AN ACT

relating to abolishing the Texas Youth Commission and the Texas
Juvenile Probation Commission and transferring the powers and
duties of those agencies to the newly created Texas Juvenile
Justice Department and to the functions of the independent
ombudsman that serves the department.

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

ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH
COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

SECTION 1.001. The Human Resources Code is amended by
adding Title 12, and a heading is added to read as follows:

TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

SECTION 1.002. Title 12, Human Resources Code, as added by
this Act, is amended by adding Subtitle A to read as follows:

SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE

JUSTICE DEPARTMENT

CHAPTER 201. GENERAL PROVISIONS

Sec. 201.001. DEFINITIONS. (a) In this title:

(1) "Board" means the Texas Juvenile Justice Board.

(2) "Child" means an individual:

(A) 10 years of age or older and younger than 18

years of age who is under the jurisdiction of a juvenile court; or

(B) 10 years of age or older and younger than 19

years of age who is committed to the department under Title 3,
Family Code.

(3) "Court" means a juvenile court.

(4) "Department" means the Texas Juvenile Justice Department.

(5) "Executive director" means the executive director of the department.

(6) "Juvenile board" means a body established by law to provide juvenile probation services to a county.

(7) "State aid" means funds allocated by the department to a juvenile board to financially assist the juvenile board in achieving the purposes of this title and in conforming to the department's standards and policies.

(a-1) A reference to the department:

(1) in Subtitle B means the Texas Juvenile Probation Commission;

(2) in Subtitle C means the Texas Youth Commission;

and

(3) in any law other than Subtitle B or C means the Texas Juvenile Probation Commission or the Texas Youth Commission, as applicable in context.

(a-2) This subsection and Subsection (a-1) expire December 1, 2011.

(b) Effective December 1, 2011, a reference in other law to:

(1) the Texas Juvenile Probation Commission means the department; or

(2) the Texas Youth Commission means the department.

Sec. 201.002. PURPOSES AND INTERPRETATION. This title
shall be construed to have the following public purposes:

(1) creating a unified state juvenile justice agency that works in partnership with local county governments, the courts, and communities to promote public safety by providing a full continuum of effective supports and services to youth from initial contact through termination of supervision; and

(2) creating a juvenile justice system that produces positive outcomes for youth, families, and communities by:

(A) assuring accountability, quality, consistency, and transparency through effective monitoring and the use of systemwide performance measures;

(B) promoting the use of program and service designs and interventions proven to be most effective in rehabilitating youth;

(C) prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility;

(D) operating the state facilities to effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting; and

(E) protecting and enhancing the cooperative agreements between state and local county governments.

Sec. 201.003. GOALS. The goals of the department and all programs, facilities, and services that are operated, regulated, or funded by the department are to:

(1) support the development of a consistent county-based continuum of effective interventions, supports, and
services for youth and families that reduce the need for out-of-home placement;

(2) increase reliance on alternatives to placement and commitment to secure state facilities, consistent with adequately addressing a youthful offender's treatment needs and protection of the public;

(3) locate the facilities as geographically close as possible to necessary workforce and other services while supporting the youths' connection to their families;

(4) encourage regional cooperation that enhances county collaboration;

(5) enhance the continuity of care throughout the juvenile justice system; and

(6) use secure facilities of a size that supports effective youth rehabilitation and public safety.
commission, or their designees, shall meet at least annually to:

(1) discuss mutual issues relating to at-risk youth and youthful offenders, and community support systems for families and youth;

(2) resolve conflicts in providing services to youth; and

(3) make recommendations to the governor and legislature.

CHAPTER 201A. TEMPORARY PROVISIONS

SUBCHAPTER A. TRANSITION TEAM

Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING OFFICER. (a) The juvenile justice services and facilities transition team is composed of the following seven members:

(1) a representative of the Texas Juvenile Probation Commission, appointed by the board of the Texas Juvenile Probation Commission;

(2) a representative of the Texas Youth Commission, appointed by the board of the Texas Youth Commission;

(3) a representative of the governor;

(4) a representative of the lieutenant governor, chosen from a list submitted to the governor by the lieutenant governor;

(5) a representative of the speaker of the house of representatives, chosen from a list submitted to the governor by the speaker;

(6) one member who represents the interests of:

(A) youthful offenders or the families of
youthful offenders;

(B) an organization that advocates on behalf of youthful offenders or the families of youthful offenders; or

(C) an organization that advocates on behalf of the victims of delinquent or criminal conduct; and

(7) one member with experience in organizational mergers.

(b) The governor shall appoint the members of the transition team listed in Subsections (a)(3)-(7).

(c) The members of the transition team shall be appointed as provided by Subsections (a) and (b) as soon as possible after September 1, 2011, and not later than October 1, 2011.

(d) The transition team member who is appointed under Subsection (a)(3) serves as the presiding officer of the transition team.

(e) The transition team members appointed under Subsections (a)(1) and (2) remain on the transition team after November 30, 2011, regardless of the abolition of the agencies named in those subdivisions.

(f) A member of the transition team is not a state officer for the purposes of Subchapter B, Chapter 572, Government Code, solely because of the member's service on the transition team.

Sec. 201A.002. POWERS AND DUTIES. (a) After September 1, 2011, and before December 1, 2011, the transition team shall coordinate and oversee the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department.
(b) After November 30, 2011, and before March 1, 2012, the transition team shall:

(1) assist the Texas Juvenile Justice Department and advise the Texas Juvenile Justice Board in implementing the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department; and

(2) prepare and submit to the Texas Juvenile Justice Department a transition plan that:

(A) shall include short-term, medium-term, and long-term transition goals for the department; and

(B) may include benchmarks and timelines for completion of certain transition-related tasks, as appropriate.

Sec. 201A.003. ASSISTANCE. The following state agencies shall, on request, assist the transition team with the following matters:

(1) the Legislative Budget Board and the budget, planning, and policy division of the governor's office, with preparation of a suggested budget for the department;

(2) the Department of Information Resources, with the technological needs of the department;

(3) the office of the attorney general, with legal matters concerning the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department;

(4) the comptroller of public accounts, with suggested accounting practices for the department; and
the Texas Facilities Commission, with assistance in efficiently using the office space in which the administrative offices of the Texas Juvenile Probation Commission and the Texas Youth Commission are located and, if necessary, locating additional office space for the administrative offices of the department. [Sections 201A.004-201A.050 reserved for expansion] SUBCHAPTER B. EXPIRATION Sec. 201A.051. EXPIRATION. This chapter expires March 31, 2012. CHAPTER 202. ADMINISTRATIVE PROVISIONS Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a) The board is composed of the following 13 members appointed by the governor with the advice and consent of the senate: (1) one member who is a district court judge of a court designated as a juvenile court; (2) three members who are members of a county commissioners court; (3) one prosecutor in juvenile court; (4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age; (5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age; (6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that
includes 80,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;

(8) one educator, as that term is defined by Section 5.001, Education Code; and

(9) three members of the general public.

(b) Members serve staggered six-year terms, with the terms of four or five members expiring on February 1 of each odd-numbered year.

(c) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(d) The governor shall make appointments to the board without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) A member appointed under Subsections (a)(1)-(6) may not hold office in the same county or judicial district as another member appointed under those subsections.

Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of the board if the person or the person's spouse:

(1) is employed in the field of criminal or juvenile justice;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department;
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(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the department, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(b) A person may not be a board member and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(c) A person may not be a board member or act as the general counsel to the board or the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(d) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of
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business or professional competitors in this state designed to
assist its members and its industry or profession in dealing with
mutual business or professional problems and in promoting their
common interest.

Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.
(a) A judge's place on the board becomes vacant when the judge
cesses to hold a judicial office.
(b) A judge's service on the board is an additional duty of
office.
(c) At the time of appointment to the board, a judge must be a judge of:
   (1) a court designated as a juvenile court; or
   (2) a court that is one of several courts that rotate
being the juvenile court.

Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground
for removal from the board if a member:
   (1) does not have at the time of taking office the qualifications required by Sections 202.001 and 202.003;
   (2) does not maintain during service on the board the qualifications required by Sections 202.001 and 202.003;
   (3) is ineligible for membership under Section 202.002;
   (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term; or
   (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend
during a calendar year unless the absence is excused by majority
vote of the board.

(b) The validity of an action of the board is not affected by
the fact that the action is taken when a ground for removal of a
board member exists.

(c) If the executive director has knowledge that a potential
ground for removal exists, the executive director shall notify the
presiding officer of the board of the potential ground. The
presiding officer shall then notify the governor and the attorney
general that a potential ground for removal exists. If the
potential ground for removal involves the presiding officer, the
executive director shall notify the next highest ranking officer of
the board, who shall then notify the governor and the attorney
general that a potential ground for removal exists.

Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
probation officer who is a board member shall avoid the appearance
of a conflict of interest by not voting or participating in any
decision by the board that solely benefits or penalizes or
otherwise solely impacts the juvenile probation department over
which the chief juvenile probation officer has authority. The
chief juvenile probation officer may not vote or render any
decisions regarding matters of abuse and neglect presented to the
board regarding the chief juvenile probation officer's department.

(b) The board may adopt recusal requirements in addition to
those described by Subsection (a), including requirements that are
more restrictive than those described by Subsection (a).

Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person
who is appointed to and qualifies for office as a member of the
board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the department;
(2) the programs, functions, rules, and budget of the department;
(3) the results of the most recent formal audit of the department;
(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and
(5) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 202.007. REIMBURSEMENT. A board member is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a board member.

Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The board shall hold regular quarterly meetings on dates set by the board and special meetings at the call of the presiding officer.
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(b) The board shall adopt rules regulating the board's proceedings.

(c) The board shall keep a public record of the board's decisions at the board's general office.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the department.

Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The department is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(b) The state auditor, on request of the office of inspector general, may provide information or other assistance to the office of inspector general that the state auditor determines is appropriate. The office of inspector general may coordinate with the state auditor to review or schedule a plan for an investigation under Subchapter C, Chapter 242, or share other information.

(c) The state auditor may access all information maintained by the office of inspector general, such as vouchers, electronic data, and internal records, including information that is otherwise confidential under law. Information obtained by the state auditor under this subsection is confidential and is not subject to disclosure under Chapter 552, Government Code.

(d) Any provision of this title relating to the operations of the office of inspector general does not:

(1) supersede the authority of the state auditor to conduct an audit under Chapter 321, Government Code; or
(2) prohibit the state auditor from:

(A) conducting an audit, investigation, or other review; or

(B) having full and complete access to all records and other information concerning the department, including any witness statement or electronic data, that the state auditor considers necessary for the audit, investigation, or review.

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2017.

CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND DEPARTMENT

Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION.

(a) The board is the governing body of the department and is responsible for the operations of the department.

(b) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the department.

(c) The board shall establish the mission of the department with the goal of establishing a cost-effective continuum of youth services that emphasizes keeping youth in their home communities while balancing the interests of rehabilitative needs with public safety. The board shall establish funding priorities for services that support this mission and that do not provide incentives to incarcerate youth.
Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:

(1) employ an executive director to administer the department; and

(2) supervise the director's administration of the department.

Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

(a) The department shall comply with federal and state laws related to program and facility accessibility.

(b) The board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the department's programs and services.

Sec. 203.004. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The department shall:

(1) coordinate the implementation of the policy
adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 203.005. GIFTS AND GRANTS. (a) The department may apply for and accept gifts and grants from any public or private source.

(b) The department shall deposit money received under this section in the state treasury. The department may use the money for the purpose of funding any activity under this title.

Sec. 203.006. MEDICAID BENEFITS. The department shall:

(1) identify areas in which federal Medicaid program benefits could be used in a manner that is cost-effective for juveniles in the juvenile justice system;

(2) develop a program to encourage application for and receipt of Medicaid benefits;

(3) provide technical assistance to counties relating to eligibility for Medicaid benefits; and

(4) monitor the extent to which counties make use of Medicaid benefits.

Sec. 203.0065. PREVENTION AND INTERVENTION SERVICES. (a) In this section, "prevention and intervention services" means programs and services intended to prevent or intervene in at-risk behaviors that lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system.
(b) The department shall provide prevention and intervention services for:

(1) at-risk youth who are six years of age or older and younger than 18 years of age and who are:

(A) subject to compulsory school attendance under the Education Code; or

(B) under the jurisdiction of the juvenile court;

and

(2) the family of an at-risk youth described by Subdivision (1).

(c) The prevention and intervention services provided under Subsection (b) must:

(1) consolidate prevention and intervention services within the department to avoid fragmentation and duplication of programs and services; and

(2) increase accountability for the delivery and administration of the programs and services.

(d) The department shall, to the extent funds are available:

(1) plan, develop, and administer a comprehensive and unified statewide delivery system of the prevention and intervention services to at-risk youth and their families;

(2) improve the efficiency and responsiveness of prevention and intervention services by facilitating greater coordination and flexibility in the use of funds by state and local service providers;

(3) ensure program effectiveness by funding evidence-based or research-based programs;
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(4) provide accountability for the provision of services in order to demonstrate the impact or public benefit of a program by adopting outcomes measures;

(5) assist local communities in the coordination and development of prevention and intervention services in order to maximize access to federal, state, and local resources; and

(6) provide funding for prevention and intervention services through a competitive process to entities, including private service providers, local juvenile boards, municipal and justice courts, schools, and non-profit organizations.

(e) The department may seek, through a competitive process, an independent services provider with demonstrated experience in administration of similar statewide projects in Texas to effectively and efficiently provide prevention and intervention services and implement the duties under Subsection (d).

(f) The department shall periodically evaluate the continued effectiveness of prevention and intervention services provided under this section.

Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The department may conduct or participate in studies relating to corrections methods and systems and to treatment and therapy programs at the governor's request or on the department's own initiative.

(b) The department shall continuously study the problem of juvenile delinquency in this state and the effectiveness of services provided or regulated by the department under Subtitle B or C and shall report the department's findings to the governor and
the legislature before each regular legislative session.

(c) The department shall keep records relating to juveniles within the juvenile justice system that participate in research programs or studies.

(d) The records must show, for each calendar quarter and for each calendar year:

(1) the number of juveniles participating in research programs or studies for the appropriate reporting period;

(2) the type of research program or study in which each juvenile is participating;

(3) the name of the principal investigator conducting the research program or study; and

(4) the entity sponsoring the research program or study.

(e) The department shall submit a report that contains the information in the records kept under Subsection (d) on or before the 15th day after the last day of the appropriate reporting period to the:

(1) governor;

(2) lieutenant governor;

(3) speaker of the house of representatives; and

(4) members of the senate and house of representatives.

(f) A report submitted under this section is public information under Chapter 552, Government Code.
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"evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.

(b) The department may issue a subpoena requiring the attendance of a witness or the production of evidence that the department considers necessary for the investigation of:

(1) abuse, neglect, or exploitation allegations;

(2) complaints;

(3) financial and programmatic audits of juvenile probation programs, services, and facilities, including juvenile justice alternative education programs; or

(4) any other matter under the authority of the department, including a determination of treatment under Section 244.005.

(c) The department may issue a subpoena under Subsection (b) only if the subpoena is signed by:

(1) the presiding officer of the board or, if the presiding officer is unavailable, the presiding officer's designee; and

(2) at least two other members of the board, including a board member who is a judge.

(d) A hearings examiner appointed by the department may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the hearings examiner considers necessary for a determination of treatment under Section 244.005. The hearings examiner may sign a subpoena.

(e) Any peace officer, department investigator, other department official, or person authorized under Article 24.01, Code
of Criminal Procedure, may serve the subpoena in the same manner
that similar process in a court of record having original
jurisdiction of criminal actions is served.

(f) A subpoena under this section shall be served and
witness fees and mileage paid as in civil cases in the district
court in the county to which the witness is called, unless the
proceeding for which the service or payment is made is under Chapter
2001, Government Code, in which case the service or payment shall be
made as provided in that chapter. Witnesses subpoenaed at the
instance of the department shall be paid their fees and mileage by
the department out of funds appropriated for that purpose.

(g) On application of the department, a court of record
having original jurisdiction of criminal actions may compel the
attendance of a witness, the production of material, or the giving
of testimony before the department, by an attachment for contempt
or in the same manner as the court may otherwise compel the
production of evidence.

(h) The presiding officer or a member of the board may
administer an oath to a witness in attendance before the department
or before an authorized representative of the department.

(i) If a witness in attendance before the department or
before an authorized representative refuses without reasonable
cause to be examined or answer a legal or pertinent question, or to
produce evidence when ordered by the department, the department may
apply to the district court for a rule or order returnable in not
less than two or in more than five days, directing the witness to
show cause before the judge why the witness should not be punished
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for contempt. The department may apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case the department shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the witness under oath and the witness shall be given an opportunity to be heard. If the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce, the judge may immediately find the witness in contempt of court.

(j) The department shall be granted access at any reasonable time to any evidence that is related to any matter the department or executive director considers necessary to administer the department's functions, powers, and duties.

Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES.

(a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;

(2) the director of probation services of the department or the director's designee;

(3) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

(4) one representative of the county commissioners courts appointed by the board;

(5) two juvenile court judges appointed by the board;
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and

(6) seven chief juvenile probation officers appointed by the board as provided by Subsection (b).

(b) The board shall appoint to the advisory council one chief juvenile probation officer from each regional chiefs association in this state from a list of nominees submitted to the board by each regional chiefs association. To the greatest extent practicable, a regional chiefs association shall include in its list of nominees:

(1) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

(2) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age; and

(3) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age.

c) Advisory council members, other than ex officio members, serve staggered two-year terms, with the terms of one-half of the members, as nearly as practicable, expiring on February 1 of each year.

d) The advisory council shall report to the board any determinations made under Subsection (e).

e) The advisory council shall assist the department in:

(1) determining the needs and problems of county
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juvenile boards and probation departments;

(2) conducting long-range strategic planning;

(3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;

(4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board; and

(5) advising the board on any other matter on the request of the board.

(f) The advisory council is not subject to Chapter 2110, Government Code.

Sec. 203.0082. FEES. If the General Appropriations Act does not specify the amount of the fee, the board by rule may establish fees that:

(1) are reasonable and necessary;

(2) produce revenue sufficient for the administration of this chapter; and

(3) do not produce unnecessary revenue.

Sec. 203.009. PUBLIC INTEREST INFORMATION. The department shall prepare information of public interest describing the functions of the department and describing the procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

Sec. 203.010. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints received by the department by or on behalf of a juvenile relating to
the programs, services, or facilities of the department or a local juvenile probation department.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) Criminal complaints initially referred to the office of the inspector general relating to juvenile probation programs, services, or facilities shall be sent to the appropriate local law enforcement agency. Any other complaint shall be referred to the appropriate division of the department. The board by rule shall establish policies for the referral of noncriminal complaints.

(d) The department shall provide immediate notice to a local juvenile probation department of a complaint received by the department relating to the programs, services, or facilities of the local juvenile probation department.

(e) The department shall periodically notify the complaint parties of the status of the complaint until final disposition, unless the notice would jeopardize an undercover investigation. If the complaint relates to a claim of abuse, neglect, or exploitation involving a local juvenile probation department, the department shall provide monthly updates on the status of the complaint and immediate updates regarding department decisions to the local juvenile probation department.

(f) The department shall keep information about each written complaint filed with the department. The information must include:

(1) the subject matter of the complaint;
(2) the parties to the complaint;
(3) a summary of the results of the review or investigation of the complaint;
(4) the period of time between the date the complaint is received and the date the complaint is closed; and
(5) the disposition of the complaint.

Sec. 203.0105. DATA. Any data compiled by a local juvenile probation department related to abuse, neglect, or exploitation of youth, or to complaints regarding juvenile probation programs, that is required by this chapter or by any rule to be reported to the department or local juvenile probation board shall be provided to the office of the independent ombudsman.

Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR. A juvenile probation department that is aggrieved by a decision of the executive director, including a decision relating to standards affecting juvenile probation programs, services, or facilities, may appeal the executive director's decision to the board. The decision of the board is final and cannot be appealed.

Sec. 203.012. ANNUAL FINANCIAL REPORT. The department shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.

Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department shall regularly conduct internal audits of the department, including audits of:
(1) facilities operated by and under contract with
the department; and

(2) medical services provided to children in the
custody of the department.

(b) The department shall on a quarterly basis report the
results of the audits to:

(1) the committees of the senate and house of
representatives with primary jurisdiction over matters concerning
correctional facilities; and

(2) the state auditor.

Sec. 203.014. TOLL-FREE NUMBER. (a) The department shall
establish a permanent, toll-free number for the purpose of
receiving any information concerning the abuse, neglect, or
exploitation of children in the custody of the department or housed
in a local probation facility.

(b) The department shall ensure that:

(1) the toll-free number is prominently displayed in
each department facility and each local probation facility;

(2) children in the custody of the department or
housed in a local probation facility and employees of the
department and the facility have confidential access to telephones
for the purpose of calling the toll-free number; and

(3) the toll-free number is in operation and answered
by staff 24 hours a day, every day of the year.

(c) The department shall share the complaints received on
the toll-free number with the office of inspector general and the
office of the independent ombudsman.
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Sec. 203.015. PROGRAMS AND SERVICES EVALUATION SYSTEM. The department shall establish and implement a system to evaluate the effectiveness of county and state programs and services for youth.

SECTION 1.003. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle B, and a heading is added to read as follows:

SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human Resources Code, are transferred to Subtitle B, Title 12, Human Resources Code, as added by this Act, redesignated as Chapters 221, 222, and 223, respectively, and amended to read as follows:

CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE BOARDS AND JUVENILE PROBATION DEPARTMENTS

SUBCHAPTER A. GENERAL PROVISIONS [SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION]

Sec. 221.001 [141.041]. PROVISION OF PROBATION AND DETENTION SERVICES. (a) The department [commission] shall assist counties in providing probation and juvenile detention services by encouraging the continued operation of county and multi-county juvenile boards or probation offices.

(b) If a county discontinues the provision of juvenile probation services, the department [commission] may directly provide probation or detention services in the county.

