

2025 Post-Legislative Conference

JUVENILE JUSTICE, PROCEDURE, LAW ENFORCEMENT, AND GOVERNMENT LEGISLATION

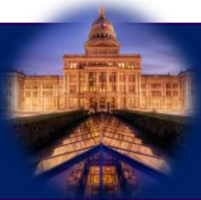


TEXAS
JUVENILE★JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES



GENERAL JUVENILE JUSTICE



2025 Post-Legislative Conference
89th Legislative Session (Regular)



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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Moore County Juvenile Board

- Now composed of 3-5 members, rather than 6
- Terms no longer staggered
- Commissioners Court appoints to 2 year terms and may extend for no more than two years
- Removes provision that 152.0007 and 152.0008 HRC do not apply
 - 152.0007 establishes duties of juvenile board, to include employing chief and adopting budget
 - 152.0008 allows chief to employ PO's and necessary personnel



Parker County Juvenile Board

- Now elect Board chair
rather than have 43rd
District Judge always the
chair



Fees

- 54.047(f), which requires parents to pay for costs of substance misuse education or alcohol awareness program unless financially unable to do so, has been repealed
- For the 3rd session in a row



Fees - Reminder

- There are no fees left
- Restitution remains
- Costs of drug tests are not restitution
- Restitution allowed if adjudicated in case involving property damage or loss or personal injury; payment is to victim



Background Checks

- TJJD and "juvenile detention facilities" must do criminal background checks and employment verification checks
- Employees, contractors, volunteers who potentially have direct access to children
- Direct access
 - Provide care, supervision, or guidance to child
 - Exercise any form of control over a child
 - Routinely interact with a child



Background Checks

- Employment verification check requires contacting previous employers listed in application, "to extent possible"
- Cannot select and must terminate if discover person engaged in physical or sexual abuse of a child constituting
 - 21.02 (continuous sexual abuse of young child or person with disability)
 - 22.011 (sexual assault)
 - 22.021 (aggravated sexual assault)
 - 25.02 (prohibited sexual conduct – familial relations)
- Separation agreement cannot prohibit disclosure of conduct constituting above



Training Requirements

- Must train employees, volunteers, and contractors on:
 - Recognition of signs of physical and sexual abuse
 - Reporting requirements for suspected physical and sexual abuse
 - Facility policies related to reporting physical and sexual abuse
 - Methods for maintaining professional and appropriate relationships with children



TJJD Certification

- Authorizes TJJD to make employees, contractors, volunteers ineligible for certification if violate TJJD rules
- Applies to TJJD, probation departments, and facilities
- Do not have to be in position requiring certification
- Can be made temporarily ineligible pending due process
- Due process is same as for taking disciplinary action on certification



Abuse and Neglect

- Professional now has no later than 24 hours to report ANE (rather than 48)
- State agency shall notify appropriate law enforcement agency of reports of ANE and shall report to law enforcement agency if finds evidence that child may have been victim of ANE
- Defines "law enforcement agency"
 - DPS
 - Municipal Police Department
 - Sheriff's Office
 - Constable's Office



Commercial Sexual Exploitation

- Juvenile probation departments must use commercial sexual exploitation tool as part of assessment tool used before disposition of all referrals
- Added to assessment and all provisions of assessment apply, including reports to TJJD
- Tool must be the one selected by the Child Sex Trafficking Prevention Unit
- DFPS required to use tool if age appropriate or concerns exist; but if no funding, not required to use



JET Program

- TWC grant program to defray costs for developing new career and technology programs
- Adds TJJD, juvenile boards, and juvenile probation departments to eligible entities



Probation Officer Driver License

- Allows probation officers and TDCJ parole officers to use an alternative address on their driver's license
- "Law enforcement professional that supervises people on probation"



TJJD Disclosure of Information

- TJJD authorized to disclose information re: former youth who
 - Have been discharged
 - Are at least 18
 - Have given consent to disclose
- May not disclose any information for which no consent given
- May not disclose for any purpose other than the purpose for which the person consented

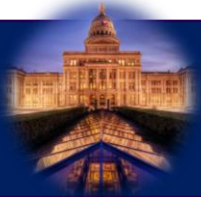


TJJD Sunset Review

- Agency Sunset date changed from 2027 to 2031
- Limited-scope review next session
- Assessing administrative of regionalization duties aimed to prioritize use of local levels over placement or commitment to TJJD facilities



