

AN ACT

relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.

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

SECTION 1. Section 51.04, Family Code, is amended by amending Subsections (b) and (e) and adding Subsection (i) to read as follows:

(b) In each county, the county's juvenile board shall designate one or more district, criminal district, domestic relations, juvenile, or county courts or county courts at law as the juvenile court, subject to Subsections (c), ~~[and]~~ (d), and (i) ~~[of this section]~~.

(e) A designation made under Subsection (b), ~~[or]~~ (c), or (i) ~~[of this section]~~ may be changed from time to time by the authorized boards or judges for the convenience of the people and the welfare of children. However, there must be at all times a juvenile court designated for each county. It is the intent of the legislature that in selecting a court to be the juvenile court of each county, the selection shall be made as far as practicable so that the court designated as the juvenile court will be one which is presided over by a judge who has a sympathetic understanding of the problems of child welfare and that changes in the designation of juvenile courts be made only when the best interest of the public requires it.

1       (i) If the court designated as the juvenile court under  
2 Subsection (b) does not have jurisdiction over proceedings under  
3 Subtitle E, Title 5, the county's juvenile board may designate at  
4 least one other court that does have jurisdiction over proceedings  
5 under Subtitle E, Title 5, as a juvenile court or alternative  
6 juvenile court.

7       SECTION 2. Chapter 51, Family Code, is amended by adding  
8 Section 51.0413 to read as follows:

9       Sec. 51.0413. JURISDICTION OVER AND TRANSFER OF COMBINATION  
10 OF PROCEEDINGS. (a) A juvenile court designated under Section  
11 51.04(b) or, if that court does not have jurisdiction over  
12 proceedings under Subtitle E, Title 5, the juvenile court  
13 designated under Section 51.04(i) may simultaneously exercise  
14 jurisdiction over proceedings under this title and proceedings  
15 under Subtitle E, Title 5, if there is probable cause to believe  
16 that the child who is the subject of those proceedings engaged in  
17 delinquent conduct or conduct indicating a need for supervision and  
18 cause to believe that the child may be the victim of conduct that  
19 constitutes an offense under Section 20A.02, Penal Code.

20       (b) If a proceeding is instituted under this title in a  
21 juvenile court designated under Section 51.04(b) that does not have  
22 jurisdiction over proceedings under Subtitle E, Title 5, the court  
23 shall assess the case and may transfer the proceedings to a court  
24 designated as a juvenile court or alternative juvenile court under  
25 Section 51.04(i) if the receiving court agrees and if, in the course  
26 of the proceedings, evidence is presented that constitutes cause to  
27 believe that the child who is the subject of those proceedings is a

1 child described by Subsection (a).

2       SECTION 3. Section 52.032, Family Code, is amended to read  
3 as follows:

4       Sec. 52.032. INFORMAL DISPOSITION GUIDELINES. (a) The  
5 juvenile board of each county, in cooperation with each law  
6 enforcement agency in the county, shall adopt guidelines for the  
7 disposition of a child under Section 52.03 or 52.031. The  
8 guidelines adopted under this section shall not be considered  
9 mandatory.

10       (b) The guidelines adopted under Subsection (a) may not  
11 allow for the case of a child to be disposed of under Section 52.03  
12 or 52.031 if there is probable cause to believe that the child  
13 engaged in delinquent conduct or conduct indicating a need for  
14 supervision and cause to believe that the child may be the victim of  
15 conduct that constitutes an offense under Section 20A.02, Penal  
16 Code.

17       SECTION 4. Chapter 54, Family Code, is amended by adding  
18 Section 54.0326 to read as follows:

19       Sec. 54.0326. DEFERRAL OF ADJUDICATION AND DISMISSAL OF  
20 CERTAIN CASES ON COMPLETION OF TRAFFICKED PERSONS PROGRAM.

21 (a) This section applies to a juvenile court or to an alternative  
22 juvenile court exercising simultaneous jurisdiction over  
23 proceedings under this title and Subtitle E, Title 5, in the manner  
24 authorized by Section 51.0413.