Sec. 221.002 [141.042]. GENERAL RULES GOVERNING JUVENILE BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND FACILITIES. (a) The board [commission] shall adopt reasonable rules that provide:
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(1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;

(2) a code of ethics for probation and detention officers and for the enforcement of that code;

(3) appropriate educational, preservice and in-service training, and certification standards for probation and detention officers or court-supervised community-based program personnel;

(4) subject to Subsection (d), minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental unit, except those facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; and

(5) minimum standards for juvenile justice alternative education programs created under Section 37.011, Education Code, in collaboration and conjunction with the Texas Education Agency, or its designee.

(b) In adopting the rules, the board [commission] shall consider local information and evidence gathered through public review and comment.
(c) The department shall operate a statewide registry for all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities [except a facility operated or certified by the Texas Youth Commission].

(d) In adopting rules under Subsection (a)(4), the board shall ensure that the minimum standards for facilities described by Subsection (a)(4) are designed to ensure that juveniles confined in those facilities are provided the rights, benefits, responsibilities, and privileges to which a juvenile is entitled under the United States Constitution, federal law, and the constitution and laws of this state. The minimum standards must include a humane physical and psychological environment, safe conditions of confinement, protection from harm, adequate rehabilitation and education, adequate medical and mental health treatment, and due process of law.

(e) A juvenile board that does not accept state aid funding from the department under Section 223.001 shall report to the department each month on a form provided by the department the same data as that required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the juvenile board. If the department makes available free software to a juvenile board for the automation and tracking of juveniles under the jurisdiction of the juvenile board, the department may require the monthly report to be provided in an electronic format adopted by rule by the board.

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Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING
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INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY

(a) The board by rule shall require juvenile [juvenile] probation departments to [shall] use the mental health screening instrument selected by the department [commission] for the initial screening of children under the jurisdiction of probation departments who have been formally referred to a juvenile probation [the] department. The department [commission] shall give priority to training in the use of this instrument in any preservice or in-service training that the department [commission] provides for probation officers. The rules adopted by the board under this section must allow a [A] clinical assessment by a licensed mental health professional to [may] be substituted for the mental health screening instrument selected by the department [commission] if the clinical assessment is performed in the time prescribed by the department [commission].

(b) [secure] A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by the department [commission], complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.

(c) [secure] Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument or the initial risk and needs assessment instruments under this section is not admissible against the child at any other hearing. The person administering the mental health screening instrument or initial risk and needs
assessment instruments shall inform the child that any statement
made by the child and any mental health data obtained from the child
during the administration of the instrument is not admissible
against the child at any other hearing.

(d) [(a)] A juvenile board that does not accept state aid
funding from the commission under Section 141.081 shall report to
the commission each month on a form provided by the commission the
same data as that required of counties accepting state aid funding
regarding juvenile justice activities under the jurisdiction of the
juvenile board. If the commission makes available free software to
the juvenile board for the automation and tracking of juveniles
under the jurisdiction of the juvenile board, the commission may
require the monthly report to be provided in an electronic format
adopted by the commission.

[++] A juvenile probation department shall report data
from the use of the screening instrument or clinical assessment
under Subsection (a) [++] and the risk and needs assessment under
Subsection (b) [++] to the department [commission] in the format
and at the time prescribed by the department [commission].

(e) [++] The board [commission] shall adopt rules to
ensure that youth in the juvenile justice system are assessed using
the screening instrument or clinical assessment under Subsection
(a) [++] and the risk and needs assessment under Subsection (b)
[++]

Sec. 221.004 [141.042]. STANDARDS RELATING TO LOCAL
PROBATION DEPARTMENTS. (a) The board [commission] shall adopt
rules that provide:
(1) standards for the collection and reporting of information about juvenile offenders by local probation departments;
(2) performance measures to determine the effectiveness of probation services provided by local probation departments; and
(3) case management standards for all probation services provided by local probation departments.

(b) The department [commission] shall monitor local probation departments for compliance with the standards and measures that the board [commission] adopts.

(c) The department [commission] shall provide technical assistance to local probation departments to aid compliance with the standards and measures that the board [commission] adopts.

Sec. 221.005 (14.946). TRAINING AND ASSISTANCE TO LOCAL AUTHORITIES. (a) The department [commission] shall provide educational training and technical assistance to counties, juvenile boards, and probation offices to:
(1) promote compliance with the standards required under this chapter; and
(2) assist the local authorities in improving the operation of probation, parole, and detention services.

(b) The department shall encourage compliance with educational service standards and rights prescribed by state or federal law by:
(1) facilitating interagency coordination and collaboration among juvenile probation departments, school
districts, and the Texas Education Agency; and

(2) developing and supporting a plan to ensure continuity of educational services to juvenile offenders, including special educational services for juveniles with disabilities.

Sec. 221.006. VIOLENCE PREVENTION AND CONFLICT RESOLUTION TRAINING. The department shall:

(1) provide training on request to juvenile probation departments and juvenile boards in violence prevention and conflict resolution programs that include discussion of domestic violence and child abuse issues; and

(2) encourage the inclusion of a violence prevention and conflict resolution program as a condition of probation.

Sec. 221.007. JUVENILE BOARD RECORDS AND REPORTS. Each juvenile board in the state shall:

(1) keep the financial, programmatic, and statistical records the department considers necessary; and

(2) submit periodic financial, programmatic, and statistical reports to the department as required by the department, including electronic submission.

Sec. 221.0071. CHARTER SCHOOL. (a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education may grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under Section 51.12, 51.125, or 51.126, Family
(b) If a local detention, correctional, or residential facility described by Subsection (a) applies for a charter, the facility must provide all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

[Sec. 141.045. GIFTS AND GRANTS. (a) The commission may apply for and accept gifts and grants from any public or private source to use in maintaining and improving probation services in the state.]

(b) The commission shall deposit money received under this section in the state treasury. The commission may use the money only to make payments of state aid under this chapter and to administer this chapter.

Sec. 221.008 [141.046]. INSPECTIONS AND AUDITS. (a) The department [commission] may inspect and evaluate a juvenile board and probation department and audit the juvenile board's [ite] financial, programmatic, and statistical records at reasonable times to determine compliance with the board's [commission's] rules.

(b) The department [commission] may inspect any program or facility operated on behalf of and under the authority of the juvenile board by the probation department, a governmental entity, or private vendor.
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{Sec. 141.0461.  AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION.  (a) In this section, "evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.

(b) The commission may issue a subpoena requiring the attendance of a witness or the production of evidence that the commission considers necessary for the investigation of:

(1) abuse, neglect, or exploitation allegations;

(2) complaints;

(3) financial and programmatic audits of juvenile probation programs, services, and facilities, including juvenile justice alternative education programs, or

(4) any matter under the authority of the commission.

(c) The commission may issue a subpoena under Subsection (b) only if the subpoena is signed by:

(1) the chairman of the commission or, if the chairman is unavailable, the vice-chairman of the commission, and

(2) at least two other members of the commission, including a member who is a judge.

(d) Any peace officer, commission investigator, other commission official, or person authorized under Article 24.01, Code of Criminal Procedure, may serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.

(e) A subpoena under this section shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the
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proceeding for which the service or payment is made is under Chapter 2001, Government Code, in which case the service or payment shall be made as provided in that chapter. Witnesses subpoenaed at the instance of the commission shall be paid their fees and mileage by the commission out of funds appropriated for that purpose.

{(f)} On application of the commission, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the commission, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

{(g)} The chairman or another member of the commission may administer an oath to a witness in attendance before the commission or before an authorized representative of the commission.

{(h)} If a witness in attendance before the commission or before an authorized representative refuses, without reasonable cause, to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the commission, the commission may apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. The commission may apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case the commission shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the
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1 witness under oath and the witness shall be given an opportunity to
2 be heard. If the judge determines that the witness has refused,
3 without reasonable cause or legal excuse, to be examined or answer a
4 legal or pertinent question, or to produce evidence that the
5 witness was ordered to bring or produce, the judge may immediately
6 find the witness in contempt of court.

7 (i) The commission shall be granted access at any
8 reasonable time to any evidence that is related to any matter the
9 commission or executive director considers necessary to administer
10 the commission's functions, powers, and duties.

11 [Sec. 141.047. INTERAGENCY COOPERATION. (a) To improve
12 probation services, the commission may cooperate and contract with
13 (1) the federal government,
14 (2) governmental agencies in this state and other
15 states,
16 (3) political subdivisions of the state, and
17 (4) private agencies.

18 (b) The director, the executive commissioner of the Texas
19 Youth Commission, and the commissioners of education, mental health
20 and mental retardation, and human services shall meet in Austin at
21 least quarterly to
22 (1) discuss mutual problems,
23 (2) resolve conflicts in providing services to
24 juveniles; and
25 (3) make recommendations to the governor and
26 legislature.

27 [Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.

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The director and the executive director of the Texas Youth Commission shall jointly appoint a strategic planning committee to biennially develop a coordinated strategic plan which shall guide, but not substitute for, the strategic plans developed individually by the agencies. The director and the executive director of the Texas Youth Commission are co-presiding officers of the strategic planning committee.

(b) The director shall appoint four members to the strategic planning committee. The director shall appoint at least:

(1) one committee member who represents the interests of families of juvenile offenders;

(2) one committee member who represents the interests of local juvenile probation departments; and

(3) one committee member who is a mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code.

(c) The executive director of the Texas Youth Commission shall appoint four members to the strategic planning committee. The executive director shall appoint at least:

(1) one committee member who represents the interests of juvenile offenders;

(2) one committee member who represents the interests of the victims of delinquent or criminal conduct; and

(3) one committee member who is an educator as defined by Section 5.001, Education Code.

Sec. 221.009 [141.0472]. [COORDINATED] STRATEGIC PLAN; ADOPTION OF PLAN. (a) The board shall develop a [COORDINATED]
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1 strategic plan. The plan [developed by the strategic planning
2 committee under Section 141.0471] must:

3 (1) identify short-term and long-term policy goals;
4 (2) identify time frames and strategies for meeting
5 the goals identified under Subdivision (1);
6 (3) estimate population projections, including
7 projections of population characteristics;
8 (4) estimate short-term and long-term capacity,
9 programmatic, and funding needs;
10 (5) describe intensive service and surveillance
11 parole pilot programs to be [jointly] developed;
12 (6) include an evaluation of aftercare services
13 emphasizing concrete outcome measures, including recidivism and
14 educational progress;
15 (7) identify objective criteria for the various
16 decision points throughout the continuum of juvenile justice
17 services and sanctions to guard against disparate treatment of
18 minority youth;
19 (8) identify [agency] outcome measures by which
20 to evaluate the effectiveness of services provided to youth in the
21 juvenile justice system [the system generally];
22 (9) include a plan of implementation for the
23 development of common data sources and data sharing among the
24 department [commission], juvenile probation departments, [the
25 Texas Youth Commission], the Department of Family and Protective
26 Services, the Department of State Health Services, the Health and
27 Human Services Commission, the Texas Education Agency, and other
state agencies that serve youth in the juvenile justice system;
(10) include the development of new, or the improvement of existing, validated risk assessment instruments;
(11) include strategies to determine which programs are most effective in rehabilitating youth in the juvenile justice system;
(12) include planning for effective aftercare programs and services, including ensuring that youth in the juvenile justice system have personal identification and appropriate referrals to service providers; and
(13) track performance measures to illustrate the costs of different levels of treatment and to identify the most cost-effective programs in each component of the juvenile justice system.

(b) The board shall make its best effort to develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publicly available online, and use those measures in determining funding levels for programs and services. [In addition to the information described by Subsection (a), the coordinated strategic plan must include specific processes and procedures for routinely communicating juvenile justice system information between the commission and the Texas Youth Commission and determining opportunities to coordinate practices for improving outcomes for youth].

(c) The board [governing boards of the commission and the Texas Youth Commission] shall review and adopt the [coordinated]
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strategic plan as provided by Section 2056.002, Government Code [or
before December 1st of each odd-numbered year, or before the
adoption of the agency's individual strategic plan, whichever is
earlier].

[Sec. 141.048. STUDIES. (a) The commission may conduct or
participate in studies relating to corrections methods and systems
and to treatment and therapy programs at the governor's request or
on its own motion.

(b) The commission shall continuously study the
effectiveness of probation services and shall report its findings
to the governor and the legislature before each regular legislative
session.

[Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR
STUDIES. (a) The commission shall keep records relating to
children within the juvenile probation system that participate in
research programs or studies.

(b) The records must show, for each calendar quarter and
for each calendar year,

(1) the number of children participating in research
programs or studies for the appropriate reporting period,

(2) the type of research program or study in which
each child is participating,

(3) the name of the principal investigator conducting
the research program or study, and

(4) the entity sponsoring the research program or
study.

(c) The commission shall submit a report that contains the
information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to the:

(g) governor,
(h) lieutenant governor,
(i) speaker of the house of representatives, and
(j) members of the senate and house of representatives.

(a) A report submitted under this section is public information under Chapter 552, Government Code.

Sec. 221.010 [441.049]. COMPLAINTS RELATING TO JUVENILE BOARDS. (a) The department [commission] shall maintain a system to promptly and efficiently act on a complaint filed with the department [commission] relating to a juvenile board funded by the department [commission]. The department [commission] shall maintain information about parties to the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The department [commission] shall make information available describing the department's [commission's] procedures for the investigation and resolution of a complaint filed with the department [commission] relating to a juvenile board funded by the department [commission].

(c) The department [commission] shall investigate the allegations in the complaint and make a determination of whether there has been a violation of the department's [commission's] rules relating to juvenile probation programs, services, or facilities.
(d) If a written complaint is filed with the department relating to a juvenile board funded by the department, the department shall periodically notify the complainant and the juvenile board of the status of the complaint until final disposition, unless notice would jeopardize an undercover investigation.

Sec. 221.011. INVESTIGATORS. (a) The department may employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.

(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

Sec. 221.012. ANNUAL REPORTS. (a) The department shall report annually to the governor and the legislature on the department's operations and the condition of probation services in the state during the previous year. The report:

(1) may include recommendations; and

(2) must include:

(A) an evaluation of the effectiveness of the community-based programs operated under Section 54.0401, Family Code; and

(B) information comparing the cost of a child participating in a program described by Paragraph (A) with the cost of committing the child to the department.
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(b) The department shall file annually with the governor, the Legislative Budget Board, and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and be submitted by the time provided by the General Appropriations Act.

SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

Sec. 221.051 [141.050]. CONTRACT STANDARDS. (a) In each contract with counties for local probation services, the department shall include:

(1) clearly defined contract goals, outputs, and measurable outcomes that relate directly to program objectives;

(2) clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and

(3) clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

(b) The department shall require each local juvenile probation department:

(1) to include the provisions of Subsection (a) in its contracts with private service providers that involve the use of state funds; and

(2) to use data relating to the performance of private service providers in prior contracts as a factor in selecting providers to receive contracts.

(c) The department shall consider the past...
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performance of a juvenile board when contracting with the juvenile board for local probation services other than basic probation services. In addition to the contract standards described by Subsection (a), a contract with a juvenile board for probation services other than basic probation services must:

(1) include specific performance targets for the juvenile board based on the juvenile board's historic performance of the services; and

(2) require a juvenile board to report on the juvenile board's success in meeting the performance targets described by Subdivision (1).

Sec. 221.052 [141.051]. CONTRACT MONITORING. The department shall establish a formal program to monitor contracts under Section 221.051 [141.050] made by the department. The department must:

(1) monitor compliance with financial and performance requirements using a risk assessment methodology; and

(2) obtain and evaluate program cost information to ensure that each cost, including an administrative cost, is reasonable and necessary to achieve program objectives.

[See. 141.052. MEDICAID BENEFITS. The commission shall:

(1) identify areas in which federal Medicaid program benefits could be used in a manner that is cost-effective for children in the juvenile justice system,

(2) develop a program to encourage application for and receipt of Medicaid benefits,

(3) provide technical assistance to counties]
relating to eligibility for Medicaid benefits; and

[(4) monitor the extent to which counties make use of Medicaid benefits]

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Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES. The commission shall comply with federal and state laws relating to program and facility accessibility. The executive director shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.]

Sec. 221.053 [141.054]. CONTRACTS FOR OUT-OF-STATE JUVENILE INMATES. (a) The only entities other than the state authorized to operate a correctional facility to house in this state juvenile inmates convicted of offenses committed against the laws of another state of the United States are:

(1) a county or municipality; and

(2) a private vendor operating a correctional facility under a contract with a county or municipality.

(b) The board [commission] shall develop rules, procedures, and minimum standards applicable to county or private correctional facilities housing out-of-state juvenile inmates. A contract made under Subsection (a) [of this section] shall require the county, municipality, or private vendor to operate the facility in compliance with minimum standards adopted by the board [commission].

[Sec. 141.055. INVESTIGATORS. (a) The commission may employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and

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exploitation in juvenile justice programs and facilities under
Section 261.405, Family Code.

[(b)] Peace officers employed and commissioned under
Subsection (a) must be certified by the Commission on Law
Enforcement Officer Standards and Education under Chapter 1701,
Occupations Code.

[Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE
SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a)] The
director shall establish a committee to evaluate alternatives to
the juvenile justice system, such as government programs,
faith-based programs, and programs offered by nonprofit
organizations, for children who are accused of engaging in acts of
prostitution.

[(b)] The director shall determine the size of the committee.
The committee must be composed of:

[(1)] members of the Texas Juvenile Probation
Commission, the Texas Youth Commission, and other relevant state
agencies as determined by the director;

[(2)] members of the legislature;

[(3)] members of nongovernmental organizations that
provide programs and services to combat and prevent trafficking of
persons as described by Section 20A.02, Penal Code, in this state,
including the following with respect to that trafficking:

[(A)] programs to promote public awareness;

[(B)] programs to identify and provide services to
victims;

[(C)] legal services; and
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(D) community outreach and training programs;

and

(4) other juvenile justice experts.

(5) Not later than January 1, 2011, the committee shall prepare and deliver to each member of the legislature a report that includes the results of the study and recommendations for alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution.

Sec. 221.054 [141.057]. DATA COLLECTION. (a) The department shall collect comprehensive data concerning the outcomes of local probation programs throughout the state.

(b) Data collected under Subsection (a) must include:

(1) a description of the types of programs and services offered by a juvenile probation department, including a description of the components of each program or service offered; and

(2) to the extent possible, the rate at which juveniles who enter or complete juvenile probation are later committed to the custody of the state.

Sec. 221.055 [141.058]. QUARTERLY REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. (a) The department shall prepare and deliver a quarterly report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a
The report must include a summary of the actions performed by the department [commission] and any applicable juvenile board or juvenile probation department in resolving the complaint.

(b) A report prepared under Subsection (a) is public information under Chapter 552, Government Code, only to the extent authorized by that chapter.

Sec. 221.056. RESIDENTIAL TREATMENT FACILITY.

(a) The department [commission] may contract with a local mental health and mental retardation authority [that, on April 1, 2009, had an unutilized or underutilized residential treatment facility] for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The department [commission] may work in cooperation with the local mental health and mental retardation authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

(b) A residential treatment facility established under this section must provide juveniles receiving treatment at the facility:

(1) a short-term program of mental health stabilization that does not exceed 150 days in duration; and

(2) all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school.
operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

(c) If a residential treatment facility established under this section is unable to provide adequate and sufficient educational opportunities and services to juveniles residing at the facility, the facility may not continue to operate beyond the end of the school year in which the opportunities or services provided by the facility are determined to be inadequate or insufficient.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.

CHAPTER 222. STANDARDS FOR AND REGULATION OF [SUBCHAPTER D.
PROVISIONS RELATING TO] CERTAIN OFFICERS AND EMPLOYEES

SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

Sec. 222.001 [141.061]. MINIMUM STANDARDS FOR PROBATION OFFICERS. (a) To be eligible for appointment as a probation officer, a person who was not employed as a probation officer before September 1, 1981, must:

(1) be of good moral character;

(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(3) have either:

(A) one year of graduate study in criminology,
corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the department; or

(B) one year of experience in full-time case work, counseling, or community or group work:

(1) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and

(ii) that the department determines provides the kind of experience necessary to meet this requirement;

(4) have satisfactorily completed the course of preservice training or instruction and any continuing education required by the department;

(5) have passed the tests or examinations required by the department; and

(6) possess the level of certification required by the department.

(b) The board by rule may authorize the waiver of the requirement of a year of graduate study or full-time employment experience if the authority responsible for employing the officer establishes to the satisfaction of the department that after a diligent search the authority cannot locate a person meeting that requirement to fill a job opening.

(c) The board by rule may authorize the temporary employment of a person who has not completed a course of preservice training, passed the examination, or attained the
required level of certification, contingent on the person meeting those requirements within the time specified by the board.

(d) A person must possess the level of training, experience, and certification required by the department to be eligible for employment in a probation office in a position supervising other probation officers. The department may require several levels of certification to reflect increasing levels of responsibility. A department rule relating to levels of certification does not affect the continued employment of a probation officer in a supervisory position if the person holds that position on the date on which the rule takes effect.

(e) The department may waive any certification requirement, except a fee requirement, for an applicant who has a valid certification from another state that has certification requirements that are substantially equivalent to the requirements in this state.

(f) The department may waive the degree accreditation requirement in Subsection (a)(2) if the applicant possesses a foreign or other degree that the department determines is the substantial equivalent of a bachelor's degree. The board shall adopt rules defining the procedures to be used to request a waiver of the accreditation requirement in Subsection (a)(2).

Sec. 222.002 [141.0611]. MINIMUM STANDARDS FOR DETENTION OFFICERS. To be eligible for appointment as a detention officer, a person who was not employed as a detention officer before September
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1 1, 2005, must:
2  (1) be of good moral character;
3  (2) be at least 21 years of age;
4  (3) have acquired a high school diploma or its equivalent;
5  (4) have satisfactorily completed the course of preservice training or instruction required by the department;
6  (5) have passed the tests or examinations required by the department;
7  (6) possess the level of certification required by the department.

Sec. 222.003. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board by rule shall adopt certification standards for persons who are employed in nonsecure correctional facilities that accept only juveniles who are on probation and that are operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code.

(b) The certification standards adopted under Subsection (a) must be substantially similar to the certification requirements for detention officers under Section 222.002.

Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a chief administrative,
juvenile probation, or detention officer or be made responsible for supervising a juvenile on probation.

(b) For purposes of this section, a chief administrative officer, regardless of title, is the person who is:

(1) hired or appointed by or under contract with the juvenile board; and

(2) responsible for the oversight of the operations of the juvenile probation department or any juvenile justice program operated by or under the authority of the juvenile board.

Sec. 222.005. CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED. (a) A juvenile probation, detention, or corrections officer may not carry a firearm in the course of the person's official duties.

(b) This section does not apply to:

(1) an employee of the department; or

(2) a juvenile probation officer authorized to carry a firearm under Section 142.006.

Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A juvenile probation officer whose jurisdiction covers only one county is considered to be an employee of that county.

SUBCHAPTER B. CERTIFICATION AND EXAMINATION

Sec. 222.051 [141.062]. NOTICE OF CERTIFICATION EXAMINATION RESULTS. (a) Except as provided by Subsection (b) [of this section], the department [commission] shall notify each person taking a certification examination of the results of the examination not later than the 30th day after the date on which the examination is administered.

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(b) The department [commission] shall notify a person taking an examination graded or reviewed by a national testing service of the results not later than the 14th day after the date on which the department [commission] receives the results from the testing service.

(c) If the notice of the examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the department [commission] shall notify the person of the reason for the delay before that 90th day.

Sec. 222.052 [141.063]. ANALYSIS OF EXAMINATION PERFORMANCE. The department [commission] shall furnish a person who fails a certification test administered under this chapter with an analysis of the person's performance on the examination if the person requests the analysis in writing.

Sec. 222.053 [141.064]. REVOCATION OR SUSPENSION OF CERTIFICATION. (a) The department [commission] may revoke or suspend a certification, or reprimand a certified officer:

(1) for a violation of this chapter or a department [commission] rule; or

(2) if, under Subsection (c), a panel determines that continued certification of the person threatens juveniles in the juvenile justice system.

(b) The department [commission] may place on probation a person whose certification is suspended. If the suspension is probated, the department [commission] may require the person to:

(1) report regularly to the department [commission] on
matters that are the basis of the probation; and

(2) continue or review professional education until
the person attains a degree of skill satisfactory to the department
[commission] in those areas that are the basis of the probation.

(c) The executive director may convene, in person or
telephonically, a panel of three board [commission] members to
determine if a person's continued certification threatens
juveniles in the juvenile justice system. If the panel determines
that the person's continued certification threatens juveniles in
the juvenile justice system, the person's license is temporarily
suspended until an administrative hearing is held as soon as
possible under Subsection (d). The executive director may convene
a panel under this subsection only if the danger posed by the
person's continued certification is imminent. The panel may hold a
telephonic meeting only if immediate action is required and
convening the panel at one location is inconvenient for any member
of the panel.

(d) A person is entitled to a hearing before the State
Office of Administrative Hearings if the department [commission]
proposes to suspend or revoke the person's certification.

(e) A person may appeal a ruling or order issued under this
section to a district court in the county in which the person
resides or in Travis County. The standard of review is under the
substantial evidence rule.

[Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF
ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A
peace officer, prosecuting attorney, or other person who is
employed by or who reports directly to a law enforcement or
prosecution officer may not act as a chief administrative,
juvenile probation, or detention officer or be made responsible for
supervising a juvenile on probation.

(b) For purposes of this section, a chief administrative
officer, regardless of title, is the person who is

(1) hired or appointed by or under contract with the
juvenile board; and

(2) responsible for the oversight of the operations
of the juvenile probation department or any juvenile justice
program operated by or under the authority of the juvenile board.

[Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS
PROHIBITED. (a) A juvenile probation, detention, or corrections
officer may not carry a firearm in the course of the person's
official duties.

(b) This section does not apply to:

(1) an employee of the Texas Youth Commission; or

(2) a juvenile probation officer authorized to carry

a firearm under Section 142.006.

[Sec. 141.067. PROBATION OFFICER, COUNTY EMPLOYEE. A
juvenile probation officer whose jurisdiction covers only one
county is considered to be an employee of that county.]

CHAPTER 223 [SUBCHAPTER E]. STATE AID

Sec. 223.001 [141.081]. DETERMINATION OF AMOUNT OF STATE
AID. (a) The department [commission] shall annually allocate
funds for financial assistance to juvenile boards to provide
juvenile services according to current estimates of the number of
juveniles in each county and other factors the department [commission] determines are appropriate.

(b) The legislature may appropriate the amount of state aid necessary to supplement local funds to maintain and improve statewide juvenile services that comply with department [commission] standards.

(c) The department [commission] may set aside a portion of the funds appropriated to the department [commission] for state aid to fund programs designed to address special needs or projects of local juvenile boards.

(d) The commission by rule shall, not later than September 1, 2010, establish one or more basic probation services funding formulas and one or more community corrections funding formulas. The funding formulas established under this subsection must include each grant for which the commission, on or before September 1, 2009, established an allocation formula.

Sec. 223.002 [141.062]. MAINTENANCE OF LOCAL FINANCIAL SUPPORT. (a) To receive the full amount of state aid funds for which a juvenile board may be eligible, a juvenile board must demonstrate to the department's [commission's] satisfaction that the amount of local or county funds budgeted for juvenile services is at least equal to the amount spent, excluding construction and capital outlay expenses, for those services in the 1994 county fiscal year. The department [commission] may waive this requirement only if the juvenile board demonstrates to the department [commission] that unusual, catastrophic, or exceptional circumstances existed during the relevant year to affect adversely
the level of county funding. If the required amount of local funding is not budgeted and the department [commission] does not grant a waiver, the department [commission] shall reduce the allocation of state aid funds to the juvenile board by the amount equal to the amount that the county funding is below the required funding.

(b) For purposes of Subsection (a), the [The] amount spent on juvenile detention and correctional facilities is included in determining the amount of local or county funds. The amount spent for construction or renovation is not included.

(c) The department [commission] must be satisfied at the end of each county fiscal year that the juvenile board actually spent local or county funds for juvenile services in the amount demonstrated to the department [commission] at the beginning of the fiscal year.

(d) The department [commission] may require a rebate of state aid, or [may] withhold state aid to which the juvenile board would otherwise be entitled, as necessary to satisfy the requirement that a juvenile board spend funds as demonstrated.

Sec. 223.003 [141.003]. SPECIAL RULES FOR MULTI-COUNTY JURISDICTIONS. If necessary, the board [commission] by rule may provide for:

(1) the payment of compensation, insurance, retirement, fringe benefits, and related matters to a juvenile probation officer whose jurisdiction covers more than one county;

(2) the centralization of administrative responsibility associated with the state aid program in a county
included in a multi-county jurisdiction; and

(3) the application of Section 223.001 [141.001 of this code] to a multi-county jurisdiction.

Sec. 223.004 [141.004]. PAYMENT OF STATE AID. (a) When the department [commission] determines that a juvenile board complies with the department's [commission's] standards, the department [commission] shall submit to the comptroller a voucher for payment to a juvenile board of the amount of state aid to which the board is entitled.

(b) The juvenile board's fiscal officer shall deposit all state aid received under this chapter in a special fund. The juvenile board may use the funds solely to provide juvenile probation services.

(c) A juvenile board receiving state aid under this chapter is subject to audit by:

(1) the Legislative Budget Board;

(2) the governor's budget, policy, and planning office;

(3) the state auditor and

(4) the comptroller.

(d) A juvenile board receiving state aid under this chapter shall submit reports as required by the department [commission].

Sec. 223.005 [141.005]. REFUSAL, REDUCTION, OR SUSPENSION OF STATE AID. (a) The department [commission] may refuse, reduce, or suspend payment of state aid to:

(1) a juvenile board that fails to comply with the department's [commission's] rules or fails to maintain local
financial support; or

(2) a county that fails to comply with the minimum standards provided under Section 221.002(a)(4).

(b) The department shall provide for notice and a hearing in a case in which the department refuses, reduces, or suspends state aid.

Sec. 223.006. FUNDING AND CONSTRUCTION OF POST-ADJUDICATION FACILITIES. (a) The department may provide state aid to a county to acquire, construct, and equip post-adjudication residential or day-treatment centers from money appropriated for those purposes. The facilities may be used for children who are placed on probation by a juvenile court under Section 54.04, Family Code, as an alternative to commitment to the facilities of the department.

(b) State funds provided to counties under Subsection (a) must be matched by local funds equal to at least one-fourth of the state funds.

(c) From money appropriated for construction of the facilities described by Subsection (a), the department shall contract with the Texas Department of Criminal Justice for construction management services, including:

(1) evaluation of project plans and specifications; and

(2) review and comment on the selection of architects and engineers, change orders, and sufficiency of project inspection.

(d) On completion of the review of project plans and
specifications under Subsection (c), the Texas Department of
Criminal Justice shall issue a comprehensive report that states in
detail the proposed cost of the project. The department
shall use the report in making a comparative
evaluation of proposed projects and shall give priority to the
projects the department finds are the most effective
and economical.

(e) The department may not award money for a
capital construction project for a facility under this section
unless the department receives from the commissioners
court of the county intending to use the facility a written
commitment that the commissioners court has reviewed and accepted
the conditions of the award. If more than one county intends to use
the facility, the department must receive from each
county a written commitment that the county will agree with the
other counties to an interlocal contract to operate the facility in
accordance with the conditions of the award.

(f) A county receiving state aid under this section shall
adhere to department standards for the construction
and operation of a post-adjudication secure residential facility.

(g) For a facility constructed under this section, not more
than 25 percent of the operating costs of the facility may be
reimbursed by the department.

(h) It is the intent of the legislature to appropriate the
full amount of money authorized under Subsection (g).

(i) The commission shall conduct an annual audit of the
operating costs for a fiscal year of a facility constructed under
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this section for each fiscal year through fiscal year 1999. The
commission shall submit a report on the results of the audit to the
Legislative Budget Board and the governor not later than the 60th
day after the last day of the fiscal year covered by the audit.

[44] In this section, "operating costs" means the
operating costs of a facility at an 80-percent occupancy rate.

SECTION 1.005. Title 12, Human Resources Code, as added by
this Act, is amended by adding Subtitle C, and a heading is added to
read as follows:

SUBTITLE C. SECURE FACILITIES

SECTION 1.006. Subchapter G, Chapter 61, Human Resources
Code, is transferred to Subtitle C, Title 12, Human Resources Code,
as added by this Act, redesignated as Chapter 241, and amended to
read as follows:

CHAPTER 241. GENERAL [SUBCHAPTER C—MISCELLANEOUS] PROVISIONS

Sec. 241.001 [61.091]. COOPERATION OF OTHER AGENCIES. To
effectuate the purpose of this subtitle [chapter] and to make
maximum use of existing facilities and personnel, all departments
and agencies of the state and all officers and employees of the
state, when requested by the department [commission], shall
cooperate with the department [at] in all activities consistent
with their proper functions.

Sec. 241.0015 [61.0911]. [COORDINATED] STRATEGIC PLAN.
The department [Texas Youth Commission] shall biennially develop
[with the Texas Juvenile Probation Commission] a [coordinated]
strategic plan in the manner described by Section 221.009 [Sections
141.0471 and 141.0472].
Sec. 241.002 [61.092]. NO FORFEITURE OF CERTAIN CIVIL RIGHTS. Commitment of a child to the custody of the department [commission] does not disqualify the child in any future examination, appointment, or application for public service under the government of the state or of any political subdivision of the state.

[Sec. 61.093. ESCAPE AND APPREHENSION. (a) If a child who has been committed to the commission and placed by it in any institution or facility has escaped or has been released under supervision and broken the conditions of release:

[(1)] a sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or

[(2)] a commission employee designated by the executive commissioner may, without a warrant or other order, take the child into the custody of the commission.

[(b)] A child who is arrested or taken into custody under Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the commission or transported to a commission facility.

[(c)] Notwithstanding Section 58.005, Family Code, the commission may disseminate to the public the following information relating to a child who has escaped from custody:

[(1)] the child's name, including other names by which the child is known;

[(2)] the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars,
marks, and tattoos,

[(3) a photograph of the child; and

[(4) if necessary to protect the welfare of the

community, any other information that reveals dangerous

propensities of the child or expedites the apprehension of the

child.

[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The

commission may employ and commission apprehension specialists as

peace officers for the purpose of apprehending a child under

Section 61.093.

[(b) Peace officers employed and commissioned under

Subsection (a) must be certified by the Commission on Law

Enforcement Officer Standards and Education under Chapter 415,

Government Code.]

Sec. 241.003 [61.094]. YOUTH DEVELOPMENT COUNCIL FUND. The

youth development council fund exists in the treasury as a special

fund for the purposes provided by law.

Sec. 241.004 [61.095]. REQUEST FOR CERTAIN RECORDS. For

the purpose of offering a record as evidence in the punishment phase

of a criminal proceeding, a prosecuting attorney may obtain the

record of a defendant's adjudication that is admissible under

Section 3(a), Article 37.07, Code of Criminal Procedure, by

submitting a request for the record to the department [commission].

If the department [commission] has a record to which the

prosecuting attorney is entitled under this section, the department

[commission] shall furnish a copy of the record to the prosecuting

attorney. Otherwise, the department [commission] shall notify the
prosecuting attorney that the department [commission] does not have
a record to which the attorney is entitled under this section.

Sec. 241.005 [61.996]. LIABILITY OF VOLUNTEERS.
(a) Except as provided by Subsection (b), a volunteer is not
liable for damages arising from an act or omission that results in
personal injury, death, or property damage if the act or omission
is:

(1) in the course and scope of the volunteer's duties
as a volunteer; and

(2) not intentional or grossly negligent.
(b) A volunteer is liable for personal injury, death, or
property damage proximately caused by an act or omission related to
the operation or use of any motor-driven equipment to the extent of
the greater of:

(1) the amount of financial responsibility required
for the motor-driven equipment, if any, under Chapter 601,
Transportation Code; or

(2) the amount of any liability insurance coverage
that applies to the act or omission.
(c) In this section, "volunteer" means an individual
rendering services for or on behalf of the department [commission]
who does not receive compensation in excess of reimbursement for
expenses incurred.

Sec. 241.006 [61.097]. APPLICATION OF LAW RELATING TO FREE
EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice
and Remedies Code, an ordinance, rule, order, decision, or practice
that applies to a person in the custody of a juvenile detention
facilities or other correctional facilities operated by or under contract with the department [commission], a county, or a juvenile probation department is presumed to be in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest. The presumption may be rebutted.

Sec. 241.007 [61.098]. CERTAIN CRIMES CONCERNING THE DEPARTMENT [COMMISSION]. (a) In this section, "special prosecution unit" means the special prosecution unit established under Subchapter E, Chapter 41, Government Code.

(b) As appropriate, the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning the department [commission] and described by Article 104.003(a), Code of Criminal Procedure, may request that the special prosecution unit prosecute, or assist in the prosecution of, the offense or delinquent conduct.

(c) The office of inspector general operated under Subchapter C, Chapter 242, shall on a quarterly basis prepare and deliver to the board of directors of the special prosecution unit a report concerning:

(1) any alleged criminal offense or delinquent conduct concerning the department [commission] and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter; and

(2) the disposition of any case involving a criminal offense or delinquent conduct concerning the department [commission].
and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter.

(d) Notwithstanding Subsection (c), the office of inspector general shall immediately provide the special prosecution unit with a report concerning an alleged criminal offense or delinquent conduct concerning the department [commission] and described by Article 104.003(a), Code of Criminal Procedure, if the chief inspector general reasonably believes the offense or conduct is particularly serious and egregious.

(e) The chief inspector general of the office of inspector general, at the direction of the board of directors of the special prosecution unit, shall notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09, Code of Criminal Procedure, if:

(1) the chief inspector general receives credible evidence of illegal or improper conduct by department [commission] officers, employees, or contractors that the inspector general reasonably believes jeopardizes the health, safety, and welfare of children in the custody of the department [commission];

(2) the chief inspector general reasonably believes the conduct:

(A) could constitute an offense under Article 104.003(a), Code of Criminal Procedure; and

(B) involves the alleged physical or sexual abuse of a child in the custody of a department [commission] facility or an investigation related to the alleged abuse; and

(3) the chief inspector general has reason to believe
that information concerning the conduct has not previously been presented to the appropriate grand jury.

Sec. 241.008 [61.099]. DUTY TO FILE COMPLAINT WITH LAW ENFORCEMENT AGENCY. If the executive director [commissioner] has reasonable cause to believe that a child in the custody of the department [commission] is the victim of a crime committed at a department [commission] facility operated under this subtitle, the executive director [commissioner] shall immediately file a complaint with the appropriate law enforcement agency.

SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human Resources Code, are transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapters 242, 243, 244, and 245, respectively, and amended to read as follows:

CHAPTER 242. OPERATION OF SECURE FACILITIES

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS [SUBCHAPTER C. POWERS AND DUTIES]

Sec. 242.001. STUDY OF TREATMENT METHODS; STATISTICAL RECORDS. (a) The department shall conduct continuing inquiry into the effectiveness of the treatment methods the department employs in the reformation of children. To this end, the department shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the department and shall tabulate, analyze, and publish biennially the data for use in evaluating the relative merits of treatment methods.

(b) The department shall cooperate with courts and private and public agencies in the collection of statistics and information
regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state.

[Sec. 61.031. CONTINUING STUDY. The commission shall carry on a continuing study of the problem of juvenile delinquency in this state and shall seek to focus public attention on special solutions to this problem.]

Sec. 242.002 [61.0315]. EVALUATION OF TREATMENT PROGRAMS.

AVAILABILITY. (a) The department [commission] shall annually review the effectiveness of the department's [commission's] programs for the rehabilitation and reestablishment in society of children committed to the department [commission], including programs for sex offenders, capital offenders, children who are chemically dependent, emotionally disturbed children, and females.

(b) On or before December 31 of each year, the department [commission] shall make a report on the effectiveness of the programs to the Legislative Budget Board.

(c) The department [commission] shall offer or make available programs described by Subsection (a) in an adequate manner so that a child in the custody of the department [commission] receives appropriate rehabilitation services recommended for the child by the court committing the child to the department [commission].

(d) If the department [commission] is unable to offer or make available programs described by Subsection (a) in the manner provided by Subsection (c), the department [commission] shall, not
later than January 10 of each odd-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

(1) which programs are not offered or are unavailable;

and

(2) the reason the programs are not offered or are unavailable.

(e) The department [commission] shall periodically review, document, and compare the accessibility and funding of treatment programs provided to female children committed to the department [commission] to the accessibility and funding of treatment provided to male children committed to the department [commission].

[Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The commission shall administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the commission and shall manage and direct all institutions and training school facilities under the authority of the commission.

[Sec. 61.033. ANNUAL FINANCIAL REPORT. The commission shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.

[Sec. 61.0331. INTERNAL AUDIT REPORT. (a) The commission shall regularly conduct internal audits of the commission,
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1 including audits of:

2 [(1)] correctional facilities operated by and under
3 contract with the commission, and
4 [(2)] medical services provided to children in the
5 custody of the commission.
6 [(b)] The commission shall on a quarterly basis report the
7 results of the audits to:
8 [(1)] the committees of the senate and house of
9 representatives with primary jurisdiction over matters concerning
10 correctional facilities, and
11 [(2)] the state auditor.

Sec. 242.003 [61.034]. POLICIES AND RULES. (a) The board
13 [executive commissioner] is responsible for the review and approval
14 [adoption] of all policies and shall make rules appropriate to the
15 proper accomplishment of the department's [commission's]
16 functions. The board may delegate to the executive director the
17 board's responsibility for the adoption of certain policies as
18 appropriate for the proper accomplishment of the department's
19 functions relating to state-operated facilities and the
20 department's personnel.
21 (b) The board [executive commissioner] shall adopt rules
22 for the government of the schools, facilities, and programs under
23 the department's [commission's] authority under this subtitle and
24 shall see that the schools, facilities, and programs are conducted
25 according to law and to the board's [executive commissioner's]
26 rules.
27 (c) The purpose of the rules and of all education, work,
training, discipline, and recreation adopted under this section[.] and of all other activities in the schools, facilities, and programs is to restore and increase the self-respect and self-reliance of the children [youth] under the authority of the department [commission] and to qualify those children [them] for good citizenship and honorable employment.

[Sec. 61.0345. MISSION STATEMENT. The commission shall develop and adopt a statement regarding the role and mission of the commission.]

Sec. 242.004 [61.035]. EMPLOYEES. (a) Within the limits specified by legislative appropriation, the department [commission] may employ and compensate personnel necessary to carry out the department's [site] duties.

(b) Except as otherwise provided by this subchapter [chapter], an employee of the department [commission] is employed on an at-will basis.

(c) The department [commission] shall establish procedures and practices governing:

(1) employment-related grievances submitted by department [commission] employees; and

(2) disciplinary actions within the department [commission], including a procedure allowing a department [commission] employee to elect to participate in an independent dismissal mediation if the employee is recommended for dismissal.

Sec. 242.005 [61.0351]. PROFESSIONAL INFORMATION FOR ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director [commissioner] shall provide to members of any applicable [the]
advisory board and to department employees, as often as is necessary, information regarding qualifications for office or employment under this chapter and responsibilities under applicable laws relating to standards of conduct for state officers or employees.

[Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the staff of the commission.]

Sec. 242.006 [61.0353]. INTRA-AGENCY CAREER LADDER PROGRAM. The program shall require intra-agency posting of all positions concurrently with any public postings.

Sec. 242.007 [61.0354]. JOB PERFORMANCE EVALUATIONS. The executive director shall develop a system of annual performance evaluations that are based on documented employee performance. All merit pay for department employees must be based on the system established under this section.

Sec. 242.008 [61.0355]. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. (a) The executive director shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement shall include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of
Chapter 21, Labor Code;

(2) a comprehensive analysis of the department's work force that meets federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations;

(3) procedures by which a determination can be made about the extent of underuse in the department's work force of all persons of whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(b) A policy statement prepared under Subsection (a) must cover an annual period, be updated annually, be reviewed by the Texas Workforce Commission for compliance with Subsection (a)(1), and be filed with the governor's office.

