

	<b>Texas Legislative Preview</b>
	<p>22<sup>nd</sup> Annual Juvenile Law Conference Robert O. Dawson Juvenile Law Institute</p> <p>Riley N. Shaw Tarrant County Assistant District Attorney February 21, 2009</p>

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	<b>81<sup>st</sup> Legislature - 2009</b>
	<p>Bills, Bills and more Bills.....</p> <p>2,642 Bills so far this session...and we're just getting started!</p>

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	<b>Leading Categories</b>
	<p>Public Schools seem to be leading the way this session .... coming in with a total of 257 bills as of yesterday.</p> <p>Bills related to crime are coming in a close second .... with a total of 247 bills so far.</p>

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	<b>What else is on the Agenda this Session?</b>
	<ul style="list-style-type: none"> <li>■ Cell Phones! There are already 15 different bills on file that regulate what you can and can't do with a cell phone while driving a car.</li>   <li>■ The Legislature is also taking on Stun Guns and Human Cloning – which generated a half dozen bills each.</li> </ul>

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	<b>What else is on the Agenda this Session?</b>
	<ul style="list-style-type: none"> <li>■ Campaign Finance was good for 17 bills</li> <li>■ .....as was the category for Registered Sex Offenders.</li> </ul>

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	<b>Issues to look out for in Juvenile Justice</b>
	<ul style="list-style-type: none"> <li>■ Consolidation of TYC and TJPC.</li>   <li>■ Bills expected to be carried by Sens. Chuy Hinojosa and Glenn Hegar in the Senate, and by Rep. Ruth McClendon in the House. None filed yet.</li> </ul>

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	<b>Issues to look out for in Juvenile Justice</b>
	<ul style="list-style-type: none"> <li>■ Maximum age of TYC jurisdiction over sentenced offenders – be looking for a bill to return TYC jurisdiction up to the child’s 21<sup>st</sup> birthday for sentenced offenders.</li> </ul>

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	<b>Issues to look out for in Juvenile Justice</b>
	<ul style="list-style-type: none"> <li>■ SORNA – this is the federal sex offender registration act – if adopted by Texas, some juvenile sex offenders will have to register for life. There is no judicial discretion under this law.</li> </ul>

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	<b>Issues to look out for in Juvenile Justice</b>
	<ul style="list-style-type: none"> <li>■ Bullying Bills – Currently there are 5 anti-bullying bills pending: <ul style="list-style-type: none"> <li>– House Bills 18, 484, 540 and 1323, and</li> <li>– Senate Bill 29.</li> </ul>           These create the offense of Bullying (in various forms) and establish an anti-bullying hotline.         </li> </ul>

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	<h3>Issues to look out for in Juvenile Justice</h3>
	<ul style="list-style-type: none"> <li>■ New laws affecting Registered Sex Offenders: House Bills 22, 79, 190, 214, 265, 322, 460, 717, 718, 777, 816, 1091, 1224, 1239, and 1542, and Senate Bills 492 and 689.</li>   <li>■ These cover housing location, newly covered offenses, family court notification, driver's license, internet and employment restrictions, etc.</li> </ul>

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	<h3>Issues to look out for in Juvenile Justice</h3>
	<ul style="list-style-type: none"> <li>■ Pretrial Discovery Bills –</li>   <li>■ there are two mutual discovery bills in the House – HB 301 and 1168 – prosecution and defense have to disclose evidence to each other</li>   <li>■ there are also two 'one way' type bills that open a prosecutor's file to the defense within 30 days of indictment or information – HB 1104 and SB 661.</li> </ul>

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	<h3>Issues to look out for in Juvenile Justice</h3>
	<ul style="list-style-type: none"> <li>■ Confessions - HB 938 and SB 116.</li>   <li>– These bills will require video confessions by 2012.</li>   <li>– There are provisions for equipment funding through DPS.</li> </ul>

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	<h2>Issues to look out for in Juvenile Justice</h2>
	<ul style="list-style-type: none"> <li>■ SB 117 - Photo Lineups <ul style="list-style-type: none"> <li>– Will require standardized procedures for use in administering photo lineups across the state.</li> <li>– In addition, requires the lineup to be administered in a double-blind fashion where the law enforcement personnel administering the lineup does not have knowledge of the case or the pictures being used.</li> </ul> </li> </ul>

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	<h2>Issues to look out for in Juvenile Justice</h2>
	<ul style="list-style-type: none"> <li>■ Outcry statements in sex cases – HB 597 expands their use to victims less than 18 years of age and to disabled persons.</li> <li>■ HB 379 and 1110, and SB 170 and 1499: provide for mandatory Interlock devices in DWI cases</li> </ul>

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	<h2>Specific Juvenile Bills</h2>
	<ul style="list-style-type: none"> <li>■ HB 539 – Court can order child examined for chemical dependency under TFC 51.20.</li> <li>■ HB 553 – Single Ombudsman over TDCJ, TYC and TJPC/local probation.</li> <li>■ HB 558 – Public Intox. – new release provisions.</li> <li>■ HB 609 – need only have 6 jurors in misdemeanor case, even in D.Ct.</li> </ul>

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	<b>Specific Juvenile Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 683 – assaults at school – separation of the kids</li> <li>■ HB 824 – adds juvenile adjudications to the hate crimes statutes</li> <li>■ HB 901 – Student Code of Conduct violations can only be referred to police if otherwise an offense</li> </ul>

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	<b>Specific Juvenile Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 908 – creates a 5 year safe harbor for statutory rape so long as they are both enrolled in school and in the 9<sup>th</sup> grade or higher....otherwise you only get a 3 year safe harbor.</li> </ul>

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	<b>Specific Juvenile Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 1260 - DWI Offender Registry – much like the sex offender registry – and it applies to adults and juveniles.</li> <li>■ HB 1349, 1352 and SB 53, 54 - Juvenile Case Managers standards and supervision.</li> </ul>

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	<b>Specific Juvenile Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 1351 and SB 58 – cover JCMS.</li> <li>■ SB 332 – requires a 12 hour gang awareness class for all EOC adjudications</li> <li>■ SB 518 – Certification Hearings – all written items to prosecution and defense at least 5 days prior to hearing.</li> </ul>

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	<b>Specific Juvenile Bills</b>
	<ul style="list-style-type: none"> <li>■ SB 727 – All juveniles adjudicated for a felony, whether probated or sent to TYC, MUST submit a DNA sample.</li> <li>■ SB 839 – Juvenile certified as an adult for capital murder gets life upon conviction (40 year min. rather than without parole) unless he is guilty as a party (30 year min.)</li> </ul>

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	<b>Specific JJAEP/DAEP Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 145 – state aid for certain JJAEPs</li> <li>■ HB 171 – Student CoC must spell out how you get sent to DAEP</li> <li>■ HB 172 – Notice of Placement at DAEP</li> <li>■ HB 289 – JJAEP/DAEP has to offer behavior modification course taught by bachelor of behavioral science.</li> </ul>

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	<b>Specific JJAEP/DAEP Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 349 – provisions for disabled children</li> <li>■ HB 368 – School disciplinary policies</li> <li>■ HB 466 – procedure for placement at DAEP</li> <li>■ HB 542 – JROTC as alternative to JJAEP (in some cases mandatory)</li> </ul>

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	<b>Specific JJAEP/DAEP Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 552 and SB 453 – grant funds for innovative programming</li> <li>■ HB 919 – Community Based Dropout Recovery Education Program</li> <li>■ HB 937 – DAEP suspension procedures</li> <li>■ HB 1050 – expulsion of disabled student to JJAEP/DAEP</li> </ul>

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	<b>Specific JJAEP/DAEP Bills</b>
	<ul style="list-style-type: none"> <li>■ HB 1312 – can't go to DAEP if younger than 7.</li> <li>■ HB 1425 – county population based on 2000 census.</li> <li>■ SB 33 – DAEP expulsion procedures</li> <li>■ SB 38 – disciplinary placements</li> </ul>

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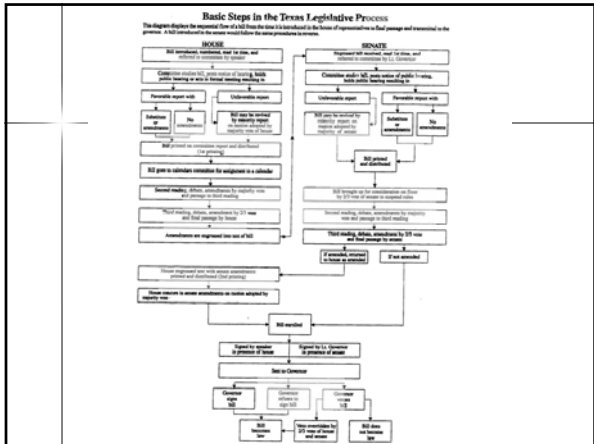
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