

By: White

H.B. No. 3705

A BILL TO BE ENTITLED

AN ACT

relating to local juvenile justice information systems.

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

SECTION 1. Section 58.301, Family Code, is amended by amending Subdivisions (2) and (5) and adding Subdivision (2-a) to read as follows:

(2) "Juvenile facility" means a facility that:

(A) serves juveniles under a juvenile court's jurisdiction; and

(B) is operated as a holdover facility, a pre-adjudication detention facility, a nonsecure facility, or a post-adjudication secure correctional facility.

(2-a) "Governmental juvenile [placement] facility" means a juvenile ~~[residential placement]~~ facility operated by a unit of government.

(5) "Partner agency" means a ~~[governmental]~~ service provider or juvenile [governmental placement] facility that is authorized by this subchapter to be a member of a local juvenile justice information system or that has applied to be a member of a local juvenile justice information system and has been approved by the county juvenile board or regional juvenile board committee as a member of the system.

SECTION 2. Section 58.303(b), Family Code, is amended to read as follows:

1 (b) A local juvenile justice information system may contain
2 the following components:

3 (1) case management resources for juvenile courts,
4 court clerks, prosecuting attorneys, and county juvenile probation
5 departments;

6 (2) reporting systems to fulfill statutory
7 requirements for reporting in the juvenile justice system;

8 (3) service provider directories and indexes of
9 agencies providing services to children;

10 (4) victim-witness notices required under Chapter 57;

11 (5) electronic filing of complaints or petitions,
12 court orders, and other documents filed with the court, including
13 documents containing electronic signatures;

14 (6) electronic offense and intake processing;

15 (7) case docket management and calendaring;

16 (8) communications by email or other electronic
17 communications between partner agencies;

18 (9) reporting of charges filed, adjudications and
19 dispositions of juveniles by municipal and justice courts and the
20 juvenile court, and transfers of cases to the juvenile court as
21 authorized or required by Section 51.08;

22 (10) reporting to schools under Article 15.27, Code of
23 Criminal Procedure, by law enforcement agencies, prosecuting
24 attorneys, and juvenile courts;

25 (11) records of adjudications and dispositions,
26 including probation conditions ordered by the juvenile court; ~~and~~

27 (12) warrant management and confirmation

1 capabilities; and

2 (13) case management for juveniles in juvenile
3 facilities.

4 SECTION 3. Sections 58.304(a) and (b), Family Code, are
5 amended to read as follows:

6 (a) A ~~[Subject to Subsection (d), a]~~ local juvenile justice
7 information system must consist of:

8 (1) information relating to all referrals to the
9 juvenile court of any type, including referrals for conduct
10 indicating a need for supervision and delinquent conduct; and

11 (2) information relating to:

12 (A) the juvenile;

13 (B) the intake or referral of the juvenile into
14 the juvenile justice system for any offense or conduct;

15 (C) the detention of the juvenile;

16 (D) the prosecution of the juvenile;

17 (E) the disposition of the juvenile's case,
18 including the name and description of any program to which the
19 juvenile is referred; and

20 (F) the probation, placement, or commitment of
21 the juvenile.

22 (b) To the extent possible and subject to Subsection (a)
23 ~~[Subsections (a) and (d)]~~, the local juvenile justice information
24 system may include the following information for each juvenile
25 taken into custody, detained, or referred under this title:

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

- 1 (2) the juvenile's date and place of birth;
- 2 (3) the juvenile's physical description, including
- 3 sex, weight, height, race, ethnicity, eye color, hair color, scars,
- 4 marks, and tattoos;
- 5 (4) the juvenile's state identification number and
- 6 other identifying information;
- 7 (5) the juvenile's fingerprints and photograph;
- 8 (6) the juvenile's last known residential address,
- 9 including the census tract number designation for the address;
- 10 (7) the name, address, and phone number of the
- 11 juvenile's parent, guardian, or custodian;
- 12 (8) the name and identifying number of the agency that
- 13 took into custody or detained the juvenile;
- 14 (9) each date of custody or detention;
- 15 (10) a detailed description of the conduct for which
- 16 the juvenile was taken into custody, detained, or referred,
- 17 including the level and degree of the alleged offense;
- 18 (11) the name and identifying number of the juvenile
- 19 intake agency or juvenile probation office;
- 20 (12) each disposition by the juvenile intake agency or
- 21 juvenile probation office;
- 22 (13) the date of disposition by the juvenile intake
- 23 agency or juvenile probation office;
- 24 (14) the name and identifying number of the
- 25 prosecutor's office;
- 26 (15) each disposition by the prosecutor;
- 27 (16) the date of disposition by the prosecutor;