LEGAL PROCEDURE



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51.17 Family Code

- Except for 56.01(b-1) [motion for new trial] and burden of proof or when otherwise in conflict with Title 3, TRCP govern juvenile proceedings
- Discovery governed by CCP and criminal case decisions
- Except as otherwise provided by Title 3, criminal TRE and Articles 33.03 and 33.07 and Ch. 38 CCP apply
- 21.07, 26.07-26.10 re: name of adult defendant in criminal case apply to a child in a Title 3 proceeding
- 58.001, 58.101-58.106 CCP re: pseudonym of victim in criminal case apply



Outcry Statement – Current Law

- Child is person 12 or younger
- Person with disability is 13 or older who is substantially unable to protect self or provide food, shelter, or medical care due to age, physical or mental disease, defect, or injury
- Provides for admissibility of statements of victim made to first person over age 18 about the offense



Outcry Statement – Current Law

- Chapter 21 Sexual Offenses
- Chapter 22 Assaultive Offenses
- 25.02 Prohibited Sexual Conduct
- 43.25 Sexual Performance by a Child
- 20A.02 (a)(7) or (8) Trafficking
- 43.05(a)(2) Compelling Prostitution



Outcry Statement – Changes

- Child is now person 18 years of age or younger
- Person with disability has definition in 22.04, Penal Code
 - Age of 13 or older removed
 - Adds certain diagnoses in addition to "substantially unable" to protect self or provide food, shelter, or medical care due to age, physical or mental disease, defect, or injury



Outcry Statement – Conflicts

- Child = younger than 18 in 38.072 and 18 or younger in 54.031
- 38.072 includes some offenses that are not in 54.031
 - 43.05 (a)(3) from the offense of compelling prostitution
 - Section 20A.02(a)(5) and (6) from the offense of trafficking of persons
 - Section 20A.03 (continuous trafficking of persons), if based on 20A.02 (a)(5) – (8); and
 - criminal attempt of any of the offenses to which Art. 38.072 applies



Past Sexual Behavior

- Applies to sex-related offenses
- Reputation or opinion evidence of victim's past sexual behavior not admissible
- Evidence of specific instance of victim past sex behavior admissible only if court makes certain findings after in camera examination in presence of court reporter but not jury
- In camera examination to be sealed and kept as part of record for appeal



Past Sexual Behavior

- Court must determine probative value outweighs danger of unfair prejudice and that the evidence
 - Is necessary to rebut or explain scientific or medical evidence offered by prosecutor OR
 - Concerns past sex behavior with def and is offered to prove consent OR
 - Relates to victim motive or bias OR
 - Is admissible under Rule 609 TRE (impeachment w/ conviction) OR
 - Is constitutionally required to be admitted



Victim Confidentiality

- Makes identifying information of victims of invasive visual recording and indecent assault confidential if person chooses a pseudonym
- Does not apply to victims of juvenile offense
 - See 51.17, Family Code



Body Armor

- For F3 or higher Title 5 offenses, court must make affirmative finding if determines beyond reasonable doubt that defendant used metal or body armor during commission of offense
- Punishment increased to next highest category
- Does not apply to juvenile
 - See 51.17 Family Code



Sexual Offense Evidence

- Evidence collected during forensic medical exam, including photos or recordings
 - Not available to public
 - Must be placed under court seal
- Court may lift seal on finding it is in best interest of public



Invasive Visual Recording Evidence

- Visual images of any victim in Invasive Visual Recording case may not be made public
- Change applies this to all ages; not just child younger than 14
- Shall keep under seal and defense shall be provided access as provided by 39.151 CCP



Evidence Retention

- Applies to blood or urine in Ch. 49 offense investigation
- Adds that crime lab to annually notify prosecutor's office of evidence in its possession and date it was received
- Clarifies that if entity seeks written approval to destroy evidence, may do so if prosecutor does not provide written denial within 90 days AND retention period has expired



Cybercrime

- Prosecutor may issue administrative subpoena requiring records or documents if:
 - relates to cybercrime investigation and
 - there is reasonable cause to believe Internet or electronic service account has been used in commission of crime



Cybercrime

- If a criminal case or proceeding does not result, *within a reasonable period*, from the documents or records produced, prosecutor shall, *as appropriate*:
 - Destroy records or documentation or
 - Return to the person who produced them



Cybercrime

- Certain things may not be disclosed in response to subpoena but shall be disclosed if required by court order or warrant (unless prohibited by law)
 - in-transit electronic communication
 - account membership related to group, mailing list, newsgroup, area of interest
 - account password
 - account content (email, contact list, Internet history, Internet proxy content)



