

AN ACT

relating to juvenile delinquency; providing penalties.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

1           (7) each member of an arson investigating unit  
2 commissioned by a city, a county, or the state;

3           (8) officers commissioned under Section 37.081,  
4 Education Code, or Subchapter E, Chapter 51, Education Code;

5           (9) officers commissioned by the General Services  
6 Commission;

7           (10) law enforcement officers commissioned by the  
8 Parks and Wildlife Commission;

9           (11) airport police officers commissioned by a city  
10 with a population of more than 1.18 million that operates an airport  
11 that serves commercial air carriers;

12           (12) airport security personnel commissioned as peace  
13 officers by the governing body of any political subdivision of this  
14 state, other than a city described by Subdivision (11), that  
15 operates an airport that serves commercial air carriers;

16           (13) municipal park and recreational patrolmen and  
17 security officers;

18           (14) security officers and investigators commissioned  
19 as peace officers by the comptroller;

20           (15) officers commissioned by a water control and  
21 improvement district under Section 49.216, Water Code;

22           (16) officers commissioned by a board of trustees  
23 under Chapter 54, Transportation Code;

24           (17) investigators commissioned by the Texas Medical  
25 [~~State~~] Board [~~of Medical Examiners~~];

26           (18) officers commissioned by the board of managers of  
27 the Dallas County Hospital District, the Tarrant County Hospital

1 District, or the Bexar County Hospital District under Section  
2 281.057, Health and Safety Code;

3 (19) county park rangers commissioned under  
4 Subchapter E, Chapter 351, Local Government Code;

5 (20) investigators employed by the Texas Racing  
6 Commission;

7 (21) officers commissioned under Chapter 554,  
8 Occupations Code;

9 (22) officers commissioned by the governing body of a  
10 metropolitan rapid transit authority under Section 451.108,  
11 Transportation Code, or by a regional transportation authority  
12 under Section 452.110, Transportation Code;

13 (23) investigators commissioned by the attorney  
14 general under Section 402.009, Government Code;

15 (24) security officers and investigators commissioned  
16 as peace officers under Chapter 466, Government Code;

17 (25) an officer employed by the [~~Texas~~ Department of  
18 State Health Services under Section 431.2471, Health and Safety  
19 Code;

20 (26) officers appointed by an appellate court under  
21 Subchapter F, Chapter 53, Government Code;

22 (27) officers commissioned by the state fire marshal  
23 under Chapter 417, Government Code;

24 (28) an investigator commissioned by the commissioner  
25 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;

26 (29) apprehension specialists commissioned by the  
27 Texas Youth Commission as officers under Section 61.0931, Human

1 Resources Code;

2 (30) officers appointed by the executive director of  
3 the Texas Department of Criminal Justice under Section 493.019,  
4 Government Code;

5 (31) investigators commissioned by the Commission on  
6 Law Enforcement Officer Standards and Education under Section  
7 1701.160, Occupations Code;

8 (32) commission investigators commissioned by the  
9 Texas [~~Commission on~~] Private Security Board under Section  
10 1702.061(f), Occupations Code;

11 (33) the fire marshal and any officers, inspectors, or  
12 investigators commissioned by an emergency services district under  
13 Chapter 775, Health and Safety Code; [~~and~~]

14 (34) officers commissioned by the State Board of  
15 Dental Examiners under Section 254.013, Occupations Code, subject  
16 to the limitations imposed by that section; and

17 (35) investigators commissioned by the Texas Juvenile  
18 Probation Commission as officers under Section 141.055, Human  
19 Resources Code.

20 SECTION 2. Article 45.054, Code of Criminal Procedure, is  
21 amended by adding Subsection (a-2) to read as follows:

22 (a-2) An order under Subsection (a) may not require a  
23 student to attend a juvenile justice alternative education program.

24 SECTION 3. Section 51.03(b), Family Code, is amended to  
25 read as follows:

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

27 (1) subject to Subsection (f), conduct, other than a

1 traffic offense, that violates:

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

4 (B) the penal ordinances of any political  
5 subdivision of this state;

6 (2) the absence of a child on 10 or more days or parts  
7 of days within a six-month period in the same school year or on  
8 three or more days or parts of days within a four-week period from  
9 school;

10 (3) the voluntary absence of a child from the child's  
11 home without the consent of the child's parent or guardian for a  
12 substantial length of time or without intent to return;

13 (4) conduct prohibited by city ordinance or by state  
14 law involving the inhalation of the fumes or vapors of paint and  
15 other protective coatings or glue and other adhesives and the  
16 volatile chemicals itemized in Section 485.001 [~~484.002~~], Health  
17 and Safety Code;

18 (5) an act that violates a school district's  
19 previously communicated written standards of student conduct for  
20 which the child has been expelled under Section 37.007(c),  
21 Education Code; or

22 (6) conduct that violates a reasonable and lawful  
23 order of a court entered under Section 264.305.

24 SECTION 4. Section 51.0412, Family Code, is amended to read  
25 as follows:

26 Sec. 51.0412. JURISDICTION OVER INCOMPLETE  
27 PROCEEDINGS. The court retains jurisdiction over a person,

1 without regard to the age of the person, who is a respondent in an  
2 adjudication proceeding, a disposition proceeding, [~~or~~] a  
3 proceeding to modify disposition, or a motion for transfer of  
4 determinate sentence probation to an appropriate district court if:

5 (1) the petition, [~~or~~] motion to modify, or motion for  
6 transfer was filed while the respondent was younger than 18 years of  
7 age;

8 (2) the proceeding is not complete before the  
9 respondent becomes 18 years of age; and

10 (3) the court enters a finding in the proceeding that  
11 the prosecuting attorney exercised due diligence in an attempt to  
12 complete the proceeding before the respondent became 18 years of  
13 age.

14 SECTION 5. Section 51.072, Family Code, is amended by  
15 amending Subsections (b), (e), (f), (j), (k), (m), and (n) and  
16 adding Subsections (f-1) and (m-1) to read as follows:

17 (b) When a child on probation moves or intends to move from  
18 one county to another and intends to remain in the receiving county  
19 for at least 60 days, the juvenile probation department of the  
20 sending county shall request that the juvenile probation department  
21 of the receiving county provide interim supervision of the child.  
22 If the receiving county and the sending county are member counties  
23 within a judicial district served by one juvenile probation  
24 department, then a transfer of probation supervision is not  
25 required.

26 (e) The juvenile probation department of the sending county  
27 shall provide the juvenile probation department of the receiving

1 county with the following information in the request for interim  
2 supervision initiated under Subsection (d):

3 (1) the child's name, sex, age, race, and date of  
4 birth;

5 (2) the name, address, date of birth, and social  
6 security or driver's license number, and telephone number, if  
7 available, of the person with whom the child proposes to reside or  
8 is residing in the receiving county;

9 (3) the offense for which the child is on probation;

10 (4) the length of the child's probation term;

11 (5) a brief summary of the child's history of  
12 referrals;

13 (6) a brief statement of any special needs of the  
14 child; ~~and~~

15 (7) the name and telephone number of the child's school  
16 in the receiving county, if available; and

17 (8) the reason for the child moving or intending to  
18 move to the receiving county.