(c) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 242.009 [61-0356]. JUVENILE CORRECTIONAL OFFICERS; STAFFING. (a) In this section, "juvenile correctional officer" means a department employee whose primary duties include the custodial supervision of children in the custody of the department.

(b) The department shall provide each juvenile correctional officer employed by the department with
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1 at least 300 hours of training, which must include on-the-job
2 training, before the officer independently commences the officer's
3 duties at the facility. The training must provide the officer with
4 information and instruction related to the officer's duties,
5 including information and instruction concerning:
6 (1) the juvenile justice system of this state,
7 including the juvenile correctional facility system;
8 (2) security procedures;
9 (3) the supervision of children committed to the
10 department [commission];
11 (4) signs of suicide risks and suicide precautions;
12 (5) signs and symptoms of the abuse, assault, neglect,
13 and exploitation of a child, including sexual abuse and sexual
14 assault, and the manner in which to report the abuse, assault,
15 neglect, or exploitation of a child;
16 (6) the neurological, physical, and psychological
17 development of adolescents;
18 (7) department [commission] rules and regulations,
19 including rules, regulations, and tactics concerning the use of
20 force;
21 (8) appropriate restraint techniques;
22 (9) the Prison Rape Elimination Act of 2003 (42 U.S.C.
23 Section 15601, et seq.);
24 (10) the rights and responsibilities of children in
25 the custody of the department [commission];
26 (11) interpersonal relationship skills;
27 (12) the social and cultural lifestyles of children in
the custody of the department [commission];

(13) first aid and cardiopulmonary resuscitation;

(14) counseling techniques;

(15) conflict resolution and dispute mediation, including de-escalation techniques;

(16) behavior management;

(17) mental health issues; and

(18) employee rights, employment discrimination, and sexual harassment.

(c) The department [commission] may employ part-time juvenile correctional officers. A part-time juvenile correctional officer is subject to the training requirements of this section.

(d) In each correctional facility operated by the department [commission] that has a dormitory, including an open-bay dormitory, the department [commission] must maintain a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 persons committed to the facility.

(e) The department [commission] shall consider the age of a juvenile correctional officer or other department [commission] employee who performs direct supervisory duties when determining the placement of the officer or employee in a department [commission] facility so that, to the extent practicable, an officer or employee is not supervising a child who is not more than three years younger than the officer or employee or is otherwise a similar age to the officer or employee.

(f) The department [commission] shall rotate the assignment of each juvenile correctional officer at an interval determined by
the department so that a juvenile correctional officer is not assigned to the same station for an extended period of time.

(g) The department shall ensure that at least one juvenile correctional officer is assigned to supervise in or near a classroom or other location in which children receive education services or training at the time the children are receiving the education services or training.

(h) The board shall adopt rules necessary to administer this section.

Sec. 242.010. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. (a) In this section, "national criminal history record information" means criminal history record information obtained from the Department of Public Safety under Subchapter F, Chapter 411, Government Code, and from the Federal Bureau of Investigation under Section 411.087, Government Code.

(b) The executive director shall review the national criminal history record information, state criminal history record information maintained by the Department of Public Safety, and previous and current employment references of each person who:

(1) is an employee, contractor, volunteer, ombudsman, or advocate working for the department or working in a department facility or a facility under contract with the department;

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(2) provides direct delivery of services to children in the custody of the department; or

(3) has access to records in department facilities or offices.

(c) To enable the executive director to conduct the review, the board shall adopt rules requiring a person described by Subsection (b) to electronically provide the Department of Public Safety with a complete set of the person's fingerprints in a form and of a quality acceptable to the Department of Public Safety and the Federal Bureau of Investigation.

(d) For each person described by Subsection (b), the executive director shall review on an annual basis the person's national criminal history record information.

(e) The department shall ensure that the system used to check state criminal history record information maintained by the Department of Public Safety is capable of providing real time arrest information.

(f) The board by rule may require a person described by Subsection (b) to pay a fee related to the first national criminal history record information review conducted under this section. The amount of the fee may not exceed the administrative costs incurred by the department in conducting the initial review, including the costs of obtaining the person's fingerprints.

(g) The board shall adopt rules necessary to administer this section.
Sec. 242.011. BIENNIAL BUDGET. The executive director shall prepare a biennial budget of all funds necessary to be appropriated by the legislature to the department to carry out the purposes of this subtitle. The budget shall be submitted and filed by the executive director in the form and manner and within the time prescribed by law.

SUBCHAPTER B. SECURE FACILITIES; SERVICES

Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF CHILDREN. (a) The department shall:

(1) administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the department; and

(2) manage and direct all institutions and training school facilities under the authority of the department.

(b) The department shall have general charge of and be responsible for the welfare, custody, and rehabilitation of the children in a school, facility, or program operated or funded by the department. The department shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under the department's care as those needs would be met in an adequate home.

(c) The department shall see that the buildings and premises are kept in good sanitary condition.

Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The department may design, construct, equip, furnish, and maintain buildings and improvements at facilities under the department's
jurisdiction.

(b) The department may employ architects or engineers, or both, to prepare plans and specifications and to supervise the construction and improvements described by Subsection (a).

(c) The board shall promulgate rules relating to the award of contracts for the construction of buildings and improvements. The rules shall provide for the award of contracts for the construction of buildings and improvements to the qualified bidder making the lowest and best bid. A construction contract may not be awarded for a sum in excess of the amount of funds available for the project. The department may reject any and all bids submitted.

(d) If a project is financed wholly or partly by federal funds, any standards required by the enabling federal statute or required by the rules of the administering federal agency control over this section.

(e) The department may employ professional, technical, and clerical personnel to carry out the design and construction functions required by this section.

[Sec. 61.036. COOPERATION WITH OTHER AGENCIES. (a) The commission shall cooperate with all existing agencies and encourage the establishment of new programs, both local and statewide, the object of which is services to delinquent and predelinquent youth of this state.

(b) The commission may assist in developing, strengthening, and coordinating educational, welfare, health, recreational, and law-enforcement programs which have as their object the prevention of juvenile delinquency and crime.]
Sec. 242.053 [61.037]. USE OF EXISTING INSTITUTIONS AND AGENCIES. (a) In carrying out the department's duties, the department may make use of law-enforcement, detention, supervisory, medical, educational, correctional, and other facilities, institutions, and agencies in the state. This section does not authorize the department to assume control of any other agency, institution, or facility in the state, or to require any agency, institution, or facility to serve the department in a manner inconsistent with the authority or function of the agency, institution, or facility or with any law or regulation governing the activity of the agency, institution, or facility.

(b) When funds are available for the purpose, the department may enter into agreements with appropriate public or private agencies for the separate care and treatment of persons subject to the control of the department. The department may not make use of any private institution or agency without its consent. The department shall make reasonable efforts to ensure that the expenditure of appropriations for the purchase of contract residential care for children, not including the purchase of care in foster family homes, be allocated to providers on a fixed monthly basis if that allocation is cost-effective and the number, type, needs, and conditions of the children to be served is reasonably constant.

(c) The department shall periodically inspect all public and private institutions and agencies whose facilities the department is using. Every public and private institution
and agency shall allow the department reasonable opportunity to examine and consult with children who have been committed to the department and who are in the custody of the institution or agency.

(d) Placement of a child in, or the release of a child by, any institution not operated by the department does not terminate the authority of the department over the child. No child placed in an institution or under an agency by the department may be released by the institution or agency without the approval of the department.

Sec. 242.054. HALFWAY HOUSE PROGRAM. (a) The department may not develop a halfway house to be operated by the department if an appropriate private halfway house program is contractually available and the costs under the contract are less than the costs would be if the department provided the services.

(b) Before the department contracts for the development of a halfway house program, the department shall send prospective service providers a request for a proposal that identifies the program services desired, the population to be served, and potential locations for the program. The department shall select the service provider that submits the proposal that best meets the department's needs according to standards established by the department. If the department does not receive a proposal that meets its needs, the department may request funds from the legislature for the development of a halfway house to be
operated by the department [commission].

(c) This section does not apply to halfway houses operated by the department [commission] on September 1, 1987.

Sec. 242.055 [61.0385]. CRISIS INTERVENTION AND ASSESSMENT CENTERS. The department [commission] may establish a children's crisis intervention and assessment center at a facility owned or operated by the department [commission]. The department [commission] may contract with another entity for the provision or use of services at the center.

Sec. 242.056 [61.0386]. ADVOCACY AND SUPPORT GROUPS. (a) The department [commission] shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, or [and] victims of sexual assault to provide on-site information, support, and other services for children confined in department [commission] facilities.

(b) The department [commission] shall adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services under this section. The security and privacy procedures may not be designed to deny an advocacy or support group access to children confined in department [commission] facilities.

(c) The department [commission] shall adopt standards consistent with standards adopted by the Texas Department of Criminal Justice regarding the confidential correspondence of children confined in department [commission] facilities with external entities, including advocacy and support groups.

Sec. 242.057 [61.039]. DEPARTMENT [COMMISSION] PROGRAMS.
(a) The department [commission] shall develop and use standards based on performance to evaluate and compare programs operated by the department [commission].

(b) When practicable and feasible, the department [commission] shall provide specific performance standards for a program serving 10 or more children through an agreement entered into under Section 242.053 [61.037 of this chapter]. In the performance standards, the department [commission] shall include outcome measures for evaluating the quality of services provided under the agreement.

(c) For the purposes of comparison, the department [commission] shall use performance standards that are as consistent as practicable with those used to evaluate and compare programs operated by the department [commission], that measure the benefits and cost-effectiveness of the respective programs, and that measure the average length of stay and rate of recidivism of the children in the program.

Sec. 242.058 [61.0395]. SERVICES FOR CHILDREN NOT COMMITTED TO THE DEPARTMENT [COMMISSION]. The department [commission] may provide services to a child not committed to the department [commission] if the department [commission] contracts with a local juvenile probation department, the Health and [Texas Department of] Human Services Commission, or the Department of Family and Protective [and Regulatory] Services to provide services to the child.

Sec. 242.059 [61.049]. ADDITIONAL FACILITIES; PAROLE SUPERVISION. When funds are available, the department [commission]...
may:

(1) establish and operate places for detention and diagnosis of children committed to it;

(2) establish and operate additional treatment and training facilities, including forestry or parks-maintenance camps and ranches, necessary to classify and treat children committed to the department [commission] according to their needs;

(3) establish active parole supervision to aid children given conditional release to find homes and employment and to become reestablished in the community; and

(4) assist in establishing training facilities and programs owned and operated by private individuals or organizations which agree to provide services to children committed to the department [commission], including programs for children needing long-term residential care.

Sec. 242.060 [61.0401]. COMPUTATION OF DAILY COSTS OF FACILITY. In computing the daily costs of a residential facility operated by the department [commission], the department [commission] shall use a standard method that is:

1. consistent with methods used by other state agencies; and

2. [that is] designed to reflect the actual cost to the state of operating the facility.

Sec. 242.061 [61.041]. STUDY OF TREATMENT METHODS, STATISTICAL RECORDS. (a) The commission shall conduct continuing inquiry into the effectiveness of the treatment methods it employs in the reformation of children. To this end, the commission shall
maintain a record of arrests and commitments of its wards
subsequent to their discharge from the jurisdiction of the
commission and shall tabulate, analyze, and publish biennially
these data for use in evaluating the relative merits of treatment
methods.

[(b) The commission shall cooperate with courts and private
and public agencies in the collection of statistics and information
regarding juvenile delinquency, arrests made, complaints,
informations, and petitions filed, and the dispositions made of
them, and other information useful in determining the amount and
causes of juvenile delinquency in this state.

[See. 61.042]. REFERRALS FROM FEDERAL COURT. The
department (commission) may enter into agreements with the federal
government to accept children from the federal court for an agreed
compensation.

Sec. 242.062 [61.0421. PUBLIC INTEREST INFORMATION. The
commission shall prepare information of public interest describing
the functions of the commission and describing the procedures by
which complaints are filed with and resolved by the commission. The
commission shall make the information available to the general
public and appropriate state agencies.

[See. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The
commission shall maintain a system to promptly and efficiently act
on a complaint filed with the commission by a person, other than a
child receiving services from the commission or the child's parent
or guardian, that the commission has authority to resolve. The
commission shall maintain information about parties to the
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1 complaint, the subject matter of the complaint, a summary of the
2 results of the review or investigation of the complaint, and the
3 disposition of the complaint.

4 (b) The commission shall make information available
5 describing the commission's procedures for complaint investigation
6 and resolution.

7 (c) The commission shall periodically notify the complaint
8 party of the status of the complaint until final disposition,
9 unless the notice would jeopardize an undercover investigation.

10 (d) The commission shall keep information about each
11 written complaint filed with the commission by a child receiving
12 services from the commission or the child's parent or guardian. The
13 information must include

14 (1) the subject matter of the complaint;
15 (2) a summary of the results of the review or
16 investigation of the complaint, and
17 (3) the period of time between the date the complaint
18 is received and the date the complaint is closed.

19 [Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall
20 develop and implement policies that provide the public with a
21 reasonable opportunity to appear before the board and to speak on
22 any issue under the jurisdiction of the commission.

23 (b) The board shall ensure that the location of public
24 hearings held in accordance with this section is rotated between
25 municipalities in which a commission facility is located or that
26 are in proximity to a commission facility.

27 [Sec. 61.043. GIFTS, GRANTS. The commission may accept

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gifts, grants, or donations of money or property from private sources to effectuate the purpose of this chapter. Donated funds shall be placed in the state treasury in a special fund called the Texas Youth Commission Fund and expended as other state money is expended, on warrants drawn by the comptroller on the order of the commission. At the end of each state fiscal year, any unexpended balance in the fund shall be carried over in the same fund.

[Sec. 61.0411]. SPECIAL ACCOUNTS. (a) Proceeds from the operation of canteens and vending machines at facilities under the jurisdiction of the department shall be deposited to the credit of a special account in the General Revenue Fund called the canteen revolving fund. The proceeds shall be used to pay the actual expenses of maintaining and operating the canteens and vending machines.

(b) Proceeds in excess of the amount required for the expenses described by Subsection (a), donations for student activities, and proceeds from children's fundraising projects shall be deposited to the credit of a special account in the General Revenue Fund called the student benefit fund and may be used only to:

(1) provide education, recreation, and entertainment to children committed to the department; or

(2) reimburse children committed to the department for personal property lost or damaged as a result of negligence by the staff of the department.

(c) Proceeds from shop projects at the facilities under the department's jurisdiction shall be
deposited to the credit of a special account in the General Revenue Fund called the vocational shop fund and may be used only to:

1. purchase and maintain parts, tools, and other supplies necessary for the shop projects;
2. [the] compensate the students who participate in the projects.

(d) [members] Registration fees from seminars and conferences conducted by the department [commission] shall be deposited to the credit of a special account in the General Revenue Fund called the conference account and may be used only to pay the costs of conducting seminars and conferences.

(e) [members] Money in the special accounts described by this section is appropriated for the purposes indicated in this section and shall be expended on warrants drawn by the comptroller on the order of the department [commission].

Sec. 242.063 [61-0432]. STUDENT TRUST FUND; CONTRABAND MONEY. (a) Except as provided by Subsection (b), money belonging to a child committed to the department [commission] in excess of the amount the department [commission] allows in a child's possession shall be deposited in a trust fund established by the facility operated by the department [commission] to which the child is assigned. The board [commission] shall adopt rules governing the administration of the trust fund.

(b) Money possessed by a child committed to the department [commission] that is determined to be contraband money as defined by department [commission] rule shall be deposited in the student benefit fund described by Section 242.062(b) [61-0432]. The
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department [commission] shall notify each child committed to the
department [commission] that the possession of contraband money is
subject to confiscation by the department [commission] under this
subsection.

Sec. 242.064 [61.0433]. DEBIT CARD SUSPENSE ACCOUNTS.

(a) The department [commission] may establish debit card suspense
accounts necessary to operate magnetic debit card systems at
facilities under the jurisdiction of the department [commission] to
enable the students, employees, and visitors to make purchases of:

(1) merchandise from vending machines or canteens
within the facilities;

(2) meals from cafeterias within the facilities; and

(3) services that the facilities are authorized to
provide.

(b) Cash received from cash-to-card machines and amounts
electronically transferred for card use from the students' trust
fund accounts shall be deposited to debit card suspense accounts in
local depositories and held pending card purchases.

(c) Transfers of cash based on card use for purchases of
merchandise or services shall be made from the debit card suspense
accounts to the appropriate vendors and to accounts in the state
treasury in accordance with laws governing receipt of state
revenues.

(d) Unused debit card balances shall be refunded to the card
holders from the debit card suspense accounts.

Sec. 242.065 [61.044. BIENNIAL BUDGET. The executive
commissioner shall prepare a biennial budget of all funds necessary
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to be appropriated by the legislature to the commission to carry out
the purposes of this chapter. The budget shall be submitted and
filed by the executive commissioner in the form and manner and
within the time prescribed by law.

[Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES.]

(a) The commission shall have general charge of and be responsible
for the welfare, custody, and rehabilitation of the children in a
school, facility, or program operated or funded by the commission.
The commission shall seek to establish relationships and to
organize a way of life that will meet the spiritual, moral,
physical, emotional, intellectual, and social needs of the children
under its care as those needs would be met in an adequate home.

(b) The commission shall see that the buildings and
premises are kept in good sanitary order.

[Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The
office of inspector general is established at the commission for
the purpose of investigating:

(1) crimes committed by commission employees,
including parole officers employed by or under a contract with the
commission; and

(2) crimes and delinquent conduct committed at a
facility operated by the commission, a residential facility
operated by another entity under a contract with the commission, or
any facility in which a child committed to the custody of the
commission is housed or receives medical or mental health
treatment.

(b) The office of inspector general shall prepare and
deliver a report concerning the results of any investigation conducted under this section to:

(1) the executive commissioner,
(2) the advisory board,
(3) the governor,
(4) the lieutenant governor,
(5) the speaker of the house of representatives,
(6) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities,
(7) the special prosecution unit,
(8) the state auditor, and
(9) any other appropriate state agency responsible for licensing or certifying commission employees or facilities.

(e) The report prepared under Subsection (d) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or delinquent conduct occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and commissioned under
Subsection (d) must:

(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code, and

(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.

(f) The executive commissioner shall select a commissioned peace officer as chief inspector general. The chief inspector general is subject to the requirements of this section and may only be discharged for cause.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the executive commissioner;

(2) the advisory board;

(3) the governor;

(4) the lieutenant governor;

(5) the speaker of the house of representatives;

(6) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;

(7) the state auditor; and

(8) the comptroller.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent
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authorized under that chapter and other law, and the commission shall publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

[(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;

[(2) the relationship of a victim to a perpetrator, if applicable, and

[(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the commission.

[(1) The office of inspector general shall immediately report to the executive director, the board, the governor's general counsel, and the state auditor:

[(1) any particularly serious or flagrant problem concerning the administration of a commission program or operation;

[(2) any interference by the executive director, an employee of the commission, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.

[See. 61.0452, TOLL-FREE NUMBER. (a) The commission shall establish a permanent, toll-free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the commission.

[(b) The office of inspector general shall ensure that
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(1) the toll-free number is prominently displayed in each commission facility, and
(2) children in the custody of the commission and commission employees have confidential access to telephones for the purpose of calling the toll-free number.

[Sec. 61.046]. RELIGIOUS TRAINING. The department [commission] shall provide for the religious and spiritual training of children in its custody according to the children's individual choices.

Sec. 242.066 [61.0461]. EMPLOYMENT OR DESIGNATION OF CHAPLAIN AT CERTAIN DEPARTMENT [COMMISSION] FACILITIES. The department [commission] shall ensure that a chaplain is employed or formally designated for each department [commission] correctional facility that is an institution.

Sec. 242.067 [61.047]. VIOLENCE PREVENTION AND CONFLICT RESOLUTION EDUCATION. The department [commission] shall provide education in violence prevention and conflict resolution that includes discussion of domestic violence and child abuse issues to all children in its custody.

Sec. 242.068 [61.048]. BUILDINGS AND IMPROVEMENTS. (a) The commission may design, construct, equip, furnish, and maintain buildings and improvements at facilities under its jurisdiction. The commission may employ architects or engineers, or both, to prepare plans and specifications and to supervise the construction and improvements. The commission shall promulgate rules relating to the award of contracts for the construction of buildings and improvements. The rules shall provide for the award...
of contracts for the construction of buildings and improvements to
the qualified bidder making the lowest and best bid. A construction
contract may not be awarded for a sum in excess of the amount of
funds available for the project. The commission may reject any and
all bids submitted.

(b) If a project is financed in whole or in part by federal
funds, any standards required by the enabling federal statute or
required by the rules of the administering federal agency control
over this section.

(c) The commission may employ professional, technical, and
clerical personnel to carry out the design and construction
functions required by this section.

[Sec. 61.050]. FIRE PROTECTION ACTIVITIES. (a) The
department [commission] may perform fire protection, fire
prevention, and fire suppression activities at department
[commission] facilities.

(b) The department [commission] may prescribe circumstances
under which, for the benefit of the public safety and welfare,
department [commission] employees using department [commission]
equipment may assist municipal or volunteer fire departments in the
performance of fire protection, fire prevention, or fire
suppression activities near department [commission] facilities.

Sec. 242.069 [61.061]. CLIENT SERVICE CONTRACT STANDARDS.
In each contract for the purchase of residential program-related
client services, the department [commission] shall include:

(1) clearly defined contract goals, outputs, and
measurable outcomes that relate directly to program objectives;
(2) clearly defined sanctions or penalties for failure

to comply with or perform contract terms or conditions; and

(3) clearly specified accounting, reporting, and

auditing requirements applicable to money received under the

contract.

Sec. 242.070 [61.053]. CONTRACT MONITORING. The

department [commission] shall establish a formal program to monitor

residential program-related client services contracts made by the

department [commission]. The department [commission] must:

(1) monitor compliance with financial and performance

requirements using a risk assessment methodology; and

(2) obtain and evaluate program cost information to

ensure that each cost, including an administrative cost, is

reasonable and necessary to achieve program objectives.

