

By: Rodríguez

S.B. No. 409

A BILL TO BE ENTITLED

AN ACT

relating to the dissemination of confidential information contained in the juvenile justice information system.

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

SECTION 1. The heading to Section 58.106, Family Code, is amended to read as follows:

Sec. 58.106. DISSEMINATION OF CONFIDENTIAL INFORMATION IN JUVENILE JUSTICE INFORMATION SYSTEM [~~CONFIDENTIALITY~~].

SECTION 2. Section 58.106, Family Code, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-2) to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a criminal justice agency as defined by Section 411.082, Government Code [~~person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code~~];

(3) to a noncriminal justice agency authorized by federal statute or federal executive order to receive juvenile justice record information;

1           (4) to a juvenile justice agency;

2           (5) [~~(4)~~] to the Texas Juvenile Justice Department  
3 [~~Youth Commission and the Texas Juvenile Probation Commission for~~  
4 ~~analytical purposes~~];

5           (6) [~~(5)~~] to the office of independent ombudsman of  
6 the Texas Juvenile Justice Department [~~Youth Commission~~]; [~~and~~]

7           (7) [~~(6)~~] to a district, county, justice, or municipal  
8 court exercising jurisdiction over a juvenile, including a court  
9 exercising jurisdiction over a juvenile under Section 54.021; and

10           (8) to the Department of Family and Protective  
11 Services as provided by Section 411.114, Government Code.

12           (a-1) The department may disseminate information contained  
13 in the juvenile justice information system to a noncriminal justice  
14 agency or entity not listed in Subsection (a) to which the  
15 department may grant access to adult criminal history record  
16 information as provided by Section 411.083, Government Code, only  
17 if the information does not relate to:

18           (1) a juvenile case processed and disposed of by law  
19 enforcement informally or through a first offender program as  
20 provided by Section 52.03 or 52.031;

21           (2) a deferred prosecution granted under Section  
22 53.03;

23           (3) a charge dropped or not pursued for reasons other  
24 than a lack of probable cause;

25           (4) a case pending final adjudication under Section  
26 54.03; or

27           (5) conduct found by the juvenile court to be "not

1 true."

2        (a-2) Information disseminated under Subsection (a) or  
3 (a-1) remains confidential after dissemination and may be disclosed  
4 by the recipient only as provided by this title.

5        (b) Subsections (a) and (a-1) do [~~Subsection (a) does~~] not  
6 apply to a document maintained by a juvenile justice agency that is  
7 the source of information collected by the department.

8        (c) The department may, if necessary to protect the welfare  
9 of the community, disseminate to the public the following  
10 information relating to a juvenile who has escaped from the custody  
11 of the Texas Juvenile Justice Department [~~Youth Commission~~] or from  
12 another secure detention or correctional facility:

13            (1) the juvenile's name, including other names by  
14 which the juvenile is known;

15            (2) the juvenile's physical description, including  
16 sex, weight, height, race, ethnicity, eye color, hair color, scars,  
17 marks, and tattoos;

18            (3) a photograph of the juvenile; and

19            (4) a description of the conduct for which the  
20 juvenile was committed to the Texas Juvenile Justice Department  
21 [~~Youth Commission~~] or detained in the secure detention or  
22 correctional facility, including the level and degree of the  
23 alleged offense.

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