

By: Miller of Fort Bend

H.B. No. 2395

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the testing of a juvenile for a sexually transmitted
3 disease or human immunodeficiency virus (HIV) following the filing
4 of a petition and a finding of probable cause that the juvenile has
5 engaged in certain delinquent conduct.

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

7 SECTION 1. Section 54.033(a), Family Code, is amended to
8 read as follows:

9 (a) If a petition is filed alleging that a [A] child has
10 ~~[found at the conclusion of an adjudication hearing under Section~~
11 ~~54.03 of this code to have]~~ engaged in delinquent conduct that
12 included a violation of Sections 21.11(a)(1), 22.011, or 22.021,
13 Penal Code, and the juvenile court finds probable cause that the
14 child engaged in the conduct, the child shall undergo a medical
15 procedure or test at the direction of the juvenile court designed to
16 show or help show whether the child has a sexually transmitted
17 disease, acquired immune deficiency syndrome (AIDS), human
18 immunodeficiency virus (HIV) infection, antibodies to HIV, or
19 infection with any other probable causative agent of AIDS. The
20 court may direct the child to undergo the procedure or test on the
21 court's own motion or on the request of the victim of the delinquent
22 conduct.

23 SECTION 2. The changes in law made by this Act apply only to
24 a petition filed or a finding of probable cause made by a juvenile

1 court on or after the effective date of this Act. A petition filed
2 or finding of probable cause by a juvenile court that occurs before
3 the effective date of this Act is governed by the law in effect when
4 the petition was filed or the finding of probable cause was made,
5 and the former law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2015.