(17) the name and identifying number of the court;

(18) each disposition by the court, including information concerning custody of a juvenile by a juvenile justice agency or county juvenile probation department;

(19) the date of disposition by the court;

(20) any commitment or release under supervision by the Texas Juvenile Justice Department, including the date of the commitment or release;

(21) information concerning each appellate proceeding; ~~and~~

(22) electronic copies of all documents filed with the court; and

(23) information obtained for the purpose of diagnosis, examination, evaluation, treatment, or referral for treatment of a child by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court.

SECTION 4. Section 58.305, Family Code, is amended to read as follows:

Sec. 58.305. PARTNER AGENCIES. (a) A local juvenile justice information system shall to the extent possible include the following partner agencies within that county:

(1) the juvenile court and court clerk;

(2) justice of the peace and municipal courts;

(3) the county juvenile probation department;

(4) the prosecuting attorneys who prosecute juvenile

cases in juvenile court, municipal court, or justice court;

(5) law enforcement agencies;

(6) each public school district in the county;

(7) ~~[governmental]~~ service providers approved by the county juvenile board; and

(8) juvenile ~~[governmental placement]~~ facilities approved by the county juvenile board.

(b) A local juvenile justice information system for a multicounty region shall to the extent possible include the partner agencies listed in Subsections (a)(1)-(6) for each county in the region and the following partner agencies from within the multicounty region that have applied for membership in the system and have been approved by the regional juvenile board committee:

(1) ~~[governmental]~~ service providers; and

(2) juvenile ~~[governmental placement]~~ facilities.

SECTION 5. Section 58.306, Family Code, is amended by amending Subsections (e), (f), and (g) and adding Subsection (i) to read as follows:

(e) Except as provided by Subsection (i), Level 1 Access is by public school districts in the county or region served by the local juvenile justice information system.

(f) Except as provided by Subsection (i), Level 2 Access is by:

(1) justice of the peace courts that process juvenile cases; and

(2) municipal courts that process juvenile cases.

(g) Except as provided by Subsection (i), Level 3 Access is

1 by:

- 2 (1) the juvenile court and court clerk;
3 (2) the prosecuting attorney;
4 (3) the county juvenile probation department;
5 (4) law enforcement agencies;
6 (5) governmental service providers that are partner
7 agencies; ~~and~~

8 (6) governmental juvenile ~~[placement]~~ facilities that
9 are partner agencies; and

10 (7) a private juvenile facility that is a partner
11 agency, except the access is limited to information that relates to
12 a child detained or placed in the custody of the facility.

13 (i) Information described by Section 58.304(b)(23) may be
14 accessed only by:

- 15 (1) the juvenile court and court clerk;
16 (2) the county juvenile probation department;
17 (3) a governmental juvenile facility that is a partner
18 agency; and

19 (4) a private juvenile facility that is a partner
20 agency, except the access is limited to information that relates to
21 a child detained or placed in the custody of the facility.

22 SECTION 6. Section 58.307(e), Family Code, is amended to
23 read as follows:

24 (e) Information in a local juvenile justice information
25 system, including electronic signature systems, shall be protected
26 from unauthorized access by a system of access security and any
27 access to information in a local juvenile information system

1 performed by browser software shall be at the level of at least
2 2048-bit [~~128-bit~~] encryption. A juvenile board or a regional
3 juvenile board committee shall require all partner agencies to
4 maintain security and restrict access in accordance with the
5 requirements of this title.

6 SECTION 7. The following provisions of the Family Code are
7 repealed:

8 (1) Section 58.303(d); and

9 (2) Section 58.304(d).

10 SECTION 8. This Act takes effect September 1, 2017.