

JUVENILE LAW UPDATE 2023

JUDGE RILEY SHAW, ASSOCIATE JUDGE, 323RD JUDICIAL
DISTRICT COURT OF TARRANT COUNTY, SITTING AS JUVENILE COURT

WITH A HEARTY THANK YOU TO **KACI SINGER** AND
MORGAN MILLER WHO DID MOST OF THE HEAVY LIFTING.

*ANY MISTAKES ARE MINE



2023 LEGISLATIVE UPDATE

88TH LEGISLATURE – BY THE NUMBERS

- New LAWS: 1170 (1246-76)
- Bills Filed: Passed: Vetoed:
- HB: 5413 744 22
- SB: 2633 502 54
- Total: 8046 1246 76
- Percentage of Bills that became Law:
- Overall: 14.5% (HB = 13.3%, SB = 17.0%)

JUVENILE BILLS

2023 LEGISLATIVE UPDATE

SB 133 (EFF. 6/18/2023)

- LIMITATION ON USE OF RESTRAINTS, PEPPER SPRAY, TASERS
 - For Children 5th Grade and Below
 - Peace or Security Officer performing LE duty at school/school event
 - May NOT use restraints, pepper spray, or Taser
 - UNLESS serious risk of harm to self or others
 - EC 37.0021

2023 LEGISLATIVE UPDATE


HB 144 (EFF. 9/1/2023)

- All REMOVALS to a DAEP under EC 37.006 (mandatory and discretionary) are subject to an EC 37.009 analysis – must look at self-defense, intent, disciplinary history, and disability/capacity to appreciate wrongfulness.
- Marijuana, THC, Felony alcohol offenses and e-cigarettes are reclassified as mandatory DAEP, but discretionary JJAEP.
 - NOTE – “mandatory” in this context means that the state pays costs for JJAEP, while “discretionary” means the local ISD pays

2023 LEGISLATIVE UPDATE


HB 2129 (EFF. 9/1/2023)

PRIVATE THEFT DIVERSION PROGRAM

- Allows a business to offer its own in-house theft diversion program under CPRC 124.001.
 - NO civil penalties if successfully complete program (juvenile court is civil, so....)
 - Does NOT preclude criminal prosecution
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2023 LEGISLATIVE UPDATE

SB 1612 (EFF. 9/1/2023)

- JUVENILE FEES: Eliminates the remaining Juvenile Court and Probation fees that were not eliminated last session (including elimination of probation fees, deferred prosecution fees, sexting program fees, child support / placement fees, ICT placement fees, attorney appointment fees)
 - Can still order parent to hire attorney for child if financially able to do so under TFC 51.10(d), but cannot enforce order or force them to pay for court appointed attorney if they fail to comply.
 - Can no longer order parent to pay costs of appeal.
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2023 LEGISLATIVE UPDATE

HB 422 (EFF. 9/1/2023)

- DETENTION HEARINGS
- Amends TFC 54.012 to clarify that:
 - Detention Hearings MAY be conducted remotely
 - Consent is NOT required
 - BUT the Court MUST submit a plan to the OCA re: handling of evidence and providing unobstructed view of remote testimony

2023 LEGISLATIVE UPDATE

HB 5195 (EFF. 9/1/2023)

- CERTIFICATION / C&T – Adds TFC 54.021, Services Provided to Child in Detention Facility Pending Criminal Prosecution
- Requires such children to receive education, programming and other services consistent with those provided by TJJJ while in juvenile detention awaiting criminal trial.
- Facility Administrator must create written plan within first 21 days, and must update, monitor, and document it every 90 days.

2023 LEGISLATIVE UPDATE

SB 1727 (EFF. 9/1/2023)

- This is the OMNIBUS BILL ON THE OPERATIONS OF TJJ
- Juvenile Records provided by counties to TJJ must be maintained in accordance with PIA.
- TFC 58.009
 - TJJ may release NON-identifiable information for research or statistical or other purposes to just about anyone approved by TJJ.
 - TJJ may also release IDENTIFIABLE information if there is an agreement between TJJ and the recipient.

2023 LEGISLATIVE UPDATE

SB 728 (EFF. 9/1/2023)

- JJ INFORMATION – This Bill amends GC 411.052, .0521, and TFC 58.007
- Requires information to flow from Juvenile Justice system to the Federal Prohibited Person Information system (and the National Instant Criminal Background Check system) regarding 16+ year old children who are:
 - Court ordered for in-patient MI or IDD care, or
 - Found Unfit to Proceed due to MI or IDD, or
 - Found to lack responsibility for conduct due to MI or IDD.
- District/County Clerk does the reporting
- Confidentiality under TFC 58.007 is NOT applicable


2023 LEGISLATIVE UPDATE

SB 1585 (EFF. 9/1/2023)

- TFC CHAPTER 55: This Omnibus Bill is a substantial re-write of the Mental Health, IDD, Fitness, and Lack of Responsibility provisions of Chapter 55 of the Texas Family Code.
 - Reorganizes Chapter 55
 - Modernizes language throughout
 - Centralizes statutory processes formerly contained in other Codes

2023 LEGISLATIVE UPDATE


SB 1585 (EFF. 9/1/2023)

- Does away with mandatory transfer to criminal court at age 18 of non-furloughed children in MH facilities for DSO-eligible offenses. Is now discretionary and works like a post-18 certification. TFC 55.44.
 - MH/IDD children who are in-custody awaiting transport to inpatient treatment must have a detention hearing. TFC 55.68. The statute is, however, silent regarding the need for subsequent (10-day) detention hearings.
 - Allows local juvenile probation departments to provide restoration classes for children found unfit to proceed.
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2023 LEGISLATIVE UPDATE

HB 1819 (EFF. 9/1/2023)

CURFEW ORDINANCES:

- Juvenile curfew ordinances are repealed and banned statewide.
 - Also, curfew ordinance violations are no longer a status offense.
 - BUT can impose a curfew *as a condition of probation* and can revoke based on a violation of such condition.
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2023 LEGISLATIVE UPDATE

SB 1849 (EFF. 9/1/2023)

- Creates an employee MISCONDUCT SEARCH ENGINE for:
 - TJJJ
 - HHSC
 - TEA
 - DFPS
- Regarding: Abuse, neglect, exploitation, other misconduct
- Provides for due process

CRIMINAL BILLS

*APPLY IN JUVENILE PROCEEDINGS

UNLESS OTHERWISE NOTED

2023 LEGISLATIVE UPDATE

SB 338 (EFF. 9/1/2023)

INVESTIGATIVE HYPNOSIS

- Creates CCP Art. 38.24 to specifically PROHIBIT the use of “investigative hypnosis” to bolster witness memory
- Does NOT bar admission of “fruits” that independently corroborate offense (e.g. new witnesses identified, new evidence located as a result of the investigative hypnosis)

2023 LEGISLATIVE UPDATE

SB 1527 (EFF. 9/1/2023)


TRAFFICKING and SEX OFFENSES

- Child Outcry Statements – CCP Art. 38.072 modified to allow child outcry statement under age 18 (BUT, for juvenile purposes it remains under age 13, per TFC Sec. 54.031, which is the more specific statute and was not amended).
- Also added “disabled persons” to Child Sex Trafficking statutes in Penal Code and related statutes

2023 LEGISLATIVE UPDATE

SB 1527 (EFF. 9/1/2023)

TRAFFICKING AND SEX OFFENSES

- ADDS: 1st Degree Felony if Disabled, or SBI, or DW, or Impede Breathing
 - Allows notice of extraneous under CCP Art. 38.37 related to sex and labor trafficking
 - Driver's License ID requirements for persons convicted of trafficking.
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2023 LEGISLATIVE UPDATE

SB 1527 (EFF. 9/1/2023)


TRAFFICKING AND SEX OFFENSES

- ADDS PC Sec. 15.032 – CHILD GROOMING – is an offense to persuade, induce, entice, coerce child under 18 to engage in offense under Chapter 20A (trafficking), 21 (sexual offenses), 22 (assaultive offenses involving sex), or 43 (public indecency).
- 3RD Degree Felony. Enhanced to Second Degree Felony if prior conviction for certain enumerated offenses.

2023 LEGISLATIVE UPDATE

SB 224 (EFF. 5/16/2023)

CATALYTIC CONVERTERS – new and enhanced offenses

- CM <\$30k if related to CC theft = SJF
 - Theft of CC <\$30k = SJF
 - Increased one level if involves a firearm
 - New offense of Unauthorized Possession of CC = SJF. Priors and/or firearm enhance to 3rd degree. PC 31.21.
 - CC theft added to EOC. PC 71.02.
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2023 LEGISLATIVE UPDATE

HB 3075 (EFF. 9/1/2023)

- OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL OR DETENTION FACILITY – New PC 38.115
- Class B Misdemeanor
- Class A Misdemeanor with prior conviction
- SJF if offense committed to provide contraband

2023 LEGISLATIVE UPDATE

SB 947 (EFF. 9/1/2023)

- DAMAGING CRITICAL INFRASTRUCTURE FACILITY – PC 28.09
- 2nd Degree felony to interrupt the power grid either physically or through a cyberattack.
- 1st Degree felony if caused \$100k or more in damage or used a firearm
- PC 19.04 – MANSLAUGHTER is a 1st degree felony if a violation of PC 28.09 caused the death.


2023 LEGISLATIVE UPDATE

HB 1833 (EFF. 9/1/2023)

- CRIMINAL MISCHIEF (of PUBLIC POWER SUPPLY) – PC 28.03
- 3RD Degree Felony if loss < \$150,000, AND the actor EITHER:
 - wholly or partly impairs or interrupts property used for public power supply; or
 - causes to be diverted, wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public power supply.

2023 LEGISLATIVE UPDATE

SB 1236 (EFF. 9/1/2023)

- USE OF CERTAIN WEAPONS IN OR ON BED OR BANK OF NAVIGABLE RIVER OR STREAM – Parks and Wildlife Code 1.014
 - Class C misdemeanor to discharge a firearm (except a shotgun) or shoot an arrow while in or on the bed or bank of a navigable river or stream OR into the bed or bank of a navigable river or stream.
 - Limited exceptions applicable for killing alligators, venomous snakes, nonindigenous rodents, and for archery fishing.
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2023 LEGISLATIVE UPDATE

HB 4164 (EFF. 9/1/2023)

- IMPROPER USE OF ASSISTANCE AND SERVICE ANIMALS – Human Resources Code 121.006
- Class C misdemeanor with \$1,000 fine and 30 hours C/S if misrepresent an animal as being an assistance or service animal.

2023 LEGISLATIVE UPDATE

SB 1361 (EFF. 9/1/2023)

- UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT VIDEOS – PC 21.165
- Class A misdemeanor to make a “deep fake” video showing exposed intimate parts or sexual conduct using a person’s appearance without their consent.

2023 LEGISLATIVE UPDATE

HB 611 (EFF. 9/1/2023)

- UNLAWFUL DISCLOSURE OF RESIDENCE ADDRESS OR TELEPHONE NUMBER
– PC 42.074
- Anti-“Doxing” statute.
- Class B misdemeanor if done with intent to harm or threaten harm.
- Class A misdemeanor if results in bodily injury.
- Does not apply to a public servant who has published their own address in performance of their duties or in compliance with law.

2023 LEGISLATIVE UPDATE

HB 4635 (EFF. 9/1/2023)


RACKETEERING AND UNLAWFUL DEBT COLLECTION

- Creates Chapter 140B, CPRC – CIVIL REMEDIES AND ENFORCEMENT RELATED TO RACKETEERING AND UNLAWFUL DEBT COLLECTION – this Bill is 50 pages long.
- New Criminal Offenses created:
 - CPRC 140B.061 – DELIBERATE NONCOMPLIANCE with investigative demand – Class A misdemeanor
 - Creates Penal Code Chapter 72 – RACKETEERING AND UNLAWFUL DEBT COLLECTION – with new offenses (next slide)

2023 LEGISLATIVE UPDATE

HB 4635 (EFF. 9/1/2023)

PC Chapter 72 new offenses created:

- PC 72.02 – USE OF PROCEEDS DERIVED FROM RACKETEERING OR UNLAWFUL DEBT COLLECTION – 2nd Degree Felony
 - PC 72.03 – ACQUISITION OF INTEREST IN PROPERTY OR CONTROL OF ENTERPRISE THROUGH RACKETEERING OR UNLAWFUL DEBT COLLECTION – 2nd Degree Felony
 - PC 72.04 – PARTICIPATION IN ENTERPRISE THROUGH RACKETEERING OR UNLAWFUL DEBT COLLECTION – 2nd Degree Felony
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2023 LEGISLATIVE UPDATE

HB 6 (EFF. 9/1/2023)

- FENTANYL
- Fentanyl and its related compounds moved to HSC 481.1022, Penalty Group 1-B.
- Penalties increased.
- PC 19.02 – is MURDER if manufacture or deliver fentanyl and the drug causes death, UNLESS manufacture or delivery was authorized by law.

2023 LEGISLATIVE UPDATE

SB 497 (EFF. 9/1/2023)

- KRATOM
- Adds Chapter 444 to HSC – MANUFACTURE, DISTRIBUTION, AND SALE OF KRATOM PRODUCTS
- Regulates Kratom
- Makes it a Class C to sell to a minor. HSC 444.004.

2023 LEGISLATIVE UPDATE

HB 4758 (EFF. 1/1/2024)

- E-CIGARETTES
- HSC 161.0876 – PROHIBITED E-CIGARETTE PRODUCTS
- Makes it a Class B misdemeanor to market in a way that is attractive to minors.

2023 LEGISLATIVE UPDATE

SB 386 (EFF. 9/1/2023)

- CAPITAL MURDER Presumption
- PC 19.03 – Presumption that offender knew victim was a peace officer or fireman if victim was in uniform or wearing badge.

2023 LEGISLATIVE UPDATE

HB 2715 (EFF. 9/1/2023)

- Protective Orders, EPOs, Bond Conditions, TROs, FV Protective Orders under:
 - CCP Arts. 7B.005, 17.292, 17.49
 - Family Code Secs. 6.501, 85.022
- May prohibit an offender from tracking vehicle or possessions of applicant, either electronically or in person (by physically following).

2023 LEGISLATIVE UPDATE

HB 2715 (EFF. 9/1/2023)

- VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE – PC 25.07 – Tracking of vehicle or possessions added to this offense.
- HARASSMENT – PC 42.07 – Tracking of vehicle or possessions added to this offense.

2023 LEGISLATIVE UPDATE

HB 1427 (EFF. 9/1/2023)

- HARASSMENT – PC 42.07 – Further amended to add making obscene, intimidating or threatening phone calls and electronic communications.

2023 LEGISLATIVE UPDATE

HB 2306 (EFF. 9/1/2023)

- VOYEURISM – PC 21.17 – Adds watching “remotely through electronic means” to the offense definition.

2023 LEGISLATIVE UPDATE

SB 1717 (EFF. 9/1/2023)

STALKING

- CCP 38.46 – STALKING – can provide evidence that a reasonable person “in circumstances similar to the circumstances of the alleged victim” would experience fear.
- PC 42.072 – STALKING – adds that it is also stalking to make someone feel “terrified” or “intimidated”.

2023 LEGISLATIVE UPDATE

HB 2700 (EFF. 9/1/2023)

- EXTENDS Child Pornography laws to include AI / “deep fakes” if started with a “real”, recognizable image of a child
- PC 43.26 – POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY
- PC 43.261 – ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR
- PC 43.262 – POSSESSION OR PROMOTION OF LEWD VISUAL MATERIAL DEPICTING CHILD

2023 LEGISLATIVE UPDATE

SB 1653 (EFF. 9/1/2023)

- PROMOTION OF PROSTITUTION – PC 43.03
- Amends statute to make it a 1st degree felony if the person sought to be prostituted is under age 18, even if an actual act of prostitution has not taken place.

2023 LEGISLATIVE UPDATE

HB 2187 (EFF. 9/1/2023)

- ABANDONING OR ENDANGERING A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL – PC 22.041 – adds Elderly and Disabled persons to the Abandoning/Endangering a Child statute.
- Makes corresponding updates to CCP Art. 12.01, Estates Code Sec. 201.062 and 1104.353, Family Code Sec. 161.001 and 262.2015, and Health and Safety Code Sec. 250.006

2023 LEGISLATIVE UPDATE

HB 1910 (EFF. 9/1/2023)


- FORGERY – PC 32.21
- Creates a presumption that the person in possession of forged money intends to obtain property or services of a value equal to the purported value of the forged money.

2023 LEGISLATIVE UPDATE

HB 1442 (EFF. 9/1/2023)

STREET RACING – Amendments to:

- Transportation Code 545.420 – Racing on Highway
 - PC 42.03 – Obstructing Highway or other Passageway
 - PC 71.02 – Engaging in Organized Criminal Activity
 - CCP 59.01 – Forfeiture of Contraband

 - Makes the vehicle used to Race or Obstruct “contraband” subject to forfeiture.
 - Street Racing may now be prosecuted as EOC.
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2023 LEGISLATIVE UPDATE

HB 2899 (EFF. 9/1/2023)

Separate STREET RACING bill –

- Amends Transportation Code 545.420 – Racing on Highway – to require that a peace officer SHALL impound the vehicle.

2023 LEGISLATIVE UPDATE

HB 1551 (EFF. 9/1/2023)

- FAILURE TO IDENTIFY – PC 38.02
- Class C Misdemeanor – if operate MV and fail to provide DL and refuse to give name, DL#, address or DOB
- Class B Misdemeanor – if actually give false or fictitious name.

2023 LEGISLATIVE UPDATE

HB 2961 (EFF. 9/1/2023)

CONSPIRACY

- PC 7.02 – CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER – defines “conspiracy” as an agreement between two or more persons to commit a felony.

2023 LEGISLATIVE UPDATE

HB 28 (EFF. 9/1/2023)

AGGRAVATED ASSAULT

- PC 22.02 – AGGRAVATED ASSAULT – offense level RAISED to 1st Degree Felony IF causes TBI or spine injury that results in a persistent vegetative state or irreversible paralysis.

2023 LEGISLATIVE UPDATE

HB 165 (EFF. 9/1/2023)

MASS SHOOTINGS

- PC 1.07 DEFINITIONS – Adds (3-a) “Mass shooting” – defined as:
 - Discharging a firearm to cause SBI or death, or attempt to cause SBI or death, to four or more persons during the same criminal transaction or pursuant to the same scheme or course of conduct.
- PC 3.03 – SENTENCES FOR OFFENSES ARISING OUT OF SAME CRIMINAL EPISODE – can have consecutive sentences for mass shootings.
- PC 22.02 – AGGRAVATED ASSAULT – raises offense level to 1st Degree Felony IF assault is part of a mass shooting.

2023 LEGISLATIVE UPDATE

SB 129 (EFF. 9/1/2023)

- PC 43.26 – POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY – punishment scheme is now based on the number of images.
 - 3rd degree felony < 100 images
 - 2nd degree felony 100 or more but less than 500 images
 - 1st degree felony if 500 or more images
 - Super aggravated – becomes 25–99 or life if employee of child care facility, RTC, youth shelter, or receiving state funds for care of child
 - If child depicted is younger than 10 y/o, then increase to next offense level (if already a 1st, becomes 15–99 or life)

2023 LEGISLATIVE UPDATE

HB 420 (EFF. 9/1/2023)

- TABC 106.06 – PURCHASE OF ALCOHOL FOR A MINOR; FURNISHING ALCOHOL TO A MINOR.
- Offense increased to SJF if purchase/provide alcohol to minor and, as a result of the consumption of the alcohol, the minor caused another person to suffer SBI or death.

2023 LEGISLATIVE UPDATE

SB 1401 (EFF. 9/1/2023)

- SEXUAL ASSAULT CASES:
- CCP 56A.303 – FORENSIC MEDICAL EXAMINATION – LEA required to refer minor victims for FME regardless of arrival time
- CCP 56A.3045 – PAYMENT OF COSTS RELATED TO TESTIMONY – LEA or prosecuting office may pay costs of testimony regarding results of FME.