Military Base – Concurrent Jurisdiction

- On request of authorized U.S. rep, governor may accept establishment of concurrent jurisdiction over U.S. military land in Texas
- If application is for juvenile delinquency and status offenses, must expressly state that purpose
- Once established, state agency or political subdivision may enter MOU with U.S. agency or officer to coordinate and assessing duties
- No liability for state agency or political subdivision or officers, employees, or agents for conduct on land with concurrent jurisdiction



Jury and Grand Jury

- Grand jury exemption age was older than 70 – now 75 or older
- Jury exemption age was older than 75 – now 75 or older
- Grand jury exemption for person responsible child under 18 now includes "who will be without adequate supervision if the person serves on the grand jury"
- For jury, age is still younger than 12 who will be without adequate supervision if the person serves on the jury



Trafficking

- Law enforcement agency that submits PC report for trafficking to prosecutor must simultaneously submit to AG
- On request of AG, prosecutor must provide non-public information if AG representing state
- AG has jurisdiction and shall represent state if local prosecutor does not take action within 180 days of getting LEA report



MENTAL HEALTH



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Grounds for Emergency Detention

- There is substantial risk of serious harm to person or others
- Person evidences severe emotional distress and deterioration in mental condition or
- Person evidences inability to recognize symptoms or appreciate risks and benefits of treatment



Grounds for Emergency Detention

- Applies to:
 - LEO with or without warrant
 - Ward
 - Findings by physician at facility



Mental Illness Custody

- Peace officer who transports person for emergency detention not required to wait at facility while person is medically screened or treated or while insurance coverage verified
- May leave immediately after facility staff takes custody and notification of emergency detention form provided to facility
- Form updated in statute



Court-Ordered Inpatient – Current Law

- Likely to cause serious harm to self or others OR
- All of these
 - suffering severe and abnormal mental, emotional, or physical distress
 - experiencing substantial deterioration of ability to function independently AND
 - Not able to make rational and informed decision as to whether to submit to treatment



Court-Ordered Inpatient – Changes

- One of These
 - Likely to cause serious harm to self or others
 - Suffering severe and abnormal mental, emotional, or physical distress
 - Experiencing substantial deterioration of ability to function independently
 - Not able to make rational and informed decision as to whether to submit to treatment
 - Evidencing inability to recognize symptoms and appreciate risks and benefits of treatment AND
- In the absence of inpatient MH treatment, person is likely to suffer serious risk of harm or inflict serious harm on another person



Chapter 55

- Was unchanged
- There is now a conflict between the two chapters, particularly the grounds for court-ordered services



LAW ENFORCEMENT



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Blood Draw Warrant

- Applies to blood draw in Ch. 49 offense investigation
- Clarifies that any peace officer may execute the warrant in any county adjacent to the county in which the warrant was issued
- No longer must be a law enforcement officer with arrest authority in the county where blood draw executed



Missing Child Report

- Immediately but no less than 2 hours after law enforcement agency receives report of missing child, must enter info into NCMEC
- This is in addition to TLETS and all other entries that must be made



Grant Program

- Creates grant program for law enforcement agency to help solve sexual and violent offenses
 - Indecency with Child
 - Sexual Assault/Aggravated Sexual Assault
 - Murder/Capital Murder
 - Aggravated Kidnapping
 - Aggravated Assault with Deadly Weapon
 - Aggravated Robbery



Deadly Conduct Presumption

- "Recklessness" and "Danger" are presumed if knowingly point firearm at or in direction of another, whether or not the actor believed the firearm to be loaded
- Presumption does not apply to a peace officer engaged in the lawful discharge of official duties
- Portion that involves pointing a gun at an individual does not apply to a peace officer engaged in the actual discharge of official duties who also reasonably believe the discharge of the firearm was justified under Chapter 9



Polygraph Certification

- Allows TCOLE to establish certification for peace officers to conduct polygraph exams for:
 - Pre-employment examination of candidate that requires law enforcement certification or
 - Criminal investigation



Polygraph Examiners

- Polygraph Examiners no longer required to have a license
- 54.0405, FC no longer refers to licensed polygraph examiner
- 245.053, Human Resources Code no longer refers to licensed polygraph examiner



GOVERNMENT



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Sex-Related Data Collection

- Defines boy, girl, father, mother, man/male, woman/female, and sex
- Requires governmental entities that collect vital statistics for gathering public health, crime, economic, or other data or for complying with antidiscrimination laws to identify each individual as male or female
- Governmental entity
 - State institution, board, commission, department, or subdivision
 - Political subdivision, including municipality, county, district



