read as follows:

12 (b) On certification of records in a case under Section
13 58.203, the department may permit access to the information in the
14 juvenile justice information system relating to the case of an
15 individual only:

16 (1) by a criminal justice agency for a criminal
17 justice purpose, as those terms are defined by Section 411.082,
18 Government Code; [~~or~~]

19 (2) for research purposes, by the Texas Juvenile
20 Justice Department;

21 (3) by the person who is the subject of the records on
22 an order from the juvenile court granting the petition filed by or
23 on behalf of the person who is the subject of the records;

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

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

31 SECTION _____. Section 58.207, Family Code, is amended to

1 read as follows:

2 Sec. 58.207. JUVENILE COURT ORDERS ON CERTIFICATION.

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

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

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

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

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

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

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

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

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

26 (1) may allow access only as provided by Section
27 58.204(b); and

28 (2) shall respond to a request for information about
29 the records by stating that the records do not exist.

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

31 (1) the subject of an order issued under Subsection

1 (a)(1) is under the jurisdiction of the juvenile court or the Texas
2 Juvenile Justice Department; or

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

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

14 SECTION _____. Section 58.209, Family Code, is amended to
15 read as follows:

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

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

29 (2) that the child's juvenile record is a permanent
30 record that is not destroyed or erased unless the record is eligible
31 for sealing and the child or the child's family hires a lawyer and

1 files a petition in court to have the record sealed;

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

7 (4) that the child's juvenile record, other than
8 treatment records made confidential by law, can be accessed by
9 employers, educational institutions, licensing agencies, and other
10 organizations when the child applies for employment or educational
11 programs;

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

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

20 (7) that if the child is under the jurisdiction of the
21 juvenile court or the Texas Juvenile Justice Department on or after
22 the child's 17th birthday, the law regarding restricted access will
23 not apply until the person is discharged from the jurisdiction of
24 the court or department, as appropriate.

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

27 (1) give the child a written copy of the explanation
28 provided; and

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

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

5 SECTION _____. Subsection (a), Section 23.101, Government
6 Code, is amended to read as follows:

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

10 (1) temporary injunctions;

11 (2) criminal actions, with the following actions given
12 preference over other criminal actions:

13 (A) criminal actions against defendants who are
14 detained in jail pending trial;

15 (B) criminal actions involving a charge that a
16 person committed an act of family violence, as defined by Section
17 71.004, Family Code;

18 (C) an offense under:

19 (i) Section 21.02 or 21.11, Penal Code;

20 (ii) Chapter 22, Penal Code, if the victim
21 of the alleged offense is younger than 17 years of age;

22 (iii) Section 25.02, Penal Code, if the
23 victim of the alleged offense is younger than 17 years of age;

24 (iv) Section 25.06, Penal Code;

25 (v) Section 43.25, Penal Code; or

26 (vi) Section 20A.03, Penal Code;

27 (D) an offense described by Article 62.001(6)(C)
28 or (D), Code of Criminal Procedure; and

29 (E) criminal actions against persons [~~children~~]
30 who are detained as provided by Section 51.12, Family Code, after
31 transfer for prosecution in criminal court under Section 54.02,

1 Family Code;

2 (3) election contests and suits under the Election
3 Code;

4 (4) orders for the protection of the family under
5 Subtitle B, Title 4, Family Code;

6 (5) appeals of final rulings and decisions of the
7 division of workers' compensation of the Texas Department of
8 Insurance regarding workers' compensation claims and claims under
9 the Federal Employers' Liability Act and the Jones Act;

10 (6) appeals of final orders of the commissioner of the
11 General Land Office under Section 51.3021, Natural Resources Code;

12 (7) actions in which the claimant has been diagnosed
13 with malignant mesothelioma, other malignant asbestos-related
14 cancer, malignant silica-related cancer, or acute silicosis; and

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

18 SECTION _____. Section 243.005, Human Resources Code, is
19 amended to read as follows:

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

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

26 (2) if the commitment is a result of revocation of
27 probation, a copy of the conditions of probation and the revocation
28 order;

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

30 (4) any psychological or psychiatric reports
31 concerning the child;

1 (5) the contact information sheet for the child's
2 parents or guardian;

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

5 (7) any sex offender registration information
6 concerning the child;

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

9 (9) any assessment documents concerning the child;

10 (10) the computerized referral and case history for
11 the child, including case disposition;

12 (11) the child's birth certificate;

13 (12) the child's social security number or social
14 security card, if available;

15 (13) the name, address, and telephone number of the
16 court administrator in the committing county;

17 (14) Title IV-E eligibility screening information for
18 the child, if available;

19 (15) the address in the committing county for
20 forwarding funds collected to which the committing county is
21 entitled;

22 (16) any of the child's school or immunization records
23 that the committing county possesses;

24 (17) any victim information concerning the case for
25 which the child is committed; ~~and~~

26 (18) any of the child's pertinent medical records that
27 the committing court possesses;

28 (19) the Texas Juvenile Justice Department standard
29 assessment tool results for the child;

30 (20) the Department of Public Safety CR-43J form or
31 tracking incident number concerning the child; and

1 (21) documentation that the committing court has
2 required the child to provide a DNA sample to the Department of
3 Public Safety.

4 SECTION _____. The heading to Section 244.014, Human
5 Resources Code, is amended to read as follows:

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

8 SECTION _____. To the extent of any conflict, this Act
9 prevails over another Act of the 83rd Legislature, Regular Session,
10 2013, relating to nonsubstantive additions to and corrections in
11 enacted codes.

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 22 2013

BY: Patricia VandePutte

Atty Gen
Secretary of the Senate

1 Amend H.B. 2862 (senate committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ Chapter 203, Human Resources Code, is
5 amended by adding Section 203.016 to read as follows:

6 Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY
7 SECLUSION. (a) In this section:

8 (1) "Disciplinary seclusion" means the separation of a
9 resident from other residents for disciplinary reasons and the
10 placement of the resident alone in an area from which egress is
11 prevented for more than 90 minutes.

12 (2) "Juvenile facility" means a facility that serves
13 juveniles under juvenile court jurisdiction and that is operated
14 as a pre-adjudication secure detention facility, a short-term
15 detention facility, or a post-adjudication secure correctional
16 facility.

17 (b) The department shall collect the following data during
18 the annual registration of juvenile facilities and make the data
19 publicly available:

20 (1) the number of placements in disciplinary seclusion
21 lasting at least 90 minutes but less than 24 hours;

22 (2) the number of placements in disciplinary seclusion
23 lasting 24 hours or more but less than 48 hours; and

24 (3) the number of placements in disciplinary seclusion
25 lasting 48 hours or more.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2862 by McClendon (Relating to procedures related to juvenile cases.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Family Code, the Human Resources Code, and the Code of Criminal Procedure relating to procedures related to juvenile cases and the adjudication and disposition of juvenile conduct. The bill would also require the Texas Juvenile Justice Department to collect data relating to the placement of a child in disciplinary seclusion in a juvenile facility. No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to juveniles who have been adjudicated for misdemeanor or felony conduct.

It is assumed that implementing the provisions of the bill can be absorbed within existing resources. The bill would take effect on September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, ESi

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2862 by McClendon (Relating to procedures related to juvenile cases.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code, the Human Resources Code, and the Code of Criminal Procedures relating to procedures related to juvenile cases. It is assumed that implementing the provisions of the bill can be absorbed within the existing resources of the affected agencies. The bill would take effect on September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 644 Texas Juvenile Justice Department, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KNi, ESi, AI, KKR, TB, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 3, 2013

TO: Honorable Tan Parker, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2862 by McClendon (Relating to procedures related to juvenile cases.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code, the Human Resources Code, and the Code of Criminal Procedures relating to procedures related to juvenile cases. It is assumed that implementing the provisions of the bill can be absorbed within the existing resources of the affected agencies. The bill would take effect on September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 644 Texas Juvenile Justice Department, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KNi, ESi, AI, KKR, TB, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 9, 2013

TO: Honorable Tan Parker, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2862 by McClendon (Relating to procedures related to juvenile cases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code, the Human Resources Code, and the Code of Criminal Procedures relating to procedures related to juvenile cases. It is assumed that implementing the provisions of the bill can be absorbed within the existing resources of the affected agencies. The bill would take effect on September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 644 Texas Juvenile Justice Department

LBB Staff: UP, ESi, AI, KNi, KKR, TB, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Tan Parker, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2862 by McClendon (Relating to procedures related to juvenile cases.), **Committee Report 1st House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to juveniles who have been adjudicated for felony conduct.

Source Agencies:

LBB Staff: UP, ESi, GG, JPo

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

April 8, 2013

TO: Honorable Tan Parker, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2862 by McClendon (Relating to procedures related to juvenile cases.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to juveniles who have been adjudicated for felony conduct.

Source Agencies:

LBB Staff: UP, GG, JPo