19 (f) Not later than 10 ~~five~~ business days after a receiving  
20 county has agreed to provide interim supervision of a child, the  
21 juvenile probation department of the sending county shall provide  
22 the juvenile probation department of the receiving county with a  
23 copy of the following documents:

24 (1) the petition and the adjudication and disposition  
25 orders for the child, including the child's thumbprint;

26 (2) the child's conditions of probation;

27 (3) the social history report for the child;

1           (4) any psychological or psychiatric reports  
2 concerning the child;

3           (5) the Department of Public Safety CR 43J form or  
4 tracking incident number concerning the child;

5           (6) any law enforcement incident reports concerning  
6 the offense for which the child is on probation;

7           (7) any sex offender registration information  
8 concerning the child;

9           (8) any juvenile probation department progress  
10 reports concerning the child and any other pertinent documentation  
11 for the child's probation officer;

12           (9) case plans concerning the child;

13           (10) the Texas Juvenile Probation Commission standard  
14 assessment tool results for the child;

15           (11) the computerized referral and case history for  
16 the child, including case disposition;

17           (12) the child's birth certificate;

18           (13) the child's social security number or social  
19 security card, if available;

20           (14) the name, address, and telephone number of the  
21 contact person in the sending county's juvenile probation  
22 department;

23           (15) Title IV-E eligibility screening information for  
24 the child, if available;

25           (16) the address in the sending county for forwarding  
26 funds collected to which the sending county is entitled;

27           (17) any of the child's school or immunization records

1 that the juvenile probation department of the sending county  
2 possesses; and

3 (18) any victim information concerning the case for  
4 which the child is on probation.

5 (f-1) The inter-county transfer officers in the sending and  
6 receiving counties shall agree on the official start date for the  
7 period of interim supervision, which must begin no later than three  
8 business days after the date the documents required under  
9 Subsection (f) have been received and accepted by the receiving  
10 county.

11 (j) On receiving a directive from the juvenile court of the  
12 receiving county under Subsection (i)(2), the juvenile probation  
13 department of the sending county shall arrange for the prompt  
14 transportation of the child back to the sending county at the  
15 expense of the sending county. The juvenile probation department  
16 in the receiving county shall provide the sending county with  
17 supporting written documentation of the incidents of violation of  
18 probation on which the request to resume direct supervision is  
19 based.

20 (k) The juvenile probation department of the receiving  
21 county is entitled to any probation supervision fees collected from  
22 the child or the child's parent while providing interim supervision  
23 for the child. During the period of interim supervision, the  
24 receiving county shall collect and distribute to the victim  
25 monetary restitution payments in the manner specified by the  
26 sending county. At the expiration of the period of interim  
27 supervision, the receiving county shall collect and distribute

1 directly to the victim any remaining payments.

2 (m) Except as provided by Subsection (n), a period of  
3 interim supervision may not exceed 180 days. Permanent supervision  
4 automatically transfers to the juvenile probation department of the  
5 receiving county after the expiration of the period of interim  
6 supervision. The juvenile probation department of the receiving  
7 county may request permanent supervision from the juvenile  
8 probation department of the sending county at any time before the  
9 180-day interim supervision period expires. After signing and  
10 entry of an order of transfer of permanent supervision by the  
11 sending county juvenile court, the juvenile probation department  
12 shall, in accordance with Section 51.073(b), promptly send the  
13 permanent supervision order and related documents to the receiving  
14 county.

15 (m-1) If a child on interim supervision moves to another  
16 county of residence or is otherwise no longer in the receiving  
17 county before the expiration of 180 days, the receiving county  
18 shall direct the sending county to resume supervision of the child.

19 (n) Notwithstanding Subsection (m), the period of interim  
20 supervision of a child who is placed on probation under Section  
21 54.04(q) does not expire until the child has satisfactorily  
22 completed the greater of either 180 days or one-third of the term of  
23 probation, including one-third of the term of any extension of the  
24 probation term ordered under Section 54.05. Permanent supervision  
25 automatically transfers to the probation department of the  
26 receiving county after the expiration of the period of interim  
27 supervision under this subsection. If the state elects to initiate

1 transfer proceedings under Section 54.051, the ~~[The]~~ juvenile court  
2 of the sending county may order transfer of the permanent  
3 supervision before the expiration of the period of interim  
4 supervision under this subsection.

5 SECTION 6. Section 51.073, Family Code, is amended by  
6 amending Subsection (c) and adding Subsection (d-1) to read as  
7 follows:

8 (c) The juvenile court of the receiving county shall require  
9 that the child be brought before the court in order to impose new or  
10 different conditions of probation than those originally ordered by  
11 the sending county or ordered by the receiving county during the  
12 period of interim supervision. The child shall be represented by  
13 counsel as provided by Section 51.10.

14 (d-1) On the final transfer of a case involving a child who  
15 has been adjudicated as having committed an offense for which  
16 registration is required under Chapter 62, Code of Criminal  
17 Procedure, the receiving county shall have jurisdiction to conduct  
18 a hearing under that chapter. This subsection does not prohibit the  
19 receiving county juvenile court from considering the written  
20 recommendations of the sending county juvenile court.

21 SECTION 7. Section 51.074, Family Code, is amended to read  
22 as follows:

23 Sec. 51.074. TRANSFER OF PROBATION SUPERVISION BETWEEN  
24 COUNTIES: DEFERRED PROSECUTION. (a) A juvenile court may  
25 transfer interim supervision, but not permanent supervision, to the  
26 county where a child on deferred prosecution resides.

27 (b) On an extension of a previous order of deferred

1 prosecution authorized under Section 53.03(j), the child shall  
2 remain on interim supervision for an additional period not to  
3 exceed 180 days.

4 (c) On a violation of the conditions of the original  
5 deferred prosecution agreement, the receiving county shall forward  
6 the case to the sending county for prosecution or other action in  
7 the manner provided by Sections 51.072(i) and (j), except that the  
8 original conditions of deferred prosecution may not be modified by  
9 the receiving county.

10 SECTION 8. Section 51.095(f), Family Code, is amended to  
11 read as follows:

12 (f) A magistrate who provides the warnings required by  
13 Subsection (a)(5) for a recorded [~~videotaped~~] statement may at the  
14 time the warnings are provided request by speaking on the [~~tape~~]  
15 recording that the officer return the child and the recording  
16 [~~videotape~~] to the magistrate at the conclusion of the process of  
17 questioning. The magistrate may then view the recording  
18 [~~videotape~~] with the child or have the child view the recording  
19 [~~videotape~~] to enable the magistrate to determine whether the  
20 child's statements were given voluntarily. The magistrate's  
21 determination of voluntariness shall be reduced to writing and  
22 signed and dated by the magistrate. If a magistrate uses the  
23 procedure described by this subsection, a child's statement is not  
24 admissible unless the magistrate determines that the statement was  
25 given voluntarily.

26 SECTION 9. Section 51.17, Family Code, is amended by  
27 amending Subsection (c) and adding Subsections (h) and (i) to read

1 as follows:

2 (c) Except as otherwise provided by this title, the Texas  
3 Rules of Evidence apply [~~applicable~~] to criminal cases and Articles  
4 33.03 and 37.07 and Chapter 38, Code of Criminal Procedure, apply in  
5 a judicial proceeding under this title.

