

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,

1 Family Code.

2 (3) "Court" means a juvenile court.

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

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

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

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

13 (a-1) A reference to the department:

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

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

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

21 (a-2) This subsection and Subsection (a-1) expire December  
22 1, 2011.

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

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

26 (2) the Texas Youth Commission means the department.

27 Sec. 201.002. PURPOSES AND INTERPRETATION. This title

1 shall be construed to have the following public purposes:

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

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

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

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

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

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

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

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

26 (1) support the development of a consistent  
27 county-based continuum of effective interventions, supports, and

1 services for youth and families that reduce the need for  
2 out-of-home placement;

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

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

10 (4) encourage regional cooperation that enhances  
11 county collaboration;

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

14 (6) use secure facilities of a size that supports  
15 effective youth rehabilitation and public safety.

16 Sec. 201.004. INTERAGENCY AND INTERGOVERNMENTAL  
17 COOPERATION. (a) To improve services to youth, the department may  
18 cooperate and contract with:

19 (1) the federal government;

20 (2) governmental agencies in this state and other  
21 states;

22 (3) political subdivisions of the state; and

23 (4) private agencies and foundations.

24 (b) The executive director, the commissioner of education,  
25 the commissioner of family and protective services, the  
26 commissioner of state health services, the executive commissioner  
27 of health and human services, and the chair of the workforce

1 commission, or their designees, shall meet at least annually to:

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

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

7 (3) make recommendations to the governor and  
8 legislature.

9 CHAPTER 201A. TEMPORARY PROVISIONS

10 SUBCHAPTER A. TRANSITION TEAM

11 Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING

12 OFFICER. (a) The juvenile justice services and facilities  
13 transition team is composed of the following seven members:

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

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

19 (3) a representative of the governor;

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

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

26 (6) one member who represents the interests of:

27 (A) youthful offenders or the families of

1 youthful offenders;

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

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

6 (7) one member with experience in organizational  
7 mergers.

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

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

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

16 (e) The transition team members appointed under Subsections  
17 (a)(1) and (2) remain on the transition team after November 30,  
18 2011, regardless of the abolition of the agencies named in those  
19 subdivisions.

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

23 Sec. 201A.002. POWERS AND DUTIES. (a) After September 1,  
24 2011, and before December 1, 2011, the transition team shall  
25 coordinate and oversee the transition of services and facilities  
26 from the Texas Juvenile Probation Commission and the Texas Youth  
27 Commission to the Texas Juvenile Justice Department.

1        (b) After November 30, 2011, and before March 1, 2012, the  
2 transition team shall:

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

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

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

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

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

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

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

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

26            (4) the comptroller of public accounts, with suggested  
27 accounting practices for the department; and

1           (5) the Texas Facilities Commission, with assistance  
2 in efficiently using the office space in which the administrative  
3 offices of the Texas Juvenile Probation Commission and the Texas  
4 Youth Commission are located and, if necessary, locating additional  
5 office space for the administrative offices of the department.

6           [Sections 201A.004-201A.050 reserved for expansion]

7                           SUBCHAPTER B. EXPIRATION

8           Sec. 201A.051. EXPIRATION. This chapter expires March 31,  
9 2012.

10                           CHAPTER 202. ADMINISTRATIVE PROVISIONS

11           Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER.

12 (a) The board is composed of the following 13 members appointed by  
13 the governor with the advice and consent of the senate:

14           (1) one member who is a district court judge of a court  
15 designated as a juvenile court;

16           (2) three members who are members of a county  
17 commissioners court;

18           (3) one prosecutor in juvenile court;

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

22           (5) one chief juvenile probation officer of a juvenile  
23 probation department serving a county with a population that  
24 includes at least 7,500 but fewer than 80,000 persons younger than  
25 18 years of age;

26           (6) one chief juvenile probation officer of a juvenile  
27 probation department serving a county with a population that



1 includes 80,000 or more persons younger than 18 years of age;

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

5 (8) one educator, as that term is defined by Section  
6 5.001, Education Code; and

7 (9) three members of the general public.

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

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

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

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

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

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

25 (2) is employed by or participates in the management  
26 of a business entity or other organization regulated by or  
27 receiving money from the department;

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

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

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

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

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

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

26           (d) In this section, "Texas trade association" means a  
27 cooperative and voluntarily joined statewide association of

1 business or professional competitors in this state designed to  
2 assist its members and its industry or profession in dealing with  
3 mutual business or professional problems and in promoting their  
4 common interest.

5 Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

6 (a) A judge's place on the board becomes vacant when the judge  
7 ceases to hold a judicial office.

8 (b) A judge's service on the board is an additional duty of  
9 office.

10 (c) At the time of appointment to the board, a judge must be  
11 a judge of:

12 (1) a court designated as a juvenile court; or

13 (2) a court that is one of several courts that rotate  
14 being the juvenile court.

15 Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground  
16 for removal from the board if a member:

17 (1) does not have at the time of taking office the  
18 qualifications required by Sections 202.001 and 202.003;

19 (2) does not maintain during service on the board the  
20 qualifications required by Sections 202.001 and 202.003;

21 (3) is ineligible for membership under Section  
22 202.002;

23 (4) cannot, because of illness or disability,  
24 discharge the member's duties for a substantial part of the term; or

25 (5) is absent from more than half of the regularly  
26 scheduled board meetings that the member is eligible to attend  
27 during a calendar year unless the absence is excused by majority

1 vote of the board.

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

5 (c) If the executive director has knowledge that a potential  
6 ground for removal exists, the executive director shall notify the  
7 presiding officer of the board of the potential ground. The  
8 presiding officer shall then notify the governor and the attorney  
9 general that a potential ground for removal exists. If the  
10 potential ground for removal involves the presiding officer, the  
11 executive director shall notify the next highest ranking officer of  
12 the board, who shall then notify the governor and the attorney  
13 general that a potential ground for removal exists.

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

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

26 Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person  
27 who is appointed to and qualifies for office as a member of the

1 board may not vote, deliberate, or be counted as a member in  
2 attendance at a meeting of the board until the person completes a  
3 training program that complies with this section.

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

6 (1) the legislation that created the department;

7 (2) the programs, functions, rules, and budget of the  
8 department;

9 (3) the results of the most recent formal audit of the  
10 department;

11 (4) the requirements of laws relating to open  
12 meetings, public information, administrative procedure, and  
13 conflicts of interest; and

14 (5) any applicable ethics policies adopted by the  
15 department or the Texas Ethics Commission.

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

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

25 Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The  
26 board shall hold regular quarterly meetings on dates set by the  
27 board and special meetings at the call of the presiding officer.

1        (b) The board shall adopt rules regulating the board's  
2 proceedings.

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

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

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

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

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

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

26            (1) supersede the authority of the state auditor to  
27 conduct an audit under Chapter 321, Government Code; or

1           (2) prohibit the state auditor from:

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

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

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

13           CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND DEPARTMENT

14           Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION.

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

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

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

1 Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:

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

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

6 Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

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

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

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

15 (1) negotiated rulemaking procedures under Chapter  
16 2008, Government Code, for the adoption of department rules; and

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

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

26 (c) The department shall:

27 (1) coordinate the implementation of the policy



1 adopted under Subsection (a);

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

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

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

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

13 Sec. 203.006. MEDICAID BENEFITS. The department shall:

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

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

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

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

23 Sec. 203.0065. PREVENTION AND INTERVENTION SERVICES.

24 (a) In this section, "prevention and intervention services" means  
25 programs and services intended to prevent or intervene in at-risk  
26 behaviors that lead to delinquency, truancy, dropping out of  
27 school, or referral to the juvenile justice system.

1        (b) The department shall provide prevention and  
2 intervention services for:

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

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

7                        (B) under the jurisdiction of the juvenile court;

8 and

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

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

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

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

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

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

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

26                (3) ensure program effectiveness by funding  
27 evidence-based or research-based programs;

1           (4) provide accountability for the provision of  
2 services in order to demonstrate the impact or public benefit of a  
3 program by adopting outcomes measures;

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

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

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

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

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

24           (b) The department shall continuously study the problem of  
25 juvenile delinquency in this state and the effectiveness of  
26 services provided or regulated by the department under Subtitle B  
27 or C and shall report the department's findings to the governor and

1 the legislature before each regular legislative session.

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

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

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

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

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

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

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

19 (1) governor;

20 (2) lieutenant governor;

21 (3) speaker of the house of representatives; and

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

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

26 Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH,  
27 RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section,

1 "evidence" means any record, book, paper, document, data, or other  
2 evidence maintained by electronic or other means.

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

6 (1) abuse, neglect, or exploitation allegations;

7 (2) complaints;

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

11 (4) any other matter under the authority of the  
12 department, including a determination of treatment under Section  
13 244.005.

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

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

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

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

26 (e) Any peace officer, department investigator, other  
27 department official, or person authorized under Article 24.01, Code

1 of Criminal Procedure, may serve the subpoena in the same manner  
2 that similar process in a court of record having original  
3 jurisdiction of criminal actions is served.

4 (f) A subpoena under this section shall be served and  
5 witness fees and mileage paid as in civil cases in the district  
6 court in the county to which the witness is called, unless the  
7 proceeding for which the service or payment is made is under Chapter  
8 2001, Government Code, in which case the service or payment shall be  
9 made as provided in that chapter. Witnesses subpoenaed at the  
10 instance of the department shall be paid their fees and mileage by  
11 the department out of funds appropriated for that purpose.

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

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

21 (i) If a witness in attendance before the department or  
22 before an authorized representative refuses without reasonable  
23 cause to be examined or answer a legal or pertinent question, or to  
24 produce evidence when ordered by the department, the department may  
25 apply to the district court for a rule or order returnable in not  
26 less than two or in more than five days, directing the witness to  
27 show cause before the judge why the witness should not be punished

1 for contempt. The department may apply to the district court of any  
2 county where the witness is in attendance, on proof by affidavit of  
3 the fact, unless the order of contempt is sought under Chapter 2001,  
4 Government Code, in which case the department shall apply to a  
5 district court of Travis County, as provided by that chapter. On  
6 return of the order, the judge hearing the matter shall examine the  
7 witness under oath and the witness shall be given an opportunity to  
8 be heard. If the judge determines that the witness has refused,  
9 without reasonable cause or legal excuse, to be examined or answer a  
10 legal or pertinent question, or to produce evidence that the  
11 witness was ordered to bring or produce, the judge may immediately  
12 find the witness in contempt of court.

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

17 Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES.

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

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

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

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

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

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

1 and

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

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

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

13 (2) one chief juvenile probation officer of a juvenile  
14 probation department serving a county with a population that  
15 includes at least 7,500 but fewer than 80,000 persons younger than  
16 18 years of age; and

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

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

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

26 (e) The advisory council shall assist the department in:

27 (1) determining the needs and problems of county



1 juvenile boards and probation departments;

2 (2) conducting long-range strategic planning;

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

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

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

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

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

15 (1) are reasonable and necessary;

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

18 (3) do not produce unnecessary revenue.

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

25 Sec. 203.010. COMPLAINTS. (a) The department shall  
26 maintain a system to promptly and efficiently act on complaints  
27 received by the department by or on behalf of a juvenile relating to

1 the programs, services, or facilities of the department or a local  
2 juvenile probation department.

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

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

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

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

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

27 (1) the subject matter of the complaint;

1           (2) the parties to the complaint;

2           (3) a summary of the results of the review or  
3 investigation of the complaint;

4           (4) the period of time between the date the complaint  
5 is received and the date the complaint is closed; and

6           (5) the disposition of the complaint.

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

13           Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.

14 A juvenile probation department that is aggrieved by a decision of  
15 the executive director, including a decision relating to standards  
16 affecting juvenile probation programs, services, or facilities,  
17 may appeal the executive director's decision to the board. The  
18 decision of the board is final and cannot be appealed.

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

25           Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department  
26 shall regularly conduct internal audits of the department,  
27 including audits of:

1           (1) facilities operated by and under contract with  
2 the department; and

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

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

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

10           (2) the state auditor.

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

16           (b) The department shall ensure that:

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

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

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

25           (c) The department shall share the complaints received on  
26 the toll-free number with the office of inspector general and the  
27 office of the independent ombudsman.

1        Sec. 203.015. PROGRAMS AND SERVICES EVALUATION SYSTEM. The  
2 department shall establish and implement a system to evaluate the  
3 effectiveness of county and state programs and services for youth.

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

7        SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

8        SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human  
9 Resources Code, are transferred to Subtitle B, Title 12, Human  
10 Resources Code, as added by this Act, redesignated as Chapters 221,  
11 222, and 223, respectively, and amended to read as follows:

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

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

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

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

24        Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE  
25 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND  
26 FACILITIES. (a) The board [~~commission~~] shall adopt reasonable  
27 rules that provide:

1 (1) minimum standards for personnel, staffing, case  
2 loads, programs, facilities, record keeping, equipment, and other  
3 aspects of the operation of a juvenile board that are necessary to  
4 provide adequate and effective probation services;

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

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

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

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

25 (b) In adopting the rules, the board [~~commission~~] shall  
26 consider local information and evidence gathered through public  
27 review and comment.

1           (c) The department [~~commission~~] shall operate a statewide  
2 registry for all public and private juvenile pre-adjudication  
3 secure detention facilities and all public and private juvenile  
4 post-adjudication secure correctional facilities [~~except a~~  
5 ~~facility operated or certified by the Texas Youth Commission~~].

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

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

27           Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING

1 INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY  
 2 OF STATEMENTS. (a) The board by rule shall require juvenile [~~e~~]  
 3 Juvenile] probation departments to [~~shall~~] use the mental health  
 4 screening instrument selected by the department [~~commission~~] for  
 5 the initial screening of children under the jurisdiction of  
 6 probation departments who have been formally referred to a juvenile  
 7 probation [~~the~~] department. The department [~~commission~~] shall give  
 8 priority to training in the use of this instrument in any preservice  
 9 or in-service training that the department [~~commission~~] provides  
 10 for probation officers. The rules adopted by the board under this  
 11 section must allow a [A] clinical assessment by a licensed mental  
 12 health professional to [~~may~~] be substituted for the mental health  
 13 screening instrument selected by the department [~~commission~~] if the  
 14 clinical assessment is performed in the time prescribed by the  
 15 department [~~commission~~].

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

22 (c) [~~g~~] Any statement made by a child and any mental  
 23 health data obtained from the child during the administration of  
 24 the mental health screening instrument or the initial risk and  
 25 needs assessment instruments under this section is not admissible  
 26 against the child at any other hearing. The person administering  
 27 the mental health screening instrument or initial risk and needs



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1 assessment instruments shall inform the child that any statement  
2 made by the child and any mental health data obtained from the child  
3 during the administration of the instrument is not admissible  
4 against the child at any other hearing.

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

15 [~~i~~] A juvenile probation department shall report data  
16 from the use of the screening instrument or clinical assessment  
17 under Subsection (a) [~~e~~] and the risk and needs assessment under  
18 Subsection (b) [~~f~~] to the department [~~commission~~] in the format  
19 and at the time prescribed by the department [~~commission~~].

20 (e) [~~j~~] The board [~~commission~~] shall adopt rules to  
21 ensure that youth in the juvenile justice system are assessed using  
22 the screening instrument or clinical assessment under Subsection  
23 (a) [~~e~~] and the risk and needs assessment under Subsection (b)  
24 [~~f~~].

25 Sec. 221.004 [~~141.0421~~]. STANDARDS RELATING TO LOCAL  
26 PROBATION DEPARTMENTS. (a) The board [~~commission~~] shall adopt  
27 rules that provide:

1 (1) standards for the collection and reporting of  
2 information about juvenile offenders by local probation  
3 departments;

4 (2) performance measures to determine the  
5 effectiveness of probation services provided by local probation  
6 departments; and

7 (3) case management standards for all probation  
8 services provided by local probation departments.

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

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

15 Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL  
16 AUTHORITIES. (a) The department [~~commission~~] shall provide  
17 educational training and technical assistance to counties,  
18 juvenile boards, and probation offices to:

19 (1) promote compliance with the standards required  
20 under this chapter; and

21 (2) assist the local authorities in improving the  
22 operation of probation, parole, and detention services.

23 (b) The department shall encourage compliance with  
24 educational service standards and rights prescribed by state or  
25 federal law by:

26 (1) facilitating interagency coordination and  
27 collaboration among juvenile probation departments, school

1 districts, and the Texas Education Agency; and

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

6           Sec. 221.006 [~~141.0431~~]. VIOLENCE PREVENTION AND CONFLICT  
7 RESOLUTION TRAINING. The department [~~commission~~] shall:

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

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

14           Sec. 221.007 [~~141.044~~]. JUVENILE BOARD RECORDS AND  
15 REPORTS. Each juvenile board in the state shall:

16           (1) keep the financial, programmatic, and statistical  
17 records the department [~~commission~~] considers necessary; and

18           (2) submit periodic financial, programmatic, and  
19 statistical reports to the department [~~commission~~] as required by  
20 the department [~~commission~~] and in the format specified by the  
21 department [~~commission~~], including electronic submission.

22           Sec. 221.0071. CHARTER SCHOOL. (a) Notwithstanding any  
23 other law and in addition to the number of charters allowed under  
24 Subchapter D, Chapter 12, Education Code, the State Board of  
25 Education may grant a charter on the application of a detention,  
26 correctional, or residential facility established only for  
27 juvenile offenders under Section 51.12, 51.125, or 51.126, Family

1 Code.

2 (b) If a local detention, correctional, or residential  
3 facility described by Subsection (a) applies for a charter, the  
4 facility must provide all educational opportunities and services,  
5 including special education instruction and related services, that  
6 a school district is required under state or federal law to provide  
7 for students residing in the district through a charter school  
8 operated in accordance with and subject to Subchapter D, Chapter  
9 12, Education Code.

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

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

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

24 (b) The department [commission] may inspect any program or  
25 facility operated on behalf of and under the authority of the  
26 juvenile board by the probation department, a governmental entity,  
27 or private vendor.

1           ~~[Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER~~  
2 ~~OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this~~  
3 ~~section, "evidence" means any record, book, paper, document, data,~~  
4 ~~or other evidence maintained by electronic or other means.~~

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

8                   ~~[(1) abuse, neglect, or exploitation allegations,~~

9                   ~~[(2) complaints,~~

10                   ~~[(3) financial and programmatic audits of juvenile~~  
11 ~~probation programs services and facilities, including juvenile~~  
12 ~~justice alternative education programs, or~~

13                   ~~[(4) any matter under the authority of the commission.~~

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

16                   ~~[(1) the chairman of the commission or, if the~~  
17 ~~chairman is unavailable, the vice-chairman of the commission, and~~

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

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

25           ~~[(e) A subpoena under this section shall be served and~~  
26 ~~witness fees and mileage paid as in civil cases in the district~~  
27 ~~court in the county to which the witness is called, unless the~~

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1 ~~proceeding for which the service or payment is made is under Chapter~~  
2 ~~2001, Government Code, in which case the service or payment shall be~~  
3 ~~made as provided in that chapter. Witnesses subpoenaed at the~~  
4 ~~instance of the commission shall be paid their fees and mileage by~~  
5 ~~the commission out of funds appropriated for that purpose.~~

6 ~~[(f) On application of the commission, a court of record~~  
7 ~~having original jurisdiction of criminal actions may compel the~~  
8 ~~attendance of a witness, the production of material, or the giving~~  
9 ~~of testimony before the commission, by an attachment for contempt~~  
10 ~~or in the same manner as the court may otherwise compel the~~  
11 ~~production of evidence.~~

12 ~~[(g) The chairman or another member of the commission may~~  
13 ~~administer an oath to a witness in attendance before the commission~~  
14 ~~or before an authorized representative of the commission.~~

15 ~~[(h) If a witness in attendance before the commission or~~  
16 ~~before an authorized representative refuses without reasonable~~  
17 ~~cause to be examined or answer a legal or pertinent question, or to~~  
18 ~~produce evidence when ordered by the commission, the commission may~~  
19 ~~apply to the district court for a rule or order returnable in not~~  
20 ~~less than two or in more than five days, directing the witness to~~  
21 ~~show cause before the judge why the witness should not be punished~~  
22 ~~for contempt. The commission may apply to the district court of any~~  
23 ~~county where the witness is in attendance, on proof by affidavit of~~  
24 ~~the fact, unless the order of contempt is sought under Chapter 2001,~~  
25 ~~Government Code, in which case the commission shall apply to a~~  
26 ~~district court of Travis County, as provided by that chapter. On~~  
27 ~~return of the order, the judge hearing the matter shall examine the~~

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.~~

1 ~~(a) The director and the executive director of the Texas Youth~~  
2 ~~Commission shall jointly appoint a strategic planning committee to~~  
3 ~~biennially develop a coordinated strategic plan which shall guide,~~  
4 ~~but not substitute for, the strategic plans developed individually~~  
5 ~~by the agencies. The director and the executive director of the~~  
6 ~~Texas Youth Commission are co-presiding officers of the strategic~~  
7 ~~planning committee.~~

8 ~~[(b) The director shall appoint four members to the~~  
9 ~~strategic planning committee. The director shall appoint at least,~~

10 ~~[(1) one committee member who represents the interests~~  
11 ~~of families of juvenile offenders,~~

12 ~~[(2) one committee member who represents the interests~~  
13 ~~of local juvenile probation departments, and~~

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

17 ~~[(c) The executive director of the Texas Youth Commission~~  
18 ~~shall appoint four members to the strategic planning committee.~~  
19 ~~The executive director shall appoint at least,~~

20 ~~[(1) one committee member who represents the interests~~  
21 ~~of juvenile offenders,~~

22 ~~[(2) one committee member who represents the interests~~  
23 ~~of the victims of delinquent or criminal conduct, and~~

24 ~~[(3) one committee member who is an educator as~~  
25 ~~defined by Section 5.001, Education Code.]~~

26 Sec. 221.009 [141.0472]. [COORDINATED] STRATEGIC PLAN;  
27 ADOPTION OF PLAN. (a) The board shall develop a [coordinated]



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 [~~cross-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

1 state agencies that serve youth in the juvenile justice system;

2 (10) include the development of new, or the  
3 improvement of existing, validated risk assessment instruments;

4 (11) include strategies to determine which programs  
5 are most effective in rehabilitating youth in the juvenile justice  
6 system;

7 (12) include planning for effective aftercare  
8 programs and services, including ensuring that youth in the  
9 juvenile justice system have personal identification and  
10 appropriate referrals to service providers; and

11 (13) track performance measures to illustrate the  
12 costs of different levels of treatment and to identify the most  
13 cost-effective programs in each component of the juvenile justice  
14 system in this state.

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

26 (c) The board [~~governing boards of the commission and the~~  
27 ~~Texas Youth Commission]~~ shall review and adopt the [~~coordinated]~~

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1 strategic plan as provided by Section 2056.002, Government Code [~~en~~  
2 ~~or before December 1st of each odd-numbered year, or before the~~  
3 ~~adoption of the agency's individual strategic plan, whichever is~~  
4 ~~earlier~~].

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

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

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

17 [~~(b) The records must show, for each calendar quarter and~~  
18 ~~for each calendar year:~~

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

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

23 [~~(3) the name of the principal investigator conducting~~  
24 ~~the research program or study; and~~

25 [~~(4) the entity sponsoring the research program or~~  
26 ~~study.~~

27 [~~(c) The commission shall submit a report that contains the~~

1 ~~information in the records kept under Subsection (b) on or before~~  
2 ~~the 15th day after the last day of the appropriate reporting period~~  
3 ~~to the:~~

- 4           ~~[(1) governor,~~  
5           ~~[(2) lieutenant governor,~~  
6           ~~[(3) speaker of the house of representatives, and~~  
7           ~~[(4) members of the senate and house of~~  
8 ~~representatives.~~

9           ~~[(d) A report submitted under this section is public~~  
10 ~~information under Chapter 552, Government Code.]~~

11           Sec. 221.010 [~~141.049~~]. COMPLAINTS RELATING TO JUVENILE  
12 BOARDS. (a) The department [~~commission~~] shall maintain a system  
13 to promptly and efficiently act on a complaint filed with the  
14 department [~~commission~~] relating to a juvenile board funded by the  
15 department [~~commission~~]. The department [~~commission~~] shall  
16 maintain information about parties to the complaint, a summary of  
17 the results of the review or investigation of the complaint, and the  
18 disposition of the complaint.

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

24           (c) The department [~~commission~~] shall investigate the  
25 allegations in the complaint and make a determination of whether  
26 there has been a violation of the department's [~~commission's~~] rules  
27 relating to juvenile probation programs, services, or facilities.

1 (d) If a written complaint is filed with the department  
2 [~~commission~~] relating to a juvenile board funded by the department  
3 [~~commission~~], the department [~~commission~~] shall periodically  
4 notify the complainant and the juvenile board of the status of the  
5 complaint until final disposition, unless notice would jeopardize  
6 an undercover investigation.

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

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

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

20 (1) may include recommendations; and

21 (2) must include:

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

25 (B) information comparing the cost of a child  
26 participating in a program described by Paragraph (A) with the cost  
27 of committing the child to the department.

1        (b) The department shall file annually with the governor,  
2 the Legislative Budget Board, and the presiding officer of each  
3 house of the legislature a complete and detailed written report  
4 accounting for all funds received and disbursed by the department  
5 during the preceding fiscal year. The annual report must be in the  
6 form and be submitted by the time provided by the General  
7 Appropriations Act.

8                    SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

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

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

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

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

19            (b) The department [~~commission~~] shall require each local  
20 juvenile probation department:

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

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

27            (c) The department [~~commission~~] shall consider the past

1 performance of a juvenile board when contracting with the juvenile  
2 board for local probation services other than basic probation  
3 services. In addition to the contract standards described by  
4 Subsection (a), a contract with a juvenile board for probation  
5 services other than basic probation services must:

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

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

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

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

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

21 [~~Sec. 141.052. MEDICAID BENEFITS. The commission shall:~~

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

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

27 [~~(3) provide technical assistance to counties~~

1 ~~relating to eligibility for Medicaid benefits, and~~

2 ~~[(4) monitor the extent to which counties make use of~~  
3 ~~Medicaid benefits.~~

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

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

- 15 (1) a county or municipality; and
- 16 (2) a private vendor operating a correctional facility
- 17 under a contract with a county or municipality.

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

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



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

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

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

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

16 ~~[(1) members of the Texas Juvenile Probation~~  
17 ~~Commission, the Texas Youth Commission, and other relevant state~~  
18 ~~agencies as determined by the director,~~

19 ~~[(2) members of the legislature,~~

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

24 ~~[(A) programs to promote public awareness,~~

25 ~~[(B) programs to identify and provide services to~~  
26 ~~victims,~~

27 ~~[(C) legal services, and~~

1                   ~~[(D) community outreach and training programs,~~  
2 and

3                   ~~[(4) other juvenile justice experts.~~

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

9                   ~~[(d) This section expires June 1, 2011.]~~

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

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

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

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

22                  Sec. 221.055 [~~141.058~~]. QUARTERLY REPORT ON ABUSE,  
23 NEGLECT, AND EXPLOITATION. (a) The department [~~On January 1,~~  
24 ~~2010, and quarterly after that date, the commission~~] shall prepare  
25 and deliver a quarterly report to the board concerning the final  
26 outcome of any complaint received under Section 261.405, Family  
27 Code, that concerns the abuse, neglect, or exploitation of a

1 juvenile. The report must include a summary of the actions  
2 performed by the department [~~commission~~] and any applicable  
3 juvenile board or juvenile probation department in resolving the  
4 complaint.

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

8 Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY.

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

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

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

24 (2) all educational opportunities and services,  
25 including special education instruction and related services, that  
26 a school district is required under state or federal law to provide  
27 for students residing in the district through a charter school

1 operated in accordance with and subject to Subchapter D, Chapter  
2 12, Education Code.

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

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

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

17 SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

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

- 22 (1) be of good moral character;
- 23 (2) have acquired a bachelor's degree conferred by a  
24 college or university accredited by an accrediting organization  
25 recognized by the Texas Higher Education Coordinating Board;
- 26 (3) have either:
- 27 (A) one year of graduate study in criminology,

1 corrections, counseling, law, social work, psychology, sociology,  
2 or other field of instruction approved by the department  
3 [~~commission~~]; or

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

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

9 (ii) that the department [~~commission~~]  
10 determines provides the kind of experience necessary to meet this  
11 requirement;

12 (4) have satisfactorily completed the course of  
13 preservice training or instruction and any continuing education  
14 required by the department [~~commission~~];

15 (5) have passed the tests or examinations required by  
16 the department [~~commission~~]; and

17 (6) possess the level of certification required by the  
18 department [~~commission~~].

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

25 (c) The board [~~commission~~] by rule may authorize the  
26 temporary employment of a person who has not completed a course of  
27 preservice training, passed the examination, or attained the

1 required level of certification, contingent on the person meeting  
2 those requirements within the time specified by the board  
3 [~~commission~~].

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

13 (e) The department [~~commission~~] may waive any certification  
14 requirement, except a fee requirement, for an applicant who has a  
15 valid certification from another state that has certification  
16 requirements that are substantially equivalent to the requirements  
17 in this state.

18 (f) The department [~~commission~~] may waive the degree  
19 accreditation requirement in Subsection (a)(2) if the applicant  
20 possesses a foreign or other degree that the department  
21 [~~commission~~] determines is the substantial equivalent of a  
22 bachelor's degree. The board [~~commission~~] shall adopt rules  
23 defining the procedures to be used to request a waiver of the  
24 accreditation requirement in Subsection (a)(2).

25 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION  
26 OFFICERS. To be eligible for appointment as a detention officer, a  
27 person who was not employed as a detention officer before September

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  
5 equivalent;

6 (4) have satisfactorily completed the course of  
7 preservice training or instruction required by the department  
8 [~~commission~~];

9 (5) have passed the tests or examinations required by  
10 the department [~~commission~~]; and

11 (6) possess the level of certification required by the  
12 department [~~commission~~].

13 Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN  
14 EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board  
15 [~~commission~~] by rule shall adopt certification standards for  
16 persons who are employed in nonsecure correctional facilities that  
17 accept only juveniles who are on probation and that are operated by  
18 or under contract with a governmental unit, as defined by Section  
19 101.001, Civil Practice and Remedies Code.

20 (b) The certification standards adopted under Subsection  
21 (a) must be substantially similar to the certification requirements  
22 for detention officers under Section 222.002 [~~141.0611~~].

23 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF  
24 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A  
25 peace officer, prosecuting attorney, or other person who is  
26 employed by or who reports directly to a law enforcement or  
27 prosecution official may not act as a chief administrative,

1 juvenile probation, or detention officer or be made responsible for  
2 supervising a juvenile on probation.

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

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

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

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

14 (b) This section does not apply to:

15 (1) an employee of the department; or

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

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

21 SUBCHAPTER B. CERTIFICATION AND EXAMINATION

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



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

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

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

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

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

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

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

27 (1) report regularly to the department [~~commission~~] on

1 matters that are the basis of the probation; and

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

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

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

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

25 [~~Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF~~  
26 ~~ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A~~  
27 ~~peace officer, prosecuting attorney, or other person who is~~

1 ~~employed by or who reports directly to a law enforcement or~~  
2 ~~prosecution official may not act as a chief administrative,~~  
3 ~~juvenile probation, or detention officer or be made responsible for~~  
4 ~~supervising a juvenile on probation.~~

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

7 ~~[(1) hired or appointed by or under contract with the~~  
8 ~~juvenile board; and~~

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

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

16 ~~[(b) This section does not apply to:~~

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

18 ~~[(2) a juvenile probation officer authorized to carry~~  
19 ~~a firearm under Section 142.006.~~

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

23 CHAPTER 223 [SUBCHAPTER E]. STATE AID

24 Sec. 223.001 [141.081]. DETERMINATION OF AMOUNT OF STATE  
25 AID. (a) The department [~~commission~~] shall annually allocate  
26 funds for financial assistance to juvenile boards to provide  
27 juvenile services according to current estimates of the number of

1000  
1000

1 juveniles in each county and other factors the department  
2 [~~commission~~] determines are appropriate.

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

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

11 [~~(d) The commission by rule shall, not later than September~~  
12 ~~1, 2010, establish one or more basic probation services funding~~  
13 ~~formulas and one or more community corrections funding formulas.~~  
14 ~~The funding formulas established under this subsection must include~~  
15 ~~each grant for which the commission, on or before September 1, 2009,~~  
16 ~~established an allocation formula.]~~

17 Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL  
18 SUPPORT. (a) To receive the full amount of state aid funds for  
19 which a juvenile board may be eligible, a juvenile board must  
20 demonstrate to the department's [~~commission's~~] satisfaction that  
21 the amount of local or county funds budgeted for juvenile services  
22 is at least equal to the amount spent, excluding construction and  
23 capital outlay expenses, for those services in the 1994 county  
24 fiscal year. The department [~~commission~~] may waive this  
25 requirement only if the juvenile board demonstrates to the  
26 department [~~commission~~] that unusual, catastrophic, or exceptional  
27 circumstances existed during the relevant year to affect adversely

1 the level of county funding. If the required amount of local  
2 funding is not budgeted and the department [~~commission~~] does not  
3 grant a waiver, the department [~~commission~~] shall reduce the  
4 allocation of state aid funds to the juvenile board by the amount  
5 equal to the amount that the county funding is below the required  
6 funding.

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

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

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

20 Sec. 223.003 [~~141.093~~]. SPECIAL RULES FOR MULTI-COUNTY  
21 JURISDICTIONS. If necessary, the board [~~commission~~] by rule may  
22 provide for:

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

26 (2) the centralization of administrative  
27 responsibility associated with the state aid program in a county

1 included in a multi-county jurisdiction; and

2 (3) the application of Section 223.001 [~~141.081~~ of  
3 ~~this code~~] to a multi-county jurisdiction.

4 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When  
5 the department [~~commission~~] determines that a juvenile board  
6 complies with the department's [~~commission's~~] standards, the  
7 department [~~commission~~] shall submit to the comptroller a voucher  
8 for payment to a juvenile board of the amount of state aid to which  
9 the board is entitled.

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

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

16 (1) the Legislative Budget Board;

17 (2) [~~7~~] the governor's budget, policy, and planning  
18 office;

19 (3) [~~7~~] the state auditor; [~~7~~] and

20 (4) the comptroller.

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

23 Sec. 223.005 [~~141.085~~]. REFUSAL, REDUCTION, OR SUSPENSION  
24 OF STATE AID. (a) The department [~~commission~~] may refuse, reduce,  
25 or suspend payment of state aid to:

26 (1) a juvenile board that fails to comply with the  
27 department's [~~commission's~~] rules or fails to maintain local

1 financial support; or

2 (2) a county that fails to comply with the minimum  
3 standards provided under Section 221.002(a)(4) [~~141.042(a)(4)~~].

4 (b) The department [~~commission~~] shall provide for notice  
5 and a hearing in a case in which the department [~~it~~] refuses,  
6 reduces, or suspends state aid.

7 Sec. 223.006 [~~141.086~~]. FUNDING AND CONSTRUCTION OF  
8 POST-ADJUDICATION FACILITIES. (a) The department [~~commission~~]  
9 may provide state aid to a county to acquire, construct, and equip  
10 post-adjudication residential or day-treatment centers from money  
11 appropriated for those purposes. The facilities may be used for  
12 children who are placed on probation by a juvenile court under  
13 Section 54.04, Family Code, as an alternative to commitment to the  
14 facilities of the department [~~Texas Youth Commission~~].

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

18 (c) From money appropriated for construction of the  
19 facilities described by Subsection (a), the department  
20 [~~commission~~] shall contract with the Texas Department of Criminal  
21 Justice for construction management services, including:

22 (1) evaluation of project plans and specifications;  
23 and

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

27 (d) On completion of the review of project plans and

1 specifications under Subsection (c), the Texas Department of  
2 Criminal Justice shall issue a comprehensive report that states in  
3 detail the proposed cost of the project. The department  
4 [~~commission~~] shall use the report in making a comparative  
5 evaluation of proposed projects and shall give priority to the  
6 projects the department [~~commission~~] finds are the most effective  
7 and economical.

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

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

21 (g) For a facility constructed under this section, not more  
22 than 25 percent of the operating costs of the facility may be  
23 reimbursed by the department [~~commission~~].

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

26 (i) [~~The commission shall conduct an annual audit of the~~  
27 ~~operating costs for a fiscal year of a facility constructed under~~



1 ~~this section for each fiscal year through fiscal year 1999. The~~  
2 ~~commission shall submit a report on the results of the audit to the~~  
3 ~~Legislative Budget Board and the governor not later than the 60th~~  
4 ~~day after the last day of the fiscal year covered by the audit.~~

5       ~~(j)~~ In this section, "operating costs" means the  
6 operating costs of a facility at an 80-percent occupancy rate.

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

10                   SUBTITLE C. SECURE FACILITIES

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

15       CHAPTER 241. GENERAL [~~SUBCHAPTER C. MISCELLANEOUS~~] PROVISIONS

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

23       Sec. 241.0015 [~~61.0911~~]. [~~COORDINATED~~] STRATEGIC PLAN.  
24 The department [~~Texas Youth Commission~~] shall biennially develop  
25 [~~with the Texas Juvenile Probation Commission~~] a [~~coordinated~~]  
26 strategic plan in the manner described by Section 221.009 [~~Sections~~  
27 ~~141.0471 and 141.0472~~].

1           Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL  
2 RIGHTS. Commitment of a child to the custody of the department  
3 [~~commission~~] does not disqualify the child in any future  
4 examination, appointment, or application for public service under  
5 the government of the state or of any political subdivision of the  
6 state.

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

11           ~~[(1) a sheriff, deputy sheriff, constable, or police~~  
12 ~~officer may, without a warrant, arrest the child, or~~

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

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

21           ~~[(c) Notwithstanding Section 58.005, Family Code, the~~  
22 ~~commission may disseminate to the public the following information~~  
23 ~~relating to a child who has escaped from custody.~~

24           ~~[(1) the child's name, including other names by which~~  
25 ~~the child is known,~~

26           ~~[(2) the child's physical description, including sex,~~  
27 ~~weight, height, race, ethnicity, eye color, hair color, scars,~~

1 ~~marks, and tattoos,~~

2 ~~[(3) a photograph of the child, and~~

3 ~~[(4) if necessary to protect the welfare of the~~  
4 ~~community, any other information that reveals dangerous~~  
5 ~~propensities of the child or expedites the apprehension of the~~  
6 ~~child.~~

7 ~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~  
8 ~~commission may employ and commission apprehension specialists as~~  
9 ~~peace officers for the purpose of apprehending a child under~~  
10 ~~Section 61.093.~~

11 ~~[(b) Peace officers employed and commissioned under~~  
12 ~~Subsection (a) must be certified by the Commission on Law~~  
13 ~~Enforcement Officer Standards and Education under Chapter 415,~~  
14 ~~Government Code.]~~

15 Sec. 241.003 [61.094]. YOUTH DEVELOPMENT COUNCIL FUND. The  
16 youth development council fund exists in the treasury as a special  
17 fund for the purposes provided by law.

18 Sec. 241.004 [61.095]. REQUEST FOR CERTAIN RECORDS. For  
19 the purpose of offering a record as evidence in the punishment phase  
20 of a criminal proceeding, a prosecuting attorney may obtain the  
21 record of a defendant's adjudication that is admissible under  
22 Section 3(a), Article 37.07, Code of Criminal Procedure, by  
23 submitting a request for the record to the department [~~commission~~].  
24 If the department [~~commission~~] has a record to which the  
25 prosecuting attorney is entitled under this section, the department  
26 [~~commission~~] shall furnish a copy of the record to the prosecuting  
27 attorney. Otherwise, the department [~~commission~~] shall notify the

1 prosecuting attorney that the department [~~commission~~] does not have  
2 a record to which the attorney is entitled under this section.

3 Sec. 241.005 [~~61.096~~]. LIABILITY OF VOLUNTEERS.

4 (a) Except as provided by Subsection (b), a volunteer is not  
5 liable for damages arising from an act or omission that results in  
6 personal injury, death, or property damage if the act or omission  
7 is:

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

10 (2) not intentional or grossly negligent.

11 (b) A volunteer is liable for personal injury, death, or  
12 property damage proximately caused by an act or omission related to  
13 the operation or use of any motor-driven equipment to the extent of  
14 the greater of:

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

18 (2) the amount of any liability insurance coverage  
19 that applies to the act or omission.

20 (c) In this section, "volunteer" means an individual  
21 rendering services for or on behalf of the department [~~commission~~]  
22 who does not receive compensation in excess of reimbursement for  
23 expenses incurred.

24 Sec. 241.006 [~~61.097~~]. APPLICATION OF LAW RELATING TO FREE  
25 EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice  
26 and Remedies Code, an ordinance, rule, order, decision, or practice  
27 that applies to a person in the custody of a juvenile detention

1 facility or other correctional facility operated by or under a  
2 contract with the department [~~commission~~], a county, or a juvenile  
3 probation department is presumed to be in furtherance of a  
4 compelling governmental interest and the least restrictive means of  
5 furthering that interest. The presumption may be rebutted.

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

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

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

22 (1) any alleged criminal offense or delinquent conduct  
23 concerning the department [~~commission~~] and described by Article  
24 104.003(a), Code of Criminal Procedure, that occurred during the  
25 preceding calendar quarter; and

26 (2) the disposition of any case involving a criminal  
27 offense or delinquent conduct concerning the department

1 [~~commission~~] and described by Article 104.003(a), Code of Criminal  
2 Procedure, that occurred during the preceding calendar quarter.

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

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

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

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

22 (A) could constitute an offense under Article  
23 104.003(a), Code of Criminal Procedure; and

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

27 (3) the chief inspector general has reason to believe

1 that information concerning the conduct has not previously been  
2 presented to the appropriate grand jury.

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

10 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human  
11 Resources Code, are transferred to Subtitle C, Title 12, Human  
12 Resources Code, as added by this Act, redesignated as Chapters 242,  
13 243, 244, and 245, respectively, and amended to read as follows:

14 CHAPTER 242. OPERATION OF SECURE FACILITIES

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

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

26 (b) The department shall cooperate with courts and private  
27 and public agencies in the collection of statistics and information

1 regarding juvenile delinquency, arrests made, complaints,  
2 informations, and petitions filed, and the dispositions made of  
3 them, and other information useful in determining the amount and  
4 causes of juvenile delinquency in this state.

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

9 Sec. 242.002 ~~[61.0315]~~. EVALUATION OF TREATMENT PROGRAMS;  
10 AVAILABILITY. (a) The department ~~[commission]~~ shall annually  
11 review the effectiveness of the department's ~~[commission's]~~  
12 programs for the rehabilitation and reestablishment in society of  
13 children committed to the department ~~[commission]~~, including  
14 programs for sex offenders, capital offenders, children who are  
15 chemically dependent, emotionally disturbed children, and females.

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

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

25 (d) If the department ~~[commission]~~ is unable to offer or  
26 make available programs described by Subsection (a) in the manner  
27 provided by Subsection (c), the department ~~[commission]~~ shall, not



1 later than January 10 of each odd-numbered year, provide the  
2 standing committees of the senate and house of representatives with  
3 primary jurisdiction over matters concerning correctional  
4 facilities with a report explaining:

5           (1) which programs are not offered or are unavailable;  
6 and

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

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

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

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

26           ~~[Sec. 61.0331. INTERNAL AUDIT, REPORT. (a) The commission~~  
27 ~~shall regularly conduct internal audits of the commission,~~

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.]~~

12           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,

1 training, discipline, and recreation adopted under this section[7]  
2 and of all other activities in the schools, facilities, and  
3 programs is to restore and increase the self-respect and  
4 self-reliance of the children [~~youth~~] under the authority of the  
5 department [~~commission~~] and to qualify those children [~~them~~] for  
6 good citizenship and honorable employment.

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

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

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

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

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

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

25 Sec. 242.005 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR  
26 ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director  
27 [~~commissioner~~] shall provide to members of any applicable [~~the~~]

1 advisory board and to department [~~commission~~] employees, as often  
2 as is necessary, information regarding qualifications [~~their~~  
3 ~~qualification~~] for office or employment under this chapter and  
4 [~~their~~] responsibilities under applicable laws relating to  
5 standards of conduct for state officers or employees.

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

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

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

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

25 (1) personnel policies, including policies relating  
26 to recruitment, evaluation, selection, appointment, training, and  
27 promotion of personnel that are in compliance with requirements of

1 Chapter 21, Labor Code;

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

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

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

13 (b) A policy statement prepared under Subsection (a) must  
14 cover an annual period, be updated annually, be reviewed by the  
15 Texas Workforce Commission [~~on Human Rights~~] for compliance with  
16 Subsection (a)(1), and be filed with the governor's office.

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

21 Sec. 242.009 [~~61.0356~~]. JUVENILE CORRECTIONAL OFFICERS;  
22 STAFFING. (a) In this section, "juvenile correctional officer"  
23 means a department [~~an~~] employee whose primary duties include [~~duty~~  
24 ~~includes~~] the custodial supervision of children in the custody of  
25 the department [~~commission~~].

26 (b) The department [~~commission~~] shall provide each juvenile  
27 correctional officer employed by the department [~~commission~~] with

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

1 the custody of the department [~~commission~~];

2 (13) first aid and cardiopulmonary resuscitation;

3 (14) counseling techniques;

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

6 (16) behavior management;

7 (17) mental health issues; and

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

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

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

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

26 (f) The department [~~commission~~] shall rotate the assignment  
27 of each juvenile correctional officer at an interval determined by

1 the department [~~commission~~] so that a juvenile correctional officer  
2 is not assigned to the same station for an extended period of time.

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

8 (h) The board [~~commission~~] shall adopt rules necessary to  
9 administer this section.

10 Sec. 242.010 [~~61.0357~~]. REQUIRED BACKGROUND AND CRIMINAL  
11 HISTORY CHECKS. (a) In this section, "national [+

12 [~~(1)~~] "Department" means the Department of Public  
13 Safety.

14 [~~(2)~~] "National] criminal history record information"  
15 means criminal history record information obtained from the  
16 Department of Public Safety [~~department~~] under Subchapter F,  
17 Chapter 411, Government Code, and from the Federal Bureau of  
18 Investigation under Section 411.087, Government Code.

19 (b) The executive director [~~commissioner~~] shall review the  
20 national criminal history record information, state criminal  
21 history record information maintained by the Department of Public  
22 Safety [~~department~~], and previous and current employment  
23 references of each person who:

24 (1) is an employee, contractor, volunteer, ombudsman,  
25 or advocate working for the department [~~commission~~] or working in a  
26 department [~~commission~~] facility or a facility under contract with  
27 the department [~~commission~~];



1 (2) provides direct delivery of services to children  
2 in the custody of the department [~~commission~~]; or

3 (3) has access to records in department [~~commission~~]  
4 facilities or offices.

5 (c) To enable the executive director [~~commissioner~~] to  
6 conduct the review, the board [~~commission~~] shall adopt rules  
7 requiring a person described by Subsection (b) to electronically  
8 provide the Department of Public Safety [~~department~~] with a  
9 complete set of the person's fingerprints in a form and of a quality  
10 acceptable to the Department of Public Safety [~~department~~] and the  
11 Federal Bureau of Investigation.

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

15 (e) The department [~~commission~~] shall ensure that the  
16 system used to check state criminal history record information  
17 maintained by the Department of Public Safety [~~department~~] is  
18 capable of providing real time arrest information.

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

26 (g) The board [~~commission~~] shall adopt rules necessary to  
27 administer this section.

1       Sec. 242.011. BIENNIAL BUDGET. The executive director  
2 shall prepare a biennial budget of all funds necessary to be  
3 appropriated by the legislature to the department to carry out the  
4 purposes of this subtitle. The budget shall be submitted and filed  
5 by the executive director in the form and manner and within the time  
6 prescribed by law.

7               SUBCHAPTER B. SECURE FACILITIES; SERVICES

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

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

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

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

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

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

1 jurisdiction.

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

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

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

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

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

24 ~~[(b) The commission may assist in developing,~~  
25 ~~strengthening, and coordinating educational, welfare, health,~~  
26 ~~recreational, and law-enforcement programs which have as their~~  
27 ~~object the prevention of juvenile delinquency and crime.]~~

1           Sec. 242.053 [~~61.037~~]. USE OF EXISTING INSTITUTIONS AND  
2 AGENCIES. (a) In carrying out the department's [~~its~~] duties, the  
3 department [~~commission~~] may make use of law-enforcement,  
4 detention, supervisory, medical, educational, correctional, and  
5 other facilities, institutions, and agencies in the state. This  
6 section does not authorize the department [~~commission~~] to assume  
7 control of any other agency, institution, or facility in the state,  
8 or to require any agency, institution, or facility to serve the  
9 department [~~commission~~] in a manner inconsistent with the [~~its~~]  
10 authority or function of the agency, institution, or facility or  
11 with any law or regulation governing the [~~its~~] activity of the  
12 agency, institution, or facility.

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

25           (c) The department [~~commission~~] shall periodically inspect  
26 all public and private institutions and agencies whose facilities  
27 the department [~~it~~] is using. Every public and private institution

1 and agency shall allow [~~afford to~~] the department [~~commission~~]  
2 reasonable opportunity to examine and consult with children who  
3 have been committed to the department [~~commission~~] and who are in  
4 the custody of the institution or agency.

5 (d) Placement of a child in, or the release of a child by,  
6 any institution not operated by the department [~~commission~~] does  
7 not terminate the authority of the department [~~commission~~] over the  
8 child. No child placed in an institution or under an agency by the  
9 department [~~commission~~] may be released by the institution or  
10 agency without the approval of the department [~~commission~~].

11 Sec. 242.054 [~~61.038~~]. HALFWAY HOUSE PROGRAM. (a) The  
12 department [~~commission~~] may not develop a halfway house to be  
13 operated by the department [~~commission~~] if an appropriate private  
14 halfway house program is contractually available and the costs  
15 under the contract are less than the costs would be if the  
16 department [~~commission~~] provided the services.

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

1 operated by the department [~~commission~~].

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

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

10 Sec. 242.056 [~~61.0386~~]. ADVOCACY AND SUPPORT GROUPS.

11 (a) The department [~~commission~~] shall allow advocacy and support  
12 groups whose primary functions are to benefit children, inmates,  
13 girls and women, the mentally ill, or [~~and~~] victims of sexual  
14 assault to provide on-site information, support, and other services  
15 for children confined in department [~~commission~~] facilities.

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

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

27 Sec. 242.057 [~~61.039~~]. DEPARTMENT [~~COMMISSION~~] PROGRAMS.

1 (a) The department [~~commission~~] shall develop and use standards  
2 based on performance to evaluate and compare programs operated by  
3 the department [~~commission~~].

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

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

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

26 Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE  
27 SUPERVISION. When funds are available, the department [~~commission~~]

1 may:

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

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

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

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

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

20 (1) consistent with methods used by other state  
21 agencies; and

22 (2) [~~that is~~] designed to reflect the actual cost to  
23 the state of operating the facility.

24 Sec. 242.061 [~~61.041. STUDY OF TREATMENT METHODS,~~  
25 ~~STATISTICAL RECORDS.~~ (a) ~~The commission shall conduct continuing~~  
26 ~~inquiry into the effectiveness of the treatment methods it employs~~  
27 ~~in the reformation of children. To this end, the commission shall~~



1 ~~maintain a record of arrests and commitments of its wards~~  
2 ~~subsequent to their discharge from the jurisdiction of the~~  
3 ~~commission and shall tabulate, analyze, and publish biennially~~  
4 ~~these data for use in evaluating the relative merits of treatment~~  
5 ~~methods.~~

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

12 ~~[Sec. 61.042]. REFERRALS FROM FEDERAL COURT. The~~  
13 ~~department [commission] may enter into agreements with the federal~~  
14 ~~government to accept children from the federal court for an agreed~~  
15 ~~compensation.~~

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

22 ~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The~~  
23 ~~commission shall maintain a system to promptly and efficiently act~~  
24 ~~on a complaint filed with the commission by a person, other than a~~  
25 ~~child receiving services from the commission or the child's parent~~  
26 ~~or guardian, that the commission has authority to resolve. The~~  
27 ~~commission shall maintain information about parties to the~~

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 ~~parties 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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1 ~~gifts, grants, or donations of money or property from private~~  
2 ~~sources to effectuate the purpose of this chapter. Donated funds~~  
3 ~~shall be placed in the state treasury in a special fund called the~~  
4 ~~Texas Youth Commission Fund and expended as other state money is~~  
5 ~~expended, on warrants drawn by the comptroller on the order of the~~  
6 ~~commission. At the end of each state fiscal year, any unexpended~~  
7 ~~balance in the fund shall be carried over in the same fund.~~

8       ~~[Sec. 61.0431]~~. SPECIAL ACCOUNTS. (a) Proceeds from the  
9 operation of canteens and vending machines at facilities under the  
10 jurisdiction of the department ~~[commission]~~ shall be deposited to  
11 the credit of a special account in the General Revenue Fund called  
12 the canteen revolving fund. The proceeds shall be used to pay the  
13 actual expenses of maintaining and operating the canteens and  
14 vending machines.

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

21           (1) provide education, recreation, and entertainment  
22 to children committed to the department ~~[commission]~~; or

23           (2) reimburse children committed to the department  
24 ~~[commission]~~ for personal property lost or damaged as a result of  
25 negligence by the staff of the department ~~[commission]~~.

26       (c) ~~[(b)]~~ Proceeds from shop projects at the facilities  
27 under the department's ~~[commission's]~~ jurisdiction shall be

1 deposited to the credit of a special account in the General Revenue  
2 Fund called the vocational shop fund and may be used only to:

3           (1) purchase and maintain parts, tools, and other  
4 supplies necessary for the shop projects; and

5           (2) [~~to~~] compensate the students who participate in  
6 the projects.

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

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

16           Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND  
17 MONEY. (a) Except as provided by Subsection (b), money belonging  
18 to a child committed to the department [~~commission~~] in excess of the  
19 amount the department [~~commission~~] allows in a child's possession  
20 shall be deposited in a trust fund established by the facility  
21 operated by the department [~~commission~~] to which the child is  
22 assigned. The board [~~commission~~] shall adopt rules governing the  
23 administration of the trust fund.

24           (b) Money possessed by a child committed to the department  
25 [~~commission~~] that is determined to be contraband money as defined  
26 by department [~~commission~~] rule shall be deposited in the student  
27 benefit fund described by Section 242.062(b) [~~61.0431~~]. The

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1 department [~~commission~~] shall notify each child committed to the  
2 department [~~commission~~] that the possession of contraband money is  
3 subject to confiscation by the department [~~commission~~] under this  
4 subsection.

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

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

- 10 (1) merchandise from vending machines or canteens
- 11 within the facilities;
- 12 (2) meals from cafeterias within the facilities; and
- 13 (3) services that the facilities are authorized to
- 14 provide.

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

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

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

26 Sec. 242.065 [~~61.044. BIENNIAL BUDGET. The executive~~  
27 ~~commissioner shall prepare a biennial budget of all funds necessary~~

1 ~~to be appropriated by the legislature to the commission to carry out~~  
2 ~~the purposes of this chapter. The budget shall be submitted and~~  
3 ~~filed by the executive commissioner in the form and manner and~~  
4 ~~within the time prescribed by law.~~

5 ~~[Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES.~~

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

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

15 ~~[Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The~~

16 ~~office of inspector general is established at the commission for~~  
17 ~~the purpose of investigating.~~

18 ~~[(1) crimes committed by commission employees,~~  
19 ~~including parole officers employed by or under a contract with the~~  
20 ~~commission, and~~

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

27 ~~[(b) The office of inspector general shall prepare and~~

1 ~~deliver a report concerning the results of any investigation~~  
2 ~~conducted under this section to:~~

3           ~~[(1) the executive commissioner,~~

4           ~~[(2) the advisory board,~~

5           ~~[(3) the governor,~~

6           ~~[(4) the lieutenant governor,~~

7           ~~[(5) the speaker of the house of representatives,~~

8           ~~[(6) the standing committees of the senate and house~~

9 ~~of representatives with primary jurisdiction over matters~~  
10 ~~concerning correctional facilities,~~

11           ~~[(7) the special prosecution unit,~~

12           ~~[(8) the state auditor, and~~

13           ~~[(9) any other appropriate state agency responsible~~

14 ~~for licensing or certifying commission employees or facilities.~~

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

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

27           ~~[(e) Peace officers employed and commissioned under~~

1 ~~Subsection (d) must:~~

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

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

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

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

16                   ~~[(1) the executive commissioner,~~

17                   ~~[(2) the advisory board,~~

18                   ~~[(3) the governor,~~

19                   ~~[(4) the lieutenant governor,~~

20                   ~~[(5) the speaker of the house of representatives,~~

21                   ~~[(6) the standing committees of the senate and house~~  
22 ~~of representatives with primary jurisdiction over correctional~~  
23 ~~facilities,~~

24                   ~~[(7) the state auditor, and~~

25                   ~~[(8) the comptroller.~~

26           ~~[(h) A report prepared under Subsection (g) is public~~  
27 ~~information under Chapter 552, Government Code, to the extent~~



