

The image features a composite background. On the left, the Texas state flag is shown waving, with its characteristic blue field containing a white five-pointed star, a white horizontal stripe, and a red horizontal stripe. On the right, the ornate, golden-brown dome of the Texas State Capitol is visible, topped with the state's emblem, the Lady Justice. The background also includes a faint, circular architectural detail from the interior of the dome, showing a central sunburst and a grid of rectangular panels. A red horizontal banner is superimposed across the middle of the image, containing the text "Juvenile Justice" in white, bold, sans-serif font.

# Juvenile Justice

# 2009 Sunset Review

- Lots of attention on juvenile justice issues.
- TJPC and TYC were up for review.
- Formal review: Should the “sun set” on a state agency? – abolished if not renewed.
- Sunset staff recommended combining agencies into TX Dept of Juvenile Justice.
- Ultimately, agencies remained separate.
- Sunset review again in 2011!



# TJPC Changes

- Enhance communications with TYC.
- Coordinate with other agencies on care of children with mental impairments.
- Track and report more information:
  - Effectiveness of programs;
  - ANE aggregate data.
- Establish MH treatment facility in East TX.
- Regulate gov't-owned non-secure facilities, along with secure facilities.



# JUSTICE & MUNICIPAL COURTS



# HB 558 by Hernandez

## Children Engaging in Public Intoxication

- **§51.03(f), FC** – PI is no longer CINS; jurisdiction with JP or Municipal Court.
- **§51.08, FC** – PI cases can be transferred to juvenile court from JP or Municipal Court just like any Class C, other than traffic offenses.
- **Art. 45.058(g-1), CCP** – Field release citation for PI only if child released to parent/guardian.



# SB 1504 by Whitmire

## Concurrent Jurisdiction of Certain Municipal Courts

- **Art. 4.14(f), CCP** – Allows municipality with population of 1.9 million+ to enter into agreement w/ contiguous municipality **for either court** to have jurisdiction over fine-only cases committed on boundary or within 200 yards of boundary.



# SB 407 by Shapiro, eff. 5/30/09

## Part-Time Magistrates to Hear FTAS Cases

- **§54.1172, GC** – The county judge **may** appoint one (1) or more **part-time** or full-time magistrates to hear Parent Contributing to Nonattendance and Failure to Attend School cases.



# HB 1793 by Farrar

## Training for Judges Hearing Complaints against Children

- **§22.1105, GC** – Judges hearing child-related Class Cs **MUST** complete two (2) hours of training on child welfare issues and IDEA.
- Required every judicial academic year ending in a “0” or a “5.”
- Court of Criminal Appeals to adopt rules.



# SB 1056 by Uresti, eff. 6/19/09

## Orders of Nondisclosure

- §411.081(f-1), GC – On conviction of a “child” for a fine-only misdemeanor that **is not** CINS, court **must immediately** issue an order prohibiting CJAs from disclosing to the public any crim history related to the offense.
- CJAs may still disclose to other CJAs, specific agencies and person who is the subject of the order.



# SB 693 by Van de Putte, eff. 6/19/09

## Proof of ID to Buy Alcohol

- **§106.03(b), ABC** – It is not an offense to sell alcohol to a minor if minor displays an apparently valid ID issued by a gov't agency containing a photo and purporting to establish that minor is a 21-yr-old.
- Proof of ID expanded to include military ID and passport.



# Juvenile Court Processes



TJPC POST-LEGISLATIVE CONFERENCE: 81<sup>st</sup> Texas Legislative Session



# HB 609 by Castro

## Jury Composition in Juvenile Misdemeanor Trial

- **§54.03(c), FC** – If petition alleges a misdemeanor, jury **MUST** consist of 6 persons.
- Follows **Art. 33.01(b) , CCP** – In a trial involving a misdemeanor, a district court jury must consist of 6 qualified jurors.



# SB 518 by Harris

## Access to Info for Certifications

- §54.02(e), FC – Juvenile court **MUST** provide child's attorney with access to all written materials to be considered in making the transfer decision at least **5 days** before the hearing, instead of 1 day.
- Includes prosecuting attorney as well.



# SB 839 by Hinojosa

## Capital Felony Punishment for

## Juveniles Transferred to Criminal Court

- **§12.31(a)(1), PC** – Youth who are certified for a capital felony under §54.02, FC, and found guilty, **MUST** receive a mandatory life sentence.
- No life w/o parole for certified juveniles.
- **§508.145, GC** – Parole eligible after 40 yrs.



# HB 1629 by Naishtat, eff. 5/23/09

## Communication Between Courts

- **§54.04(y), FC** – Authorizes juvenile court to communicate with court having continuing jurisdiction over child's CPS case before the disposition hearing.
- Juvenile court may allow parties to SAPCR to participate in this communication.



# HB 1688 by Castro

## Motions for New Trial in Juvenile Cases

- **§56.01(b-1), FC** – Mtn for New Trial is timely if filed no later than 30th day after disposition order is signed and is governed by R. 21, TRAP.
- **§51.17(a), FC** – References exception made by new **§56.01(b-1), FC**.



# HB 608 by Castro

## Post-Trial Counseling for Jurors

### Hearing Graphic Evidence or Testimony

- **§57.003(g), FC** – Juvenile bd, with ok from commish's ct, may approve up to 10 hrs of post-trial psychological counseling.
- Juror must request counseling within 180 days of jury being dismissed.



# HB 2386 by Castro

## Sealing of Juvenile Records

- **§58.003(c-1), FC** – Court **may** order felony or misdemeanor juvenile records sealed if child successfully completes a **drug court program**.
  - May order sealing immediately w/o a hrg; or
  - Hold a hearing to decide whether to seal.



# HB 2386 by Castro

## Sealing of Juvenile Records

- **§58.003(c-2), FC** – If records are sealed, prosecutor or JPD **may** maintain separate record of child completing drug court program until child turns 17.
- After that, prosecutor or JPD must send record to court **“as soon as practicable”** to be added to other sealed records.



# HB 2386 by Castro

## Sealing of Juvenile Records

- **§58.003(e), FC** – Requires a hearing before sealing certain juvenile records listed under **§58.003(a) and (c)**, unless the applicant waives right to a hearing in writing.
- Court and prosecutor must agree.



# SB 58 by Zaffirini

## Statewide Juvenile Information and Case Management System (JCMS)

- **§58.403, FC** – Authorizes TJPC, via inter-local contract with one (1) or more counties, to participate in and assist counties in the creation, operation and maintenance of a juvenile information system for statewide use.



# SB 58 by Zaffirini

## Statewide Juvenile Information and Case Management System (JCMS)

- **§58.403(b), FC** – TJPC may use appropriated funds to pay costs under inter-local contract, i.e., license fees, maintenance/operations costs, administrative costs & other costs specified in the contract.
- **§58.403(c), FC** – TJPC may provide training to counties on use/operation of JCMS.



# HB 4833 by Hunter

## Newly Created or Designated Juvenile Courts

- **§24.580(b), GC** – New 436<sup>th</sup> Dist. Ct. in **Bexar Co.** to give preference to juvenile matters, eff. 10/1/09.
- **§25.0202(b), GC** – The Co. Ct. at Law in **Bosque Co.** to have primary jurisdiction over juvenile matters, eff. 10/1/09.



# HB 4833 by Hunter

## Newly Created or Designated Juvenile Courts

- §25.1182(a)(4), GC – A Co. Ct. at Law in **Hunt Co.** to have concurrent jurisdiction with Dist. Ct. in juvenile matters, eff. 9/1/09.
- §25.1772(a)(4), GC – **Navarro Co.**, eff. 9/1/09.
- §25.2362(a)(4), GC – **Van Zandt Co.**, eff. 1/1/11.



# Gang-related Legislation



# HB 2086 by Moody

## Gang-related Offenses

- **§71.02(a), PC** – Adds to list of engaging in organized criminal activity offenses:
  - Escape, permitting or facilitating escape;
  - Providing contraband.
- Applies to juvenile correctional and detention facilities.



# HB 2086 by Moody

## Directing Gang-related Activities

- **New §71.023, PC** – New 1st degree felony offense to:
  - initiate, organize, plan, finance, direct, manage or supervise a gang;
  - with intent to benefit or promote gang or to increase person’s status or standing in gang.
- Defines “criminal street gang.”



# HB 2086 by Moody

## Gang-Free Zones

- **New §71.028, PC – Gang-Free Zones w/in:**
  - 1,000 ft of any school, youth center, play ground;
  - 300 ft of any shopping mall, theater, public pool, arcade or school bus.
- For 17+, enhances certain engaging in organized criminal activity offenses.



# HB 2086 by Moody

## Gang-related Conduct

- **§54.0491(a), FC** – Defines “**gang-related conduct**” as engaging in Class B or higher with intent to:
  - Further crim activities of crim street gang (CSG) of which child is member;
  - Gain membership in CSG; or
  - Avoid detection as member of CSG.



# Juvenile Probation



TJPC POST-LEGISLATIVE CONFERENCE: 81<sup>st</sup> Texas Legislative Session



# HB 3689 by McClendon

## Definitions – Nonsecure Correctional Facility

- **New §51.02(8-a), FC – “Nonsecure correctional facility”** means a facility, other than a secure correctional facility, that accepts only juveniles who are on probation and that is operated by or under contract with a government unit.



# HB 3689 by McClendon

## Nonsecure Correctional Facilities

- **New §51.126, FC** – NCFs may be operated by gov't unit or private entity under contract with a gov't unit in Texas.
- Annual inspections required by juvy ct judge & majority of juvy bd and TJPC.
- Continues 2007 juvy justice reforms.



# HB 3228 by Madden

## Prohibited Items in Correctional Facility

- **§38.11, PC** – “Correctional Facility” = a secure correctional facility or secure detention facility as defined by **§51.02, FC.**
- Offense includes introducing cell phones into correctional facility and “possessing with intent to provide” cell phone.



# SB 727 by Patrick

## DNA Sample Required on Certain Felony Adjudications

- **New §54.0409, FC** – DNA sample now required of a juvenile if placed **on probation** for any 3g offense or felony in which a deadly weapon is used or exhibited.



# SB 727 by Patrick

## Payment of Fees for Offenses Requiring DNA Testing

- **New §54.0462, FC** – Juvenile court must order payment of fees if a DNA sample is required of a child under **§54.0409**.
  - **\$50** if disposition = TYC commitment.
  - **\$34** if disposition is without TYC commitment.
  - **New §61.002(16), FC** – Parents can be ordered to pay!



# HB 1633 by Walle

## Probation Conditions for Juveniles Who Commit Graffiti

- **§54.046, FC** – COP in a graffiti case **MUST** include reimbursement/restoration.
  - At least 15 hrs CSR if loss = \$50 - \$499;
  - At least 30 hrs CSR if loss = \$500 or more.
- JPD to handle restitution collection and transfer to owner; JPD to notify court.



# HB 2086 by Moody

## Gang-related Conduct

- **§54.0491(b), FC** – At disposition, juvy ct **must** order child to participate in an appropriate CSG intervention program:
  - Must include at least 12 hours of instruction; and
  - May include voluntary tattoo removal.



# HB 3005 by Coleman, eff. 6/19/09

## Mandatory Testing for Exposing JPD Employees to Certain Diseases

- **§81.050(b)(6), HSC** – Adds JPD employees to the list of who may request an order for involuntary testing of persons suspected of exposing them to certain diseases.



# SB 1237 by Estes, eff. 6/19/09

## Authority for JPOs to Carry Firearms

- **§142.006(a), HRC** – JPOs may carry firearms IF:
  - JPO has a TCLEOSE proficiency certificate;
  - Chief JPO authorizes JPO to carry firearm in the course of JPO's official duties; and
  - JPO is employed for at least one year by JPD.
- **§142.006(b), HRC** – JPO disqualified if TJPC designates officer as ANE perpetrator.



# SB 1237 by Estes, eff. 6/19/09

## Firearms Training Program for JPOs

- **§1701.258(a), OC – TCLEOSE & TJPC, by MOU, to establish a firearms training program providing instruction in:**
  - Legal limitations of using firearms;
  - Range firing, procedure, safety, maintenance;
  - Other topics for responsible use of firearms.



# SB 1237 by Estes, eff. 6/19/09

## Firearms Training Program for JPOs

- **§1701.258(b), OC** – TCLEOSE will administer training program and issue certificates of firearms proficiency to JPOs who successfully complete program.
- **§1701.258(c), OC** – TCLEOSE may set reasonable & necessary fees to administer training program.



# SB 1374 by West

## Annual Reports by TJPC

- **§141.024(a)(2), HRC** – TJPC's annual report re: probation services in Texas **MUST** include:
  - Evaluation of the effectiveness of community-based programs under **§54.0401, FC**;
  - Information comparing such costs with the cost of committing a child to TYC.



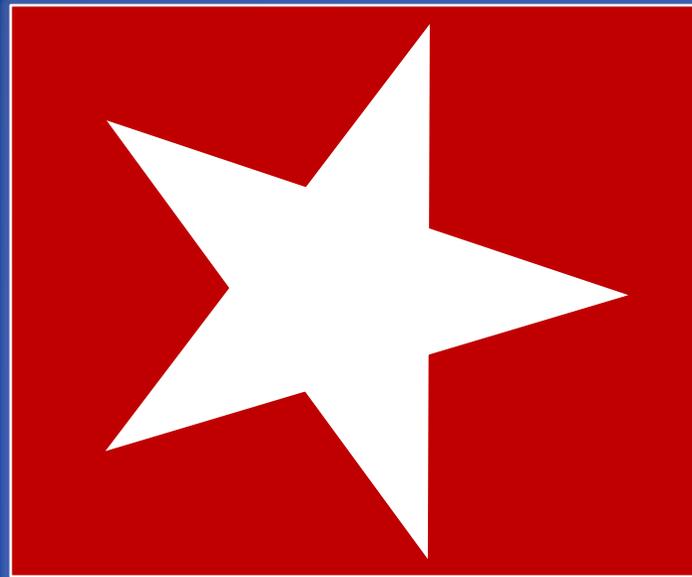
# HB 3689 by McClendon

## Revocation or Suspension of Certification

- **New §141.064, HRC** – TJPC can suspend a JPO/JDO immediately if it finds the person is a threat to juveniles.
- To be used only in extreme cases.
- Certified officer still has admin hrg rights.



# Texas Youth Commission



TJPC POST-LEGISLATIVE CONFERENCE: 81<sup>st</sup> Texas Legislative Session



# HB 2086 by Moody

## Gang-related Conduct

- **New §54.0491(c), FC** – If juvenile who is required to attend a CSG intervention program is committed to TYC, the child **must** complete the intervention program **before** being discharged from TYC or released on TYC parole.



# HB 3689 by McClendon, eff. 6/19/09

## Information Provided to Committing Court

- **New §61.067, HRC** – If committing court requests, TYC **must** keep court informed of child's progress at TYC.
- TYC report may include info about child's treatment, education and health.
- TYC report may **not** include protected info.



# HB 3689 by McClendon, eff. 6/19/09

## Information Provided to Court before Release

- **New §61.08141, HRC** – TYC must provide juvy ct with notice of release, re-entry plan and progress report while at TYC.
- Info must be provided to committing juvy ct and juvy ct in county or state where child will reside.



# HB 1629 by Naishtat, eff. 5/23/09

## Foster Youth Committed to or Released from TYC

- **§61.0731(d), HRC** – If DFPS is Managing Conservator for a child, TYC **must** disclose records and other info about child to DFPS.
- **§61.0763(e), HRC** – If DFPS is Managing Conservator for a child, TYC **must** ensure that DFPS is given same rights as parent.



# HB 1629 by Naishtat, eff. 5/23/09

## Foster Youth Committed to or Released from TYC

- **§61.0766, HRC** – Report Concerning Foster Children Committed to TYC.
  - TYC's report to court handling CPS case.
- **§61.0767, HRC** – Rules Regarding Services for Foster Children.
  - TYC & HHSC to adopt rules re: services.