25       (b) A juvenile court may defer adjudication proceedings  
26 under Section 54.03 until the child's 18th birthday and require a  
27 child to participate in a program established under Section

1 152.0016, Human Resources Code, if the child:

2 (1) is alleged to have engaged in delinquent conduct  
3 or conduct indicating a need for supervision and may be a victim of  
4 conduct that constitutes an offense under Section 20A.02, Penal  
5 Code; and

6 (2) presents to the court an oral or written request to  
7 participate in the program.

8 (c) Following a child's completion of the program, the court  
9 shall dismiss the case with prejudice at the time the child presents  
10 satisfactory evidence that the child successfully completed the  
11 program.

12 SECTION 5. Chapter 54, Family Code, is amended by adding  
13 Section 54.04011 to read as follows:

14 Sec. 54.04011. TRAFFICKED PERSONS PROGRAM. (a) This  
15 section applies to a juvenile court or to an alternative juvenile  
16 court exercising simultaneous jurisdiction over proceedings under  
17 this title and Subtitle E, Title 5, in the manner authorized by  
18 Section 51.0413.

19 (b) A juvenile court may require a child adjudicated to have  
20 engaged in delinquent conduct or conduct indicating a need for  
21 supervision and who is believed to be a victim of conduct that  
22 constitutes an offense under Section 20A.02, Penal Code, to  
23 participate in a program established under Section 152.0016, Human  
24 Resources Code.

25 (c) The court may require a child participating in the  
26 program to periodically appear in court for monitoring and  
27 compliance purposes.

1        (d) Following a child's successful completion of the  
2 program, the court may order the sealing of the records of the case  
3 in the manner provided by Sections 58.003(c-7) and (c-8).

4        SECTION 6. Section 58.003, Family Code, is amended by  
5 adding Subsections (c-7) and (c-8) to read as follows:

6        (c-7) Notwithstanding Subsections (a) and (c) and subject  
7 to Subsection (b), a juvenile court may order the sealing of records  
8 concerning a child found to have engaged in delinquent conduct or  
9 conduct indicating a need for supervision or taken into custody to  
10 determine whether the child engaged in delinquent conduct or  
11 conduct indicating a need for supervision if the child successfully  
12 completed a trafficked persons program under Section 152.0016,  
13 Human Resources Code. The court may:

14                (1) order the sealing of the records immediately and  
15 without a hearing; or

16                (2) hold a hearing to determine whether to seal the  
17 records.

18        (c-8) If the court orders the sealing of a child's records  
19 under Subsection (c-7), a prosecuting attorney or juvenile  
20 probation department may maintain until the child's 18th birthday a  
21 separate record of the child's name and date of birth and the date  
22 the child successfully completed the trafficked persons program.  
23 The prosecuting attorney or juvenile probation department, as  
24 applicable, shall send the record to the court as soon as  
25 practicable after the child's 18th birthday to be added to the  
26 child's other sealed records.

27        SECTION 7. Subchapter A, Chapter 152, Human Resources Code,

1 is amended by adding Section 152.0016 to read as follows:

2       Sec. 152.0016. TRAFFICKED PERSONS PROGRAM. (a) A juvenile  
3 board may establish a trafficked persons program under this section  
4 for the assistance, treatment, and rehabilitation of children who:

5           (1) are alleged to have engaged in or adjudicated as  
6 having engaged in delinquent conduct or conduct indicating a need  
7 for supervision; and

8           (2) may be victims of conduct that constitutes an  
9 offense under Section 20A.02, Penal Code.

10       (b) A program established under this section must:

11           (1) if applicable, allow for the integration of  
12 services available to a child pursuant to proceedings under Title  
13 3, Family Code, and Subtitle E, Title 5, Family Code;

14           (2) if applicable, allow for the referral to a  
15 facility that can address issues associated with human trafficking;  
16 and

17           (3) require a child participating in the program to  
18 periodically appear in court for monitoring and compliance  
19 purposes.

20       SECTION 8. The changes in law made by this Act apply only to  
21 conduct that occurs on or after the effective date of this Act.  
22 Conduct that occurs before the effective date of this Act is covered  
23 by the law in effect at the time the conduct occurred, and the  
24 former law is continued in effect for that purpose. For the  
25 purposes of this section, conduct occurs before the effective date  
26 of this Act if any element of the conduct occurred before that date.

27       SECTION 9. This Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 92 passed the Senate on April 11, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 92 passed the House on May 10, 2013, by the following vote: Yeas 140, Nays 3, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor