

1-1 By: White, Wu, Bernal (Senate Sponsor - West) H.B. No. 1204
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 8, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the provision of services as an alternative to
 1-20 adjudication for certain children who engage in conduct in need of
 1-21 supervision or delinquent conduct.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 53.01, Family Code, is amended by adding
 1-24 Subsection (b-1) to read as follows:

1-25 (b-1) The person who is conducting the preliminary
 1-26 investigation shall, as appropriate, refer the child's case to a
 1-27 community resource coordination group, a local-level interagency
 1-28 staffing group, or other community juvenile service provider for
 1-29 services under Section 53.011, if the person determines that:

1-30 (1) the child is younger than 12 years of age;

1-31 (2) there is probable cause to believe the child
 1-32 engaged in delinquent conduct or conduct indicating a need for
 1-33 supervision;

1-34 (3) the child's case does not require referral to the
 1-35 prosecuting attorney under Subsection (d) or (f);

1-36 (4) the child is eligible for deferred prosecution
 1-37 under Section 53.03; and

1-38 (5) the child and the child's family are not currently
 1-39 receiving services under Section 53.011 and would benefit from
 1-40 receiving the services.

1-41 SECTION 2. Chapter 53, Family Code, is amended by adding
 1-42 Section 53.011 to read as follows:

1-43 Sec. 53.011. SERVICES PROVIDED TO CERTAIN CHILDREN AND
 1-44 FAMILIES. (a) In this section:

1-45 (1) "Community resource coordination group" has the
 1-46 meaning assigned by Section 531.421, Government Code.

1-47 (2) "Local-level interagency staffing group" means a
 1-48 group established under the memorandum of understanding described
 1-49 by Section 531.055, Government Code.

1-50 (b) On receipt of a referral under Section 53.01(b-1), a
 1-51 community resource coordination group, a local-level interagency
 1-52 staffing group, or another community juvenile services provider
 1-53 shall evaluate the child's case and make recommendations to the
 1-54 juvenile probation department for appropriate services for the
 1-55 child and the child's family.

1-56 (c) The probation officer shall create and coordinate a
 1-57 service plan or system of care for the child or the child's family
 1-58 that incorporates the service recommendations for the child or the
 1-59 child's family provided to the juvenile probation department under
 1-60 Subsection (b). The child and the child's parent, guardian, or
 1-61 custodian must consent to the services with knowledge that consent

2-1 is voluntary.

2-2 (d) For a child who receives a service plan or system of care
2-3 under this section, the probation officer may hold the child's case
2-4 open for not more than three months to monitor adherence to the
2-5 service plan or system of care. The probation officer may adjust the
2-6 service plan or system of care as necessary during the monitoring
2-7 period. The probation officer may refer the child to the
2-8 prosecuting attorney if the child fails to successfully participate
2-9 in required services during that period.

2-10 SECTION 3. Subchapter A, Chapter 152, Human Resources Code,
2-11 is amended by adding Section 152.00145 to read as follows:

2-12 Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN
2-13 JUVENILES. A juvenile board shall establish policies that
2-14 prioritize:

2-15 (1) the diversion of children younger than 12 years of
2-16 age from referral to a prosecuting attorney under Chapter 53,
2-17 Family Code; and

2-18 (2) the limitation of detention of children younger
2-19 than 12 years of age to circumstances of last resort.

2-20 SECTION 4. The changes in law made by this Act apply only to
2-21 a child who engages in conduct that occurs on or after the effective
2-22 date of this Act. A child who engages in conduct that occurs before
2-23 the effective date of this Act is governed by the law in effect on
2-24 the date the conduct occurred, and the former law is continued in
2-25 effect for that purpose. For purposes of this section, conduct
2-26 occurs before the effective date of this Act if any element of the
2-27 conduct occurs before that date.

2-28 SECTION 5. This Act takes effect September 1, 2017.

2-29

* * * * *