# HB 3689 by McClendon, eff. 6/19/09

## Re-entry and Re-integration Plan for Children

- **§61.08131, HRC** – TYC to develop plan to reduce recidivism; ensure successful re-entry of children into community upon release on parole or discharge from TYC.
- TYC to study whether plan reduces recidivism rates.



# HB 3316 by McClendon

## Venue for Certain Offenses Committed at TYC Facilities

- **Art. 13.34, CCP** – Establishes concurrent venue for criminal offenses committed against juveniles by TYC personnel or contractual service providers:
  - County where offense occurred; or
  - Travis County.



# HB 3316 by McClendon

## Request for Assistance from Special Prosecution Unit (SPU)

- §61.098(b), HRC – Prosecutors **may** request that the SPU prosecute, or **assist** in the prosecution of, the offense against a child or delinquent conduct.



# HB 3653 by Marquez

## Restraint of Pregnant Juvenile in TYC

- **§61.07611, HSC** – TYC cannot use restraints to control movement of a pregnant juvenile in labor or delivery, or recovering from delivery, unless security, safety or escape risks exist.
- Restraint **MUST** be “**least restrictive available,**” under the circumstances.



# HB 4451 by McReynolds, eff. 6/19/09

## Continuity of Care for Youth Discharged from TYC due to MR or Mental Illness

- **§61.077(g), HRC** – Mentally ill or MR youth discharged from TYC are eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI).



# HB 4451 by McReynolds, eff. 6/19/09

## Transfer of Children Serving Determinate Sentences for Mental Health Services

- **§61.0773, HRC** – Allows TYC to petition committing juvenile court for initiation of MH commitment proceedings in DS cases.
- TYC's petition is treated as a motion under **§55.11, FC** (Mental Illness Determination; Examination).



# HB 4451 by McReynolds, eff. 6/19/09

## Transfer of Children Serving Determinate Sentences for Mental Health Services

- **§61.0773(d), HRC** – Juvenile court **MUST** give credit for any time spent in an inpatient MH facility.
- **§61.0773(e), HRC** – Child may not be released from an inpatient MH facility on a pass or furlough.



# HB 4451 by McReynolds, eff. 6/19/09

## Transfer of Children Serving Determinate Sentences for Mental Health Services

- **§61.0773(f), HRC** – If MH commitment order expires before sentence ends, the inpatient MH facility **MUST** notify juvenile court.
- Juvenile court may then transfer child to TYC, TDCJ or release under supervision.



# HB 4451 by McReynolds, eff. 6/19/09

## Programs for Juveniles

- **§614.019(b), HSC** – Continues continuity of care services for 17 to 19-yr-old mentally ill TYC parolees until parole is completed.
- **§614.019(c), HSC** – Continues continuity of care services for at least 90 days or until successful transition to local MH or MR authority.



# HB 1630 by Naishtat

## Eligibility for Child Health Plan Coverage or Medical Assistance after Release

- **§531.02418, GC** – HHSC, TYC & TJPC **MUST** enter into MOU re: assessment for CHIP/medical assistance eligibility before individual's release from commitment to TYC, placement or detention.
- Specifies MOU requirements.



# Councils & Task Forces



# SB 1646 by Van de Putte, eff. 6/19/09

## Council on Children & Families

- **§531.802, GC** – To ensure Children & Families have access to needed services by:
  - Coordinating health, ed, human services;
  - Improving coordination/efficiency in state agencies;
  - Prioritizing/mobilizing resources for kids; and
  - Facilitating an integrated approach to providing services.



# SB 1824 by Lucio/HB 2196 by Truitt

## Interagency Task Force for Children with Special Needs

- **§115.003, HSC – Task Force shall:**
  - Compile list of flexible funding sources;
  - Review agency P & Ps re: service delivery;
  - Needs assessment to ID service delivery gaps;
  - Develop 5-year plan to improve quality of services for kids with special needs.



# HB 492 by Zerwas

## Faith- and Community-Based Organizations

- **§535.051(b), GC** – TYC & TJPC among agencies serving as liaisons for FCBOs.
- **§535.052, GC** – List of duties to enhance partnerships between state agencies and FCBOs.
- **§535.053, GC** – Interagency Coordinating Group.



**Thank You and  
Have a Good Summer!**

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