2023 LEGISLATIVE UPDATE

SB 1004 (EFF. 9/1/2023)

- Created PC 38.112 – TAMPERING WITH ELECTRONIC MONITORING DEVICE
- Is a state jail felony to tamper with an EM device as a part of house arrest or as a condition of community supervision, parole, mandatory supervision, or release on bail.
 - While this offense fits the definition of delinquent conduct [conduct, other than a traffic offense, that violates a penal law of this statepunishable by imprisonment...], the terms “community supervision” and “parole” are not defined in the Penal Code. So, there is some debate about whether juvenile “probation” is intended to be included in the term community supervision, and whether TJJD “release under supervision” is intended to be included in the term parole.

VICTIM ASSISTANCE BILLS

2023 LEGISLATIVE UPDATE

SB 806 (EFF. 9/1/2023)

- LEA Notice to Victims of Sexual Assault, CCP 56A.403
 - Right to obtain a forensic medical exam
 - Right to case / evidence updates
 - Access to Victim assistance coordinator
 - Access to sexual assault programming

2023 LEGISLATIVE UPDATE

SB 1325 (EFF. 9/1/2023)

- Creates HRC Chapter 51A – NOTICE TO VICTIMS OF FAMILY VIOLENCE, STALKING, HARASSMENT, OR TERRORISTIC THREAT
- Requires HHSC to create and provide written notice to victims regarding available rights and services.
- Also requires investigating LEO and treating medical professional to provide this written notice to victims.

2023 LEGISLATIVE UPDATE

SB 2101 (EFF. 9/1/2023)

- Creates CCP Art. 56A.0525 – Requires Notification of Victim Rights be made by either:
 - Electronic means, or
 - Mail, or
 - Anonymous online portal, or
 - Telephone or other personal contact.

2023 LEGISLATIVE UPDATE

SB 409 (EFF. 9/1/2023)

- Amends CCP Art. 56A.052 – Gives victims of sex and stalking offenses (or their representatives) the right to be informed about, and to confer on, the victim's views on a prosecutor's:
 - Decision not to file charges
 - Dismissal of charges
 - Use of pretrial intervention programs, and
 - Plea bargain agreement.

2023 LEGISLATIVE UPDATE

SB 49 (EFF. 9/1/2023)

- CRIME VICTIMS COMPENSATION
- CCP 56B.003(7). No longer need to be related to victim by consanguinity or affinity to be considered a “household member” for purposes of CVC.
- Expands compensation availability and amounts.

MISCELLANEOUS BILLS

2023 LEGISLATIVE UPDATE


SB 380 (EFF. 5/23/2023)

- Govt. Code 57.002
- A party cannot be required to provide/pay interpreter costs if files a statement of inability to pay UNLESS the statement is challenged and costs are ordered by court.
- Establishes annual reporting requirements to OCA regarding interpreters and associated cost.

2023 LEGISLATIVE UPDATE

HB 3033 (EFF. 9/1/2023)

Public Information Act (PIA) Updates – Govt. Code Ch. 552

- Redefines “business day” for purpose of PIA
 - AG can require Public Official to undergo PIA training
 - Law enforcement/prosecutor/corrections exceptions do not apply to basic information about arrested person, arrest, or crime UNLESS seeking to withhold on other ground
 - If establish “request” limits, can require ID from requestor
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2023 LEGISLATIVE UPDATE

HB 3033 (EFF. 9/1/2023)

Additional PIA Updates:

- Must use electronic filing system to submit request to withhold information (see exceptions)
- Compliance with PIA presumed if information provided within 30 days
- AG must establish (by 1/1/24) a searchable database of each request to withhold and the corresponding AG opinion

2023 LEGISLATIVE UPDATE

HB 5183 (EFF. 9/1/2023)

Language change throughout Texas statutes:

- “Drug abuse” and “drug education programs” are now referred to as “Substance misuse”.

2023 LEGISLATIVE UPDATE

SB 578 (EFF. 9/1/2023)

PROTECTIVE ORDERS

- TFC 82.011, 85.007:
 - Applicant can request confidentiality of county of residence.

