

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 read as follows:

Sec. 58.301. DEFINITIONS. In this subchapter:

(1) "County juvenile board" means a juvenile board created under Chapter 152, Human Resources Code.

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

(3) "Governmental service provider" means a juvenile justice service provider operated by a unit of government.

(4) "Juvenile facility" means a facility that serves juveniles under juvenile court jurisdiction and that is operated as a holdover facility, a pre-adjudication detention facility, a non-secure facility, or a post-adjudication secure correctional facility.

(5) "Local juvenile justice information system" means a county or multicounty computerized database of information concerning children, with data entry and access by the partner agencies that are members of the system.

~~(5)~~(6) "Partner agency" means a governmental service provider or governmental placement facility that is authorized by

1 this subchapter to be a member of a local juvenile justice
2 information system or that has applied to be a member of a local
3 juvenile justice information system and has been approved by the
4 county juvenile board or regional juvenile board committee as a
5 member of the system. The term includes governmental juvenile
6 facilities.

7 ~~(6)~~(7) "Regional juvenile board committee" means a
8 committee that is composed of two members from each county juvenile
9 board in a region that comprises a multicounty local juvenile
10 information system.

11 SECTION 2. Section 58.303, Family Code, is amended read as
12 follows:

13 Sec. 58.303. LOCAL JUVENILE JUSTICE INFORMATION SYSTEM.

14 (a) Juvenile justice agencies in a county or region of this state
15 may jointly create and maintain a local juvenile justice
16 information system to aid in processing the cases of children under
17 this code, to facilitate the delivery of services to children in the
18 juvenile justice system, and to aid in the early identification of
19 at-risk and delinquent children.

20 (b) A local juvenile justice information system may contain
21 the following components:

22 (1) case management resources for juvenile courts,
23 court clerks, prosecuting attorneys, and county juvenile probation
24 departments;

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

27 (3) service provider directories and indexes of

1 agencies providing services to children;

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

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

6 (6) electronic offense and intake processing;

7 (7) case docket management and calendaring;

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

10 (9) reporting of charges filed, adjudications and
11 dispositions of juveniles by municipal and justice courts and the
12 juvenile court, and transfers of cases to the juvenile court as
13 authorized or required by Section 51.08;

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

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

19 (12) warrant management and confirmation
20 capabilities; and

21 (13) management of juveniles in juvenile facilities.

22 ~~(c) Expired.~~

23 ~~(d) Membership in a local juvenile justice information~~
24 ~~system is determined by this subchapter. Membership in a regional~~
25 ~~juvenile justice information system is determined by the regional~~
26 ~~juvenile board committee from among partner agencies that have~~
27 ~~applied for membership.~~

1 SECTION 3. Section 58.304, Family Code, is amended read as
2 follows:

3 Sec. 58.304. TYPES OF INFORMATION CONTAINED IN A LOCAL
4 JUVENILE INFORMATION SYSTEM. (a) ~~Subject to Subsection (d), a~~ A
5 local juvenile justice information system must consist of:

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

9 (2) information relating to:

10 (A) the juvenile;

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

13 (C) the detention of the juvenile;

14 (D) the prosecution of the juvenile;

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

18 (F) the probation, placement, or commitment of
19 the juvenile.

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

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

26 (2) the juvenile's date and place of birth;

27 (3) the juvenile's physical description, including

1 sex, weight, height, race, ethnicity, eye color, hair color, scars,
2 marks, and tattoos;

3 (4) the juvenile's state identification number and
4 other identifying information;

5 (5) the juvenile's fingerprints and photograph;

6 (6) the juvenile's last known residential address,
7 including the census tract number designation for the address;

8 (7) the name, address, and phone number of the
9 juvenile's parent, guardian, or custodian;

10 (8) the name and identifying number of the agency that
11 took into custody or detained the juvenile;

12 (9) each date of custody or detention;

13 (10) a detailed description of the conduct for which
14 the juvenile was taken into custody, detained, or referred,
15 including the level and degree of the alleged offense;

16 (11) the name and identifying number of the juvenile
17 intake agency or juvenile probation office;

18 (12) each disposition by the juvenile intake agency or
19 juvenile probation office;

20 (13) the date of disposition by the juvenile intake
21 agency or juvenile probation office;

22 (14) the name and identifying number of the
23 prosecutor's office;

24 (15) each disposition by the prosecutor;

25 (16) the date of disposition by the prosecutor;

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

27 (18) each disposition by the court, including

1 information concerning custody of a juvenile by a juvenile justice
2 agency or county juvenile probation department;

3 (19) the date of disposition by the court;

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

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

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

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

17 (c) If the Department of Public Safety assigns a state
18 identification number for the juvenile, the identification number
19 shall be entered in the local juvenile information system.