6 (h) Articles 57.01 and 57.02, Code of Criminal Procedure,  
7 relating to the use of a pseudonym by a victim in a criminal case,  
8 apply in a proceeding held under this title.

9 (i) Except as provided by Section 56.03(f), the state is not  
10 required to pay any cost or fee otherwise imposed for court  
11 proceedings in either the trial or appellate courts.

12 SECTION 10. Sections 53.045(a) and (d), Family Code, are  
13 amended to read as follows:

14 (a) Except as provided by Subsection (e), the prosecuting  
15 attorney may refer the petition to the grand jury of the county in  
16 which the court in which the petition is filed presides if the  
17 petition alleges that the child engaged in delinquent conduct that  
18 constitutes habitual felony conduct as described by Section 51.031  
19 or that included the violation of any of the following provisions:

20 (1) Section 19.02, Penal Code (murder);  
21 (2) Section 19.03, Penal Code (capital murder);  
22 (3) Section 19.04, Penal Code (manslaughter);  
23 (4) Section 20.04, Penal Code (aggravated  
24 kidnapping);

25 (5) Section 22.011, Penal Code (sexual assault) or  
26 Section 22.021, Penal Code (aggravated sexual assault);

27 (6) Section 22.02, Penal Code (aggravated assault);

- 1           (7) Section 29.03, Penal Code (aggravated robbery);
- 2           (8) Section 22.04, Penal Code (injury to a child,
- 3 elderly individual, or disabled individual), if the offense is
- 4 punishable as a felony, other than a state jail felony;
- 5           (9) Section 22.05(b), Penal Code (felony deadly
- 6 conduct involving discharging a firearm);
- 7           (10) Subchapter D, Chapter 481, Health and Safety
- 8 Code, if the conduct constitutes a felony of the first degree or an
- 9 aggravated controlled substance felony (certain offenses involving
- 10 controlled substances);
- 11          (11) Section 15.03, Penal Code (criminal
- 12 solicitation);
- 13          (12) Section 21.11(a)(1), Penal Code (indecent with a
- 14 child);
- 15          (13) Section 15.031, Penal Code (criminal
- 16 solicitation of a minor);
- 17          (14) Section 15.01, Penal Code (criminal attempt), if
- 18 the offense attempted was an offense under Section 19.02, Penal
- 19 Code (murder), or Section 19.03, Penal Code (capital murder), or an
- 20 offense listed by Section 3g(a)(1), Article 42.12, Code of Criminal
- 21 Procedure;
- 22          (15) Section 28.02, Penal Code (arson), if bodily
- 23 injury or death is suffered by any person by reason of the
- 24 commission of the conduct; ~~or~~
- 25          (16) Section 49.08, Penal Code (intoxication
- 26 manslaughter); or
- 27          (17) Section 15.02, Penal Code (criminal conspiracy),

1 if the offense made the subject of the criminal conspiracy includes  
2 a violation of any of the provisions referenced in Subdivisions (1)  
3 through (16).

4 (d) If the grand jury approves of the petition, the fact of  
5 approval shall be certified to the juvenile court, and the  
6 certification shall be entered in the record of the case. For the  
7 purpose of the transfer of a child to the Texas Department of  
8 Criminal Justice [~~Corrections~~] as provided by Section 61.084(c),  
9 Human Resources Code, a juvenile court petition approved by a grand  
10 jury under this section is an indictment presented by the grand  
11 jury.

12 SECTION 11. Section 54.04, Family Code, is amended by  
13 amending Subsections (a), (b), (d), and (j) and adding Subsection  
14 (v) to read as follows:

15 (a) The disposition hearing shall be separate, distinct,  
16 and subsequent to the adjudication hearing. There is no right to a  
17 jury at the disposition hearing unless the child is in jeopardy of a  
18 determinate sentence under Subsection (d)(3) or (m), in which case,  
19 the child is entitled to a jury of 12 persons to determine the  
20 sentence, but only if the child so elects in writing before the  
21 commencement of the voir dire examination of the jury panel. If a  
22 finding of delinquent conduct is returned, the child may, with the  
23 consent of the attorney for the state, change the child's election  
24 of one who assesses the disposition.

25 (b) At the disposition hearing, the juvenile court,  
26 notwithstanding the Texas Rules of Evidence or Chapter 37, Code of  
27 Criminal Procedure, may consider written reports from probation

1 officers, professional court employees, or professional  
2 consultants in addition to the testimony of witnesses. Prior to the  
3 disposition hearing, the court shall provide the attorney for the  
4 child with access to all written matter to be considered in  
5 disposition. The court may order counsel not to reveal items to the  
6 child or the child's parent, guardian, or guardian ad litem if such  
7 disclosure would materially harm the treatment and rehabilitation  
8 of the child or would substantially decrease the likelihood of  
9 receiving information from the same or similar sources in the  
10 future.

11 (d) If the court or jury makes the finding specified in  
12 Subsection (c) allowing the court to make a disposition in the case:

13 (1) the court or jury may, in addition to any order  
14 required or authorized under Section 54.041 or 54.042, place the  
15 child on probation on such reasonable and lawful terms as the court  
16 may determine:

17 (A) in the child's own home or in the custody of a  
18 relative or other fit person; or

19 (B) subject to the finding under Subsection (c)  
20 on the placement of the child outside the child's home, in:

21 (i) a suitable foster home; ~~[or]~~

22 (ii) a suitable public or private  
23 residential treatment facility licensed by a state governmental  
24 entity or exempted from licensure by state law ~~[institution or~~  
25 ~~agency]~~, except a facility operated by the Texas Youth Commission;  
26 or

27 (iii) a suitable public or private

1 post-adjudication secure correctional facility that meets the  
2 requirements of Section 51.125, except a facility operated by the  
3 Texas Youth Commission;

4 (2) if the court or jury found at the conclusion of the  
5 adjudication hearing that the child engaged in delinquent conduct  
6 that violates a penal law of this state or the United States of the  
7 grade of felony or, if the requirements of Subsection (s) or (t) are  
8 met, of the grade of misdemeanor, and if the petition was not  
9 approved by the grand jury under Section 53.045, the court may  
10 commit the child to the Texas Youth Commission without a  
11 determinate sentence;

12 (3) if the court or jury found at the conclusion of the  
13 adjudication hearing that the child engaged in delinquent conduct  
14 that included a violation of a penal law listed in Section 53.045(a)  
15 and if the petition was approved by the grand jury under Section  
16 53.045, the court or jury may sentence the child to commitment in  
17 the Texas Youth Commission with a possible transfer to the  
18 institutional division or the pardons and paroles division of the  
19 Texas Department of Criminal Justice for a term of:

20 (A) not more than 40 years if the conduct  
21 constitutes:

- 22 (i) a capital felony;  
23 (ii) a felony of the first degree; or  
24 (iii) an aggravated controlled substance  
25 felony;

26 (B) not more than 20 years if the conduct  
27 constitutes a felony of the second degree; or

1 (C) not more than 10 years if the conduct  
2 constitutes a felony of the third degree;

3 (4) the court may assign the child an appropriate  
4 sanction level and sanctions as provided by the assignment  
5 guidelines in Section 59.003; or

6 (5) if applicable, the court or jury may make a  
7 disposition under Subsection (m).

8 (j) If the court or jury found that the child engaged in  
9 delinquent conduct that included a violation of a penal law of the  
10 grade of felony or jailable misdemeanor, the court:

11 (1) shall require that the child's thumbprint be  
12 affixed or attached to the order; and

13 (2) may require that a photograph of the child be  
14 attached to the order.

15 (v) A child may be detained in an appropriate detention  
16 facility following disposition of the child's case under Subsection  
17 (d) or (m) pending:

18 (1) transportation of the child to the ordered  
19 placement; and

20 (2) the provision of medical or other health care  
21 services for the child that may be advisable before transportation,  
22 including health care services for children in the late term of  
23 pregnancy.

24 SECTION 12. Chapter 54, Family Code, is amended by adding  
25 Section 54.0481 to read as follows:

26 Sec. 54.0481. TREATMENT OF RESTITUTION PAYMENTS. (a) A  
27 juvenile probation department that receives a payment to a victim

1 as the result of a juvenile court order for restitution shall  
2 immediately:

3 (1) deposit the payment in an interest-bearing account  
4 in the county treasury; and

5 (2) notify the victim by certified mail, sent to the  
6 last known address of the victim, that a payment has been received.

7 (b) The juvenile probation department shall promptly remit  
8 the payment to a victim who has been notified under Subsection (a)  
9 and makes a claim for payment.

10 (c) On or before the fifth anniversary of the date the  
11 juvenile probation department receives a payment for a victim that  
12 is not claimed by the victim, the department shall make and document  
13 a good faith effort to locate and notify the victim that an  
14 unclaimed payment exists, including:

15 (1) confirming, if possible, the victim's most recent  
16 address with the Department of Public Safety; and

17 (2) making at least one additional certified mailing  
18 to the victim.

19 (d) A juvenile probation department satisfies the good  
20 faith requirement under Subsection (c) by sending by certified mail  
21 to the victim, during the period the child is required by the  
22 juvenile court order to make payments to the victim, a notice that  
23 the victim is entitled to an unclaimed payment.

24 (e) If a victim claims a payment on or before the fifth  
25 anniversary of the date on which the juvenile probation department  
26 mailed a notice to the victim under Subsection (a), the juvenile  
27 probation department shall pay the victim the amount of the

1 original payment, less any interest earned while holding the  
2 payment.

3 (f) If a victim does not claim a payment on or before the  
4 fifth anniversary of the date on which the juvenile probation  
5 department mailed a notice to the victim under Subsection (a), the  
6 department:

7 (1) has no liability to the victim or anyone else in  
8 relation to the payment; and

9 (2) shall transfer the payment from the  
10 interest-bearing account to a special fund of the county treasury,  
11 the unclaimed juvenile restitution fund.

12 (g) The county may spend money in the unclaimed juvenile  
13 restitution fund only for the same purposes for which the county may  
14 spend juvenile state aid.

15 SECTION 13. Section 55.43(a), Family Code, is amended to  
16 read as follows:

17 (a) The prosecuting attorney may file with the juvenile  
18 court a motion for a restoration hearing concerning a child if:

19 (1) the child is found unfit to proceed as a result of  
20 mental illness or mental retardation; and

21 (2) the child:

22 (A) is not:

23 (i) ordered by a court to receive inpatient  
24 mental health services;

25 (ii) committed by a court to a residential  
26 care facility; or

27 (iii) ordered by a court to receive

1 treatment on an outpatient basis; or

2 (B) is discharged or currently on furlough  
3 [~~furloughed~~] from a mental health facility or outpatient center  
4 before the child reaches 18 years of age.

5 SECTION 14. Section 55.44(a), Family Code, is amended to  
6 read as follows:

7 (a) The juvenile court shall transfer all pending  
8 proceedings from the juvenile court to a criminal court on the 18th  
9 birthday of a child for whom the juvenile court or a court to which  
10 the child's case is referred has ordered inpatient mental health  
11 services or residential care for persons with mental retardation  
12 if:

13 (1) the child is not discharged or currently on  
14 furlough [~~furloughed~~] from the facility before reaching 18 years of  
15 age; and

16 (2) the child is alleged to have engaged in delinquent  
17 conduct that included a violation of a penal law listed in Section  
18 53.045 and no adjudication concerning the alleged conduct has been  
19 made.

20 SECTION 15. Section 55.45, Family Code, is amended by  
21 adding Subsection (c) to read as follows:

22 (c) If the referred child, as described in Subsection (b),  
23 is alleged to have committed an offense listed in Section 3g,  
24 Article 42.12, Code of Criminal Procedure, the administrator of the  
25 residential care facility shall apply, in writing, by certified  
26 mail, return receipt requested, to the juvenile court that ordered  
27 commitment of the child or that referred the case to a court that

1 ordered commitment of the child and show good cause for any release  
2 of the child from the facility for more than 48 hours. Notice of  
3 this request must be provided to the prosecuting attorney  
4 responsible for the case. The prosecuting attorney, the juvenile,  
5 or the administrator may apply for a hearing on this application.  
6 If no one applies for a hearing, the trial court shall resolve the  
7 application on the written submission. The rules of evidence do not  
8 apply to this hearing. An appeal of the trial court's ruling on the  
9 application is not allowed. The release of a child described in  
10 this subsection without the express approval of the trial court is  
11 punishable by contempt.

12 SECTION 16. Section 58.0051, Family Code, is amended by  
13 adding Subsection (e) to read as follows:

14 (e) The Texas Juvenile Probation Commission may, in  
15 conformity with Section 58.0072 of this code and Section 37.084,  
16 Education Code, enter into an interagency agreement to share  
17 educational information for research, audit, and analytical  
18 purposes with the:

- 19 (1) Texas Education Agency;  
20 (2) Texas Youth Commission; and  
21 (3) Texas Department of Criminal Justice.

22 SECTION 17. Section 58.007(c), Family Code, is amended to  
23 read as follows:

24 (c) Except as provided by Subsection (d), law enforcement  
25 records and files concerning a child and information stored, by  
26 electronic means or otherwise, concerning the child from which a  
27 record or file could be generated may not be disclosed to the public

1 and shall be:

2 (1) if maintained on paper or microfilm, kept separate  
3 from adult files and records;

4 (2) if maintained electronically in the same computer  
5 system as records or files relating to adults, be accessible under  
6 controls that are separate and distinct from controls to access  
7 electronic data concerning adults; and

8 (3) maintained on a local basis only and not sent to a  
9 central state or federal depository, except as provided by  
10 Subchapters [~~Subchapter~~] B, D, and E.

11 SECTION 18. Sections 58.0072(c) and (d), Family Code, are  
12 amended to read as follows:

13 (c) The Texas Juvenile Probation Commission may grant the  
14 following entities access to juvenile justice information for  
15 research and statistical purposes or for any other purpose approved  
16 by the commission:

17 (1) criminal justice agencies as defined by Section  
18 411.082, Government Code;

19 (2) the Texas Education Agency, as authorized under  
20 Section 37.084, Education Code;

21 (3) any agency under the authority of the Health and  
22 Human Services Commission; or

23 (4) a public or private university.

24 (d) The Texas Juvenile Probation Commission may grant the  
25 following entities access to juvenile justice information only for  
26 a purpose beneficial to and approved by the commission to:

27 (1) a person working on a research or statistical

1 project that:

2 (A) is funded in whole or in part by state or  
3 federal funds; and [~~or~~]

4 (B) meets the requirements of [~~28 C.F.R. Part 22~~]  
5 and is approved by the commission; or

6 (2) a governmental entity that has a specific  
7 agreement with the commission, if the agreement:

8 (A) specifically authorizes access to  
9 information;

10 (B) limits the use of information to the purposes  
11 for which the information is given;

12 (C) ensures the security and confidentiality of  
13 the information; and

14 (D) provides for sanctions if a requirement  
15 imposed under Paragraph (A), (B), or (C) is violated.

16 SECTION 19. Section 58.110(e), Family Code, is amended to  
17 read as follows:

18 (e) Except as otherwise required by applicable state laws or  
19 regulations, information required by this chapter to be reported to  
20 the department shall be reported promptly. The information shall  
21 be reported not later than the 30th day after the date the  
22 information is received by the agency responsible for reporting the  
23 information, except that a juvenile offender's custody or [~~7~~]  
24 detention [~~7 or referral~~] without previous custody shall be reported  
25 to the department not later than the seventh day after the date of  
26 the custody or [~~7~~] detention [~~7 or referral~~].

27 SECTION 20. Section 58.302, Family Code, is amended to read

1 as follows:

2 Sec. 58.302. PURPOSES OF SYSTEM. The purposes of a local  
3 juvenile justice information system are to:

4 (1) provide accurate information at the county or  
5 regional level relating to children who come into contact with the  
6 juvenile justice system;

7 (2) assist in the development and delivery of services  
8 to children in the juvenile justice system;

9 (3) assist in the development and delivery of services  
10 to children:

11 (A) who school officials have reasonable cause to  
12 believe have committed an offense for which a report is required  
13 under Section 37.015, Education Code; or

14 (B) who have been expelled, the expulsion of  
15 which school officials are required to report under Section 52.041;

16 (4) provide for an efficient transmission of juvenile  
17 records from justice and municipal courts to county juvenile  
18 probation departments and the juvenile court and from county  
19 juvenile probation departments and juvenile court to the state  
20 juvenile justice information system created by Subchapter B;

21 (5) provide efficient computerized case management  
22 resources to juvenile courts, prosecutors, court clerks, county  
23 juvenile probation departments, and partner agencies authorized by  
24 this subchapter;

25 (6) provide a directory of services available to  
26 children to the partner agencies to facilitate the delivery of  
27 services to children;

1           (7) provide an efficient means for municipal and  
2 justice courts to report filing of charges, adjudications, and  
3 dispositions of juveniles to the juvenile court as required by  
4 Section 51.08; and

5           (8) provide a method for agencies to fulfill their  
6 duties under Section 58.108, including the electronic transmission  
7 of information required to be sent to the Department of Public  
8 Safety by Section 58.110(f).

9           SECTION 21. Section 58.303(b), Family Code, is amended to  
10 read as follows:

11           (b) A local juvenile justice information system may contain  
12 the following components:

13           (1) case management resources for juvenile courts,  
14 court clerks, prosecuting attorneys, and county juvenile probation  
15 departments;

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

18           (3) service provider directories and indexes of  
19 agencies providing services to children;

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

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

24           (6) electronic offense and intake processing;

25           (7) case docket management and calendaring;

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

1           (9) reporting of charges filed, adjudications and  
2 dispositions of juveniles by municipal and justice courts and the  
3 juvenile court, and transfers of cases to the juvenile court as  
4 authorized or required by Section 51.08;

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

8           (11) records of adjudications and dispositions,  
9 including probation conditions ordered by the juvenile court; and

10           (12) warrant management and confirmation  
11 capabilities.

12           SECTION 22. Section 58.304(b), Family Code, is amended to  
13 read as follows:

14           (b) To the extent possible and subject to Subsections (a)  
15 and (d), the local juvenile justice information system may include  
16 the following information for each juvenile taken into custody,  
17 detained, or referred under this title:

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

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

21           (3) the juvenile's physical description, including  
22 sex, weight, height, race, ethnicity, eye color, hair color, scars,  
23 marks, and tattoos;

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

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

27           (6) the juvenile's last known residential address,

1 including the census tract number designation for the address;  
2 (7) the name, address, and phone number of the  
3 juvenile's parent, guardian, or custodian;  
4 (8) the name and identifying number of the agency that  
5 took into custody or detained the juvenile;  
6 (9) each date of custody or detention;  
7 (10) a detailed description of the conduct for which  
8 the juvenile was taken into custody, detained, or referred,  
9 including the level and degree of the alleged offense;  
10 (11) the name and identifying number of the juvenile  
11 intake agency or juvenile probation office;  
12 (12) each disposition by the juvenile intake agency or  
13 juvenile probation office;  
14 (13) the date of disposition by the juvenile intake  
15 agency or juvenile probation office;  
16 (14) the name and identifying number of the  
17 prosecutor's office;  
18 (15) each disposition by the prosecutor;  
19 (16) the date of disposition by the prosecutor;  
20 (17) the name and identifying number of the court;  
21 (18) each disposition by the court, including  
22 information concerning custody of a juvenile by a juvenile justice  
23 agency or county juvenile probation department;  
24 (19) the date of disposition by the court;  
25 (20) any commitment or release under supervision by  
26 the Texas Youth Commission, including the date of the commitment or  
27 release; [~~and~~]

1           (21) information concerning each appellate  
2 proceeding; and

3           (22) electronic copies of all documents filed with the  
4 court.

5           SECTION 23. Section 58.305(a), Family Code, is amended to  
6 read as follows:

7           (a) A local juvenile justice information system shall to the  
8 extent possible include the following partner agencies within that  
9 county:

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

21           SECTION 24. Section 58.306(g), Family Code, is amended to  
22 read as follows:

- 23           (g) Level 3 Access is by:
- 24           (1) the juvenile court and court clerk;
  - 25           (2) the prosecuting attorney;
  - 26           (3) the county juvenile probation department;
  - 27           (4) law enforcement agencies;

1           (5) governmental service providers that are partner  
2 agencies; and

3           (6) governmental placement facilities that are  
4 partner agencies.

5           SECTION 25. Sections 58.307(a) and (e), Family Code, are  
6 amended to read as follows:

7           (a) Information that is part of a local juvenile justice  
8 information system is not public information and may not be  
9 released to the public, except as authorized by law.

10          (e) Information in a local juvenile justice information  
11 system, including electronic signature systems, shall be protected  
12 from unauthorized access by a system of access security and any  
13 access to information in a local juvenile information system  
14 performed by browser software shall be at the level of at least  
15 128-bit encryption. A juvenile board or a regional juvenile board  
16 committee shall require all partner agencies to maintain security  
17 and restrict access in accordance with the requirements of this  
18 title.

19          SECTION 26. (a) Section 58.005(b), Family Code, is amended  
20 to read as follows:

21          (b) This section does not apply to information collected  
22 under Section 58.104 or under Subchapter D-1.

23          (b) Chapter 58, Family Code, is amended by adding Subchapter  
24 D-1 to read as follows:

25                 SUBCHAPTER D-1. REPORTS ON COUNTY INTERNET WEBSITES

26                 Sec. 58.351. APPLICABILITY. This subchapter applies only  
27 to a county with a population of 600,000 or more.

1       Sec. 58.352. INFORMATION POSTED ON COUNTY WEBSITE. (a) A  
2 juvenile court judge in a county to which this subchapter applies  
3 shall post a report on the Internet website of the county in which  
4 the court is located. The report must include:

5           (1) the total number of children committed by the  
6 judge to a correctional facility operated by the Texas Youth  
7 Commission; and

8           (2) for each child committed to a facility described  
9 by Subdivision (1):

10           (A) a general description of the offense  
11 committed by the child or the conduct of the child that led to the  
12 child's commitment to the facility;

13           (B) the year the child was committed to the  
14 facility; and

15           (C) the age range, race, and gender of the child.

16       (b) Not later than the 10th day following the first day of  
17 each quarter, a juvenile court judge shall update the information  
18 posted on a county Internet website under Subsection (a).

19       Sec. 58.353. CONFIDENTIALITY. A record posted on a county  
20 Internet website under this subchapter may not include any  
21 information that personally identifies a child.

22       (c) The changes in law made by this section apply only to a  
23 child committed to a correctional facility operated by the Texas  
24 Youth Commission on or after January 1, 2008.

25       SECTION 27. Chapter 58, Family Code, is amended by adding  
26 Subchapter E to read as follows:

1 SUBCHAPTER E. STATEWIDE JUVENILE INFORMATION AND CASE MANAGEMENT

2 SYSTEM

3 Sec. 58.401. DEFINITIONS. In this subchapter:

4 (1) "Commission" means the Texas Juvenile Probation  
5 Commission.

6 (2) "Criminal justice agency" has the meaning assigned  
7 by Section 411.082, Government Code.

8 (3) "Juvenile justice agency" means an agency that has  
9 custody or control over juvenile offenders.

10 (4) "Partner agencies" means those agencies described  
11 in Section 58.305 as well as private service providers to the  
12 juvenile justice system.

13 (5) "System" means an automated statewide juvenile  
14 information and case management system.

15 Sec. 58.402. PURPOSES OF SYSTEM. The purposes of the system  
16 are to:

17 (1) provide accurate information at the statewide  
18 level relating to children who come into contact with the juvenile  
19 justice system;

20 (2) facilitate communication and information sharing  
21 between authorized entities in criminal and juvenile justice  
22 agencies and partner agencies regarding effective and efficient  
23 identification of and service delivery to juvenile offenders; and

24 (3) provide comprehensive juvenile justice  
25 information and case management abilities that will meet the common  
26 data collection, reporting, and management needs of juvenile  
27 probation departments in this state and provide the flexibility to

1 accommodate individualized requirements.

2 Sec. 58.403. JUVENILE INFORMATION SYSTEM. The commission  
3 in partnership with local counties may participate and assist in  
4 the creation and maintenance of a statewide system to:

5 (1) aid in processing the cases of children under this  
6 title;

7 (2) facilitate the delivery of services to children in  
8 the juvenile justice system;

9 (3) aid in the early identification of at-risk and  
10 delinquent children; and

11 (4) facilitate cross-jurisdictional sharing of  
12 information related to juvenile offenders between authorized  
13 criminal and juvenile justice agencies and partner agencies.

14 Sec. 58.404. INFORMATION COLLECTED BY COMMISSION. The  
15 commission may collect and maintain all information related to  
16 juvenile offenders and all offenses committed by a juvenile  
17 offender, including all information collected and maintained under  
18 Subchapters B and D.

19 Sec. 58.405. AUTHORITY CUMULATIVE. The authority granted by  
20 this subchapter is cumulative of all other authority granted by  
21 this chapter to a county, the commission, or a juvenile justice  
22 agency and nothing in this subchapter limits the authority of a  
23 county, the commission, or a juvenile justice agency under this  
24 chapter to create an information system or to share information  
25 related to a juvenile.

26 SECTION 28. Section 59.003(a), Family Code, is amended to  
27 read as follows:

1 (a) Subject to Subsection (e), after a child's first  
2 commission of delinquent conduct or conduct indicating a need for  
3 supervision, the probation department or prosecuting attorney may,  
4 or the juvenile court may, in a disposition hearing under Section  
5 54.04 or a modification hearing under Section 54.05, assign a child  
6 one of the following sanction levels according to the child's  
7 conduct:

8 (1) for conduct indicating a need for supervision,  
9 other than conduct described in Section 51.03(b)(4) or (5)  
10 [~~51.03(b)(5)~~] or a Class A or B misdemeanor, the sanction level is  
11 one;

12 (2) for conduct indicating a need for supervision  
13 under Section 51.03(b)(4) or (5) [~~51.03(b)(5)~~] or a Class A or B  
14 misdemeanor, other than a misdemeanor involving the use or  
15 possession of a firearm, or for delinquent conduct under Section  
16 51.03(a)(2), the sanction level is two;

17 (3) for a misdemeanor involving the use or possession  
18 of a firearm or for a state jail felony or a felony of the third  
19 degree, the sanction level is three;

20 (4) for a felony of the second degree, the sanction  
21 level is four;

22 (5) for a felony of the first degree, other than a  
23 felony involving the use of a deadly weapon or causing serious  
24 bodily injury, the sanction level is five;

25 (6) for a felony of the first degree involving the use  
26 of a deadly weapon or causing serious bodily injury, for an  
27 aggravated controlled substance felony, or for a capital felony,

1 the sanction level is six; or

2 (7) for a felony of the first degree involving the use  
3 of a deadly weapon or causing serious bodily injury, for an  
4 aggravated controlled substance felony, or for a capital felony, if  
5 the petition has been approved by a grand jury under Section 53.045,  
6 or if a petition to transfer the child to criminal court has been  
7 filed under Section 54.02, the sanction level is seven.

8 SECTION 29. Sections 261.401(a) and (b), Family Code, are  
9 amended to read as follows:

10 (a) Notwithstanding Section 261.001, in this section:

11 (1) "Abuse" means an intentional, knowing, or reckless  
12 act or omission by an employee, volunteer, or other individual  
13 working under the auspices of a facility or program that causes or  
14 may cause emotional harm or physical injury to, or the death of, a  
15 child served by the facility or program as further described by rule  
16 or policy.

17 (2) "Exploitation" means the illegal or improper use  
18 of a child or of the resources of a child for monetary or personal  
19 benefit, profit, or gain by an employee, volunteer, or other  
20 individual working under the auspices of a facility or program as  
21 further described by rule or policy.

22 (3) "Neglect" means a negligent act or omission by an  
23 employee, volunteer, or other individual working under the auspices  
24 of a facility or program, including failure to comply with an  
25 individual treatment plan, plan of care, or individualized service  
26 plan, that causes or may cause substantial emotional harm or  
27 physical injury to, or the death of, a child served by the facility

1 or program as further described by rule or policy.

2 (b) A state agency that operates, licenses, certifies, or  
3 registers a facility in which children are located or provides  
4 oversight of a program that serves children shall make a prompt,  
5 thorough investigation of a report that a child has been or may be  
6 abused, neglected, or exploited in the facility or program. The  
7 primary purpose of the investigation shall be the protection of the  
8 child.

