

## 1 AN ACT

2 relating to the operations of the Texas Youth Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 61.073, Human Resources Code, is amended  
5 to read as follows:6 Sec. 61.073. RECORDS OF EXAMINATIONS AND TREATMENT. The  
7 commission shall keep written records of all examinations and  
8 conclusions based on them and of all orders concerning the  
9 disposition or treatment of each child subject to its control.  
10 Except as provided by Section 61.093(c), these records and all  
11 other information concerning a child, including personally  
12 identifiable information, are not public and are available only  
13 according to the provisions of Section 58.005, Family Code, Section  
14 61.0731 of this code, and Chapter 61, Code of Criminal Procedure.15 SECTION 2. Subchapter E, Chapter 61, Human Resources Code,  
16 is amended by adding Sections 61.0731 and 61.0751 to read as  
17 follows:18 Sec. 61.0731. INFORMATION AVAILABLE TO CHILDREN, PARENTS,  
19 AND OTHERS. (a) In the interest of achieving the purpose of the  
20 commission and protecting the public, the commission may disclose  
21 records and other information concerning a child to the child and  
22 the child's parent or guardian only if disclosure would not  
23 materially harm the treatment and rehabilitation of the child and  
24 would not substantially decrease the likelihood of the commission

1 receiving information from the same or similar sources in the  
2 future. Information concerning a person who is age 18 or older may  
3 not be disclosed to the person's parent or guardian without the  
4 person's consent.

5 (b) The commission may disclose information regarding a  
6 child's location and committing court to a person having a  
7 legitimate need for the information.

8 Sec. 61.0751. SUBPOENAS. (a) A hearings examiner  
9 appointed by the commission may issue a subpoena requiring the  
10 attendance of a witness or the production of any record, book,  
11 paper, or document the hearings examiner considers necessary for a  
12 determination of treatment under Section 61.075.

13 (b) The hearings examiner may sign a subpoena and administer  
14 an oath.

15 (c) A peace officer, apprehension specialist, parole  
16 officer, or other commission official may serve the subpoena in the  
17 same manner as similar process in a court of record having original  
18 jurisdiction of criminal actions is served.

19 (d) A person who testifies falsely, fails to appear when  
20 subpoenaed, or fails or refuses to produce material under the  
21 subpoena is subject to the same orders and penalties to which a  
22 person taking those actions before a court is subject.

23 (e) On application of the commission, a court of record  
24 having original jurisdiction of criminal actions may compel the  
25 attendance of a witness, the production of material, or the giving  
26 of testimony before the hearings examiner, by an attachment for  
27 contempt or in the same manner as the court may otherwise compel the

1 production of evidence.

2 SECTION 3. Section 61.0772(b), Human Resources Code, is  
3 amended to read as follows:

4 (b) Before a child who is identified as mentally ill is  
5 discharged from the commission's custody under Section 61.077(b), a  
6 commission psychiatrist shall examine the child. The commission  
7 shall refer a child requiring outpatient psychiatric treatment to  
8 the appropriate mental health authority. For a child requiring  
9 inpatient psychiatric treatment, the [The] commission shall file a  
10 sworn application for court-ordered mental health services, as  
11 provided in Subchapter C, Chapter 574, Health and Safety Code, if:

12 (1) the child is not receiving court-ordered mental  
13 health services; and

14 (2) the psychiatrist who examined the child determines  
15 that the child is mentally ill and the child meets at least one of  
16 the criteria listed in Section 574.034, Health and Safety Code.

17 SECTION 4. This Act takes effect September 1, 2003, and  
18 applies only to a proceeding or any part of a proceeding that occurs  
19 on or after that date. A proceeding that occurs before the  
20 effective date of this Act is governed by the law applicable to the  
21 proceeding immediately before the effective date of this Act, and  
22 that law is continued in effect for that purpose.

David Newkum

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 2895 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2895 on May 30, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2895 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Graw

Secretary of the Senate

APPROVED: 21 JUN 03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:30 PM O'CLOCK

JUN 21 2003  
Angela Shea  
Secretary of State