20 ~~(d) Information obtained for the purpose of diagnosis,~~
21 ~~examination, evaluation, or treatment or for making a referral for~~
22 ~~treatment of a child by a public or private agency or institution~~
23 ~~providing supervision of a child by arrangement of the juvenile~~
24 ~~court or having custody of the child under order of the juvenile~~
25 ~~court may not be collected under Subsection (a) or (b).~~

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

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

- 4 (1) the juvenile court and court clerk;
- 5 (2) justice of the peace and municipal courts;
- 6 (3) the county juvenile probation department;
- 7 (4) the prosecuting attorneys who prosecute juvenile
8 cases in juvenile court, municipal court, or justice court;
- 9 (5) law enforcement agencies;
- 10 (6) each public school district in the county;
- 11 (7) ~~governmental~~ service providers approved by the
12 county juvenile board; ~~and~~
- 13 (8) ~~governmental placement~~ juvenile facilities
14 approved by the county juvenile board.

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

- 21 (1) ~~governmental~~ service providers; and
- 22 (2) ~~governmental placement~~ juvenile facilities.

23 SECTION 5. Section 58.306, Family Code, is amended read as
24 follows:

25 Sec. 58.306. ACCESS TO INFORMATION; LEVELS. (a) This
26 section describes the level of access to information to which each
27 partner agency in a local juvenile justice information system is

1 entitled.

2 (b) Information is at Access Level 1 if the information
3 relates to a child:

4 (1) who:

5 (A) a school official has reasonable grounds to
6 believe has committed an offense for which a report is required
7 under Section 37.015, Education Code; or

8 (B) has been expelled, the expulsion of which is
9 required to be reported under Section 52.041; and

10 (2) who has not been charged with a fineable only
11 offense, a status offense, or delinquent conduct.

12 (c) Information is at Access Level 2 if the information
13 relates to a child who:

14 (1) is alleged in a justice or municipal court to have
15 committed a fineable only offense, municipal ordinance violation,
16 or status offense; and

17 (2) has not been charged with delinquent conduct or
18 conduct indicating a need for supervision.

19 (d) Information is at Access Level 3 if the information
20 relates to a child who is alleged to have engaged in delinquent
21 conduct or conduct indicating a need for supervision.

22 (e) Information is at Access Level 4 if the information is
23 obtained for the purpose of diagnosis, examination, evaluation, or
24 treatment or for making a referral for treatment of a child by a
25 public or private agency or institution providing supervision of a
26 child by arrangement of the juvenile court or having custody of the
27 child under order of the juvenile court.

1 (f) Level 1 Access is by public school districts in the
2 county or region served by the local juvenile justice information
3 system.

4 ~~(f)~~ (g) Level 2 Access is by:

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

7 (2) municipal courts that process juvenile cases.

8 ~~(g)~~ (h) Level 3 Access is by:

9 (1) the juvenile court and court clerk;

10 (2) the prosecuting attorney;

11 (3) the county juvenile probation department;

12 (4) law enforcement agencies;

13 (5) governmental service providers that are partner
14 agencies; and

15 (6) ~~governmental placement~~ juvenile facilities that
16 ~~are partner agencies.~~ Private juvenile facilities may access only
17 information pertaining to juveniles detained or placed within the
18 respective facilities.

19 (i) Level 4 Access is by:

20 (1) the juvenile court and court clerk;

21 (2) the county juvenile probation department; and

22 (3) juvenile facilities. Private juvenile facilities
23 may access only information pertaining to juveniles detained or
24 placed within the respective facilities.

25 ~~(h)~~ (i) Access for Level 1 agencies is only to information
26 at Level 1. Access for Level 2 agencies is only to information at
27 Levels 1 and 2. Access for Level 3 agencies is to information at

1 Levels 1, 2, and 3.

2 SECTION 6. Section 58.307(e), Family Code, is amended read
3 as follows:

4 (e) Information in a local juvenile justice information
5 system, including electronic signature systems, shall be protected
6 from unauthorized access by a system of access security and any
7 access to information in a local juvenile information system
8 performed by browser software shall be at the level of at least
9 ~~128-bit~~ 2048-bit encryption. A juvenile board or a regional
10 juvenile board committee shall require all partner agencies to
11 maintain security and restrict access in accordance with the
12 requirements of this title.

13 SECTION 7. This Act takes effect September 1, 2017.