9 SECTION 30. Section 261.405(a), Family Code, is amended to  
10 read as follows:

11 (a) In this section:

12 (1) "Juvenile justice facility" means a facility  
13 operated wholly or partly by the juvenile board, by another  
14 governmental unit, or by a private vendor under a contract with the  
15 juvenile board, ~~or~~ county, or other governmental unit that serves  
16 juveniles under juvenile court jurisdiction. The term includes:

17 (A) a public or private juvenile  
18 pre-adjudication secure detention facility, including a holdover  
19 facility;

20 (B) a public or private juvenile  
21 post-adjudication secure correctional facility except for a  
22 facility operated solely for children committed to the Texas Youth  
23 Commission; and

24 (C) a public or private non-secure juvenile  
25 post-adjudication residential treatment facility that is not  
26 licensed by the Department of Protective and Regulatory Services or  
27 the Texas Commission on Alcohol and Drug Abuse.

1           (2) "Juvenile justice program" means a program or  
2 department operated wholly or partly by the juvenile board or by a  
3 private vendor under a contract with a juvenile board that serves  
4 juveniles under juvenile court jurisdiction. The term includes:

5                   (A) a juvenile justice alternative education  
6 program; [~~and~~]

7                   (B) a non-residential program that serves  
8 juvenile offenders under the jurisdiction of the juvenile court;  
9 and

10                   (C) a juvenile probation department.

11           SECTION 31. Section 25.0951(a), Education Code, is amended  
12 to read as follows:

13           (a) If a student fails to attend school without excuse on 10  
14 or more days or parts of days within a six-month period in the same  
15 school year, a school district shall within seven school days of the  
16 student's 10th [~~last~~] absence:

17                   (1) file a complaint against the student or the  
18 student's parent or both in a county, justice, or municipal court  
19 for an offense under Section 25.093 or 25.094, as appropriate, or  
20 refer the student to a juvenile court in a county with a population  
21 of less than 100,000 for conduct that violates Section 25.094; or

22                   (2) refer the student to a juvenile court for conduct  
23 indicating a need for supervision under Section 51.03(b)(2), Family  
24 Code.

25           SECTION 32. Section 61.0762, Human Resources Code, is  
26 amended to read as follows:

27           Sec. 61.0762. INFANT CARE AND PARENTING PROGRAM. (a) In

1 this section, "child" means the child of a person who is committed  
2 to the commission.

3 (b) The commission may establish child [~~infant~~] care and  
4 parenting programs for persons committed to the commission  
5 [~~children~~] who are parents.

6 (c) [~~(b)~~] The commission may permit a [~~child who is the~~]  
7 mother [~~of an infant younger than 36 months~~] to have possession of  
8 her child [~~infant~~] in a residential program that has an infant care  
9 and parenting program or to have possession of her child in a  
10 commission-funded independent living residence for up to six [~~until~~  
11 ~~the infant reaches the age of 36~~] months [~~or the mother is released~~  
12 ~~under supervision~~] if:

13 (1) the child's [~~infant's~~] father or another relative  
14 or guardian of the child [~~infant~~] agrees in advance of the child's  
15 [~~infant's~~] placement with the child's [~~infant's~~] mother to assume  
16 possession of the child [~~infant~~] immediately upon notice by the  
17 commission to do so;

18 (2) the child's [~~infant's~~] parents and any other  
19 person having a duty of support acknowledge that by permitting the  
20 mother to have possession of the child [~~infant~~] while the mother is  
21 confined in a residential facility or placed in an independent  
22 living residence, the commission assumes no responsibility for the  
23 child's [~~infant's~~] care beyond the responsibility of care that is  
24 ordinarily due the child's [~~infant's~~] mother and the reasonable  
25 accommodations that are necessary for the mother's care of her  
26 child [~~the infant~~];

27 (3) the child's [~~infant's~~] parents and any other

1 person having a duty of support agree to indemnify and hold the  
2 commission harmless from any claims that may be made against the  
3 commission for the child's [~~infant's~~] support, including medical  
4 support; and

5 (4) the commission determines that the placement is in  
6 the best interest of both the mother and her child [~~infant~~].

7 SECTION 33. Subchapter C, Chapter 141, Human Resources  
8 Code, is amended by adding Sections 141.0461 and 141.055 to read as  
9 follows:

10 Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER  
11 OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this  
12 section, "evidence" means any record, book, paper, document, data,  
13 or other evidence maintained by electronic or other means.

14 (b) The commission may issue a subpoena requiring the  
15 attendance of a witness or the production of evidence that the  
16 commission considers necessary for the investigation of:

17 (1) abuse, neglect, or exploitation allegations;

18 (2) complaints;

19 (3) financial and programmatic audits of juvenile  
20 probation programs services and facilities, including juvenile  
21 justice alternative education programs; or

22 (4) any matter under the authority of the commission.

23 (c) The commission may issue a subpoena under Subsection (b)  
24 only if the subpoena is signed by:

25 (1) the chairman of the commission or, if the chairman  
26 is unavailable, the vice-chairman of the commission; and

27 (2) at least two other members of the commission,

1 including a member who is a judge.

2 (d) Any peace officer, commission investigator, other  
3 commission official, or person authorized under Article 24.01, Code  
4 of Criminal Procedure, may serve the subpoena in the same manner  
5 that similar process in a court of record having original  
6 jurisdiction of criminal actions is served.

7 (e) A subpoena under this section shall be served and  
8 witness fees and mileage paid as in civil cases in the district  
9 court in the county to which the witness is called, unless the  
10 proceeding for which the service or payment is made is under Chapter  
11 2001, Government Code, in which case the service or payment shall be  
12 made as provided in that chapter. Witnesses subpoenaed at the  
13 instance of the commission shall be paid their fees and mileage by  
14 the commission out of funds appropriated for that purpose.

15 (f) On application of the commission, a court of record  
16 having original jurisdiction of criminal actions may compel the  
17 attendance of a witness, the production of material, or the giving  
18 of testimony before the commission, by an attachment for contempt  
19 or in the same manner as the court may otherwise compel the  
20 production of evidence.

21 (g) The chairman or another member of the commission may  
22 administer an oath to a witness in attendance before the commission  
23 or before an authorized representative of the commission.

24 (h) If a witness in attendance before the commission or  
25 before an authorized representative refuses without reasonable  
26 cause to be examined or answer a legal or pertinent question, or to  
27 produce evidence when ordered by the commission, the commission may

1 apply to the district court for a rule or order returnable in not  
2 less than two or in more than five days, directing the witness to  
3 show cause before the judge why the witness should not be punished  
4 for contempt. The commission may apply to the district court of any  
5 county where the witness is in attendance, on proof by affidavit of  
6 the fact, unless the order of contempt is sought under Chapter 2001,  
7 Government Code, in which case the commission shall apply to a  
8 district court of Travis County, as provided by that chapter. On  
9 return of the order, the judge hearing the matter shall examine the  
10 witness under oath and the witness shall be given an opportunity to  
11 be heard. If the judge determines that the witness has refused,  
12 without reasonable cause or legal excuse, to be examined or answer a  
13 legal or pertinent question, or to produce evidence that the  
14 witness was ordered to bring or produce, the judge may immediately  
15 find the witness in contempt of court.