Artificial Intelligence Training

- State employees and local government employees who use computer at least 25% of duties must complete annual AI training program
- DIR to certify approved training programs



Texas Regulatory Efficiency Office

- Identify and expand opportunities for efficiencies in:
 - State agency rulemaking process
 - Regulatory review process
 - Contest case process
- Assist agencies in identifying:
 - Unnecessary and ineffective rules
 - The effect and cost to state and regulated persons of rules and proposed rules
 - Opportunities to repeal or amend rules to provide effective protection to public with least cost and inconvenience to regulated persons



Texas Regulatory Efficiency Office

- Coordinate with SOS, DIR, and other state agencies in SOS efforts to:
 - Improve public access to info re: state agency rules, forms, and filings
 - Create interactive website for public to search and obtain info re: rules, forms, and filings applicable to specific regulated occupations, industries, professions, and activities



Texas Regulatory Efficiency Office

- Coordinate with state agencies to reduce rules or other regulatory requirements, including by:
 - Eliminating unnecessary or ineffective rules or other regulatory requirements
 - Reducing inefficiencies
 - Reduce training hours
 - Reduce forms and information a person must complete in a form
 - Reduce the number of activities covered by rule
 - Create waivers and exemptions from rules
 - Prepare and publish written manuals, guides, or other publications required by this law



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Open Meetings

- Meeting must be published 3 business days rather than 72 hours before the scheduled date, rather than time
- Exceptions
 - 551.044 – state board, commission, dept, or officer w statewide jurisdiction – 7 days before meeting (unchanged)
 - 551.045 – emergency meeting or addition to agenda (unchanged)
 - 551.046 – legislative committee (unchanged)
 - 551.1281 – academic teaching institution or university system (reference added by law unchanged)



Open Meetings

- If budget will be discussed or adopted, notice must include:
 - Physical copy of proposed budget unless clearly accessible on home page of governmental body's website
 - Taxpayer impact statement showing current and proposed tax bill for median-valued property



Open Meetings Offenses

- Attorney General may assist with investigation and prosecution of open meetings offenses if requested by LEA or prosecutor
- LEA must give copy of PC report to OAG when giving to prosecutor



Disruption of Meeting

- Modifies disrupting a meeting or procession to include virtual and to include electronic disturbance, including hacking, of any virtual component



Cybersecurity

- Deliberation regarding cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility not required to be in open meeting
- Critical infrastructure facility includes communication infrastructure system (and many other things)



Cybersecurity

- Exempt from disclosure under PIA
 - Cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility
 - Information related to protecting network systems and responding to cybersecurity incidents if disclosure would facilitate unauthorized access to data or information or to IT systems (existing or proposed)
- May disclose to comply with state or federal law or court order
 - Process for notifying third parties



License Plates - PIA

- License plate captured in law enforcement video is not confidential and may be including in video disclosed under PIA
- Not required to redact before releasing



Open Records Address and Database

- Governmental body must notify AG of current mailing and email address designated for receiving written requests for public information – Oct 1 of each year
- AG to create and maintain database of that info on its public website



No Responsive Records

- If no responsive records, must notify requestor within 10 days
- If info subject to previous determination that allows or requires withholding the info, must notify requestor within 10 days and identify specific previous determination relying on
- Matches timeline for providing info or requesting AG opinion



Seeking AG Records Opinion

- If requesting AG opinion, must identify the *specific* exceptions that apply



Open Records Complaint

- Creates process for requestor to submit complaint to AG if governmental body fails to respond timely and in accordance with law
- If AG determines violation:
 - governmental body's PIO or designee must complete training within 6 months
 - governmental body may not assess costs to requestor
 - If seeks to withhold info, must submit request to AG within 5 days and release info unless there is a compelling reason to withhold it



Special Right of Access to Records

- Creates special right of access for member of governing board or nongovernmental entity to inspect and/or duplicate public information maintained by the entity if member is acting in the member's official capacity
- Public information that is confidential under law shall be redacted
- May request them to sign confidentiality agreement; they can ask AG for decision about whether information is confidential under law



Fraud Detection and Deterrence

- Info on fraud detection and deterrence measures is confidential and exempt from PIA disclosure
- Includes risk assessments, reports, data, manuals, etc. that may reveal methods by which governmental body prevents, investigates, or evaluates fraud

