

## **BILL ANALYSIS**

Senate Research Center

H.B. 2884  
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Criminal Justice  
5/17/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since the revision of the Juvenile Justice Code in 1995 and due to the growth and changes taking place within the juvenile justice environment, statutes must be updated to reflect those changes. Statutes involving supervision and custody of individuals ages 18 to 21 have also undergone changes in dealing with determinate sentencing. The relationship between youth under the supervision of the Texas Juvenile Probation Commission (TJPC) and those referred to the Texas Youth Commission also require revisions that reflect recent occurrences. Safeguards must also be taken to ensure that facilities operated by TJPC meet both agency, state, and federal standards.

H.B. 2884 contains numerous substantive enhancements to the Juvenile Justice Code, in addition to existing juvenile law and procedure.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 2.12, Code of Criminal Procedure, to provide that, among others, investigators commissioned by the Texas Medical Board; an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code; an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code; commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code; and investigators commissioned by the Texas Juvenile Probation Commission (TJPC) as officers under Section 141.055, Human Resources Code, are peace officers.

SECTION 2. Amends Section 51.03(b), Family Code, to provide that conduct indicating a need for supervision includes conduct prohibited by city or ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001 (Definitions), rather than 484.002, Health and Safety Code.

SECTION 3. Amends Section 51.0412, Family Code, to provide that the court retains jurisdiction over a person without regard to the age of the person, who is a respondent in an adjudication proceeding, a proceeding to modify disposition, or a motion for transfer of determinate sentence probation to an appropriate district court if the petition, motion to modify, or motion to transfer was filed while the respondent was younger than 18 years of age, the proceeding is not complete before the respondent becomes 18 years of age, and the court enters a finding in the proceeding that the prosecuting attorney exercised due diligence in an attempt to complete the proceeding before the respondent became 18 years of age.

SECTION 4. Amends Section 51.072, Family Code, by amending Subsections (b), (e), (f), (j), (k), (m), and (n) and adding Subsections (f-1) and (m-1), as follows:

(b) Provides that a transfer of probation supervision is not required if the receiving county and the sending county are member counties within a judicial district served by one juvenile probation department.

(e) Requires the juvenile probation department of the sending county to provide the juvenile probation department of the receiving county with, among other information, the child's race, the telephone number, if available, of the person with whom the child proposes to reside or is residing in the receiving county, and the name and telephone number of the child's school in the receiving county, if available, in the request for interim supervision initiated under Subsection (d).

(f) Requires the juvenile probation department of the sending county to provide the juvenile probation department of the receiving county with a copy of certain documents not later than 10, rather than five, business days after a receiving county has agreed to provide interim supervision of a child.

(f-1) Requires the inter-county transfer officers in the sending and receiving counties to agree on the official start date for the period of interim supervision, which is required to begin no later than three business days after the date the documents required under Subsection (f) have been received and accepted by the receiving county.

(j) Requires the juvenile probation department in the receiving county to provide the sending county with supporting written documentation of the incidents of violation of probation on which the request to resume direct supervision is based.

(k) Requires the receiving county, during the period of interim supervision, to collect and distribute to the victim monetary restitution payments in the manner specified by the sending county. Requires the receiving county to collect and distribute directly to the victim any remaining payments at the expiration of the period of interim supervision.

(m) Requires the juvenile probation department, in accordance with Section 51.073(b) (relating to sending the order of transfer of permanent supervision of a child to the juvenile probation department), to promptly send the permanent supervision order and related documents to the receiving county after signing and entry of an order of transfer of permanent supervision by the sending county juvenile court.

(m-1) Requires the receiving county to direct the sending county to resume supervision of the child if a child on interim supervision moves to another county of residence or is otherwise no longer in the receiving county before the expiration of 180 days.

(n) Provides that, notwithstanding Subsection (m), the period of interim supervision of a child who is placed on probation under Section 54.04(q) (relating to placing certain children committed to TYC on probation) does not expire until the child has satisfactorily completed the greater of either 180 days or one-third of the term of probation. Authorizes the juvenile court of the sending county, if the state elects to initiate transfer proceedings under Section 54.051 (Transfer of Determinate Sentence Probation to Appropriate District Court), to order transfer of the permanent supervision before the expiration of the period of interim supervision under this subsection.

SECTION 5. Amends Section 51.073, Family Code, by amending Subsection (c) and adding Subsection (d-1), as follows:

(c) Requires the juvenile court of the receiving county to require that the child be brought before the court in order to impose new or different conditions of probation than those originally ordered by the sending county or ordered by the receiving county during the period of interim supervision.

(d-1) Requires the receiving county to have jurisdiction to conduct a hearing under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, on the final transfer of a case involving a child who has been adjudicated as having committed an offense for which registration is required under that chapter. Provides that this subsection does not prohibit the receiving county juvenile court from considering the written recommendations of the sending county juvenile court.

SECTION 6. Amends Section 51.074, Family Code, as follows:

Sec. 51.074. TRANSFER OF PROBATION SUPERVISION BETWEEN COUNTIES: DEFERRED PROSECUTION. (a) Creates this subsection from existing text.

(b) Requires the child to remain on interim supervision for an additional period not to exceed 180 days on an extension of a previous order of deferred prosecution authorized under Section 53.03(j) (relating to the addition of a period of deferred prosecution to a previous order of deferred prosecution).

(c) Requires the receiving county, on a violation of the conditions of the original deferred prosecution agreement, to forward the case to the sending county for prosecution or other action in the manner provided by Sections 51.072(i) and (j), except that the original conditions of deferred prosecution are prohibited from being modified by the receiving county.

SECTION 7. Amends Section 51.095(f), Family Code, as follows:

(f) Provides that this subsection makes a reference to a recorded statement, rather than a videotaped statement. Requires the magistrate's determination of voluntariness to be reduced to writing and signed and dated by the magistrate.

SECTION 8. Amends Section 51.12, Family Code, by adding Subsections (b-1) and (m) and amending Subsections (c) and (i), as follows:

(b-1) Authorizes a pre-adjudication secure detention facility to be operated only by a governmental unit in Texas as defined by Section 101.001 (Definitions), Civil Practice and Remedies Code, or a private entity under a contract with a governmental unit in Texas.

(c) Requires, in each county, each judge of the juvenile court and a majority of the members of the juvenile board to personally inspect all public and private juvenile pre-adjudication secure detention facilities that are located in the county at least annually. Deletes existing text relating to the inspection of any correctional facilities used for post-adjudication confinement.

(i) Requires a governmental unit or private entity that operates or contracts for the operation of a juvenile pre-adjudication secure detention facility under Subsection (b-1), except for a facility operated or certified by TYC or a facility as provided by Subsection (l), to register the facility annually with TJPC and adhere to all applicable minimum standards for the facility. Deletes existing text relating to the inspection of any correctional facilities used for post-adjudication confinement.

(m) Authorizes TJPC to deny, suspend, or revoke the registration of any facility required to register under Subsection (i) if the facility fails to adhere to all applicable minimum standards for the facility or timely correct any notice of noncompliance with minimum standards.

SECTION 9. Amends Chapter 51, Family Code, by adding Section 51.125, as follows:

Sec. 51.125. POST-ADJUDICATION CORRECTIONAL FACILITIES. (a) Authorizes a post-adjudication secure correctional facility for juvenile offenders to be operated only by a governmental unit in Texas as defined by Section 101.001, Civil Practice and Remedies Code, or a private entity under a contract with a governmental unit in Texas.

(b) Requires each judge of the juvenile court and a majority of the members of the juvenile board, in each county, to personally inspect all public and private juvenile post-adjudication secure correctional facilities that are located in the county at least annually. Requires each judge of the juvenile court and a majority of the members of the juvenile board to certify in writing to the authorities responsible for operating and giving financial support to the facilities and to TJPC that the facility or facilities are suitable or unsuitable for the detention of children

in accordance with minimum professional standards for the detention of children post-adjudication secure confinement promulgated by TJPC or, at the election of the juvenile board, the current standards promulgated by the American Correctional Association.

(c) Requires a governmental unit or private entity that operates or contracts for the operation of a juvenile post-adjudication secure correctional facility in this state under Subsection (a) to register the facility annually with TJPC and adhere to all applicable minimum standards for the facility.

(d) Authorizes TJPC to deny, suspend, or revoke the registration of any facility required to register under Section 51.12(i) if the facility fails to adhere to all applicable minimum standards for the facility or timely correct any notice of noncompliance with minimum standards.

SECTION 10. Amends Section 51.17, Family Code, by amending Subsection (c) and adding Subsections (h) and (i), as follows:

(c) Provides that, except as otherwise provided by this title, the Texas Rules of Evidence apply to criminal cases and Articles 33.03 (Presence of Defendant) and 37.07 (Criminal Docket) and Chapter 38 (Evidence in Criminal Actions), Code of Criminal Procedure, apply to a judicial proceeding under this title.

(h) Provides that Articles 57.01 (Definitions) and 57.02 (Confidentiality of Files and Records), Code of Criminal Procedure, relating to the use of a pseudonym by a victim in a criminal case, apply in a proceeding held under this title.

(i) Provides that the state is not required to pay any cost or fee otherwise imposed for court proceedings in either the trial or appellate courts, except as provided by Section 56.03(f) (relating to certain costs the state must pay).

SECTION 11. Amends Sections 53.045(a) and (d), Family Code, as follows:

(a) Authorizes the prosecuting attorney to refer the petition to the grand jury of the county in which the court in which the petition is filed presides if the petition included a violation of certain provisions, including Section 15.02 (Criminal Conspiracy), Penal Code, if the offense made the subject of the criminal conspiracy includes a violation of any the provisions referenced in Subdivisions (1) through (16).

(d) Makes a nonsubstantive change.

SECTION 12. Amends Section 54.04, Family Code, by amending Subsections (a), (b), (d), and (j) and adding Subsection (v), as follows:

(a) Entitles a child, under certain circumstances, to a jury of 12 persons to determine the sentence, but only if the child so elects in writing before the commencement of the voir dire examination of the jury panel. Authorizes the child, with the consent of the attorney for the state, to change the child's election of one who assesses the disposition if a finding of delinquent conduct is returned.

(b) Authorizes the juvenile court to consider written reports from certain professionals in addition to the testimony of witnesses at the disposition hearing, notwithstanding the Texas Rules of Evidence or Chapter 37 (The Verdict), Code of Criminal Procedure.

(d) Authorizes the court or jury to place the child on probation in a suitable public or private residential treatment facility licensed by a state governmental entity or exempted from licensure by state law, except a facility operated by the Texas Youth Commission (TYC), or place the child in a suitable public or private post-adjudication secure correctional facility that meets the requirements of Section 51.125, except a facility operated by TYC, if the court or jury makes a finding specified in Subsection (c) allowing the court to make a disposition in the case. Provides that, if the court or jury

found at the conclusion of the adjudication hearing that the child violated certain provisions and if the petition was not approved by the grand jury under Section 53.045 (Violent or Habitual Offenders), the court is authorized to commit the child to TYC without a determinate sentence and requires such commitment to be for the period of time until the child becomes the age of 21, unless the person is discharged earlier by TYC.

(j) Requires the court to require that the child's thumbprint be affixed or attached to the order if the court or jury found that the child engaged in delinquent conduct that included a violation of a penal law of the grade of felony or jailable misdemeanor.

(v) Authorizes a child to be detained in an appropriate detention facility following disposition of the child's case under Subsection (d) or (m) pending transportation of the child to the ordered placement and the provision of medical or other health care services for the child that may be advisable before transportation, including health care services for children in the late term of pregnancy.

SECTION 13. Amends Chapter 54, Family Code, by adding Section 54.0481, as follows:

Sec. 54.0481. TREATMENT OF RESTITUTION PAYMENTS. (a) Requires a juvenile probation department that receives a payment to a victim as the result of a juvenile court order for restitution to immediately deposit the payment in an interest-bearing account in the county treasury and notify the victim by certified mail, sent to the last known address of the victim, that a payment has been received.

(b) Requires the juvenile probation department to promptly remit the payment to the victim who has been notified under Subsection (a) and makes a claim for payment.

(c) Requires the juvenile probation department to make and document a good faith effort to locate and notify the victim in a certain manner that an unclaimed payment exists, on or before the fifth anniversary of the date the department receives a payment for a victim that is not claimed by the victim.

(d) Provides that a juvenile probation department satisfies the good faith requirement under Subsection (c) by sending by certified mail to the victim, during the period the child is required by the juvenile court order to make payments to the victim, a notice that the victim is entitled to an unclaimed payment.

(e) Requires the juvenile probation department to pay the victim the amount of the original payment, less any interest earned while holding the payment, if a victim claims a payment on or before the fifth anniversary of the date on which the department mailed a notice to the victim under Subsection (a).

(f) Provides that, if a victim does not claim a payment on or before the fifth anniversary of the date on which the juvenile probation department mailed a notice to the victim under Subsection (a), the department has no liability to the victim or anyone else in relation to the payment and requires the department to transfer the payment from the interest-bearing account to a special fund of the county treasury, the unclaimed juvenile restitution fund.

(g) Authorizes the county to spend money in the unclaimed juvenile restitution fund only for the same purposes for which the county may spend juvenile state aid.

SECTION 14. Amends Section 55.43(a), Family Code, to authorize the prosecuting attorney to file with the juvenile court a motion for a restoration hearing concerning a child if the child is discharged or currently on furlough, rather than furloughed, from a mental health facility or outpatient center before the child reaches 18 years of age.

SECTION 15. Amends Section 55.44(a), Family Code, to make a conforming change.

SECTION 16. Amends Section 55.45, Family Code, by adding Subsection (c), as follows:

(c) Requires the administrator of the residential care facility to apply, in writing, by certified mail, return receipt requested, to the juvenile court that ordered commitment of the child or that referred the case to a court that ordered commitment of the child and show good cause for any release of the child from the facility for more than 48 hours if the child is alleged to have committed an offense listed in Section 3g (Limitation on Judge Ordered Community Supervision), Article 42.12, Code of Criminal Procedure. Requires notice of this request to be provided to the prosecuting attorney responsible for the case. Authorizes the prosecuting attorney, the juvenile, or the administrator to apply for a hearing on this application. Requires the trial court to resolve the application on the written submission if no one applies for a hearing. Provides that the rules of evidence do not apply to this hearing and provides that an appeal of the trial court's ruling on the application is not allowed. Provides that the release of a child described in this subsection without the express approval of the trial court is punishable by contempt.

SECTION 17. Amends Section 58.0051, Family Code, by adding Subsection (e), to authorize TJPC, in conformity with Section 58.0072 (Dissemination of Juvenile Justice Information) of this code and Section 37.084, Education Code, to enter into an interagency agreement to share educational information for research, audit, and analytical purposes with the Texas Education Agency (TEA), TYC, and the Texas Department of Criminal Justice (TDCJ).

SECTION 18. Amends Sections 58.0072(c) and (d), Family Code, as follows:

(c) Authorizes TJPC to grant TEA, as authorized under Section 37.084 (Interagency Sharing of Records), Education Code, access to juvenile justice information for research and statistical purposes or for any other purpose approved by TJPC.

(d) Authorizes TJPC to grant to a person working on a research or statistical project that is funded in whole or in part by state or federal funds and meets the requirements of TJPC, rather than 28 C.F.R. Part 22, access to juvenile justice information only for a purpose beneficial to and approved by TJPC.

SECTION 19. Amends Section 58.110(e), Family Code, to require certain information to be reported not later than the 30th day after the date the information is received by the agency responsible for reporting the information, except that a juvenile offender's custody or detention, rather than custody, detention, or referral, without previous custody to be reported to the Department of Public Safety not later than the seventh day after the date of the custody or detention.

SECTION 20. (a) Amends Section 58.005(b), Family Code, as follows:

(b) Provides that this section does not apply to information collected under Section 58.104 (Types of Information Collected) or under Subchapter D-1.

(b) Amends Chapter 58 (Records; Juvenile Justice Information System), Family Code, by adding Subchapter D-1, as follows:

#### SUBCHAPTER D-1. REPORTS ON COUNTY INTERNET WEBSITES

Sec. 58.351. APPLICABILITY. Provides that this subchapter applies only to a county with a population of 600,000 or more.

Sec. 58.352. INFORMATION POSTED ON COUNTY WEBSITE. (a) Requires a juvenile court judge in a county to which this subchapter applies to post a report on the Internet website of the county in which the court is located. Requires the report to include certain information describing children committed in a TYC facility.

(b) Requires a juvenile court judge to update the information posted on a county Internet website under Subsection (a) not later than the 10th day following the first day of each quarter.

Sec. 58.353. CONFIDENTIALITY. Prohibits a record posted on a county Internet website under this subchapter from including any information that personally identifies a child.

(c) Provides that the changes in law made by this section apply only to a child committed to a correctional facility operated by TYC on or after January 1, 2008.

