

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29 2009

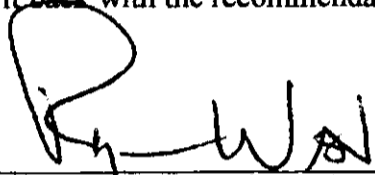
Date

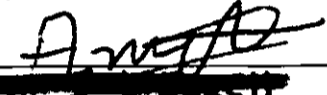
Honorable David Dewhurst
President of the Senate

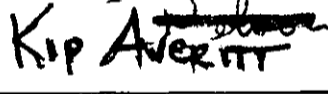
Honorable Joe Straus
Speaker of the House of Representatives

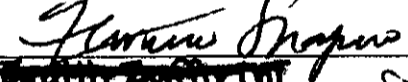
Sirs:

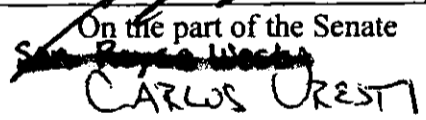
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 1041 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

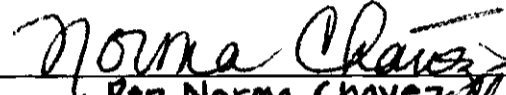

~~SEN. CARLOS URESTI~~
ROYCE WEST


~~SEN. JANE NELSON~~

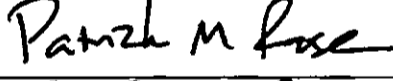

~~SEN. JANE NELSON~~
JANE NELSON



~~SEN. FLORENCE SHAPIRO~~
FLORENCE SHAPIRO

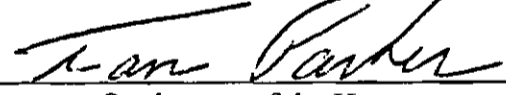

On the part of the Senate
~~SEN. ROYCE WEST~~
CARLOS URESTI


Rep. Norma Chavez


Rep. Mark Shelton


Rep. Patrick Rose


Rep. John Zerwas


On the part of the House
Rep. Tan Parker

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 1041

A BILL TO BE ENTITLED

AN ACT

relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare.

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

SECTION 1. This Act shall be known as Jenna's Law.

SECTION 2. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0041 to read as follows:

Sec. 38.0041. POLICIES ADDRESSING SEXUAL ABUSE OF CHILDREN.

(a) Each school district shall adopt and implement a policy addressing sexual abuse of children to be included in the district improvement plan under Section 11.252 and any informational handbook provided to students and parents.

(b) A policy required by this section must address:

(1) methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, using resources developed by the agency under Section 38.004;

(2) actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention; and

(3) available counseling options for students affected by sexual abuse.

SECTION 3. (a) In this section, "task force" means the task

1 force established under this section to establish a strategy for
2 reducing child abuse and neglect and improving child welfare.

3 (b) The task force consists of nine members appointed as
4 follows:

5 (1) five members appointed by the governor;

6 (2) two members appointed by the lieutenant governor;

7 and

8 (3) two members appointed by the speaker of the house
9 of representatives.

10 (c) Members of the task force must be individuals who are
11 actively involved in the fields of the prevention of child abuse and
12 neglect and child welfare. The appointment of members must reflect
13 the geographic diversity of the state.

14 (d) The task force shall elect a presiding officer by a
15 majority vote of the membership of the task force.

16 (e) The task force shall meet at the call of the presiding
17 officer.

18 (f) Chapter 2110, Government Code, does not apply to the
19 task force.

20 (g) The task force shall establish a strategy for reducing
21 child abuse and neglect and for improving child welfare in this
22 state. In establishing that strategy, the task force shall:

23 (1) gather information concerning child safety, child
24 abuse and neglect, and child welfare throughout the state;

25 (2) review the exemptions from criminal liability
26 provided under the Penal Code to a mother who injures her unborn
27 child by using a controlled substance, as defined by Chapter 481,

1 Health and Safety Code, other than a controlled substance legally
2 obtained by prescription, during her pregnancy and examine the
3 effect that repealing the exemptions will have on reducing the
4 number of babies who are born addicted to a controlled substance;

5 (3) receive reports and testimony from individuals,
6 state and local agencies, community-based organizations, and other
7 public and private organizations;

8 (4) create goals for state policy that would improve
9 child safety, prevent child abuse and neglect, and improve child
10 welfare; and

11 (5) submit a strategic plan to accomplish those goals.

12 (h) The strategic plan submitted under Subsection (g) of
13 this section may include proposals for specific statutory changes,
14 the creation of new programs, and methods to foster cooperation
15 among state agencies and between the state and local government.

16 (i) The task force shall consult with employees of the
17 Department of Family and Protective Services, the Department of
18 State Health Services, and the Texas Department of Criminal Justice
19 as necessary to accomplish the task force's responsibilities under
20 this Act.

21 (j) The task force may cooperate as necessary with any other
22 appropriate state agency.

23 (k) The governor, lieutenant governor, and speaker of the
24 house of representatives shall appoint the members of the task
25 force not later than October 1, 2009.

26 (l) Not later than November 1, 2010, the task force shall
27 submit the strategic plan required by Subsection (g) of this

1 section to the governor, lieutenant governor, and speaker of the
2 house of representatives.

3 (m) The task force is abolished and this section expires on
4 September 1, 2011.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.

House Bill 1041
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0041, POLICIES ADDRESSING SEXUAL ABUSE OF CHILDREN. Among other provisions, requires each school district to adopt and implement a policy addressing sexual abuse of children to be included in the district improvement plan.

No equivalent provision.

SENATE VERSION

SECTION 1. This Act shall be known as Jenna's Law.

SECTION 2. Same as Same as House version except requires each school district to include the policy in any informational handbook provided to students and parents, as well as in the district improvement plan.

SECTION __. Establishes a task force to establish a strategy for reducing child abuse and neglect and improving child welfare in Texas. Sets forth the composition of the *15* member task force as follows: five members appointed by the governor, *five* members appointed by the lieutenant governor, and *five* members appointed by the speaker of the house of representatives.

Requires the members to be actively involved in the fields of the prevention of child abuse and neglect and child welfare, provides for the election of a presiding officer and for meetings, and exempts the task force from provisions regarding state agency advisory committees.

Sets forth the responsibilities of the task force in establishing its strategy, including gathering information concerning child safety, child abuse and neglect, and child welfare throughout Texas; reviewing the exemptions from criminal liability provided under the

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version except reduces the membership of the task force to *nine* members as follows: five members appointed by the governor, *two* members appointed by the lieutenant governor, and *two* members appointed by the speaker of the house of representatives.

House Bill 1041
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Penal Code to a mother who injures her unborn child by using certain controlled substances during her pregnancy and examining the effect that repealing the exemptions will have on reducing the number of babies who are born addicted to a controlled substance; receiving reports and testimony from certain individuals and public and private agencies and entities; creating goals for state policy that would improve child safety, prevent child abuse and neglect, and improve child welfare; and submitting a strategic plan to accomplish those goals to the governor, lieutenant governor, and the speaker of the house of representatives.

Requires the task force to consult with employees of the Department of Family and Protective Services, the Department of State Health Services, and the Texas Department of Criminal Justice as necessary to accomplish the task force's responsibilities and authorizes the task force to cooperate as necessary with any other appropriate state agency.

Abolishes the task force and provides for the expiration of related provisions on September 1, 2011.

SECTION 2. Effective date.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1041 by Parker (relating to school district policies addressing sexual abuse of children and establishment of a state strategy to reduce child abuse and neglect and improve child welfare.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would create a 9-member task force to establish a strategy for reducing child abuse and neglect and improving child welfare. The provisions relating to the task force would take effect on September 1, 2009 and would expire on September 1, 2011. It is assumed that any costs associated with the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Costs for school districts, in implementing the bill's requirement to develop and implement a policy addressing sexual abuse of children, are not expected to be significant.

Source Agencies: 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: JOB, JSp, CL, NM, MB

