

1-1 By: Rodríguez S.B. No. 409
1-2 (In the Senate - Filed January 29, 2015; February 4, 2015,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 28, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 28, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 409 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the dissemination of confidential information
1-22 contained in the juvenile justice information system.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 58.106, Family Code, is
1-25 amended to read as follows:

1-26 Sec. 58.106. DISSEMINATION OF CONFIDENTIAL INFORMATION IN
1-27 JUVENILE JUSTICE INFORMATION SYSTEM [CONFIDENTIALITY].

1-28 SECTION 2. Section 58.106, Family Code, is amended by
1-29 amending Subsections (a), (a-1), (b), and (c) and adding Subsection
1-30 (a-2) to read as follows:

1-31 (a) Except as otherwise provided by this section,
1-32 information contained in the juvenile justice information system is
1-33 confidential information for the use of the department and may not
1-34 be disseminated by the department except:

1-35 (1) with the permission of the juvenile offender, to
1-36 military personnel of this state or the United States;

1-37 (2) to a criminal justice agency as defined by Section
1-38 411.082, Government Code [person or entity to which the department
1-39 may grant access to adult criminal history records as provided by
1-40 Section 411.083, Government Code];

1-41 (3) to a noncriminal justice agency authorized by
1-42 federal statute or federal executive order to receive juvenile
1-43 justice record information;

1-44 (4) to a juvenile justice agency;

1-45 (5) ~~[(4)]~~ to the Texas Juvenile Justice Department
1-46 [Youth Commission and the Texas Juvenile Probation Commission for
1-47 analytical purposes];

1-48 (6) ~~[(5)]~~ to the office of independent ombudsman of
1-49 the Texas Juvenile Justice Department [Youth Commission]; [and]

1-50 (7) ~~[(6)]~~ to a district, county, justice, or municipal
1-51 court exercising jurisdiction over a juvenile, including a court
1-52 exercising jurisdiction over a juvenile under Section 54.021; and

1-53 (8) to the Department of Family and Protective
1-54 Services as provided by Section 411.114, Government Code.

1-55 (a-1) The department may disseminate information contained
1-56 in the juvenile justice information system to a noncriminal justice
1-57 agency or entity not listed in Subsection (a) to which the
1-58 department may grant access to adult criminal history record
1-59 information as provided by Section 411.083, Government Code, only
1-60 if the information does not relate to conduct indicating a need for

2-1 supervision or to delinquent conduct constituting a misdemeanor
2-2 offense:
2-3 (1) for which a child is on deferred prosecution under
2-4 Section 53.03;
2-5 (2) for which deferred prosecution was successfully
2-6 completed under Section 53.03;
2-7 (3) for which a charge was dropped or not pursued for
2-8 reasons other than a lack of probable cause;
2-9 (4) for which a charge is pending final adjudication
2-10 under Section 54.03; or
2-11 (5) found by the juvenile court to be "not true."
2-12 (a-2) Information disseminated under Subsection (a) or
2-13 (a-1) remains confidential after dissemination and may be disclosed
2-14 by the recipient only as provided by this title.
2-15 (b) Subsections (a) and (a-1) do [~~Subsection (a) does~~] not
2-16 apply to a document maintained by a juvenile justice agency that is
2-17 the source of information collected by the department.
2-18 (c) The department may, if necessary to protect the welfare
2-19 of the community, disseminate to the public the following
2-20 information relating to a juvenile who has escaped from the custody
2-21 of the Texas Juvenile Justice Department [~~Youth Commission~~] or from
2-22 another secure detention or correctional facility:
2-23 (1) the juvenile's name, including other names by
2-24 which the juvenile is known;
2-25 (2) the juvenile's physical description, including
2-26 sex, weight, height, race, ethnicity, eye color, hair color, scars,
2-27 marks, and tattoos;
2-28 (3) a photograph of the juvenile; and
2-29 (4) a description of the conduct for which the
2-30 juvenile was committed to the Texas Juvenile Justice Department
2-31 [~~Youth Commission~~] or detained in the secure detention or
2-32 correctional facility, including the level and degree of the
2-33 alleged offense.
2-34 SECTION 3. This Act takes effect September 1, 2015.

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