16 (i) The commission shall be granted access at any reasonable  
17 time to any evidence that is related to any matter the commission or  
18 executive director considers necessary to administer the  
19 commission's functions, powers, and duties.

20 Sec. 141.055. INVESTIGATORS. (a) The commission may  
21 employ and commission investigators as peace officers for the  
22 purpose of investigating allegations of abuse, neglect, and  
23 exploitation in juvenile justice programs and facilities under  
24 Section 261.405, Family Code.

25 (b) Peace officers employed and commissioned under  
26 Subsection (a) must be certified by the Commission on Law  
27 Enforcement Officer Standards and Education under Chapter 1701,

1 Occupations Code.

2 SECTION 34. Section 152.0721, Human Resources Code, is  
3 amended by adding Subsection (f) to read as follows:

4 (f) The Duval County Juvenile Board and the juvenile boards  
5 of one or more counties that are adjacent to or in close proximity  
6 to Duval County may agree to operate together with respect to all  
7 matters, or with respect to certain matters specified by the  
8 juvenile boards. Juvenile boards operating together may appoint  
9 one fiscal officer to receive and disburse funds for the boards.

10 SECTION 35. Subchapter D, Chapter 152, Human Resources  
11 Code, is amended by adding Section 152.1301 to read as follows:

12 Sec. 152.1301. JIM HOGG COUNTY. (a) The Jim Hogg County  
13 Juvenile Board is composed of the county judge, the district judge  
14 in Jim Hogg County, and a citizen of Jim Hogg County appointed by  
15 the county judge and the district judge. The citizen member of the  
16 board serves the same term of office as the district judge in Jim  
17 Hogg County.

18 (b) The district judge is the chairman of the board and its  
19 chief administrative officer.

20 (c) The commissioners court may pay the juvenile board  
21 members an annual salary set by the commissioners court at not less  
22 than \$1,200 or more than \$3,600 for the added duties imposed on the  
23 members. The salary shall be paid in equal monthly installments  
24 from the general fund of the county.

25 (d) The juvenile board shall appoint not more than five  
26 persons to serve on an advisory council.

27 (e) The Jim Hogg County Juvenile Board and the juvenile

1 boards of one or more counties that are adjacent to or in close  
2 proximity to Jim Hogg County may agree to operate together with  
3 respect to all matters, or with respect to certain matters  
4 specified by the juvenile boards. Juvenile boards operating  
5 together may appoint one fiscal officer to receive and disburse  
6 funds for the boards.

7 (f) Sections 152.0002, 152.0004, 152.0005, 152.0006,  
8 152.0007, and 152.0008 do not apply to the juvenile board.

9 SECTION 36. Section 152.2201, Human Resources Code, is  
10 amended by amending Subsection (a) and adding Subsection (f) to  
11 read as follows:

12 (a) The Starr County Juvenile Board is composed of the  
13 county judge, the judge of the county court at law in Starr County,  
14 and the district judges in Starr County.

15 (f) The Starr County Juvenile Board and the juvenile boards  
16 of one or more counties that are adjacent to or in close proximity  
17 to Starr County may agree to operate together with respect to all  
18 matters, or with respect to certain matters specified by the  
19 juvenile boards. Juvenile boards operating together may appoint  
20 one fiscal officer to receive and disburse funds for the boards.

21 SECTION 37. The Jim Hogg County Juvenile Board is created  
22 October 1, 2007.

23 SECTION 38. Section 38.06(a), Penal Code, is amended to  
24 read as follows:

25 (a) A person commits an offense if he escapes from custody  
26 when he is:

27 (1) under arrest for, charged with, or convicted of an

1 offense; [~~or~~]

2 (2) in custody pursuant to a lawful order of a court;

3 (3) detained in a secure detention facility, as that  
4 term is defined by Section 51.02, Family Code; or

5 (4) in the custody of a juvenile probation officer for  
6 violating an order imposed by the juvenile court under Section  
7 52.01, Family Code.

8 SECTION 39. Section 38.07, Penal Code, is amended by adding  
9 Subsection (f) to read as follows:

10 (f) In this section, "correctional facility" means:

11 (1) any place described by Section 1.07(a)(14); or

12 (2) a "secure correctional facility" or "secure  
13 detention facility" as those terms are defined by Section 51.02,  
14 Family Code.

15 SECTION 40. Section 38.09, Penal Code, is amended by adding  
16 Subsection (c) to read as follows:

17 (c) In this section, "correctional facility" means:

18 (1) any place described by Section 1.07(a)(14); or

19 (2) a "secure correctional facility" or "secure  
20 detention facility" as those terms are defined by Section 51.02,  
21 Family Code.

22 SECTION 41. Section 38.111, Penal Code, is amended by  
23 adding Subsection (e) to read as follows:

24 (e) In this section, "correctional facility" means:

25 (1) any place described by Section 1.07(a)(14); or

26 (2) a "secure correctional facility" or "secure  
27 detention facility" as those terms are defined by Section 51.02,

1 Family Code.

2 SECTION 42. Section 38.114, Penal Code, is amended by  
3 adding Subsection (d) to read as follows:

4 (d) In this section, "correctional facility" means:

5 (1) any place described by Section 1.07(a)(14); or

6 (2) a "secure correctional facility" or "secure  
7 detention facility" as those terms are defined by Section 51.02,  
8 Family Code.

9 SECTION 43. Section 39.04(f), Penal Code, is amended to  
10 read as follows:

11 (f) An employee of the Texas Department of Criminal Justice,  
12 the Texas Youth Commission, or a local juvenile probation  
13 department commits an offense if the employee engages in sexual  
14 contact, sexual intercourse, or deviate sexual intercourse with an  
15 individual who is not the employee's spouse and who the employee  
16 knows is under the supervision of the department, commission, or  
17 probation department but not in the custody of the department,  
18 commission, or probation department.

19 SECTION 44. Sections 61.049, 141.0432, 141.0433, and  
20 141.0434, Human Resources Code, are repealed.

21 SECTION 45. (a) This Act applies only to conduct that  
22 occurs on or after the effective date of this Act. Conduct  
23 violating the penal law of this state occurs on or after the  
24 effective date of this Act if any element of the violation occurs on  
25 or after that date.

26 (b) Conduct that occurs before the effective date of this  
27 Act is governed by the law in effect at the time the conduct

1 occurred, and that law is continued in effect for that purpose.

2 (c) This Act applies only to an order by a juvenile court  
3 rendered on or after the effective date of this Act. An appeal of an  
4 order rendered before the effective date of this Act is governed by  
5 the law in effect at the time the order was rendered, and that law is  
6 continued in effect for that purpose.

7 (d) Section 54.0481, Family Code, as added by this Act,  
8 applies only to a payment of restitution under a juvenile court  
9 order received by a juvenile probation department on or after the  
10 effective date of this Act.

11 SECTION 46. This Act applies to information and documents  
12 relating to juvenile court cases without regard to whether the  
13 conduct that is the basis of the case occurred before, on, or after  
14 the effective date of this Act.

15 SECTION 47. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2884 was passed by the House on May 11, 2007, by the following vote: Yeas 135, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2884 on May 25, 2007, by the following vote: Yeas 137, Nays 0, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2884 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor