

## Legislative Update

Juvenile Law Conference  
March 2016

Riley N. Shaw  
Tarrant County Criminal District Attorney's  
Office

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## The Numbers

- House Bills: 4304      passed: 820
- Senate Bills: 2136      passed: 509
- TOTAL: 6440      passed: 1329

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## SENATE BILLS

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**SB 11 – Concealed Carry on College Campuses**

- Created by (new) Government Code Section 411.2031
- Allows licensed holders to carry a concealed handgun on a college campus, with certain restrictions.
- Different rules for public institutions vs. private institutions

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**SB 147 – Bond Conditions and Protective Orders**

Amends PC 25.07 (Bond Conditions and Protective Orders) and PC 25.072 (Repeated violations of 25.07)

Adds trafficking conditions, bumps up penalty for repeated violations, and allows arrest without a warrant.

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**SB 158 – Grant Program for Body Cameras**

- Occupations Code Chapter 1701 – creates a grant program to help local law enforcement agencies acquire body cameras and establishes guidelines for their use.

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**SB 172 and SB 173 - DRUGS**

- These two bills make the usual changes to the Health and Safety Code needed in order to update the lists with new illegal drug compounds and re-organizing the drugs listed in the various penalty groups.

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**SB 219**

- “Mental Retardation” is replaced with the new identifier “Intellectual and Developmental Disability”

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**SB 273 – Licensed Handgun Holders**

- Amends Government Code Section 411.209 limiting the locations from which government can exclude a licensed holder.
- Also creates an enforcement scheme for violations by Government to be enforced by the Texas AG’s office and providing for fines of \$1,000 (1<sup>st</sup> time) to \$10,500 (2+) per violation.

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### **SB 339 – Low THC Cannabis**

- New Chapter 487 of Health & Safety Code
- Allows certain Doctors to prescribe low-THC cannabis to persons with seizures
- LOTS of fine print and regulation.

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### **SB 344 – Online Solicitation**

- Changes the definition of Online Solicitation found in Penal Code section 33.021
- Limits the available defenses when trying to entice a child

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### **SB 409 – Juvenile Records**

- Amends Texas Family Code Section 58.106 to alter who gets access to Juvenile Records that are contained in the State database (JIS) maintained by DPS.
  - Limits who gets access to records, generally, and
  - Limits dissemination of records related to DPP, diversion, and charges that were dropped, discharged or found untrue.

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**SB 473 – Possession of Prohibited  
Weapon**

- Amends PC 46.05 to allow for possession of weapons that are registered in the National Firearms Registry maintained by BATF, or which are designated as a curio or relic by the USDOJ.

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**SB 487 – Motion for Forensic  
DNA Testing**

- Amends CCP 64.01 to limit the circumstances under which a convicted person can request testing of evidence.
- Limits it to evidence that has a reasonable likelihood of containing biological material.

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**SB 746 – Civil Commitment of  
Violent Sex Offenders**

- Amends Health and Safety Code Section 841.002, etc., to change just about everything related to the civil commitment of violent sex offenders.

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### **SB 825 - Prostitution**

- Amends PC 43.02, etc., regarding how prostitution is defined – must be “in return for receipt of a fee”.

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### **SB 835 – Fake Military Records**

- Amends PC 32.54 to make the offense of Fraudulent or Fictitious Military Record a Class B misdemeanor, rather than a Class C.

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### **SB 888 – Juvenile Appeals**

- Amends Texas Family Code section 56.01 to provide for an immediate appeal of a Certification.
- The appeal does not stay the adult proceedings.

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**SB 923 – Obstruction or Retaliation**

- Amends PC 36.06 to create offense of Retaliation for publication of personal information of a public servant or family member.
- Also creates a presumption of intent.

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**SB 1071 – Scheduling of Execution**

- Amends CCP 43.141 regarding provision of notice of execution date and requirements related to sending out copies of warrant of execution.

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**SB 1135 – Improper Photography**

- Amends PC 21.15 to change the name – now “Invasive Visual Recording”
- Changes how the offense is defined.
- Provides protections related to images of children under age 14.

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**SB 1474 – Veteran’s Court Program**

- Makes various changes to the Veteran’s Court diversion program that was set up under Government Code Chapter 124. See GC Chapter 124.

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**SB 1630 – Juvenile - TJJD Commitment and Regionalization**

- Makes changes to TFC 54.04, etc., related to indeterminate commitment of children to the custody of TJJD – requires new findings and a risk and needs assessment
- Creates a Regionalization Plan which is designed to divert children from TJJD and keep them in placements closer to home. See Human Resources Code Section 203.017 and 203.018

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**SB 1828 – Cargo Theft**

- Creates new offense of Cargo Theft at PC Section 31.18
- Illegal to steal, fence, or facilitate
- Punishment scheme is SJF – 1<sup>st</sup> Degree
- Dollar amounts include the value of the vehicle stolen

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**SB 1902 – Order of Nondisclosure**

- Makes extensive changes to Orders of Nondisclosure under Texas Government Code Chapter 411.
- Generally broadens availability.

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**HOUSE BILLS**

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**HB 48 – Timothy Cole  
Exoneration Review Commission**

- CCP 43.27 – Creates Timothy Cole Exoneration Review Commission
- Review exonerations after January 1, 2010
- Make recommendation to prevent the issues leading to the wrongful conviction
- Dissolves 12-1-16

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### **HB 189 – Statute of Limitations**

- CPRC Section 16.0045 to provide a S/L in civil action based on child trafficking – 15 years
- CCP Art. 12.01 – NO S/L for Sexual Assault when there is PC to believe that there were 5 or more victims.

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### **HB 207 – Voyeurism**

- Creates new offense of Voyeurism in PC 21.16
- Class C (1<sup>st</sup>)
- Class B (2+)
- SJF if victim < 14 y/o

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### **HB 263 – Juvenile Record Sealing**

- Amends TFC 58.003 to provide for “automatic” sealing of misdemeanors and unadjudicated felonies under certain circumstances.
- Requires reasonable notice to prosecutor and a “permissive” hearing if requested by prosecutor

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**HB 324 – Body Cavity Searches  
During Traffic Stop**

- New CCP Art. 18.24
- Cannot conduct a body cavity search during a traffic stop without a warrant.

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**HB 326 – Search Warrants**

- Amends CCP Art. 18.01 to allow for issuance of search warrants via telephone, email, fax or other electronic means.

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**HB 431**

- Created a Juvenile Records Advisory Committee to do a complete revision of Chapter 58, TFC related to Juvenile records.
- Final Report due November 1, 2015.

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### **HB 510 – Discovery**

- Amends CCP Art. 39.14 to require disclosure of experts based on a request rather than a motion.

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### **HB 511 – Violation of Civil Rights of Person in Custody**

- Amends PC Sec. 39.04 to include facilities in which persons are detained for immigration violations.
- Also amends CCP 18.20 (Detection, Interception, Use of Wire, Oral, or Electronic Communications) to redefine “correctional facility” so that it matches the definition in PC 39.04.

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### **HB 518 – Community Supervision**

- Amends CCP Art. 42.12 to allow revocation of the probation without a hearing if the person is in prison and waives his/her right to a hearing in front of a notary (rather than in open court).

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**HB 554 – Places Weapons Prohibited**

- Amends PC 46.03 by adding new subsection (e-1) to provide a defense to licensed holders who accidentally take their guns to the airport.

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**HB 644 – Contents of Warrant**

- Amends CCP Art. 18.04 to provide that magistrate’s name must be legible!
- Amends PC 37.10 (Tampering with a Governmental Document) to include tampering with a search warrant issued by a magistrate.

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**HB 896 – Breach of Computer Security**

- Amends PC 33.02 by expanding the offense and broadening the conduct covered IF the computer is owned by government or by a business.

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**HB 910 – OPEN CARRY**

- This bill creates Open Carry in Texas and amends just about every statute on the books dealing with handguns.
- Effective 1-1-16

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**HB 1061 – Interference With Public Duties**

- Amends PC 38.15 and creates a rebuttable presumption of Interference under certain circumstances.

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**HB 1264 – Toxicological Evidence in cases involving Alcohol Offenses**

- Creates CCP Art. 38.50 which provides retention and preservation requirements related to toxicological evidence related to certain intoxication offenses.

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**HB 1286 – Injury to Disabled Person**

- Amends PC Sec. 22.04 to expand the definition of a disabled individual.

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**HB 1293 – Confidentiality of Identifying Information of Victims of Stalking**

- Creates CCP Chapter 57A
- Allows use of pseudonym
- Creates penalty for disclosure by public servant

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**HB 1396 – Cell Phone Searches and Dollar Amounts**

- Makes changes to CCP 18.02 and 18.0215 requiring a search warrant for a cell phone
- Gives setting priority to cases involving victims under age 14 – CCP 32A.01
- Changes the dollar amount ranges for just about every offense on the books (see next slide).

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**HB 1396 – Cell Phone Searches  
and Dollar Amounts**

- <100 = Class C
- 100-750 = Class B
- 750-2500 = Class A
- 2500-30K = SJF
- 30K-150K = 3<sup>rd</sup> Degree
- 150K-300K = 2<sup>nd</sup> Degree
- >300K = 1<sup>st</sup> Degree

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**HB 1491 – Confidential Juvenile  
or Criminal Records**

- Business and Commerce Code Section 109.001 prohibits publication of confidential juvenile or criminal information and provides for a fine of up to \$500 per violation.

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**HB 1690 – Public Corruption**

- Chapter 411, Subchapter B-1 of the Government Code creates the Public Integrity Unit of the Texas Rangers to investigate public corruption and refer cases to local prosecutors for prosecution.

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### **HB 2150 – Grand Jury**

- Amends CCP 19.01, etc., related to Selection and Summons of Prospective Grand Jurors
- Motor Voter
- Lists specific challenges
- Changes makeup and selection process

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### **HB 2185 – DNA Warrants**

- Amends CCP 18.065 to provide that a DNA Specimen Warrant that is issued by a DISTRICT Judge can be executed in any county in this state.

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### **HB 2291 – Child Porn**

- Amends CCP 42.037 to allow for restitution to child victim
- Amends PC 43.26 to increase punishment ranges related to child pornography.

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**HB 2398 – Truancy  
Decriminalization**

- Amends TFC 51.03 (and a bunch of other statutes)
  - Adds contempt of truancy court to “delinquent conduct”
  - Truancy is deleted from CINS
  - Truancy and Failure to Attend School are repealed
  - This is now a CIVIL matter subject only to fines and remedial programs
  - Procedures in JP/Muni Court modeled on Juvenile Court procedures

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**HB 2589 – Aggravated Sexual  
Assault**

- Amends PC 22.021 to redefine a “disabled individual” as a person over the age of 13 who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect him/herself from harm or to provide food, shelter, or medical care for self.

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**HB 2645 – Evidence in Family  
Violence Cases**

- New CCP Art. 38.371 “Evidence in Prosecution of Certain Offenses Involving Family Violence”
- Essentially allows “nature of relationship” evidence in as long as it is relevant, but does NOT allow character evidence
- Also amends PC 25.07 to make it a Class A misdemeanor (or higher) to tamper with GPS monitor required as a condition of bond or protective order.

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**HB 3791 – Video Recordings of Arrest in Intox Cases**

- Creates new CCP Art. 2.139 that provides that a person who is stopped or arrested for DWI, etc., is entitled to receive from law enforcement a copy of his/her in-car video or body-cam video related to stop and FSTs, etc., and video related to breath or blood test.

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**HB 4003**

- Amends TFC 58.004 to require redaction of personally identifiable information related to victims who are under the age of 18, prior to disclosure to 3<sup>rd</sup> parties, with exceptions for disclosure to victims services, disclosure for law enforcement purposes, JJIS, etc.

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To look up any of these bills, go to [www.capitol.state.tx.us](http://www.capitol.state.tx.us)

If you have any question, send an email to me: [rshaw@tarrantcountytexas.gov](mailto:rshaw@tarrantcountytexas.gov)

THANK YOU!

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