

AN ACT

relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct and to a study on certain juvenile justice issues.

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

SECTION 1. Section 53.01, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The person who is conducting the preliminary investigation shall, as appropriate, refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services under Section 53.011, if the person determines that:

(1) the child is younger than 12 years of age;

(2) there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;

(3) the child's case does not require referral to the prosecuting attorney under Subsection (d) or (f);

(4) the child is eligible for deferred prosecution under Section 53.03; and

(5) the child and the child's family are not currently receiving services under Section 53.011 and would benefit from receiving the services.

1 SECTION 2. Chapter 53, Family Code, is amended by adding
2 Section 53.011 to read as follows:

3 Sec. 53.011. SERVICES PROVIDED TO CERTAIN CHILDREN AND
4 FAMILIES. (a) In this section:

5 (1) "Community resource coordination group" has the
6 meaning assigned by Section 531.421, Government Code.

7 (2) "Local-level interagency staffing group" means a
8 group established under the memorandum of understanding described
9 by Section 531.055, Government Code.

10 (b) On receipt of a referral under Section 53.01(b-1), a
11 community resource coordination group, a local-level interagency
12 staffing group, or another community juvenile services provider
13 shall evaluate the child's case and make recommendations to the
14 juvenile probation department for appropriate services for the
15 child and the child's family.

16 (c) The probation officer shall create and coordinate a
17 service plan or system of care for the child or the child's family
18 that incorporates the service recommendations for the child or the
19 child's family provided to the juvenile probation department under
20 Subsection (b). The child and the child's parent, guardian, or
21 custodian must consent to the services with knowledge that consent
22 is voluntary.

23 (d) For a child who receives a service plan or system of care
24 under this section, the probation officer may hold the child's case
25 open for not more than three months to monitor adherence to the
26 service plan or system of care. The probation officer may adjust the
27 service plan or system of care as necessary during the monitoring

1 period. The probation officer may refer the child to the
2 prosecuting attorney if the child fails to successfully participate
3 in required services during that period.

4 SECTION 3. Subchapter A, Chapter 152, Human Resources Code,
5 is amended by adding Section 152.00145 to read as follows:

6 Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN
7 JUVENILES. A juvenile board shall establish policies that
8 prioritize:

9 (1) the diversion of children younger than 12 years of
10 age from referral to a prosecuting attorney under Chapter 53,
11 Family Code; and

12 (2) the limitation of detention of children younger
13 than 12 years of age to circumstances of last resort.

14 SECTION 4. (a) The Office of Court Administration of the
15 Texas Judicial System shall conduct a study to examine the use of
16 the terms "juvenile," "child," and "minor" throughout the criminal
17 justice and juvenile justice statutes of this state and the varying
18 definitions assigned those terms. The study shall also determine
19 whether:

20 (1) adjudication under the adult criminal justice
21 system of juveniles charged with misdemeanors punishable by fine
22 only is just and efficient; and

23 (2) certain procedures under the juvenile justice
24 system if used in the adjudication of juveniles charged with
25 misdemeanors punishable by fine only would provide a more just and
26 efficient process for responding to violations of the law by
27 juvenile offenders.

1 (b) In conducting the study under Subsection (a) of this
2 section, the Office of Court Administration of the Texas Judicial
3 System shall consult with the chair of the senate criminal justice
4 committee, the chair of the juvenile justice and family issues
5 committee of the house of representatives, and the chair of the
6 corrections committee of the house of representatives.

7 (c) Not later than December 1, 2018, the Office of Court
8 Administration of the Texas Judicial System shall submit a report
9 containing the results of the study conducted under Subsection (a)
10 of this section to the governor, the lieutenant governor, the
11 speaker of the house of representatives, and the appropriate
12 standing committees of the senate and the house of representatives.

13 (d) This section expires December 1, 2019.

14 SECTION 5. The changes in law made by this Act apply only to
15 a child who engages in conduct that occurs on or after the effective
16 date of this Act. A child who engages in conduct that occurs before
17 the effective date of this Act is governed by the law in effect on
18 the date the conduct occurred, and the former law is continued in
19 effect for that purpose. For purposes of this section, conduct
20 occurs before the effective date of this Act if any element of the
21 conduct occurs before that date.

22 SECTION 6. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1204 was passed by the House on April 28, 2017, by the following vote: Yeas 136, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1204 on May 26, 2017, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1204 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor