

## **BILL ANALYSIS**

Senate Research Center  
83R12180 ADM-D

H.B. 144  
By: Raymond (Nelson)  
Criminal Justice  
4/26/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 144 allows a judge to order, in addition to psychological reviews, a screening for chemical dependency for any juvenile in the juvenile justice system to determine whether a child has any chemical dependency.

H.B. 144 amends current law relating to a mental examination of a child subject to the juvenile justice system.

### **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 Sections 51.20(a), (b), (c), and (d), Family Code, as follows:

(a) Authorizes the juvenile court, at any stage of the proceedings under this title (Juvenile Justice Code), including when a child is initially detained in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility, to, at its discretion or at the request of the child's parent or guardian, order a child who is referred to the juvenile court or who is alleged by a petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision to be examined by a disinterested expert, including a physician, psychiatrist, or psychologist, qualified by education and clinical training in mental health or mental retardation and experienced in forensic evaluation, to determine whether the child has a mental illness as defined by Section 571.003 (Definitions), Health and Safety Code, is a person with mental retardation as defined by Section 591.003 (Definitions), Health and Safety Code, or suffers from chemical dependency as defined by Section 464.001 (Definitions), Health and Safety Code.

(b) Requires the probation department, if, after conducting an examination of a child ordered under Subsection (a) and reviewing any other relevant information, there is reason to believe that the child has a mental illness or mental retardation or suffers from chemical dependency, to refer the child to the local mental health or mental retardation authority or to another appropriate and legally authorized agency or provider for evaluation and services, unless the prosecuting attorney has filed a petition under Section 53.04 (Court Petition; Answer).

(c) Requires the probation department, if, while a child is under deferred prosecution supervision or court-ordered probation, a qualified professional determines that the child has a mental illness or mental retardation or suffers from chemical dependency and the child is not currently receiving treatment services for the mental illness, mental retardation, or chemical dependency, to refer the child to the local mental health or mental retardation authority or to another appropriate and legally authorized agency or provider for evaluation and services.

(d) Requires a probation department to report each referral of a child to a local mental health or mental retardation authority or another agency or provider made under Subsection (b) or (c) to the Texas Juvenile Justice Department (TJJD) in a format specified by TJJD, rather than to the Texas Juvenile Probation Commission in a format specified by the commission.

SECTION 2. Effective date: September 1, 2013.