

1-1 By: White (Senate Sponsor - Whitmire) H.B. No. 3705  
 1-2 (In the Senate - Received from the House May 10, 2017;  
 1-3 May 12, 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 7, 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 local juvenile justice information systems.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Section 58.301, Family Code, is amended by  
 1-22 amending Subdivisions (2) and (5) and adding Subdivision (2-a) to  
 1-23 read as follows:  
 1-24 (2) "Juvenile facility" means a facility that:  
 1-25 (A) serves juveniles under a juvenile court's  
 1-26 jurisdiction; and  
 1-27 (B) is operated as a holdover facility, a  
 1-28 pre-adjudication detention facility, a nonsecure facility, or a  
 1-29 post-adjudication secure correctional facility.  
 1-30 (2-a) "Governmental juvenile [~~placement~~] facility"  
 1-31 means a juvenile [~~residential placement~~] facility operated by a  
 1-32 unit of government.  
 1-33 (5) "Partner agency" means a [~~governmental~~] service  
 1-34 provider or juvenile [~~governmental placement~~] facility that is  
 1-35 authorized by this subchapter to be a member of a local juvenile  
 1-36 justice information system or that has applied to be a member of a  
 1-37 local juvenile justice information system and has been approved by  
 1-38 the county juvenile board or regional juvenile board committee as a  
 1-39 member of the system.  
 1-40 SECTION 2. Section 58.303(b), Family Code, is amended to  
 1-41 read as follows:  
 1-42 (b) A local juvenile justice information system may contain  
 1-43 the following components:  
 1-44 (1) case management resources for juvenile courts,  
 1-45 court clerks, prosecuting attorneys, and county juvenile probation  
 1-46 departments;  
 1-47 (2) reporting systems to fulfill statutory  
 1-48 requirements for reporting in the juvenile justice system;  
 1-49 (3) service provider directories and indexes of  
 1-50 agencies providing services to children;  
 1-51 (4) victim-witness notices required under Chapter 57;  
 1-52 (5) electronic filing of complaints or petitions,  
 1-53 court orders, and other documents filed with the court, including  
 1-54 documents containing electronic signatures;  
 1-55 (6) electronic offense and intake processing;  
 1-56 (7) case docket management and calendaring;  
 1-57 (8) communications by email or other electronic  
 1-58 communications between partner agencies;  
 1-59 (9) reporting of charges filed, adjudications and  
 1-60 dispositions of juveniles by municipal and justice courts and the  
 1-61 juvenile court, and transfers of cases to the juvenile court as

2-1 authorized or required by Section 51.08;

2-2 (10) reporting to schools under Article 15.27, Code of

2-3 Criminal Procedure, by law enforcement agencies, prosecuting

2-4 attorneys, and juvenile courts;

2-5 (11) records of adjudications and dispositions,

2-6 including probation conditions ordered by the juvenile court; ~~and~~

2-7 (12) warrant management and confirmation

2-8 capabilities; and

2-9 (13) case management for juveniles in juvenile

2-10 facilities.

2-11 SECTION 3. Sections 58.304(a) and (b), Family Code, are

2-12 amended to read as follows:

2-13 (a) ~~A [Subject to Subsection (d), a]~~ local juvenile justice

2-14 information system must consist of:

2-15 (1) information relating to all referrals to the

2-16 juvenile court of any type, including referrals for conduct

2-17 indicating a need for supervision and delinquent conduct; and

2-18 (2) information relating to:

2-19 (A) the juvenile;

2-20 (B) the intake or referral of the juvenile into

2-21 the juvenile justice system for any offense or conduct;

2-22 (C) the detention of the juvenile;

2-23 (D) the prosecution of the juvenile;

2-24 (E) the disposition of the juvenile's case,

2-25 including the name and description of any program to which the

2-26 juvenile is referred; and

2-27 (F) the probation, placement, or commitment of

2-28 the juvenile.

2-29 (b) To the extent possible and subject to Subsection (a)

2-30 ~~[Subsections (a) and (d)]~~, the local juvenile justice information

2-31 system may include the following information for each juvenile

2-32 taken into custody, detained, or referred under this title:

2-33 (1) the juvenile's name, including other names by

2-34 which the juvenile is known;

2-35 (2) the juvenile's date and place of birth;

2-36 (3) the juvenile's physical description, including

2-37 sex, weight, height, race, ethnicity, eye color, hair color, scars,

2-38 marks, and tattoos;

2-39 (4) the juvenile's state identification number and

2-40 other identifying information;

2-41 (5) the juvenile's fingerprints and photograph;

2-42 (6) the juvenile's last known residential address,

2-43 including the census tract number designation for the address;

2-44 (7) the name, address, and phone number of the

2-45 juvenile's parent, guardian, or custodian;

2-46 (8) the name and identifying number of the agency that

2-47 took into custody or detained the juvenile;

2-48 (9) each date of custody or detention;

2-49 (10) a detailed description of the conduct for which

2-50 the juvenile was taken into custody, detained, or referred,

2-51 including the level and degree of the alleged offense;

2-52 (11) the name and identifying number of the juvenile

2-53 intake agency or juvenile probation office;

2-54 (12) each disposition by the juvenile intake agency or

2-55 juvenile probation office;

2-56 (13) the date of disposition by the juvenile intake

2-57 agency or juvenile probation office;

2-58 (14) the name and identifying number of the

2-59 prosecutor's office;

2-60 (15) each disposition by the prosecutor;

2-61 (16) the date of disposition by the prosecutor;

2-62 (17) the name and identifying number of the court;

2-63 (18) each disposition by the court, including

2-64 information concerning custody of a juvenile by a juvenile justice

2-65 agency or county juvenile probation department;

2-66 (19) the date of disposition by the court;

2-67 (20) any commitment or release under supervision by

2-68 the Texas Juvenile Justice Department, including the date of the

2-69 commitment or release;

3-1 (21) information concerning each appellate  
 3-2 proceeding; ~~and~~  
 3-3 (22) electronic copies of all documents filed with the  
 3-4 court; and  
 3-5 (23) information obtained for the purpose of  
 3-6 diagnosis, examination, evaluation, treatment, or referral for  
 3-7 treatment of a child by a public or private agency or institution  
 3-8 providing supervision of a child by arrangement of the juvenile  
 3-9 court or having custody of the child under order of the juvenile  
 3-10 court.

3-11 SECTION 4. Section 58.305, Family Code, is amended to read  
 3-12 as follows:

3-13 Sec. 58.305. PARTNER AGENCIES. (a) A local juvenile  
 3-14 justice information system shall to the extent possible include the  
 3-15 following partner agencies within that county:

- 3-16 (1) the juvenile court and court clerk;
- 3-17 (2) justice of the peace and municipal courts;
- 3-18 (3) the county juvenile probation department;
- 3-19 (4) the prosecuting attorneys who prosecute juvenile  
 3-20 cases in juvenile court, municipal court, or justice court;
- 3-21 (5) law enforcement agencies;
- 3-22 (6) each public school district in the county;
- 3-23 (7) ~~governmental~~ service providers approved by the  
 3-24 county juvenile board; and
- 3-25 (8) juvenile ~~governmental placement~~ facilities  
 3-26 approved by the county juvenile board.

3-27 (b) A local juvenile justice information system for a  
 3-28 multicounty region shall to the extent possible include the partner  
 3-29 agencies listed in Subsections (a)(1)-(6) for each county in the  
 3-30 region and the following partner agencies from within the  
 3-31 multicounty region that have applied for membership in the system  
 3-32 and have been approved by the regional juvenile board committee:

- 3-33 (1) ~~governmental~~ service providers; and
- 3-34 (2) juvenile ~~governmental placement~~ facilities.

3-35 SECTION 5. Section 58.306, Family Code, is amended by  
 3-36 amending Subsections (e), (f), and (g) and adding Subsection (i) to  
 3-37 read as follows:

3-38 (e) Except as provided by Subsection (i), Level 1 Access is  
 3-39 by public school districts in the county or region served by the  
 3-40 local juvenile justice information system.

3-41 (f) Except as provided by Subsection (i), Level 2 Access is  
 3-42 by:

- 3-43 (1) justice of the peace courts that process juvenile  
 3-44 cases; and
- 3-45 (2) municipal courts that process juvenile cases.

3-46 (g) Except as provided by Subsection (i), Level 3 Access is  
 3-47 by:

- 3-48 (1) the juvenile court and court clerk;
- 3-49 (2) the prosecuting attorney;
- 3-50 (3) the county juvenile probation department;
- 3-51 (4) law enforcement agencies;
- 3-52 (5) governmental service providers that are partner  
 3-53 agencies; ~~and~~

3-54 (6) governmental juvenile ~~placement~~ facilities that  
 3-55 are partner agencies; and

3-56 (7) a private juvenile facility that is a partner  
 3-57 agency, except the access is limited to information that relates to  
 3-58 a child detained or placed in the custody of the facility.

3-59 (i) Information described by Section 58.304(b)(23) may be  
 3-60 accessed only by:

- 3-61 (1) the juvenile court and court clerk;
- 3-62 (2) the county juvenile probation department;
- 3-63 (3) a governmental juvenile facility that is a partner  
 3-64 agency; and

3-65 (4) a private juvenile facility that is a partner  
 3-66 agency, except the access is limited to information that relates to  
 3-67 a child detained or placed in the custody of the facility.

3-68 SECTION 6. Section 58.307(e), Family Code, is amended to  
 3-69 read as follows:

4-1 (e) Information in a local juvenile justice information  
4-2 system, including electronic signature systems, shall be protected  
4-3 from unauthorized access by a system of access security and any  
4-4 access to information in a local juvenile information system  
4-5 performed by browser software shall be at the level of at least  
4-6 2048-bit [~~128-bit~~] encryption. A juvenile board or a regional  
4-7 juvenile board committee shall require all partner agencies to  
4-8 maintain security and restrict access in accordance with the  
4-9 requirements of this title.

4-10 SECTION 7. The following provisions of the Family Code are  
4-11 repealed:

4-12 (1) Section 58.303(d); and

4-13 (2) Section 58.304(d).

4-14 SECTION 8. This Act takes effect September 1, 2017.

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