Sec. 242.071 [61.053]. MEDICAID BENEFITS. The commission

shall apply for benefits under the federal Medicaid program if

application is cost effective in reducing health care costs

incurred by the commission.

[Sec. 61.054]. SALE OR LICENSE OF TREATMENT PROGRAMS.

(a) The department [commission] may sell or license to an

individual or a private or public entity the right to use a

treatment program developed by the department [commission].

(b) Proceeds from the sale or license of a treatment program

shall be deposited to the credit of the fund that provided the money

to finance the development of the treatment program.

(c) At the end of each fiscal year, any unexpended proceeds

from the sale or license of a treatment program shall be carried
over to the next fiscal year to the credit of the fund that provided
the money to finance the development of the treatment program.

SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT
FACILITIES OR BY DEPARTMENT EMPLOYEES
Sec. 242.101 [61.Q§§]. ZERO-TOLERANCE POLICY.  (a) The
department [commission] shall adopt and enforce a zero-tolerance
policy concerning the detection, prevention, and punishment of the
sexual abuse, including consensual sexual contact, of children in
the custody of the department [commission].

(b) The department [commission] shall establish standards
for reporting and collecting data on the sexual abuse of children in
the custody of the department [commission].

(c) The department [commission] shall establish a procedure
for children in the custody of the department [commission] and
department [commission] employees to report incidents of sexual
abuse involving a child in the custody of the department
[commission]. The procedure must designate a person employed at
the department [commission] facility in which the abuse is alleged
to have occurred as well as a person who is employed at the
department's [commission's] headquarters to whom a person may
report an incident of sexual abuse.

(d) The department [commission] shall prominently display
the following notice in the office of the chief administrator of
each department [commission] facility, the employees' break room of
each department [commission] facility, the cafeteria of each
department [commission] facility, and at least six additional
locations in each department [commission] facility:
THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF A CHILD IN THE CUSTODY OF THE DEPARTMENT [COMMISSION]. ANY SUCH VIOLATION MUST BE REPORTED TO ________.

Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established at the department under the direction of the board for the purpose of investigating:

(1) crimes committed by department employees, including parole officers employed by or under a contract with the department; and

(2) crimes and delinquent conduct committed at a facility operated by the department, a residential facility operated by another entity under a contract with the department, or any facility in which a child committed to the custody of the department is housed or receives medical or mental health treatment.

(b) The office of inspector general shall prepare and deliver a report concerning the results of any investigation conducted under this section to:

(1) the board;
(2) the executive director;
(3) any applicable advisory board;
(4) the governor;
(5) the lieutenant governor;
(6) the speaker of the house of representatives;
(7) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning

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correctional facilities;

(8) the special prosecution unit;
(9) the state auditor; and
(10) any other appropriate state agency responsible for licensing or certifying department employees or facilities.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or delinquent conduct occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and commissioned under Subsection (d) must:

(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code; and

(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.

(f) The board shall select a commissioned peace officer as
chief inspector general. The chief inspector general:

(1) operates directly under the authority of the board;
(2) is subject to the requirements of this section; and
(3) may only be discharged by the board for cause.

The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the board;
(2) the executive director;
(3) any applicable advisory board;
(4) the governor;
(5) the lieutenant governor;
(6) the speaker of the house of representatives;
(7) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;
(8) the state auditor; and
(9) the comptroller.

A report prepared under Subsection (q) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department shall publish the report on the department's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the types of investigations conducted by the
office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;
(2) the relationship of a victim to a perpetrator, if applicable; and
(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department.

(i) The office of inspector general shall immediately report to the board, the governor's general counsel, and the state auditor:
(1) any particularly serious or flagrant problem concerning the administration of a department program or operation;
or
(2) any interference by the executive director, an employee of the department, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.

Sec. 242.103 [61.0455]. DETECTION AND MONITORING OF CELLULAR TELEPHONES. (a) The department [commission] may own and the office of the inspector general may possess, install, operate, or monitor an electronic, mechanical, or other device, as defined by Article 18.20, Code of Criminal Procedure.

(b) The inspector general shall designate in writing the commissioned officers of the office of inspector general who are authorized to possess, install, operate, and monitor electronic, mechanical, or other devices for the department [commission].

(c) An investigative or law enforcement officer or other
person, on request of the office of inspector general, may assist
the office in the operation and monitoring of an interception of
wire, oral, or electronic communications if the investigative or
law enforcement officer or other person:

(1) is designated by the executive director
for that purpose; and

(2) acts in the presence and under the direction of a
commissioned officer of the inspector general.

CHAPTER 243 [SUBCHAPTER D]. ADMISSION AND COMMITMENT; ESCAPE

SUBCHAPTER A. ADMISSION AND COMMITMENT

Sec. 243.001 [61.061]. PLACEMENT IN DEPARTMENT

[COMMISSION] FACILITIES. (a) The department [commission] may not
assign a child younger than 15 years of age to the same correctional
facility dormitory as a person who is at least 17 years of age
unless the department [commission] determines that the placement is
necessary to ensure the safety of children in the custody of the
department [commission]. This subsection does not apply to a
dormitory that is used exclusively for short-term assessment and
orientation purposes.

(b) The board [commission] by rule shall adopt scheduling,
housing, and placement procedures for the purpose of protecting
vulnerable children in the custody of the department [commission].
The procedures must address the age, physical condition, and
treatment needs of a child as well as any other relevant factor.

(c) The department [commission] shall consider the
proximity of the residence of a child's family in determining the
appropriate department [commission] facility in which to place a
Sec. 243.002 [61.062]. ESTABLISHMENT OF MINIMUM LENGTH OF STAY. (a) The department [commission] shall establish a minimum length of stay for each child committed to the department [commission] without a determinate sentence.

(b) In establishing a minimum length of stay for a child, the department [commission] shall consider:

(1) the nature of and seriousness of the conduct engaged in by the child; and

(2) the danger the child poses to the community.

Sec. 243.003 [61.064]. CONVEYANCE OF CHILD TO DEPARTMENT [COMMISSION]. (a) When a child is to be conveyed to a facility designated by the department [commission], the juvenile court shall assign an officer or other suitable person to accompany the child. The person assigned to accompany a female must be a woman.

(b) The cost of conveying the child shall be paid by the county from which the child is committed, except that [However] no compensation shall be allowed other than [except] for the actual and necessary expenses of the child and the person accompanying the child.

Sec. 243.004 [61.065]. NOTIFICATION AND DUTY TO FURNISH INFORMATION. (a) When a juvenile court commits a child to the department [commission], the court shall forward to the department [commission] a certified copy of the order of commitment.

(b) The court, the probation officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the department [commission] all
pertinent information in their possession regarding the case.

(c) If requested by the department [commission], the reports required by this section shall be made on forms furnished by the department [commission] or according to an outline furnished by the department [commission].

Sec. 243.005 [61.0651]. INFORMATION PROVIDED BY COMMITTING COURT. In addition to the information provided under Section 243.004 [61.065], a court that commits a child to the department [commission] shall provide the department [commission] with a copy of the following documents:

(1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;
(2) if the commitment is a result of revocation of probation, a copy of the conditions of probation and the revocation order;
(3) the social history report for the child;
(4) any psychological or psychiatric reports concerning the child;
(5) the contact information sheet for the child's parents or guardian;
(6) any law enforcement incident reports concerning the offense for which the child is committed;
(7) any sex offender registration information concerning the child;
(8) any juvenile probation department progress reports concerning the child;
(9) any assessment documents concerning the child;
(10) the computerized referral and case history for
the child, including case disposition;
(11) the child's birth certificate;
(12) the child's social security number or social
security card, if available;
(13) the name, address, and telephone number of the
court administrator in the committing county;
(14) Title IV-E eligibility screening information for
the child, if available;
(15) the address in the committing county for
forwarding funds collected to which the committing county is
entitled;
(16) any of the child's school or immunization records
that the committing county possesses;
(17) any victim information concerning the case for
which the child is committed; and
(18) any of the child's pertinent medical records that
the committing court possesses.

Sec. 243.006 [61.066]. COMMITMENT RECORDS. A commitment to
the department [commission] may not be received in evidence or used
in any way in any proceedings in any court except in:
(1) subsequent proceedings under Title 3 of the Family
Code against the same child;
(2) imposing sentence in any criminal proceedings
against the same person; or
(3) subsequent civil commitment proceedings under
Chapter 841, Health and Safety Code, regarding the same person.
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Sec. 243.007. INFORMATION PROVIDED TO COMMITTING COURT. (a) If a court that commits a child to the department requests, in the commitment order, that the department keep the court informed of the progress the child is making while committed to the department, the department shall provide the court with periodic updates on the child's progress.

(b) A report provided under Subsection (a) may include any information the department determines to be relevant in evaluating the child's progress, including, as applicable, information concerning the child's treatment, education, and health.

(c) A report provided under this section may not include information that is protected from disclosure under state or federal law.

SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF RELEASE CONDITIONS. (a) If a child who has been committed to the department and placed by the department in any institution or facility has escaped or has been released under supervision and broken the conditions of release:

1. A sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or

2. A department employee designated by the executive director may, without a warrant or other order, take the child into the custody of the department.

(b) A child who is arrested or taken into custody under
Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the department or transported to a department facility.

(c) Notwithstanding Section 58.005, Family Code, the department may disseminate to the public the following information relating to a child who has escaped from custody:

(1) the child's name, including other names by which the child is known;
(2) the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;
(3) a photograph of the child; and
(4) if necessary to protect the welfare of the community, any other information that reveals dangerous propensities of the child or expedites the apprehension of the child.

Sec. 243.052. APPREHENSION SPECIALISTS. (a) The department may employ and commission apprehension specialists as peace officers for the purpose of apprehending a child under Section 243.051.

(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Texas Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.
CHAPTER 244 [SUBCHAPTER A]. CARE AND TREATMENT OF CHILDREN

SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

Sec. 244.001 [61.071]. INITIAL EXAMINATION. (a) The department shall examine and make a study of each child committed to it within three business days after commitment. The study shall be made according to rules established by the board and shall include:

(1) long-term and specialized treatment planning for the child; and

(2) consideration of the child's:

(A) medical history;

(B) substance abuse history;

(C) treatment history, including the child's psychiatric history;

(D) sex offender history; and

(E) violent offense history.

(a-1) As soon as possible, the department shall develop a written treatment plan for the child which outlines the specialized treatment needs identified by the study described by Subsection (a), makes recommendations for meeting the child's specialized treatment needs, and makes an individually tailored statement of treatment goals, objectives, and timelines.

(b) For a child for whom a minimum length of stay is established under Section 243.002 [61.062] of one year or longer, the initial examination must include a comprehensive psychiatric evaluation unless the department had received the results of a
comprehensive evaluation of the child conducted not more than 90
days before the date of the initial examination.

(c) The department [commission] shall administer
comprehensive psychological assessments to a child as part of the
child's initial examination, including assessments designed to
identify whether a child is in need of a psychiatric evaluation. If
the results of a child's psychological assessments indicate that
the child is in need of a psychiatric evaluation, the department
[commission] shall as soon as practicable conduct a psychiatric
evaluation of the child.

(d) The board shall establish rules for the periodic review
and reevaluation of the written treatment plan as described by
Subsection (a-1).

Sec. 244.002 [61.071]. HEALTH CARE DELIVERY SYSTEM.
(a) In providing medical care, behavioral health care, or
rehabilitation services, the commission shall integrate the
provision of those services in an integrated comprehensive delivery
system.

(b) The delivery system may be used to deliver any medical,
behavioral health, or rehabilitation services provided to a child
in the custody of the commission, including:

[(1) health care,
(2) dental care,
(3) behavioral health care,
(4) substance abuse treatment,
(5) nutrition,
(6) programming,
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[47] case management, and
[48] general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.

[Sec. 61.072]. REEXAMINATION. (a) The department shall periodically reexamine each child under its control, except those on release under supervision or in foster homes, for the purpose of determining whether a rehabilitation plan made by the department concerning the child should be modified or continued.

(b) The reexamination must include a study of all current circumstances of a child's personal and family situation and an evaluation of the progress made by the child since the child's last examination.

(c) The reexamination of a child may be made as frequently as the department considers necessary, but shall be made at intervals not exceeding six months.

Sec. 244.003 [61.072]. RECORDS OF EXAMINATIONS AND TREATMENT. (a) The department shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c) [61.093(c)], these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 244.051 [61.0731, Human Resources Code], and
Chapter 61, Code of Criminal Procedure.

Sec. 244.004 [61.0731]. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS. (a) In the interest of achieving the purpose of the commission and protecting the public, the commission may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the commission receiving information from the same or similar sources in the future. Information concerning a person who is age 18 or older may not be disclosed to the person's parent or guardian without the person's consent.

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

(c) The commission may disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the commission.

(d) Notwithstanding Subsection (a), if the Department of Family and Protective Services has been appointed managing conservator for a child, the commission shall disclose records and other information concerning the child to the department as provided by department rules.
[See 61.074]. FAILURE TO EXAMINE OR REEXAMINE.

(a) Failure of the department [commission] to examine or reexamine a child as required by this subchapter [chapter] does not entitle the child to be discharged from the control of the department [commission], but the child may petition the committing court for discharge.

(b) After due notice to the department [commission], the committing court shall discharge the child from the control of the department [commission] unless the department [commission] satisfies the court that further control is necessary.

Sec. 244.005 [61.075]. DETERMINATION OF TREATMENT. When a child has been committed to the department [commission], the department [commission] may:

(1) permit the child liberty under supervision and on conditions the department [+] believes conducive to acceptable behavior;

(2) order the child's confinement under conditions the department [+] believes best designed for the child's welfare and the interests of the public;

(3) order reconfine ment or renewed release as often as conditions indicate to be desirable;

(4) revoke or modify any order of the department [commission] affecting a child, except an order of final discharge, as often as conditions indicate; or

(5) discharge the child from control when the department [+] is satisfied that discharge will best serve the child's welfare and the protection of the public.
Sec. 244.006 61.0751. SUBPOENAS.  (a) A hearing examiner appointed by the commission may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the hearing examiner considers necessary for a determination of treatment under Section 61.075.

[(b) The hearing examiner may sign a subpoena and administer an oath.

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

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

[(e) On application of the commission, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the hearing examiner, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

[See—61.076]. TYPE OF TREATMENT PERMITTED. (a) As a means of correcting the socially harmful tendencies of a child committed to the department [44], the department [commission] may:

(1) require the child to participate in moral, academic, vocational, physical, and correctional training and activities;
(2) require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public;
(3) provide any medical or psychiatric treatment that is necessary; and
(4) place physically fit children in parks-maintenance camps, forestry camps, or ranches owned by the state or the United States and require the performance of suitable conservation and maintenance work.

(b) The dominant purpose of placing children in camps is to benefit and rehabilitate the children rather than to make the camps self-sustaining. Children placed in camps may not be exploited.

Sec. 244.007. FAMILY PROGRAMS. The department shall develop programs that encourage family involvement in the rehabilitation of the child.

Sec. 244.0075. RESTRAINT OF PREGNANT JUVENILE.
(a) The department may not use restraints to control the movement of a pregnant child who is committed to the department at any time during which the child is in labor or delivery or recovering from delivery, unless the executive director or executive director's designee determines that the use of restraints is necessary to:
(1) ensure the safety and security of the child or her infant, department medical personnel, or any member of the public; or
(2) prevent a substantial risk that the child will attempt escape.
(b) If a determination to use restraints is made under Subsection (a), the type of restraint used and the manner in which the restraint is used must be the least restrictive available under the circumstances to ensure safety and security or to prevent escape.

Sec. 244.008 [el.0762]. INFANT CARE AND PARENTING PROGRAM.
(a) In this section, "child" means the child of a person who is committed to the department [commission].
(b) The department [commission] may establish child care and parenting programs for persons committed to the department [commission] who are parents.
(c) The department [commission] may permit a mother to have possession of her child in a residential program that has an infant care and parenting program or to have possession of her child in a department-funded [commission-funded] independent living residence for up to six months if:
   (1) the child's father or another relative or guardian of the child agrees in advance of the child's placement with the child's mother to assume possession of the child immediately upon notice by the department [commission] to do so;
   (2) the child's parents and any other person having a duty of support acknowledge that by permitting the mother to have possession of the child while the mother is confined in a residential facility or placed in an independent living residence, the department [commission] assumes no responsibility for the child's care beyond the responsibility of care that is ordinarily due the child's mother and the reasonable accommodations that are
necessary for the mother's care of her child;

(3) the child's parents and any other person having a
duty of support agree to indemnify and hold the department
(hereinafter referred to as "the department") harmless from any claims that may be made against the
department for the child's support, including medical
support; and

(4) the department determines that the
placement is in the best interest of both the mother and her child.

Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In
providing medical care, behavioral health care, or rehabilitation
services, the department shall integrate the provision of those
services in an integrated comprehensive delivery system.

(b) The delivery system may be used to deliver any medical,
behavioral health, or rehabilitation services provided to a child
in the custody of the department, including:

(1) health care;

(2) dental care;

(3) behavioral health care;

(4) substance abuse treatment;

(5) nutrition;

(6) programming;

(7) case management; and

(8) general rehabilitation services, including
educational, spiritual, daily living, recreational, and security
services.

Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The
commission, in consultation with advocacy and support groups such
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as those described in Section 61.0386(a), shall develop a parent's
bill of rights for distribution to the parent or guardian of a child
who is under 18 years of age and committed to the commission. The
parent's bill of rights must include:

[(1) a description of the commission's grievance
policies and procedures, including contact information for the
office of inspector general and the office of the independent
ombudsman established under Chapter 64;]

[(2) a list of possible incidents that require
parental notification;

[(3) policies concerning visits and telephone
conversations with a child committed to the commission;

[(4) a description of commission caseworker
responsibilities;

[(5) a statement that the commission caseworker
assigned to a child may assist the child's parent or guardian in
obtaining information and services from the commission and other
resources concerning:

[(A) counseling, including substance abuse and
mental health counseling;

[(B) assistance programs, including financial
and travel assistance programs for visiting a child committed to
the commission;

[(C) workforce preparedness programs;

[(D) parenting programs; and

[(E) commission seminars; and

[(6) information concerning the indeterminate
sentencing structure at the commission, an explanation of reasons that a child's commitment at the commission could be extended, and an explanation of the review process under Sections 61.0815 and 61.0816 for a child committed to the commission without a determinate sentence.

[(b)] Not later than 48 hours after the time a child is admitted to a commission facility, the commission shall mail to the child's parent or guardian at the last known address of the parent or guardian:

[(1)] the parent's bill of rights; and
[(2)] the contact information of the commission caseworker assigned to the child.

[(c)] The commission shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the commission a report concerning the progress of the child at the commission, including:

[(1)] the academic and behavioral progress of the child; and
[(2)] the results of any reexamination of the child conducted under Section 61.072.

[(d)] The commission shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the commission or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

[(e)] The commission shall ensure that if the Department of Family and Protective Services has been appointed managing
conservator of a child, the department is given the same rights as the child's parent under the parent's bill of rights developed under this section.

[Sec. 61.0764]. DEPARTMENT [COMMISSION] CASEWORKERS.

(a) The department [commission] shall assign a caseworker to a child committed to the department [commission]. A department [commission] caseworker shall:

(1) explore family issues and needs with the parent or guardian of a child committed to the department [commission];
(2) as needed, provide the parent or guardian of a child committed to the department [commission] with information concerning programs and services provided by the department [commission] or another resource; and
(3) perform other duties required by the department [commission].

(b) A department [commission] caseworker shall:

(1) at least once a month, attempt to contact the child's parent or guardian by phone, in person while the parent or guardian is visiting the facility, or, if necessary, by mail;
(2) if unsuccessful in contacting the child's parent or guardian under Subdivision (1), attempt at least one additional time each month to contact the child's parent or guardian; and
(3) document successful as well as unsuccessful attempts to contact the child's parent or guardian.

(c) To the extent practicable, a caseworker or another facility administrator shall attempt to communicate with a parent or guardian who does not speak English in the language of choice of
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the parent or guardian.

[Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The commission shall keep records relating to children committed to it that participate in research programs or studies.

(b) The records must show, for each calendar quarter and for each calendar year:

(1) the number of children participating in research programs or studies for the appropriate reporting period;

(2) the type of research program or study in which each child is participating;

(3) the name of the principal investigator conducting the research program or study; and

(4) the entity sponsoring the research program or study.

(e) The commission shall submit a report that contains the information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to the:

(1) governor;

(2) lieutenant governor;

(3) speaker of the house of representatives; and

(4) members of the legislature.

(f) A report submitted under this section is public information under Chapter 552, Government Code.]

Sec. 244.0105 [61.0766]. REPORT CONCERNING FOSTER CHILDREN COMMITTED TO DEPARTMENT [COMMISSION]. (a) Not later than the 10th
day before the date of a permanency hearing under Subchapter D, Chapter 263, Family Code, or a placement review hearing under Subchapter F, Chapter 263, Family Code, regarding a child for whom the Department of Family and Protective Services has been appointed managing conservator, a department caseworker shall submit a written report regarding the child's commitment to the department to:

(1) the court;
(2) the Department of Family and Protective Services;
(3) any attorney ad litem or guardian ad litem appointed for the child; and
(4) any volunteer advocate appointed for the child.

(b) The report required by Subsection (a) must include:

(1) the results of any assessments of the child during the child's commitment to the department, including assessments of the child's emotional, mental, educational, psychological, psychiatric, medical, or physical needs;
(2) information regarding the child's placement in particular programs administered by the department; and
(3) a description of the child's progress in programs administered by the department.

Sec. 244.0106 [61.9767]. RULES REGARDING SERVICES FOR FOSTER CHILDREN. (a) The board and the executive commissioner of the Health and Human Services Commission shall jointly adopt rules to ensure that a child for whom the Department of Family and Protective Services has been appointed managing
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conservator receives appropriate services while the child is committed to the department [commission] or released under supervision by the department [commission].

