

BILL ANALYSIS

Senate Research Center
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H.B. 3705
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3705 amends Chapter 58, Family Code, to permit juvenile justice agencies to jointly create and maintain a juvenile justice information system.

Currently, 250 Texas counties and the Texas Juvenile Justice Department are using the Juvenile Case Management System, which provides users with access to real-time information regarding children within the juvenile justice system.

H.B. 3705 seeks to address the way system is being used in ways that may exceed the authority currently found in Chapter 58 and the desire by these agencies to permit the use of the system by private juvenile facilities, which makes information sharing more efficient.

H.B. 3705 will clean up the language and in addition make changes to Access Level 4. As the other levels deal with information as it relates to children and this 4th level relates to information that pertains to the diagnosis and treatment by an agency or institution that has custody of a child, it is thought best to create a subsection that addresses this clearance.

H.B. 3705 amends current law relating to local juvenile justice information systems.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 58.301, Family Code, by amending Subdivisions (2) and (5) and adding Subdivision (2-a), to define "juvenile facility" and redefine "governmental juvenile facility" and "partner agency."

SECTION 2. Amends Section 58.303(b), Family Code, to authorize a local juvenile justice information system (LJJIS) to contain certain components, including case management for juveniles in juvenile facilities.

SECTION 3. Amends Sections 58.304(a) and (b), Family Code, as follows:

(a) Requires that an LJJISC, rather than requires that an LJJISC, subject to Subsection (d) (relating to prohibiting certain information from being collected under Subsection (a) or for each juvenile taken into custody, detained, or referred), consist of certain information.

(b) Authorizes an LJJISC, to the extent possible and subject to Subsection (a), rather than authorizes an LJJISC, to the extent possible and subject to Subsections (a) and (d), to include certain information, including information obtained for the purpose of diagnosis, examination, evaluation, treatment, or referral for treatment of a child by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court, for each juvenile taken into custody, detained, or referred under this title (Juvenile Justice Code).

SECTION 4. Amends Section 58.305, Family Code, as follows:

Sec. 58.305. PARTNER AGENCIES. (a) Requires that an LJJISC, to the extent possible, include certain partner agencies, including service providers approved by the county juvenile board and juvenile facilities approved by the county juvenile board, rather than governmental service providers approved by the county juvenile board and governmental placement facilities approved by the county juvenile board, within that county.

(b) Requires that an LJJISC for a multicounty region to the extent possible include certain partner agencies for each county in the region and certain partner agencies, including service providers and juvenile facilities, rather than governmental service providers and governmental placement facilities, from within the multicounty region that have applied for membership in the system and have been approved by the regional juvenile board committee.

SECTION 5. Amends Section 58.306, Family Code, by amending Subsections (e), (f), and (g) and adding Subsection (i), as follows:

(e) and (f) Creates an exception under Subsection (i).

(g) Provides that Level 3 Access, except as provided by Subsection (i), rather than provides that Level 3 Access, is by governmental juvenile facilities, rather than governmental placement facilities, that are partner agencies and a private juvenile facility that is a partner agency, except the access is limited to information that relates to a child detained or placed in the custody of the facility.

(i) Authorizes information described by Section 58.304(b)(23) (relating to a LJJIS including information obtained for certain purposes by a certain public or private agency or institution) to be accessed only by the juvenile court and court clerk, the county juvenile probation department, a governmental juvenile facility that is a partner agency, and a private juvenile facility that is a partner agency, except the access is limited to information that relates to a child detained or placed in the custody of the facility.

SECTION 6. Amends Section 58.307(e), Family Code, to require that information in a LJJIS be protected from unauthorized access by a system of access security and any access to information in a local juvenile information system performed by browser software is required to be at the level of at least 2048-bit, rather than 128-bit, encryption.

SECTION 7. Repealer: Section 58.303(d) (relating to determination of membership in an LJJIS), Family Code.

Repealer: Section 58.304(d), Family Code.

SECTION 8. Effective date: September 1, 2017.