2023 LEGISLATIVE UPDATE

HB 767 (EFF. 9/1/2023)

STALKING CASE BOND CONDITIONS:

- CCP 17.50 – as with violent offenses, Magistrate is now required to notify Sheriff of bond conditions related to stalking, and DPS is required to document in TCIC.

2023 LEGISLATIVE UPDATE

HB 1432 (EFF. 9/1/2023)

FAMILY VIOLENCE PROTECTIVE ORDERS under TFC 81.001, 81.0015, 85.002, 85.026, and CCP 7B.052

- Removes requirement to prove that FV is “likely to occur in the future”
- Only need to show that FV has occurred.

2023 LEGISLATIVE UPDATE

HB 3698 (EFF. 9/1/2023)


PROTECTIVE ORDER REGISTRY

- GC 72.155 – adds “magistrates” to list of entities having access to the database.

2023 LEGISLATIVE UPDATE

HB 844 (EFF. 9/1/2023)


Creates CCP Art. 56B.0035 – CRIMINALLY INJURIOUS CONDUCT

- Defined as “solicitation or patronizing of forced labor or services, including sexual conduct, by any person if the solicitation or patronization occurs in connection with a scheme or course of conduct that constitutes the trafficking of persons.”
 - A victim of such conduct is a “trafficking” victim for purposes of gubernatorial grant programs.
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2023 LEGISLATIVE UPDATE

SB 37 (EFF. 9/1/2023)

FAILURE TO REPORT HAZING under Education Code – is an offense if have firsthand knowledge of hazing and fail to report it to either:

- Dean of students or other appropriate official of institution, or
 - Peace officer/law enforcement agency
 - Immunity from civil and criminal liability if voluntarily report and cooperate in good faith
 - EC 37.152, Class B Misd. for FTR
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**JUVENILE BILLS THAT DID
NOT MAKE IT THROUGH**

2023 LEGISLATIVE UPDATE

BILLS THAT DIED

- Detention hearings every 2 days. HB 1310.
- “Abuse” = non-compliant restraint or seclusion. HB 2029, SB 1611.
- Prohibit defense counsel from being GAL. HB 2919.
- “Minutes” of instruction instead of “days” at JJAEP. SB 1028.
- Mandatory “expunction” of juvenile records. SB 1492.
- Raise the Age. HB 491, 501, 828, 2687, 2924. SB 1385.
- Determinate Sentence probation SEALING if not committed to TJJJ or transferred to adult. HB 503.

2023 LEGISLATIVE UPDATE

BILLS THAT DIED

- Runaway – eliminate as CINS, remove ability to fingerprint, limit detention. HB 77, SB 83.
- Prostitution – remove as CINS. Require LE Officer to take possession of child and transfer child to DFPS. HB 1059.
- Diversion of ALL foster kids from JJ system. Referral to CRCGs. HB 2066, SB 441.
- Certification – Would allow child to decline to participate in diagnostic study, create a presumption of best interest to remain in juvenile system, and require Cert. Order to contain basis for certification. HB 507.

2023 LEGISLATIVE UPDATE

BILLS THAT DIED

- Restraints and Clothing – mechanical restraints prohibited in court without advance approval of judge; child can wear non-detention clothing in court. HB 506.
- Note, however, that the Texas Supreme Court has adopted rules regarding the use of restraints in the juvenile courtroom [next slide].

GC 22.0135(B) / TEXAS RULES OF JUDICIAL ADMINISTRATION RULE 17

- The Texas Supreme Court issued TRJA Rule 17 regarding use of restraints in Juvenile proceedings.
 - No restraints in court UNLESS child presents substantial risk of harm to self or others OR risk of flight OR any other factor relevant to risk
 - A party MAY request a hearing and the Court MAY have a hearing, BUT the Court must decide BEFORE the child appears in court
 - MUST use least restrictive restraint necessary
 - MUST make findings of fact on record or in writing
 - MAY continue using restraints when transporting to/from courtroom.

QUESTIONS???

- Contact:
 - Judge Riley Shaw
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 - 817-838-4644