(b) The rules adopted under this section must require the department [commission] and the Department of Family and Protective Services to cooperate in providing appropriate services to a child for whom the Department of Family and Protective Services has been appointed managing conservator while the child is committed to the department [commission] or released under supervision by the department [commission], including:

(1) medical care, as defined by Section 266.001, Family Code;
(2) mental health treatment and counseling;
(3) education, including special education;
(4) case management;
(5) drug and alcohol abuse assessment or treatment;
(6) sex offender treatment; and
(7) trauma informed care.

(c) The rules adopted under this section must require:

(1) the Department of Family and Protective Services to:

(A) provide the department [commission] with access to relevant health and education information regarding a child; and

(B) require a child's caseworker to visit the child in person at least once each month while the child is committed to the department [commission];
(2) the department [commission] to:

(A) provide the Department of Family and Protective Services with relevant health and education information regarding a child;

(B) permit communication, including in person, by telephone, and by mail, between a child committed to the department [commission] and:

(i) the Department of Family and Protective Services; and

(ii) the attorney ad litem, the guardian ad litem, and the volunteer advocate for the child; and

(C) provide the Department of Family and Protective Services and any attorney ad litem or guardian ad litem for the child with timely notice of the following events relating to the child:

(i) a meeting designed to develop or revise the individual case plan for the child;

(ii) in accordance with any participation protocols to which the Department of Family and Protective Services and the department [commission] agree, a medical appointment at which a person authorized to consent to medical care must participate as required by Section 266.004(i), Family Code;

(iii) an education meeting, including admission, review, or dismissal meetings for a child receiving special education;

(iv) a grievance or disciplinary hearing for the child;
(v) a report of abuse or neglect of the child; and

(vi) a significant medical condition of the child, as defined by Section 266.005, Family Code; and

(3) the Department of Family and Protective Services and the department [commission] to participate in transition planning for the child through release from detention, release under supervision, and discharge.

Sec. 244.011 [61.077]. CHILDREN WITH MENTAL ILLNESS OR MENTAL RETARDATION. (a) The department [commission] shall accept a child committed to the department [commission] who is mentally ill or mentally retarded.

(b) Unless a child is committed to the department [commission] under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department [commission] shall discharge a child who is mentally ill or mentally retarded from its custody if:

(1) the child has completed the minimum length of stay for the child's committing offense; and

(2) the department [commission] determines that the child is unable to progress in the department's [commission's] rehabilitation programs because of the child's mental illness or mental retardation.

(c) If a child who is discharged from the department [commission] under Subsection (b) as a result of mental illness is not receiving court-ordered mental health services, the child's discharge is effective on the earlier of:
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(1) the date the court enters an order regarding an application for mental health services filed under Section 244.012(b) [61.0772(b)]; or
(2) the 30th day after the date the application is filed.

(d) If a child who is discharged from the department [commission] under Subsection (b) as a result of mental illness is receiving court-ordered mental health services, the child's discharge from the department [commission] is effective immediately. If the child is receiving mental health services outside the child's home county, the department [commission] shall notify the mental health authority located in that county of the discharge not later than the 30th day after the date that the child's discharge is effective.

(e) If a child who is discharged from the department [commission] under Subsection (b) as a result of mental retardation is not receiving mental retardation services, the child's discharge is effective on the earlier of:
(1) the date the court enters an order regarding an application for mental retardation services filed under Section 244.012(b) [61.0772(e)]; or
(2) the 30th day after the date that the application is filed.

(f) If a child who is discharged from the department [commission] under Subsection (b) as a result of mental retardation is receiving mental retardation services, the child's discharge from the department [commission] is effective immediately.
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(g) If a child who is mentally ill or mentally retarded is discharged from the department under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

Sec. 244.012. EXAMINATION BEFORE DISCHARGE.

(a) The department shall establish a system that identifies children in the department's custody who are mentally ill or mentally retarded.

(b) Before a child who is identified as mentally ill is discharged from the department's custody under Section 244.011(b), a department psychiatrist shall examine the child. The department shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the department shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

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

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

(c) Before a child who is identified as mentally retarded under Chapter 593, Health and Safety Code, is discharged from the department's custody under Section 244.011(b)
Sec. 244.0125 [61.0773]. TRANSFER OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The department may petition the juvenile court that entered the order of commitment for a child for the initiation of mental health commitment proceedings if the child is committed to the department under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

(b) A petition made by the department shall be treated as a motion under Section 55.11, Family Code, and the juvenile court shall proceed in accordance with Subchapter B, Chapter 55, Family Code.

(c) The department shall cooperate with the juvenile court in any proceeding under this section.

(d) The juvenile court shall credit to the term of the child's commitment to the department any time the child is committed to an inpatient mental health facility.

(e) A child committed to an inpatient mental health facility as a result of a petition filed under this section may not be released from the facility on a pass or furlough.

(f) If the term of an order committing a child to an inpatient mental health facility is scheduled to expire before the end of the child's sentence and another order committing the child to an inpatient mental health facility is not scheduled to be entered, the inpatient mental health facility shall notify the
juvenile court that entered the order of commitment committing the
child to the department [commission]. The juvenile court may
transfer the child to the custody of the department [commission],
transfer the child to the Texas Department of Criminal Justice, or
release the child under supervision, as appropriate.

Sec. 244.013 [61.078]. NOTICE OF PENDING DISCHARGE. As
soon as practicable after the department [commission] makes a
decision to discharge a child or authorize the child's absence from
the department's [its] custody, the department [commission] shall
give notice of the department's [its] decision to the juvenile
court and the office of the prosecuting attorney of the county in
which the adjudication that the child engaged in delinquent conduct
was made.

Sec. 244.014 [61.079]. REFERRAL OF VIOLENT AND HABITUAL
OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment
under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,
becomes 16 years of age but before the child becomes 19 years of
age, the department [commission] may refer the child to the
juvenile court that entered the order of commitment for approval of
the child's transfer to the Texas Department of Criminal Justice
for confinement if:

(1) the child has not completed the sentence; and
(2) the child's conduct, regardless of whether the child was released under supervision under Section 245.051
[61.081], indicates that the welfare of the community requires the transfer.

(b) The department [commission] shall cooperate with the
court on any proceeding on the transfer of the child.

(c) If a child is released under supervision, a juvenile court adjudication that the child engaged in delinquent conduct constituting a felony offense, a criminal court conviction of the child for a felony offense, or a determination under Section 244.005(4) [61.075(4)] revoking the child's release under supervision is required before referral of the child to the juvenile court under Subsection (a).

Sec. 244.015 [61.0791]. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 18 years of age, the department shall evaluate whether the child is in need of additional services that can be completed in the six-month period after the child's 18th birthday to prepare the child for release from the custody of the department or transfer to the Texas Department of Criminal Justice.

(b) This section does not apply to a child who is released from the custody of the department or who is transferred to the Texas Department of Criminal Justice before the child's 18th birthday.

SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS. (a) In the interest of achieving the purpose of the department and protecting the public, the department may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not
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materially harm the treatment and rehabilitation of the child and
would not substantially decrease the likelihood of the department
receiving information from the same or similar sources in the
future. Information concerning a person who is age 18 or older may
not be disclosed to the person's parent or guardian without the
person's consent.

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

(c) The department may disclose to a peace officer or law
enforcement agency images of children recorded by an electronic
recording device and incident reporting and investigation
documents containing the names of children if the information is
relevant to the investigation of a criminal offense alleged to have
occurred in a facility operated by or under contract with the
department.

(d) Notwithstanding Subsection (a), if the Department of
Family and Protective Services has been appointed managing
conservator for a child, the department shall disclose records and
other information concerning the child to the Department of Family
and Protective Services as provided by the rules of the Department
of Family and Protective Services.

Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in
consultation with advocacy and support groups such as those
described in Section 242.056(a), shall develop a parent's bill of
rights for distribution to the parent or guardian of a child who is
under 18 years of age and committed to the department. The parent's
A bill of rights must include:

(1) a description of the department's grievance policies and procedures, including contact information for the office of inspector general and the office of the independent ombudsman established under Chapter 261;

(2) a list of possible incidents that require parental notification;

(3) policies concerning visits and telephone conversations with a child committed to the department;

(4) a description of department caseworker responsibilities;

(5) a statement that the department caseworker assigned to a child may assist the child's parent or guardian in obtaining information and services from the department and other resources concerning:

(A) counseling, including substance abuse and mental health counseling;

(B) assistance programs, including financial and travel assistance programs for visiting a child committed to the department;

(C) workforce preparedness programs;

(D) parenting programs; and

(E) department seminars; and

(6) information concerning the indeterminate sentencing structure at the department, an explanation of reasons that a child's commitment at the department could be extended, and an explanation of the review process under Sections 245.101 and
245.104 for a child committed to the department without a determinate sentence.

(b) Not later than 48 hours after the time a child is admitted to a department facility, the department shall mail to the child's parent or guardian at the last known address of the parent or guardian:

(1) the parent's bill of rights; and

(2) the contact information of the department caseworker assigned to the child.

(c) The department shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the department a report concerning the progress of the child at the department, including:

(1) the academic and behavioral progress of the child;

and

(2) the results of any reexamination of the child conducted under Section 244.002.

(d) The department shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the department or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

(e) The department shall ensure that if the Department of Family and Protective Services has been appointed managing conservator of a child, the Department of Family and Protective Services is given the same rights as the child's parent under the parent's bill of rights developed under this section.
CHAPTER 245 [SUBCHAPTER F]. RELEASE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The
department may employ parole officers to investigate, place,
supervise, and direct the activities of a parolee to ensure the
parolee's adjustment to society in accordance with the rules
adopted by the board.

(b) Parole officers may work with local organizations,
clubs, and agencies to formulate plans and procedures for the
prevention of juvenile delinquency.

(c) The department shall develop a management system for
parole services that objectively measures and provides for:

(1) the systematic examination of children's needs and
the development of treatment plans to address those needs;

(2) the evaluation of homes, foster homes, and public
and private institutions as constructive parole placements;

(3) the classification of children based on the level
of children's needs and the degree of risk presented to the public;

(4) the objective measurement of parole officer
workloads; and

(5) the gathering and analysis of information related
to the effectiveness of parole services and to future parole
requirements.

Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department
may make a contract with a county to use the services of the
county's juvenile probation department for the supervision of
children within the county who are on furlough from a department
facility or who are released under supervision from a department
facility.

(b) Payments under a contract described by Subsection (a)
shalt be made to the county treasurer on a quarterly schedule.

(c) The department may not pay a county for supervision of a
child for any time after the child:

(1) is discharged from the department's custody;
(2) is returned to a department facility; or
(3) transfers the child's residence to another county
or state.

(d) A county that has a contract with the department must
report to the department on the status and progress of each child
for whom the county is receiving payments. The reports shall be
made at the time and in the manner specified by the contract.

SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE
Sec. 245.051 [61.081]. RELEASE UNDER SUPERVISION.

(a) The department [commission] may release under supervision any
child in the department's [its] custody and place the child in the
child's [his or her] home or in any situation or family approved by
the department [commission]. Prior to placing a child in the
child's [his or her] home, the department [commission] shall
evaluate the home setting to determine the level of supervision and
quality of care that is available in the home.

(b) [Subject to legislative appropriation, the commission
may employ parole officers to investigate, place, supervise, and
direct the activities of a parolee to ensure the parolee's
adjustment to society in accordance with the rules adopted by the
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commission.

{(e) Parole officers may work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.}

{(e) The commission may resume the care and custody of any child released under supervision at any time before the final discharge of the child.}

{(e)} Not later than 10 days before the day the department releases a child under this section, the department shall give notice of the release to the juvenile court and the office of the prosecuting attorney of the county in which the adjudication that the child engaged in delinquent conduct was made.

(c) (e) If a child is committed to the department under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department may not release the child under supervision without approval of the juvenile court that entered the order of commitment unless the child has served at least:

(1) 10 years, if the child was sentenced to commitment for conduct constituting capital murder;

(2) 3 years, if the child was sentenced to commitment for conduct constituting an aggravated controlled substance felony or a felony of the first degree;

(3) 2 years, if the child was sentenced to commitment for conduct constituting a felony of the second degree; or

(4) 1 year, if the child was sentenced to commitment
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...for conduct constituting a felony of the third degree.

(d) [current] The department [commission] may request the approval of the court under this section at any time.

(e) The department may resume the care and custody of any child released under supervision at any time before the final discharge of the child.

(f) [current] If the department [commission] finds that a child has violated an order under which the child is released under supervision, on notice by any reasonable method to all persons affected, the department [commission] may order the child:

1. to return to an institution;
2. if the violation resulted in property damage or personal injury:
   (A) to make full or partial restitution to the victim of the offense; or
   (B) if the child is financially unable to make full or partial restitution, to perform services for a charitable or educational institution; or
3. to comply with any other conditions the department [commission] considers appropriate.

(g) [current] Notwithstanding Subsection (c) [current], if a child is committed to the department [commission] under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department [commission] may release the child under supervision without approval of the juvenile court that entered the order of commitment if not more than nine months remain before the child's discharge under Section 245.151(b) [current].
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Sec. 245.052 [61.0811]. PAROLE MANAGEMENT. The commission shall develop a management system for parole services that objectively measures and provides for:

(1) the systematic examination of children's needs and the development of treatment plans to address those needs;
(2) the evaluation of homes, foster homes, and public and private institutions as constructive parole placements;
(3) the classification of children based on the level of children's needs and the degree of risk presented to the public;
(4) the objective measurement of parole officer workloads; and
(5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.

[Sec. 61.0812]. SUBSTANCE ABUSE TREATMENT [FOR SUBSTANCE ABUSE]. Subject to an express appropriation to fund the treatment programs required by this section, the department [commission] may not release a child under supervision or parole a child if:

(1) the child has a substance abuse problem, including the use of a controlled substance, hazardous inhalable substances, or alcohol habitually; and
(2) the child has not completed a treatment program for the problem.

Sec. 245.053 [61.0812]. SEX OFFENDER COUNSELING AND TREATMENT. (a) Before releasing a child described by Subsection (b) under supervision, the department [commission]:

(1) may require as a condition of release that the
(A) attend psychological counseling sessions for sex offenders as provided by Subsection (e); and

(B) submit to a polygraph examination as provided by Subsection (f) for purposes of evaluating the child's treatment progress; and

(2) shall require as a condition of release that the child:

(A) register under Chapter 62, Code of Criminal Procedure; and

(B) submit a blood sample or other specimen to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the child, unless the child has already submitted the required specimen under other state law.

(b) This section applies to a child adjudicated for engaging in delinquent conduct constituting an offense for which the child is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(c) Psychological counseling required as a condition of release under Subsection (a) must be with an individual or organization that:

(1) provides sex offender treatment or counseling;

(2) is specified by the department; and

(3) meets minimum standards of counseling established by the department.

(d) A polygraph examination required as a condition of

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release under Subsection (a) must be administered by an individual
who is:

(1) specified by the department [commission]; and
(2) licensed as a polygraph examiner under Chapter
1703, Occupations Code.

(e) In addition to specifying a sex offender treatment
provider to provide counseling to a child described by Subsection
(b), the department [commission] shall:

(1) establish with the cooperation of the treatment
provider the date, time, and place of the first counseling session
between the child and the treatment provider;
(2) notify the child and the treatment provider before
the release of the child of the date, time, and place of the first
counseling session between the child and the treatment provider;
and
(3) require the treatment provider to notify the
department [commission] immediately if the child fails to attend
any scheduled counseling session.

(f) If the department [commission] specifies a polygraph
examiner under Subsection (d) to administer a polygraph examination
to a child, the department [commission] shall arrange for a
polygraph examination to be administered to the child:

(1) not later than the 60th day after the date the
child attends the first counseling session established under
Subsection (e); and
(2) after the initial polygraph examination, as
required by Subdivision (1), on the request of the treatment
provider specified under Subsection (c).

(g) If the department [commission] requires as a condition of release that a child attend psychological counseling under Subsection (a), the department [commission] shall notify the court that committed the child to the department [commission]. After receiving notification from the department [commission] under this subsection, the court may order the parent or guardian of the child to:

(1) attend four sessions of instruction with an individual or organization specified by the department [commission] relating to:

(A) sexual offenses;
(B) family communication skills;
(C) sex offender treatment;
(D) victims' rights;
(E) parental supervision; and
(F) appropriate sexual behavior; and

(2) during the time the child attends psychological counseling, participate in monthly treatment groups conducted by the child's treatment provider relating to the child's psychological counseling.

(h) A court that orders a parent or guardian of a child to attend instructional sessions and participate in treatment groups under Subsection (g) shall require:

(1) the individual or organization specified by the department [commission] under Subsection (g) to notify the court immediately if the parent or guardian fails to attend any scheduled
instructional session; and

(2) the child's treatment provider specified under Subsection (c) to notify the court immediately if the parent or guardian fails to attend a session in which the parent or guardian is required to participate in a scheduled treatment group.

(i) If the department [commission] requires as a condition of release that a child attend psychological counseling under Subsection (a), the department [commission] may, before the date the period of release ends, petition the appropriate court to request the court to extend the period of release for an additional period necessary to complete the required counseling as determined by the treatment provider, except that the release period may not be extended to a date after the date of the child's 18th birthday.

Sec. 245.0535 [61.08131]. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The department [commission] shall develop a comprehensive plan for each child committed to the custody of the department to reduce recidivism and ensure the successful reentry and reintegration of the child [children] into the community following the [a] child's release under supervision or final discharge, as applicable, from the department [commission]. The plan for a child must be designed to ensure that the child receives an extensive continuity of care in services from the time the child is committed to the department to the time of the child's final discharge from the department. The plan for a child must include, as applicable:

(1) housing assistance;

(2) a step-down program, such as placement in a
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halfway house;

(3) family counseling;

(4) academic and vocational mentoring;

(5) trauma counseling for a child who is a victim of abuse while in the custody of the department; and

(6) other specialized treatment services appropriate for the child.

(b) The comprehensive reentry and reintegration plan developed under this section must provide for:

(1) an assessment of each child committed to the department to determine which skills the child needs to develop to be successful in the community following release under supervision or final discharge;

(2) programs that address the assessed needs of each child;

(3) a comprehensive network of transition programs to address the needs of children released under supervision or finally discharged from the department;

(4) the identification of providers of existing local programs and transitional services with whom the department may contract under this section to implement the reentry and reintegration plan; and

(5) subject to Subsection (c), the sharing of information between local coordinators, persons with whom the department contracts under this section, and other providers of services as necessary to adequately assess and address the needs of each child.
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(c) A child's personal health information may be disclosed under Subsection (b)(5) only in the manner authorized by Section 244.051 (61.0731) or other state or federal law, provided that the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191).

(d) The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with reentry and reintegration programs for children;

(2) provide children with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if a child has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship-building classes; and

(3) be designed to build for children post-release and post-discharge support from the community into which the child is released under supervision or finally discharged, including support from agencies and organizations within that community.

(e) The department [commission] may contract and coordinate
with private vendors, units of local government, or other entities
to implement the comprehensive reentry and reintegration plan
developed under this section, including contracting to:

(1) coordinate the supervision and services provided
to children during the time children are in the custody of the
department [commission] with any supervision or services provided
children who have been released under supervision or finally
discharged from the department [commission];

(2) provide children awaiting release under
supervision or final discharge with documents that are necessary
after release or discharge, including identification papers,
medical prescriptions, job training certificates, and referrals to
services; and

(3) provide housing and structured programs,
including programs for recovering substance abusers, through which
children are provided services immediately following release under
supervision or final discharge.

(f) To ensure accountability, any contract entered into
under this section must contain specific performance measures that
the department [commission] shall use to evaluate compliance with
the terms of the contract.

(g) The department [commission] shall conduct and
coordinate research to determine whether the comprehensive reentry
and reintegration plan developed under this section reduces recidivism rates.

(i) Not later than December 1 of each even-numbered year, the department shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

(j) If a program or service in the child's comprehensive reentry and reintegration plan is not available at the time the child is to be released, the department shall find a suitable alternative program or service so that the child's release is not postponed.

(k) The department shall:

(1) clearly explain the comprehensive reentry and reintegration plan and any conditions of supervision to a child who will be released on supervision; and

(2) require each child committed to the department that is to be released on supervision to acknowledge and sign a document containing any conditions of supervision.

Sec. 245.054. INFORMATION PROVIDED TO COURT BEFORE RELEASE. (a) In addition to providing the court with notice of release of a child under Section 245.051(b), as soon as possible but not later than the 30th day before the date the department releases the child, the department shall provide the court that committed the child to the department:
(1) a copy of the child's reentry and reintegration plan developed under Section 245.0535 [61.0814]; and

(2) a report concerning the progress the child has made while committed to the department [commission].

(b) If, on release, the department [commission] places a child in a county other than the county served by the court that committed the child to the department [commission], the department [commission] shall provide the information described by Subsection (a) to both the committing court and the juvenile court in the county where the child is placed after release.

(c) If, on release, a child's residence is located in another state, the department [commission] shall provide the information described by Subsection (a) to both the committing court and a juvenile court of the other state that has jurisdiction over the area in which the child's residence is located.

SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

Sec. 245.101 [61.0814]. REENTRY AND REINTEGRATION PLAN

(a) The commission shall develop a reentry and reintegration plan for each child committed to the custody of the commission. The plan for a child must be designed to ensure that the child receives an extensive continuum of care in services from the time the child is committed to the commission to the time of the child's final discharge from the commission. The plan for a child must include, as applicable:

[(1) housing assistance]

[(2) a step-down program, such as placement in a halfway house]
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(3) family counseling;

(4) academic and vocational mentoring;

(5) trauma counseling for a child who is a victim of abuse while in the custody of the commission; and

(6) other specialized treatment services appropriate for the child.

If a program or service in the child's reentry and reintegration plan is not available at the time the child is to be released, the commission shall find a suitable alternative program or service so that the child's release is not postponed.

See 61.0015. COMPLETION OF MINIMUM LENGTH OF STAY PANEL. (a) After a child who is committed to the department [commission] without a determinate sentence completes the minimum length of stay established by the department [commission] for the child under Section 243.002 [61.002], the department [commission] shall, in the manner provided by this section and Section 245.102:

(1) discharge the child from the custody of the department [commission];

(2) release the child under supervision under Section 245.051 [61.081]; or

(3) extend the length of the child's stay in the custody of the department [commission].

