

**House Bill 1204**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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.

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

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

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

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

(b) On receipt of a referral under Section 53.01(b-1), a community resource coordination group, a local-level

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

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interagency staffing group, or another community juvenile services provider shall evaluate the child's case and make recommendations to the juvenile probation department for appropriate services for the child and the child's family.

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

(d) For a child who receives a service plan or system of care under this section, the probation officer may hold the child's case open for not more than three months to monitor adherence to the service plan or system of care. The probation officer may adjust the service plan or system of care as necessary during the monitoring period. The probation officer may refer the child to the prosecuting attorney if the child fails to successfully participate in required services during that period.

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

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

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

(2) the limitation of detention of children younger than 12

SENATE VERSION (IE)

CONFERENCE

SECTION 3. Same as House version.

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years of age to circumstances of last resort.

No equivalent provision.

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

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

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

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

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

(d) This section expires December 1, 2019. [FA1]

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SECTION 4. The changes in law made by this Act apply only to a child who engages in conduct that occurs on or after the effective date of this Act. A child who engages in conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct occurs before the effective date of this Act if any element of the conduct occurs before that date.

SECTION 5. This Act takes effect September 1, 2017.

SENATE VERSION (IE)

SECTION 4. Same as House version.

SECTION 5. Same as House version.

CONFERENCE