SECTION 21. Amends Chapter 58, Family Code, by adding Subchapter E, as follows:

SUBCHAPTER E. STATEWIDE JUVENILE INFORMATION AND CASE MANAGEMENT SYSTEM

Sec. 58.401. Defines "commission," "criminal justice agency," "juvenile justice agency," "partner agencies," and "system."

Sec. 58.402. PURPOSES OF SYSTEM. Sets forth the purposes of the automated statewide juvenile information and case management system (system).

Sec. 58.403. JUVENILE INFORMATION SYSTEM. Authorizes TJPC in partnership with local counties to participate and assist in the creation and maintenance of a system to accomplish certain goals.

Sec. 58.404. INFORMATION COLLECTED BY COMMISSION. Authorizes TJPC to collect and maintain all information related to juvenile offenders and all offenses committed by a juvenile offender, including all information collected and maintained under Subchapters B (Juvenile Justice Information System) and D (Local Juvenile Justice Information System).

Sec. 58.405. AUTHORIZED ACCESS TO SYSTEM. Requires juvenile justice agencies to have access to all data in the system and authorizes said agencies to share information with appropriate partner agencies and other entities authorized by law to receive the information.

SECTION 22. Amends Section 59.003(a), Family Code, to make references to conduct described in Section 51.03(b)(4) or (5), rather than 51.03(b)(5).

SECTION 23. Amends Sections 261.401(a) and (b), Family Code, as follows:

(a) Redefines "abuse," "exploitation," and "neglect."

(b) Requires a state agency that operates, licenses, certifies, or registers a facility in which children are located or provides oversight of a program that serves children to make a prompt, thorough investigation of a report that a child has been or may be abused, neglected, or exploited in the facility or program.

SECTION 24. Amends Section 261.405(a), Family Code, to redefine "juvenile justice facility" and "juvenile justice program."

SECTION 25. Amends Section 25.0951(a), Education Code, to make a nonsubstantive change.

SECTION 26. Amends Section 61.0762, Human Resources Code, as follows:

Sec. 61.0762. INFANT CARE AND PARENTING PROGRAM. (a) Defines "child."

(b) Creates this subsection from existing text. Authorizes TYC to establish child care, rather than infant care, and parenting programs for persons committed to the TYC who are parents, rather than for children.

(c) Creates this subsection from existing Subsection (b). Authorizes TYC to permit a mother, rather than a child who is the mother of an infant younger than 36 months, to have possession of her child in a residential program that has an

infant care and parenting program or to have possession of her child in a TYC-funded independent living residence for up to six, rather than until the infant reaches the age of 36 months or the mother is released under supervision, if certain conditions are met. Makes conforming changes.

SECTION 27. Amends Subchapter C, Chapter 141, Human Resources Code, by adding Sections 141.0461 and 141.055, as follows:

Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) Defines "evidence."

(b) Authorizes TJPC to issue a subpoena requiring the attendance of a witness or the production of evidence that TJPC considers necessary for the investigation of certain matters under the authority of TJPC.

(c) Authorizes TJPC to issue a subpoena under Subsection (b) only if signed by the chairman of TJPC or, if the chairman is unavailable, the vice-chairman of TJPC and at least two other members of TJPC, including a member who is a judge.

(d) Authorizes any peace officer, TJPC investigator, other TJPC official, person authorized under Article 24.01 (Issuance of Subpoenas), Code of Criminal Procedure, to serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.

(e) Requires a subpoena under this section to be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the proceeding for which the service or payment is made is under Chapter 2001 (Administrative Procedure), Government Code, in which case the service or payment is required to be made as provided by that chapter. Requires witnesses subpoenaed at the instance of TJPC to be paid their fees and mileage by TJPC out of funds appropriated for that purpose.

(f) Authorizes a court of record having original jurisdiction of criminal actions, on application of TJPC, to compel the attendance of a witness, the production of material, or the giving of testimony before TJPC, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

(g) Authorizes the chairman or another member of TJPC to administer an oath to a witness in attendance before TJPC or before an authorized representative of TJPC.

(h) Authorizes TJPC to apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt if a witness in attendance before TJPC or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by TJPC. Authorizes TJPC to apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case TJPC is required to apply to a district court of Travis County, as provided by that chapter. Requires the judge hearing the matter, on return of the order, to examine the witness under oath and requires the witness to be given an opportunity to be heard. Authorizes the judge to immediately find the witness in contempt of court if the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce.

