

By: Thierry

H.B. No. 1771

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition on prosecuting or referring to juvenile
3 court a person younger than 18 years of age for certain conduct
4 violating the offense of prostitution and to the provision of
5 services to those persons.

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

7 SECTION 1. Section 51.03, Family Code, is amended by
8 amending Subsection (b) and adding Subsections (d) and (d-1) to
9 read as follows:

10 (b) Conduct indicating a need for supervision is:

11 (1) subject to Subsection (f), conduct, other than a
12 traffic offense, that violates:

13 (A) the penal laws of this state of the grade of
14 misdemeanor that are punishable by fine only; or

15 (B) the penal ordinances of any political
16 subdivision of this state;

17 (2) the voluntary absence of a child from the child's
18 home without the consent of the child's parent or guardian for a
19 substantial length of time or without intent to return;

20 (3) conduct prohibited by city ordinance or by state
21 law involving the inhalation of the fumes or vapors of paint and
22 other protective coatings or glue and other adhesives and the
23 volatile chemicals itemized in Section 485.001, Health and Safety
24 Code;

1 (4) an act that violates a school district's
2 previously communicated written standards of student conduct for
3 which the child has been expelled under Section 37.007(c),
4 Education Code;

5 (5) notwithstanding Subsection (a)(1), conduct
6 described by Section 43.02(b) [~~43.02(a) or (b)~~], Penal Code; or

7 (6) notwithstanding Subsection (a)(1), conduct that
8 violates Section 43.261, Penal Code.

9 (d) Notwithstanding Subsection (a)(1), conduct that
10 violates Section 43.02(a), Penal Code, is not delinquent conduct or
11 conduct indicating a need for supervision. A child may not be
12 referred to the juvenile court for conduct that violates Section
13 43.02(a), Penal Code.

14 (d-1) A law enforcement officer who arrests a child for
15 conduct that violates Section 43.02(a), Penal Code, or the law
16 enforcement agency having custody of the child, shall refer the
17 child to the Department of Family and Protective Services to
18 receive services as an at-risk youth under Section 264.302.

19 SECTION 2. Section 264.302, Family Code, is amended by
20 adding Subsection (g) to read as follows:

21 (g) Notwithstanding any other provision of this section,
22 the department shall provide services under this section to a
23 person who is referred to the department in accordance with Section
24 51.03(d-1) or with Section 43.02(b-2), Penal Code. The department
25 shall coordinate with the office of the governor to identify and
26 provide the appropriate services to the person.

27 SECTION 3. Section 43.02, Penal Code, is amended by adding

1 Subsections (b-1) and (b-2) to read as follows:

2 (b-1) A person may not be prosecuted for an offense under
3 Subsection (a) that the person committed when younger than 18 years
4 of age.

5 (b-2) A peace officer who arrests a person to whom
6 Subsection (b-1) applies, or the law enforcement agency having
7 custody of the person, shall refer the person to the Department of
8 Family and Protective Services to receive services as an at-risk
9 youth under Section 264.302, Family Code.

10 SECTION 4. This Act applies only to an offense committed or
11 conduct that occurs on or after the effective date of this Act. An
12 offense committed or conduct that occurs before the effective date
13 of this Act is governed by the law in effect on the date the offense
14 was committed or the conduct occurred, and the former law is
15 continued in effect for that purpose. For the purposes of this
16 section, an offense was committed or conduct occurred before the
17 effective date of this Act if any element of the offense or conduct
18 occurred before that date.

19 SECTION 5. This Act takes effect September 1, 2019.