(b) The board [commission] by rule shall establish a panel whose function is to review and determine whether a child who has completed the child's minimum length of stay should be discharged from the custody of the department [commission] as provided by Subsection (a)(1), be released under supervision under Section 245.051 [61.081]; or
1 245.051 as provided by Subsection (a)(2), or remain in the
2 custody of the department for an additional period of
3 time as provided by Subsection (a)(3).
4
5 (c) The executive director shall determine
6 the size of the panel described by Subsection (b) and the length of
7 the members' terms of service on the panel. The panel must consist
8 of an odd number of members and the terms of the panel's members
9 must last for at least two years. The executive director
10 shall adopt policies that ensure the transparency,
11 consistency, and objectivity of the panel's composition,
12 procedures, and decisions. The executive director shall appoint persons to serve as members of the panel. A person
13 appointed to the panel must be a department employee
14 who works at the department's central office. A
15 member of the panel may not be involved in any supervisory decisions
16 concerning children in the custody of the department.
17
18 Sec. 245.102. EXTENSION ORDER. (a) A panel may
19 extend the length of the child's stay as provided by Section
20 245.101(a)(3) only if the panel determines by
21 majority vote and on the basis of clear and convincing evidence
22 that:
23
24 (1) the child is in need of additional rehabilitation
25 from the department and
26
27 (2) [that] the department will provide
28 the most suitable environment for that rehabilitation.
29
30 (b) In extending the length of a child's stay, the panel
31 must specify the additional period of time that the child is to
remain in the custody of the department and must conduct an additional review and determination as provided by Section 245.101 on the child's completion of the additional term of stay.

(c) If the panel determines that the child's length of stay should not be extended, the department must discharge the child from the custody of the department as provided by Section 245.101(a)(1) or release the child under supervision under Section 245.051 as provided by Section 245.101(a)(2).

Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION ORDERS. (a) The department shall maintain statistics of the number of extensions granted by a panel under Section 245.102. The statistics must include aggregated information concerning:

(1) the race, age, sex, specialized treatment needs, and county of origin for each child for whom an extension order is requested;
(2) the facility in which the child is confined; and
(3) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(b) To the extent authorized under law, the statistics maintained under Subsection (a) are public information under Chapter 552, Government Code, and the department shall post the statistics on the department's Internet website.
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(c) The department [commission] shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (a) [e].

(d) [f] The department [commission] shall provide a report to the parent, guardian, or designated advocate of a child whose length of stay is extended under Section 245.102 [e] explaining the panel's reason for the extension.

Sec. 245.104 [61.081]. REQUEST FOR RECONSIDERATION OF EXTENSION ORDER. (a) The board [commission] by rule shall establish a process to request the reconsideration of an extension order issued by a [the] panel [established] under Section 245.102 [61.081].

(b) The process to request reconsideration must provide that:

(1) a child, a parent, guardian, or designated advocate of a child, an employee of the department [commission], or a person who provides volunteer services at a department [commission] facility may submit a request for reconsideration of an extension order;

(2) the person submitting the request for reconsideration of an extension order must state in the request the reason for the request;

(3) after receiving a request for reconsideration of an extension order, the panel shall reconsider an extension order that:
(A) extends the child's stay in the custody of the department by six months or more; or
(B) combined with previous extension orders will result in an extension of the child's stay in the custody of the department by six months or more;
(4) the panel's reconsideration of an extension order includes consideration of the information submitted in the request; and
(5) the panel shall send a written reply to the child, the parent, guardian, or designated advocate of the child, and the person who made the request for reconsideration of an extension order that includes an explanation of the panel's decision after reconsidering the extension order, including an indication that the panel has considered the information submitted in the request.
(c) The department shall create a form for a request for reconsideration of an extension order that is clear and easy to understand. The department shall ensure that a child may request assistance in completing a request for reconsideration of an extension order.
Sec. 245.105. STATISTICS AND REPORTS CONCERNING RECONSIDERATIONS OF EXTENSION ORDERS. (a) The department shall maintain statistics of the number of requests for reconsideration of an extension order that are submitted under Section 245.104 and the action taken on reconsideration of the extension order. The statistics must include aggregated information concerning:
(1) the race, age, sex, specialized treatment needs,
(2) whether a request for reconsideration of an extension order results in:

(A) a discharge or release under supervision; or

(B) the original extension order being upheld;

(3) the facility in which the child is confined; and

(4) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(b) To the extent authorized under law, the statistics maintained under Subsection (a) are public information under Chapter 552, Government Code, and the department shall post the statistics on the department's Internet website.

(c) The department shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (a).

Sec. 245.106. TRANSPORTATION, CLOTHING, MONEY. The department shall ensure that each child it releases under supervision has:

(1) suitable clothing;

(2) transportation to his or her home or to the county in which a suitable home or employment has been found; and
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(3) money in an amount authorized by the rules of the department [commission].

SUBCHAPTER D. TERMINATION OF CONTROL

Sec. 245.151 [61.083. CONTRACTS WITH COUNTIES.] (a) The commission may make a contract with a county to use the services of the county's juvenile probation department for the supervision of children within the county who are on furlough from a commission facility or who are released under supervision from a commission facility.

(b) The payments shall be made to the county treasurer on a quarterly schedule.

(c) The commission may not pay a county for supervision of a child for any time after the child:

(1) is discharged from the commission's custody;

(2) is returned to a commission facility, or

(3) transfers his or her residence to another county or state.

(d) A county that has a contract with the commission must report to the commission on the status and progress of each child for whom the county is receiving payments. The reports shall be made at the time and in the manner specified by the contract.

[See. 61.084]. TERMINATION OF CONTROL. (a) Except as provided by Subsections (b) and (c), if a person is committed to the department [commission] under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department [commission] may not discharge the person from its custody.
(b) The department shall discharge without a court hearing a person committed to the department for a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, who has not been transferred to the Texas Department of Criminal Justice under a court order on the date that the time spent by the person in detention in connection with the committing case plus the time spent at the department under the order of commitment equals the period of the sentence.

(c) The department shall transfer to the Texas Department of Criminal Justice a person who is the subject of an order under Section 54.11(i)(2), Family Code, transferring the person to the custody of the Texas Department of Criminal Justice for the completion of the person's sentence.

(d) Except as provided by Subsection (e), the department shall discharge from its custody a person not already discharged on the person's 19th birthday.

(e) The department shall transfer a person who has been sentenced under a determinate sentence to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been returned to the department under Section 54.11(i)(1), Family Code, to the custody of the Texas Department of Criminal Justice on the person's 19th birthday, if the person has not already been discharged or transferred, to serve the remainder of the person's sentence on parole as provided by Section 508.156, Government Code.

Sec. 245.152 [61.0841]. DETERMINATE SENTENCE PAROLE.
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(a) Not later than the 90th day before the date the department transfers a person to the custody of the Texas Department of Criminal Justice for release on parole under Section 245.051(c) [61.001(c)] or 245.151(e) [61.094(e)], the department shall submit to the Texas Department of Criminal Justice all pertinent information relating to the person, including:

(1) the juvenile court judgment;
(2) the circumstances of the person's offense;
(3) the person's previous social history and juvenile court records;
(4) the person's physical and mental health record;
(5) a record of the person's conduct, employment history, and attitude while committed to the department;
(6) a record of the sentence time served by the person at the department and in a juvenile detention facility in connection with the conduct for which the person was adjudicated; and
(7) any written comments or information provided by the department, local officials, family members of the person, victims of the offense, or the general public.

(b) The department shall provide instruction for parole officers of the Texas Department of Criminal Justice relating to juvenile programs at the department. The department and the Texas Department of Criminal Justice shall enter into a memorandum of understanding.
relating to the administration of this subsection.

(c) The Texas Department of Criminal Justice shall grant credit for sentence time served by a person at the department and in a juvenile detention facility, as recorded by the department under Subsection (a)(6), in computing the person's eligibility for parole and discharge from the Texas Department of Criminal Justice.

SECTION 1.008. Subchapter I, Chapter 61, Human Resources Code, is transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 246, and amended to read as follows:

CHAPTER 246 [SUBCHAPTER I]. INDUSTRIES PROGRAM

Sec. 246.001 [61.1dl]. PURPOSE; IMPLEMENTATION. The purposes of the department industries program are:

(1) to provide adequate employment and vocational training for children; and

(2) to develop and expand public and private department industries.

Sec. 246.002 [61.1dd]. ADVISORY COMMITTEE. (a) A department industries advisory committee is created consisting of nine members appointed by the board.

(b) Members serve staggered three-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(c) In making appointments under this section, the board shall endeavor to include representatives of industries appropriate for hiring children committed to the
SEC. 246.003. PAY AND DISTRIBUTION OF PAY. The department shall apportion wages earned by a child working under the industries program in amounts determined at the discretion of the department, in the following priority:

(1) a person to whom the child has been ordered by a court or to whom the child has agreed to pay restitution;
(2) a person to whom the child has been ordered by a court to pay child support;
(3) the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund; and
(4) the child's student account.

SEC. 246.004. INDUSTRIES FUND. (a) A Texas Juvenile Justice Department industries program fund is created in the state treasury.

(b) Proceeds from the operation of the industries program shall be deposited in the fund.

(c) Money from the fund may be appropriated only for use by the department for the administration of this chapter.

Sec. 246.005. CONTRACTS. To encourage the development and expansion of the industries program, the department may enter into necessary contracts related to the program.
Sec. 246.006 [61-126]. DONATIONS. The industries program may be financed through contributions donated for this purpose by private businesses contracting with the department.

Sec. 246.007 [61-127]. GRANTS. (a) The department may accept a grant for the vocational rehabilitation of children.

(b) The department shall maintain a record of the receipt and disbursement of a grant and shall annually report to the lieutenant governor and the speaker of the house of representatives on the administration of grant funds.

Sec. 246.008 [61-128]. LEASE OF LAND. (a) The department may lease land owned by the department to a private business to expand and develop the industries program.

(b) The term of the lease may not exceed 20 years.

(c) The business must lease the land at fair market value.

(d) The business may construct a new facility on the land or convert an existing facility.

Sec. 246.009 [61-129]. CERTIFICATION FOR FRANCHISE CREDIT. The commission shall prepare and issue a certification that a corporation requires for the franchise tax credit for wages paid as provided by Subchapter X, Chapter 171, Tax Code.

Sec. 246.130. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A business contracting with the department may enter into an ad valorem tax abatement agreement under Subchapters B and C, Chapter 312, Tax Code, with the governing body of the municipality and county in which the business is located.

(b) If an area in which businesses contracting with the
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1 department [commission] under this subchapter is designated as a
2 reinvestment zone under Chapter 312, Tax Code, the area satisfies
3 Section 312.202(a)(6), Tax Code, in that the area would be
4 reasonably likely as a result of the designation to contribute to
5 the retention or expansion of primary employment or to attract
6 major investment in the zone that would be a benefit to the property
7 and that would contribute to the economic development of the entity
8 designating the area as a reinvestment zone.

SECTION 1.009. Title 12, Human Resources Code, as added by
this Act, is amended by adding Subtitle D, and a heading is added to
read as follows:

SUBTITLE D. INDEPENDENT OMBUDSMAN

SECTION 1.010. Chapter 64, Human Resources Code, is
transferred to Subtitle D, Title 12, Human Resources Code, as added
by this Act, redesignated as Chapter 261, and amended to read as
follows:

CHAPTER 261 [64]. [OFFICE-OF] INDEPENDENT OMBUDSMAN
[OF THE TEXAS YOUTH COMMISSION]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 261.001 [64.001]. DEFINITIONS. In this chapter:
(1) ["Commission" means the Texas Youth Commission.

[2] "Independent ombudsman" means the individual
who has been appointed under this chapter to the office of
independent ombudsman:

(2) [3] "Office" means the office of independent
ombudsman created under this chapter.

Sec. 261.002 [64.002]. ESTABLISHMENT; PURPOSE. The office

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of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the department [commission], including a child released under supervision before final discharge.

Sec. 261.003 [64.99]. INDEPENDENCE. (a) The independent ombudsman in the performance of its duties and powers under this chapter acts independently of the department [commission].

(b) Funding for the independent ombudsman is appropriated separately from funding for the department [commission].

SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

Sec. 261.051 [64.051]. APPOINTMENT OF INDEPENDENT OMBUDSMAN. (a) The governor shall appoint the independent ombudsman with the advice and consent of the senate for a term of two years, expiring February 1 of odd-numbered years.

(b) A person appointed as independent ombudsman is eligible for reappointment but may not serve more than three terms in that capacity.

Sec. 261.052 [64.052]. ASSISTANTS. The independent ombudsman may hire assistants to perform, under the direction of the independent ombudsman, the same duties and exercise the same powers as the independent ombudsman.

Sec. 261.053 [64.053]. CONFLICT OF INTEREST. (a) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the department [commission];
(2) owns or controls, directly or indirectly, any interest in a business entity or other organization receiving funds from the department; or

(3) uses or receives any amount of tangible goods, services, or funds from the department.

(b) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(c) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is an officer, employee, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(d) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 261.054 (64.054). SUNSET PROVISION. (a) The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which the Texas Juvenile Justice Department or its successor agency [Texas Youth Commission]...
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1 is reviewed.

[4(b) Notwithstanding Subsection (a), the Sunset Advisory
2 Commission shall focus its review of the office on compliance with
3 requirements placed on the office by legislation enacted by the
4 81st Legislature, Regular Session, 2009, that becomes law. This
5 subsection expires September 1, 2011.]

Sec. 261.055 [64.055]. REPORT. (a) The independent
8 ombudsman shall submit on a quarterly basis to the board, the
9 governor, the lieutenant governor, the state auditor, and each
10 member of the legislature a report that is both aggregated and
11 disaggregated by individual facility and describes:
12 (1) the work of the independent ombudsman;
13 (2) the results of any review or investigation
14 undertaken by the independent ombudsman, including reviews or
15 investigation of services contracted by the department
16 [commission]; and
17 (3) any recommendations that the independent
18 ombudsman has in relation to the duties of the independent
19 ombudsman.

(b) The independent ombudsman shall immediately report to
21 the board, the governor, the lieutenant governor, the speaker of
22 the house of representatives, the state auditor, and the office of
23 the inspector general of the department [commission] any
24 particularly serious or flagrant:
25 (1) case of abuse or injury of a child committed to the
26 department [commission];
27 (2) problem concerning the administration of a
department [commission] program or operation;

(3) problem concerning the delivery of services in a facility operated by or under contract with the department [commission]; or

(4) interference by the department [commission] with an investigation conducted by the office.

Sec. 261.056 [64.056]. COMMUNICATION AND CONFIDENTIALITY.

(a) The department [commission] shall allow any child committed to the department [commission] to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

(1) may be in person, by mail, or by any other means; and

(2) is confidential and privileged,

(b) The records of the independent ombudsman are confidential, except that the independent ombudsman shall:

(1) share with the office of inspector general of the department [commission] a communication with a child that may involve the abuse or neglect of the child; and

(2) disclose its nonprivileged records if required by a court order on a showing of good cause.

(c) The independent ombudsman may make reports relating to an investigation public after the investigation is complete but only if the names of all children, parents, and employees are redacted from the report and remain confidential.

(d) The name, address, or other personally identifiable information of a person who files a complaint with the office of independent ombudsman, information generated by the office of
independent ombudsman in the course of an investigation, and
classifications for confidential records obtained by the office of independent
ombudsman are confidential and not subject to disclosure under
Chapter 552, Government Code, except that the information and
records, other than confidential information and records
concerning a pending law enforcement investigation or criminal
action, may be disclosed to the appropriate person if the office
determines that disclosure is:
(1) in the general public interest;
(2) necessary to enable the office to perform the
responsibilities provided under this section; or
(3) necessary to identify, prevent, or treat the abuse
or neglect of a child.

Sec. 261.057 [64.057]. PROMOTION OF AWARENESS OF OFFICE.
The independent ombudsman shall promote awareness among the public
and the children committed to the department [commission] of:
(1) how the office may be contacted;
(2) the purpose of the office; and
(3) the services the office provides.

Sec. 261.058 [64.058]. RULEMAKING AUTHORITY. (a) The
office by rule shall establish policies and procedures for the
operations of the office of independent ombudsman.
(b) The office and the board [commission] shall adopt rules
necessary to implement Section 261.060 [64.060], including rules
that establish procedures for the department [commission] to review
and comment on reports of the office and for the department
[commission] to expedite or eliminate review of and comment on a
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1 report due to an emergency or a serious or flagrant circumstance
2 described by Section 261.055(b) [64.055(b)].

3 Sec. 261.059 [64.059]. AUTHORITY OF STATE AUDITOR. The
4 office is subject to audit by the state auditor in accordance with
5 Chapter 321, Government Code.

6 Sec. 261.060 [64.060]. REVIEW AND FORMAT OF REPORTS.
7 (a) The office shall accept, both before and after publication,
8 comments from the board [commission] concerning the following types
9 of reports published by the office under this chapter:
10 (1) the office's quarterly report under Section
11 261.055(a) [64.055(a)];
12 (2) reports concerning serious or flagrant
13 circumstances under Section 261.055(b) [64.055(b)]; and
14 (3) any other formal reports containing findings and
15 making recommendations concerning systemic issues that affect the
16 department [commission].
17 (b) The board [commission] may not submit comments under
18 Subsection (a) after the 30th day after the date the report on which
19 the board [commission] is commenting is published.
20 (c) The office shall ensure that reports described by
21 Subsection (a) are in a format to which the board [commission] can
22 easily respond.
23 (d) After receipt of comments under this section, the office
24 is not obligated to change any report or change the manner in which
25 the office performs the duties of the office.

26 Sec. 261.061 [64.061]. COMPLAINTS. (a) The office shall
27 maintain a system to promptly and efficiently act on complaints
filed with the office that relate to the operations or staff of the office. The office shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The office shall make information available describing its procedures for complaint investigation and resolution.

(c) The office shall periodically notify the complaint parties of the status of the complaint until final disposition.

SUBCHAPTER C. DUTIES AND POWERS

Sec. 261.101 [64.101]. DUTIES AND POWERS. (a) The independent ombudsman shall:

(1) review the procedures established by the board [commission] and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the department [commission] and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department [commission] or the child's family may be in need of assistance from the office; or

(B) a systemic issue in the department's [commission's] provision of services is raised by a complaint;
(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child has been placed by the department, whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department;

(8) make appropriate referrals under any of the duties and powers listed in this subsection; and

(9) supervise assistants who are serving as advocates in their representation of children committed to the department in internal administrative and disciplinary hearings;

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints; and

(11) report a possible standards violation by a local juvenile probation department to the appropriate division of the department.

(b) The independent ombudsman may apprise persons who are interested in a child's welfare of the rights of the child.

(c) To assess if a child's rights have been violated, the
independent ombudsman may, in any matter that does not involve alleged criminal behavior, contact or consult with an administrator, employee, child, parent, expert, or any other individual in the course of its investigation or to secure information.

(d) Notwithstanding any other provision of this chapter, the independent ombudsman may not investigate alleged criminal behavior.

(e) Notwithstanding any other provision of this chapter, the powers of the office are limited to facilities operated and services provided by the department under Subtitle C.

Sec. 261.102 [64.192]. TREATMENT OF DEPARTMENT [COMMISSION] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The department [commission] may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

Sec. 261.103 [64.193]. TRAINING. The independent ombudsman shall attend annual sessions, including the training curriculum for juvenile correctional officers required under Section 242.009 [61.0356], and may participate in other appropriate professional training.

Sec. 261.104 [64.104]. MEMORANDUM OF UNDERSTANDING. (a) The office and the department [commission] shall enter into a memorandum of understanding concerning:

(1) the most efficient manner in which to share information with one another; and
(2) the procedures for handling overlapping monitoring duties and activities performed by the office and the department [commission].

(b) The memorandum of understanding entered into under Subsection (a), at a minimum, must:

(1) address the interaction of the office with that portion of the department [commission] that conducts an internal audit under Section 203.013 [61.0331];

(2) address communication between the office and the department [commission] concerning individual situations involving children committed to the department [commission] and how those situations will be documented and handled;

(3) contain guidelines on the office's role in relevant working groups and policy development decisions at the department [commission];

(4) ensure opportunities for sharing information between the office and the department [commission] for the purposes of assuring quality and improving programming within the department [commission]; and

(5) preserve the independence of the office by authorizing the office to withhold information concerning matters under active investigation by the office from the department [commission] and department [commission] staff and to report the information to the board and the governor.

SUBCHAPTER D. ACCESS TO INFORMATION

Sec. 261.151 [64.151]. ACCESS TO INFORMATION OF GOVERNMENTAL ENTITIES. (a) The [commission shall allow the]
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1 independent ombudsman has access to the department's records relating to the children committed to the department [commission].

(b) The Department of Public Safety shall allow the independent ombudsman access to the juvenile justice information system established under Subchapter B, Chapter 58, Family Code.

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the department [commission].

Sec. 261.152 [64.152]. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the department [commission].

SECTION 1.011. Subsection (a), Section 61.020, Human Resources Code, is amended to read as follows:

(a) The Texas Youth Commission [is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission] is abolished on December [and this chapter expires September] 1, 2011.

SECTION 1.012. Subsection (a), Section 141.012, Human Resources Code, is amended to read as follows:

(a) The Texas Juvenile Probation Commission [is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission] is abolished on December [and this chapter expires September] 1, 2011.

ARTICLE 2. MISCELLANEOUS PROVISIONS

SECTION 2.001. Section 51.126, Family Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection
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(f) to read as follows:

(b) In each county, each judge of the juvenile court and a
majority of the members of the juvenile board shall personally
inspect, at least annually, all nonsecure correctional facilities
that are located in the county and shall certify in writing to the
authorities responsible for operating and giving financial support
to the facilities and to the Texas Juvenile Justice Department
that the facility or facilities are suitable or unsuitable for the confinement of children. In determining
whether a facility is suitable or unsuitable for the confinement of
children, the juvenile court judges and juvenile board members
shall consider:

(1) current monitoring and inspection reports and any
noncompliance citation reports issued by the Texas Juvenile Justice
Department, including the report provided
under Subsection (c), and the status of any required corrective
actions; and

(2) the other factors described under Sections
51.12(c)(2)-(7).

(c) The Texas Juvenile Justice Department shall annually inspect each nonsecure correctional
facility. The Texas Juvenile Justice Department shall provide a report to each juvenile court judge
presiding in the same county as an inspected facility indicating
whether the facility is suitable or unsuitable for the confinement
of children in accordance with minimum professional standards for
the confinement of children in nonsecure confinement promulgated by
Texas Juvenile Justice Department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(d) A governmental unit or private entity that operates or contracts for the operation of a juvenile nonsecure correctional facility in this state under Subsection (a), except for a facility operated by or under contract with the Texas Juvenile Justice Department, shall:

(1) register the facility annually with the Texas Juvenile Justice Department; and

(2) adhere to all applicable minimum standards for the facility.

(e) The Texas Juvenile Justice Department may deny, suspend, or revoke the registration of any facility required to register under Subsection (d) if the facility fails to:

(1) adhere to all applicable minimum standards for the facility; or

(2) timely correct any notice of noncompliance with minimum standards.

(f) In this section, "Texas Juvenile Justice Department" means the Texas Juvenile Probation Commission. This subsection expires December 1, 2011.

SECTION 2.002. Section 58.403, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Subchapter L, Chapter 2054, Government Code, does not
apply to the statewide juvenile information and case management system created under this subchapter.

SECTION 2.003. Subdivision (1), Subsection (c), Section 614.017, Health and Safety Code, is amended to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

(A) the Texas Department of Criminal Justice and the Correctional Managed Health Care Committee;

(B) the Board of Pardons and Paroles;

(C) the Department of State Health Services;

(D) the Texas Juvenile Justice Department;

(E) the Texas Youth Commission;

(F) the Texas Education Agency;

(G) the Commission on Jail Standards;

(H) the Department of Aging and Disability Services;

(I) the Texas School for the Blind and Visually Impaired;

(J) community supervision and corrections departments and local juvenile probation departments;

(K) personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;
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1 (L) [+K] local jails regulated by the
2 Commission on Jail Standards;
3 (M) [+N+] a municipal or county health
4 department;
5 (N) [+O+] a hospital district;
6 (O) [+P+] a judge of this state with jurisdiction
7 over juvenile or criminal cases;
8 (P) [+Q+] an attorney who is appointed or
9 retained to represent a special needs offender or a juvenile with a
10 mental impairment;
11 (Q) [+R+] the Health and Human Services
12 Commission;
13 (R) [+S+] the Department of Information
14 Resources;
15 (S) [+T+] the bureau of identification and
16 records of the Department of Public Safety, for the sole purpose of
17 providing real-time, contemporaneous identification of individuals
18 in the Department of State Health Services client data base; and
19 (T) [+U+] the Department of Family and
20 Protective Services.

SECTION 2.004. Subsections (a) and (b), Section 614.018, Health and Safety Code, are amended to read as follows:

(a) The Texas Juvenile Justice Department [Probation
commission, the Texas Youth Commission], the Department of Public
Safety, the Department of State Health Services, the Department of
Aging and Disability Services, the Department of Family and
Protective Services, the Texas Education Agency, and local juvenile
probation departments shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. The Texas Correctional Office on Offenders with Medical and Mental Impairments shall coordinate and monitor the development and implementation of the memorandum of understanding.

(b) The memorandum of understanding must establish methods for:

1. identifying juveniles with mental impairments in the juvenile justice system and collecting and reporting relevant data to the office;
2. developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on juveniles with mental impairments who are committed to or treated, served, or supervised by the [Texas Youth Commission, the] Texas Juvenile Justice Department [Probation Commission], the Department of Public Safety, the Department of State Health Services, the Department of Family and Protective Services, the Department of Aging and Disability Services, the Texas Education Agency, local juvenile probation departments, local mental health or mental retardation authorities, and independent school districts; and
3. identifying the services needed by juveniles with mental impairments in the juvenile justice system.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001. Article 2.12, Code of Criminal Procedure, is
amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the
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1 Parks and Wildlife Commission;
2 (11) airport police officers commissioned by a city
3 with a population of more than 1.18 million that operates an airport
4 that serves commercial air carriers;
5 (12) airport security personnel commissioned as peace
6 officers by the governing body of any political subdivision of this
7 state, other than a city described by Subdivision (11), that
8 operates an airport that serves commercial air carriers;
9 (13) municipal park and recreational patrolmen and
10 security officers;
11 (14) security officers and investigators commissioned
12 as peace officers by the comptroller;
13 (15) officers commissioned by a water control and
14 improvement district under Section 49.216, Water Code;
15 (16) officers commissioned by a board of trustees
16 under Chapter 54, Transportation Code;
17 (17) investigators commissioned by the Texas Medical
18 Board;
19 (18) officers commissioned by the board of managers of
20 the Dallas County Hospital District, the Tarrant County Hospital
21 District, or the Bexar County Hospital District under Section
22 281.057, Health and Safety Code;
23 (19) county park rangers commissioned under
24 Subchapter E, Chapter 351, Local Government Code;
25 (20) investigators employed by the Texas Racing
26 Commission;
27 (21) officers commissioned under Chapter 554,
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1 Occupations Code;
2 (22) officers commissioned by the governing body of a
3 metropolitan rapid transit authority under Section 451.108,
4 Transportation Code, or by a regional transportation authority
5 under Section 452.110, Transportation Code;
6 (23) investigators commissioned by the attorney
7 general under Section 402.009, Government Code;
8 (24) security officers and investigators commissioned
9 as peace officers under Chapter 466, Government Code;
10 (25) an officer employed by the Department of State
11 Health Services under Section 431.2471, Health and Safety Code;
12 (26) officers appointed by an appellate court under
13 Subchapter F, Chapter 53, Government Code;
14 (27) officers commissioned by the state fire marshal
15 under Chapter 417, Government Code;
16 (28) an investigator commissioned by the commissioner
17 of insurance under Section 701.104, Insurance Code;
18 (29) apprehension specialists and inspectors general
19 commissioned by the Texas Juvenile Justice Department [Texas Youth
20 Commission] as officers under Sections 242.102 and 243.052 [61.0451
21 and 61.0931], Human Resources Code;
22 (30) officers appointed by the inspector general of
23 the Texas Department of Criminal Justice under Section 493.019,
24 Government Code;
25 (31) investigators commissioned by the Commission on
26 Law Enforcement Officer Standards and Education under Section
27 1701.160, Occupations Code;
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(32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code;

(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(35) investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and

(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 3.002. Subsection (d), Section 5, Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(d) The Texas Juvenile Justice Department may own electronic, mechanical, or other devices for a use or purpose authorized by Section 242.103, Human Resources Code, and the inspector general of the Texas Juvenile Justice Department, a commissioned officer of that office, or another person acting in the presence and under the direction of a commissioned officer of that office may possess, install, operate, or monitor those devices as provided by Section 242.103.

SECTION 3.003. Subsection (e), Section 29.012, Education
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Code, is amended to read as follows:

(e) This section does not apply to a residential treatment facility for juveniles established under Section 221.056 [141.059], Human Resources Code.

SECTION 3.004. Subsection (c), Section 51.13, Family Code, is amended to read as follows:

(c) A child may not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of persons convicted of crime, except:

(1) for temporary detention in a jail or lockup pending juvenile court hearing or disposition under conditions meeting the requirements of Section 51.12 of this code;

(2) after transfer for prosecution in criminal court under Section 54.02 of this code; or

(3) after transfer from the Texas Juvenile Justice Department [Youth Commission] under Section 245.151(c) [61.084], Human Resources Code.

SECTION 3.005. Subsection (a), Section 51.21, Family Code, is amended to read as follows:

(a) A probation department that administers the mental health screening instrument or clinical assessment required by Section 221.003 [141.042(e)], Human Resources Code, shall refer the child to the local mental health authority for assessment and evaluation if:

(1) the child's scores on the screening instrument or clinical assessment indicate a need for further mental health assessment and evaluation; and
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(z) the department and child do not have access to an internal, contract, or private mental health professional.

SECTION 3.006. Subsection (d), Section 53.045, Family Code, is amended to read as follows:

(d) If the grand jury approves of the petition, the fact of approval shall be certified to the juvenile court, and the certification shall be entered in the record of the case. For the purpose of the transfer of a child to the Texas Department of Criminal Justice as provided by Section 245.151(c) [61.084(e)], Human Resources Code, a juvenile court petition approved by a grand jury under this section is an indictment presented by the grand jury.

SECTION 3.007. Subsections (a), (h), (i), and (j), Section 54.11, Family Code, are amended to read as follows:

(a) On receipt of a referral under Section 244.014(a) [61.079(a)], Human Resources Code, for the transfer to the Texas Department of Criminal Justice of a person committed to the Texas Juvenile Justice Department [Youth Commission] under Section 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by the Texas Juvenile Justice Department [commission] under Section 245.051(d) [61.091(g)], Human Resources Code, for approval of the release under supervision of a person committed to the Texas Juvenile Justice Department [commission] under Section 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and place for a hearing on the release of the person.

(h) The hearing on a person who is referred for transfer under Section 244.014(a) [61.079(a)], Human Resources Code, shall
be held not later than the 60th day after the date the court
receives the referral.

(i) On conclusion of the hearing on a person who is referred
for transfer under Section 244.014(a) [61.079(a)], Human Resources
Code, the court may order:

(1) the return of the person to the Texas Juvenile
Justice Department [Youth Commission]; or

(2) the transfer of the person to the custody of the
Texas Department of Criminal Justice for the completion of the
person's sentence.

(j) On conclusion of the hearing on a person who is referred
for release under supervision under Section 245.051(c)
[61.081(c)], Human Resources Code, the court may order the return
of the person to the Texas Juvenile Justice Department [Youth
Commission]:

(1) with approval for the release of the person under
supervision; or

(2) without approval for the release of the person
under supervision.

SECTION 3.008. Subsection (g-1), Section 58.003, Family
Code, is amended to read as follows:

(g-1) Any records collected or maintained by the Texas
Juvenile Justice Department [Probation Commission], including
statistical data submitted under Section 221.007 [141.044], Human
Resources Code, are not subject to a sealing order issued under this
section.

SECTION 3.009. Subsection (b), Section 58.0072, Family
Code, is amended to read as follows:

(b) Juvenile justice information consists of information of the type described by Section 58.104, including statistical data in any form or medium collected, maintained, or submitted to the Texas Juvenile Justice Department [Probation Commission] under Section 221.007 [141.044], Human Resources Code.

SECTION 3.010. Subsection (b), Section 41.310, Government Code, is amended to read as follows:

(b) In addition to the duties prescribed by Subsection (a), the counsellor shall on a quarterly basis provide the board of directors and the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report concerning offenses or delinquent conduct prosecuted by the unit on receiving a request for assistance under Section 241.007 [61.098], Human Resources Code, or a request for assistance otherwise from a prosecuting attorney. A report under this subsection is public information under Chapter 552, Government Code, and the board of directors shall request that the commission publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the number of requests for assistance received under Section 241.007 [61.098], Human Resources Code, and requests for assistance otherwise received from prosecuting attorneys;

(2) the number of cases investigated and the number of cases prosecuted;
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(3) the types and outcomes of cases prosecuted, such as whether the case concerned narcotics or an alleged incident of sexual abuse; and

(4) the relationship of a victim to a perpetrator, if applicable.

SECTION 3.011. Subsection (a), Section 411.1141, Government Code, is amended to read as follows:

(a) The Texas Juvenile Justice Department [Youth Commission] is entitled to obtain from the department criminal history record information maintained by the department that relates to a person described by Section 242.010(b) [61.0357(b)], Human Resources Code.

SECTION 3.012. Subsection (d), Section 493.017, Government Code, is amended to read as follows:

(d) A sex offender correction program that provides counseling sessions for a child who is released under supervision under Section 245.053 [61.0813], Human Resources Code, shall report to the Texas Juvenile Justice Department [Youth Commission], not later than the 15th day of each month, the following information about the child:

(1) the total number of counseling sessions attended by the child during the preceding month; and

(2) if during the preceding month the child terminates participation in the program before completing counseling, the reason for the child's termination of counseling or that the reason for the termination of counseling is unknown.

SECTION 3.013. Section 499.053, Government Code, is amended
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1 to read as follows:

Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE DEPARTMENT [YOUTH COMMISSION]. (a) The department [institutional division] shall accept persons transferred to the department [division] from the Texas Juvenile Justice Department [Youth Commission] under Section 245.151 [61.084], Human Resources Code.

(b) A person transferred to the department [institutional division] from the Texas Juvenile Justice Department [Youth Commission] is entitled to credit on the person's sentence for the time served in the custody of the Texas Juvenile Justice Department [youth commission].

(c) All laws relating to good conduct time and eligibility for release on parole or mandatory supervision apply to a person transferred to the department [institutional division] by the Texas Juvenile Justice Department [youth commission] as if the time the person was detained in a detention facility and the time the person served in the custody of the Texas Juvenile Justice Department [youth commission] was time served in the custody of the department [division].

(d) A person transferred from the Texas Juvenile Justice Department [Youth Commission] for the offense of capital murder shall become eligible for parole as provided in Section 508.145(d) for an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure, or an offense for which a deadly weapon finding has been made.

SECTION 3.014. Subsection (a), Section 508.156, Government Code, is amended to read as follows:
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(a) Before the release of a person who is transferred under Section 245.051(c) [61.081(f)] or 245.151(e) [61.084(e)], Human Resources Code, to the department for release on parole, a parole panel shall review the person's records and may interview the person or any other person the panel considers necessary to determine the conditions of parole. The panel may impose any reasonable condition of parole on the person that the panel may impose on an adult inmate under this chapter.

SECTION 3.015. Subsection (c), Section 614.019, Health and Safety Code, is amended to read as follows:

(c) A child with mental illness or mental retardation who is discharged from the Texas Juvenile Justice Department under Section 244.011 [61.077], Human Resources Code, may receive continuity of care services from the office for a minimum of 90 days after discharge from the commission and for as long as necessary for the child to demonstrate sufficient stability to transition successfully to mental health or mental retardation services provided by a local mental health or mental retardation authority.

SECTION 3.016. Subsection (b), Section 152.0007, Human Resources Code, is amended to read as follows:

(b) The board may establish guidelines for the initial assessment of a child by the juvenile probation department. The guidelines shall provide a means for assessing a child's mental health status, family background, and level of education. The guidelines shall assist the probation department in determining whether a comprehensive psychological evaluation of the child
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1 should be conducted. The board shall require that probation
department personnel use assessment information compiled by the
child's school, if the information is available, before conducting
a comprehensive psychological evaluation of the child. The board
may adopt all or part of the Texas Juvenile Justice Department's
minimum standards for assessment
under Section 221.002 [141.042] in complying with this subsection.

SECTION 3.017. Section 152.0011, Human Resources Code, is
amended to read as follows:

Sec. 152.0011. LOCAL YOUTH BOOT CAMPS; CONTRACTS WITH
PRIVATE VENDORS. (a) The juvenile board or local juvenile
probation department may establish a youth boot camp and employ
necessary personnel to operate the camp.

(b) The juvenile board or local juvenile probation
department may contract with a private vendor for the financing,
construction, operation, maintenance, or management of a youth boot
camp [in the same manner as the state. The juvenile board may not
award a contract under this subsection unless the board requests
proposals and receives a proposal that meets or exceeds, in
addition to requirements specified in the request for proposals,
the requirements specified in Section 141.0434.

(c) A juvenile board youth boot camp must offer a program
that complies with the requirements of the youth boot camps set
forth in Section 141.0432.

(d) If a juvenile board or its designee determines
that a child is not complying with the rules of conduct promulgated
by the board [commission] or is medically or psychologically

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unsuitable for the program, the board shall terminate the child's participation in the program and request the sentencing court to reassume custody of the child.

SECTION 3.018. Subsection (f), Section 152.0301, Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [Probation Commission] as prescribed by Section 221.007 [141.044]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.019. Subsection (g), Section 152.0791, Human Resources Code, is amended to read as follows:

(g) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [Probation Commission] as prescribed by Section 221.007 [141.044]; and

(2) submit periodic financial and statistical reports to the commissioners courts.

SECTION 3.020. Subsection (f), Section 152.1371, Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [Probation Commission] as prescribed by Section 221.007 [141.044]; and
(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.021. Subsection (f), Section 152.1431, Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [Probation Commission] as prescribed by Section 221.007 [441.044]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.022. Subsection (f), Section 152.2511, Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [Probation Commission] as prescribed by Section 221.007 [441.044]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.023. Subsection (e-1), Section 16.02, Penal Code, is amended to read as follows:

(e-1) It is a defense to prosecution under Subsection (d)(1) that the electronic, mechanical, or other device is possessed by a person authorized to possess the device under Section 500.008, Government Code, or Section 242.103 [61.0485], Human Resources
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ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.001. (a) Effective December 1, 2011, Subchapters A, B, and H, Chapter 61, Human Resources Code, and Subchapters A and B, Chapter 141, Human Resources Code, are repealed.

(b) Effective December 1, 2011, the Texas Youth Commission and the Texas Juvenile Probation Commission are abolished and the powers and duties of those agencies are transferred to the Texas Juvenile Justice Board and the Texas Juvenile Justice Department in accordance with Title 12, Human Resources Code, as added by this Act.

SECTION 4.002. (a) Not later than December 1, 2011, the governor shall appoint the initial members of the Texas Juvenile Justice Board under Section 202.001, Human Resources Code, as added by this Act. The governor shall appoint:

(1) four members whose terms expire February 1, 2013;

(2) four members whose terms expire February 1, 2015;

and

(3) five members whose terms expire February 1, 2017.

(b) The initial members of the Advisory Council on Juvenile Services shall be appointed as provided by Section 203.0081, Human Resources Code, as added by this Act, not later than December 1, 2011. At the first advisory council meeting, the members, other than the ex officio members, shall draw lots to determine the length of each member's initial term and which members' terms expire each year.

SECTION 4.003. (a) All money, records, property, and
equipment in the possession of the Texas Youth Commission or the Texas Juvenile Probation Commission on December 1, 2011, shall be transferred to the possession of the Texas Juvenile Justice Department on December 1, 2011, or as soon as possible after that date.

(b) Effective December 1, 2011, a rule adopted by the Texas Youth Commission or the Texas Juvenile Probation Commission is a rule of the Texas Juvenile Justice Department until and unless the Texas Juvenile Justice Board amends or repeals the rule.

(c) Effective December 1, 2011, a memorandum of understanding entered into by the Texas Youth Commission or the Texas Juvenile Probation Commission is binding against the Texas Juvenile Justice Department to the same extent that the memorandum bound the agency that entered into the memorandum of understanding, until and unless the department enters into a new memorandum of understanding that modifies the department's responsibilities.

SECTION 4.004. As soon as practicable after September 1, 2011, the Texas Juvenile Justice Department shall establish the toll-free number for complaints, as required under Section 203.014, Human Resources Code, as added by this Act.

SECTION 4.005. Unless another provision of this Act specifically provides otherwise, the Texas Youth Commission and the Texas Juvenile Probation Commission, as applicable, shall implement each change in law made by this Act, including adopting any necessary or required rule, not later than December 1, 2011.

SECTION 4.006. (a) The validity of a disposition of a child under Title 3, Family Code, made before, on, or after the effective
date of this Act is not affected solely because:

(1) the terms of the disposition refer to the Texas Youth Commission or the Texas Juvenile Probation Commission; and

(2) during the time for which the disposition is in effect, the Texas Youth Commission and the Texas Juvenile Probation Commission cease to exist and their powers and duties are transferred, as provided by this Act, to the Texas Juvenile Justice Department.

(b) The action of a juvenile probation department taken in relation to a child before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the action refer to the Texas Youth Commission or the Texas Juvenile Probation Commission; and

(2) during the time for which the action is in effect, the Texas Youth Commission and the Texas Juvenile Probation Commission cease to exist and their powers and duties are transferred, as provided by this Act, to the Texas Juvenile Justice Department.

(c) The changes in law made by this Act to Title 3, Family Code, are not substantive in nature and apply to conduct by a child that occurs before, on, or after the effective date of this Act.

(d) The disposition of an individual 10 years of age or older and under 21 years of age who was committed to the Texas Youth Commission under Title 3, Family Code, before June 8, 2007, is not affected by Subdivision (2), Subsection (a), Section 201.001, Human Resources Code, as added by this Act.

SECTION 4.007. (a) This section applies only to a closed
facility on real property owned by the Texas Youth Commission or the Texas Juvenile Justice Department that is located wholly or partly in a county that has a population of less than 100,000.

(b) The Texas Youth Commission or the Texas Juvenile Justice Department may transfer a closed facility to the county or municipality in which the facility is located.

(c) The consideration for the transfer authorized by Subsection (b) of this section is the requirement that the county or municipality use the property transferred only for a purpose that benefits the public interest of the state. If the county or municipality no longer uses the property for a public purpose, ownership of the property automatically reverts to the Texas Juvenile Justice Department.

(d) The Texas Youth Commission or the Texas Juvenile Justice Department shall transfer the property by an appropriate instrument of transfer, executed on the agency's behalf by the commissioner of the General Land Office. The instrument of transfer must:

(1) provide that:

(A) the transferee shall use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the Texas Juvenile Justice Department if the transferee uses the property for any purpose other than a purpose that benefits the interest of the state;

(2) describe the property to be transferred by metes and bounds; and

(3) exclude from the transfer all mineral interests in
and under the property and prohibit any exploration, drilling, or other similar intrusion on the property related to mineral interests.

(e) The Texas Juvenile Justice Department shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of the county in which the property is located.

(f) This section expires September 1, 2017.

SECTION 4.008. This Act takes effect September 1, 2011.
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David Dewhurst
President of the Senate

I hereby certify that S.B. No. 653 passed the Senate on April 13, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 5, 2011, by the following vote: Yeas 31, Nays 0.

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 653 passed the House, with amendments, on April 29, 2011, by the following vote: Yeas 146, Nays 2, one present not voting.

Robert Haney
Chief Clerk of the House

Approved: 19 MAY '11

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
MAY 19 2011

Secretary of State