(i) Requires TJPC to be granted access at any reasonable time to any evidence that is related to any matter TJPC or the executive director of TJPC considers necessary to administer TJPC's functions, powers, and duties.

Sec. 141.055. INVESTIGATORS. (a) Authorizes TJPC to employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.

(b) Requires peace officers employed and commissioned under Subsection (a) to be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

SECTION 28. Amends Section 152.0721, Human Resources Code, by adding Subsection (f), as follows:

(f) Authorizes the Duval County Juvenile Board and the juvenile boards of one or more counties that are adjacent to or in close proximity to Duval County to agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Authorizes juvenile boards operating together to appoint one fiscal officer to receive and disburse funds for the boards.

SECTION 29. Amends Subchapter D, Chapter 152, Human Resources Code, by adding Section 152.1301, as follows:

Sec. 152.1301. JIM HOGG COUNTY. (a) Provides that the Jim Hogg County Juvenile Board is composed of the county judge, the district judge in Jim Hogg County, and a citizen of the county appointed by the county judge and the district judge. Provides that the citizen member of the board serves the same term of office as the district judge in Jim Hogg County.

(b) Provides that the district judge is the chairman of the board and its chief administrative officer.

(c) Authorizes the commissioners court to pay the juvenile board members an annual salary set by the commissioners court at not less than \$1,200 or more than \$3,600 for the added duties imposed on the members. Requires the salary to be paid in equal monthly installments from the general fund of the county.

(d) Requires the Jim Hogg County Juvenile Board to appoint not more than five persons to serve on an advisory council.

(e) Authorizes the Jim Hogg County Juvenile Board and the juvenile boards of one or more counties that are adjacent to or in close proximity to Jim Hogg County to agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Authorizes juvenile boards operating together to appoint one fiscal officer to receive and disburse funds for the boards.

(f) Provides that Sections 152.0002 (Board Meetings), 152.0004 (General Expenses), 152.0005 (Expenses of Board Members and Juvenile Court), 152.0006 (Fiscal Officer), 152.0007 (Duties), and 152.0008 (Personnel) do not apply to the juvenile board.

SECTION 30. Amends Section 152.2201, Human Resources Code, by amending Subsection (a) and adding Subsection (f), as follows:

(a) Provides that the Starr County Juvenile Board is composed of the county judge, the judge of the county court at law in Starr County, and the district judges in Starr County.

(f) Authorizes the Starr County Juvenile Board and the juvenile boards of one or more counties that are adjacent to or in close proximity to Starr County to agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Authorizes juvenile boards operating together to appoint one fiscal officer to receive and disburse funds for the boards.

SECTION 31. Creates the Jim Hogg County Juvenile Board on October 1, 2007.

SECTION 32. Amends Section 38.06(a), Penal Code, to provide that a person commits an offense if he escapes from custody when he is, among other things, detained in a secure detention facility, as that term is defined by Section 51.02 (Definitions), Family Code, or in the custody of a juvenile probation officer for violating an order imposed by the juvenile court under Section 52.01, Family Code.

SECTION 33. Amends Section 38.07, Penal Code, by adding Subsection (f) to define "correctional facility."

SECTION 34. Amends Section 38.09, Penal Code, by adding Subsection (c) to define "correctional facility."

SECTION 35. Amends Section 38.111, Penal Code, by adding Subsection (e) to define "correctional facility."

SECTION 36. Amends Section 38.114, Penal Code, by adding Subsection (d) to define "correctional facility."

SECTION 37. Amends Section 39.04(f), Penal Code, to provide that an employee of TDCJ, TYC, or a local juvenile probation department commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual who is not the employee's spouse and who the employee knows is under the supervision of TDCJ, TJPC, or probation department but not in the custody of TDCJ, TJPC, or probation department.

SECTION 38. Repealer: Sections 61.049 (Crockett State School for Girls), 141.0432 (Youth Boot Camp Programs), 141.0433 (Contracts With Private Vendors), and 141.0434 (Additional Requirements for Contracts With Private Vendors), Human Resources Code.

SECTION 39. Makes application of this Act prospective.

SECTION 40. Effective date: September 1, 2007.