1 ~~authorized under that chapter and other law, and the commission~~  
2 ~~shall publish the report on the commission's Internet website. A~~  
3 ~~report must be both aggregated and disaggregated by individual~~  
4 ~~facility and include information relating to:~~

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

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

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

13           ~~[(i) The office of inspector general shall immediately~~  
14 ~~report to the executive director, the board, the governor's general~~  
15 ~~counsel, and the state auditor.~~

16           ~~[(1) any particularly serious or flagrant problem~~  
17 ~~concerning the administration of a commission program or operation,~~  
18 ~~or~~

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

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

27           ~~[(b) The office of inspector general shall ensure that:~~

1           ~~[(1) the toll-free number is prominently displayed in~~  
2 ~~each commission facility, and~~

3           ~~[(2) children in the custody of the commission and~~  
4 ~~commission employees have confidential access to telephones for the~~  
5 ~~purpose of calling the toll-free number.~~

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

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

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

20          Sec. 242.068 ~~[61.048. BUILDINGS AND IMPROVEMENTS.~~  
21 ~~(a) The commission may design, construct, equip, furnish, and~~  
22 ~~maintain buildings and improvements at facilities under its~~  
23 ~~jurisdiction. The commission may employ architects or engineers,~~  
24 ~~or both, to prepare plans and specifications and to supervise the~~  
25 ~~construction and improvements. The commission shall promulgate~~  
26 ~~rules relating to the award of contracts for the construction of~~  
27 ~~buildings and improvements. The rules shall provide for the award~~

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1 ~~of contracts for the construction of buildings and improvements to~~  
2 ~~the qualified bidder making the lowest and best bid. A construction~~  
3 ~~contract may not be awarded for a sum in excess of the amount of~~  
4 ~~funds available for the project. The commission may reject any and~~  
5 ~~all bids submitted.~~

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

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

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

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

23 Sec. 242.069 [~~61.051~~]. CLIENT SERVICE CONTRACT STANDARDS.  
24 In each contract for the purchase of residential program-related  
25 client services, the department [~~commission~~] shall include:

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

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

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

6 Sec. 242.070 [~~61.052~~]. CONTRACT MONITORING. The  
7 department [~~commission~~] shall establish a formal program to monitor  
8 residential program-related client services contracts made by the  
9 department [~~commission~~]. The department [~~commission~~] must:

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

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

15 Sec. 242.071 [~~61.053. MEDICAID BENEFITS. The commission~~  
16 ~~shall apply for benefits under the federal Medicaid program if~~  
17 ~~application is cost effective in reducing health care costs~~  
18 ~~incurred by the commission.~~

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

20 (a) The department [~~commission~~] may sell or license to an  
21 individual or a private or public entity the right to use a  
22 treatment program developed by the department [~~commission~~].

23 (b) Proceeds from the sale or license of a treatment program  
24 shall be deposited to the credit of the fund that provided the money  
25 to finance the development of the treatment program.

26 (c) At the end of each fiscal year, any unexpended proceeds  
27 from the sale or license of a treatment program shall be carried

1 over to the next fiscal year to the credit of the fund that provided  
2 the money to finance the development of the treatment program.

3 SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT  
4 FACILITIES OR BY DEPARTMENT EMPLOYEES

5 Sec. 242.101 [~~61.055~~]. ZERO-TOLERANCE POLICY. (a) The  
6 department [~~commission~~] shall adopt and enforce a zero-tolerance  
7 policy concerning the detection, prevention, and punishment of the  
8 sexual abuse, including consensual sexual contact, of children in  
9 the custody of the department [~~commission~~].

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

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

22 (d) The department [~~commission~~] shall prominently display  
23 the following notice in the office of the chief administrator of  
24 each department [~~commission~~] facility, the employees' break room of  
25 each department [~~commission~~] facility, the cafeteria of each  
26 department [~~commission~~] facility, and at least six additional  
27 locations in each department [~~commission~~] facility:

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1 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY  
2 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF  
3 A CHILD IN THE CUSTODY OF THE DEPARTMENT [~~COMMISSION~~]. ANY SUCH  
4 VIOLATION MUST BE REPORTED TO \_\_\_\_\_.

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

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

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

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

- 20 (1) the board;  
21 (2) the executive director;  
22 (3) any applicable advisory board;  
23 (4) the governor;  
24 (5) the lieutenant governor;  
25 (6) the speaker of the house of representatives;  
26 (7) the standing committees of the senate and house of  
27 representatives with primary jurisdiction over matters concerning

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1 correctional facilities;

2           (8) the special prosecution unit;

3           (9) the state auditor; and

4           (10) any other appropriate state agency responsible  
5 for licensing or certifying department employees or facilities.

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

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

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

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

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

27           (f) The board shall select a commissioned peace officer as

1 chief inspector general. The chief inspector general:

2 (1) operates directly under the authority of the  
3 board;

4 (2) is subject to the requirements of this section;

5 and

6 (3) may only be discharged by the board for cause.

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

10 (1) the board;

11 (2) the executive director;

12 (3) any applicable advisory board;

13 (4) the governor;

14 (5) the lieutenant governor;

15 (6) the speaker of the house of representatives;

16 (7) the standing committees of the senate and house of  
17 representatives with primary jurisdiction over correctional  
18 facilities;

19 (8) the state auditor; and

20 (9) the comptroller.

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

27 (1) the types of investigations conducted by the



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1 office of inspector general, such as whether an investigation  
2 concerned narcotics or an alleged incident of sexual abuse;

3 (2) the relationship of a victim to a perpetrator, if  
4 applicable; and

5 (3) the number of investigations conducted concerning  
6 suicides, deaths, and hospitalizations of children in the custody  
7 of the department.

8 (i) The office of inspector general shall immediately  
9 report to the board, the governor's general counsel, and the state  
10 auditor:

11 (1) any particularly serious or flagrant problem  
12 concerning the administration of a department program or operation;  
13 or

14 (2) any interference by the executive director, an  
15 employee of the department, a facility described by Subsection  
16 (a)(2), or an officer or employee of a facility described by  
17 Subsection (a)(2) with an investigation conducted by the office.

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

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

27 (c) An investigative or law enforcement officer or other

1 person, on request of the office of inspector general, may assist  
2 the office in the operation and monitoring of an interception of  
3 wire, oral, or electronic communications if the investigative or  
4 law enforcement officer or other person:

5 (1) is designated by the executive director  
6 [~~commissioner~~] for that purpose; and

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

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

10 SUBCHAPTER A. ADMISSION AND COMMITMENT

11 Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT

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

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

25 (c) The department [~~commission~~] shall consider the  
26 proximity of the residence of a child's family in determining the  
27 appropriate department [~~commission~~] facility in which to place a

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1 child.

2           Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF  
3 STAY. (a) The department [~~commission~~] shall establish a minimum  
4 length of stay for each child committed to the department  
5 [~~commission~~] without a determinate sentence.

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

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

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

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

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

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

25           (b) The court, the probation officer, the prosecuting and  
26 police authorities, the school authorities, and other public  
27 officials shall make available to the department [~~commission~~] all

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1 pertinent information in their possession regarding the case.

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

6 Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING  
7 COURT. In addition to the information provided under Section  
8 243.004 [~~61.065~~], a court that commits a child to the department  
9 [~~commission~~] shall provide the department [~~commission~~] with a copy  
10 of the following documents:

11 (1) the petition and the adjudication and disposition  
12 orders for the child, including the child's thumbprint;

13 (2) if the commitment is a result of revocation of  
14 probation, a copy of the conditions of probation and the revocation  
15 order;

16 (3) the social history report for the child;

17 (4) any psychological or psychiatric reports  
18 concerning the child;

19 (5) the contact information sheet for the child's  
20 parents or guardian;

21 (6) any law enforcement incident reports concerning  
22 the offense for which the child is committed;

23 (7) any sex offender registration information  
24 concerning the child;

25 (8) any juvenile probation department progress  
26 reports concerning the child;

27 (9) any assessment documents concerning the child;

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1 (10) the computerized referral and case history for  
2 the child, including case disposition;

3 (11) the child's birth certificate;

4 (12) the child's social security number or social  
5 security card, if available;

6 (13) the name, address, and telephone number of the  
7 court administrator in the committing county;

8 (14) Title IV-E eligibility screening information for  
9 the child, if available;

10 (15) the address in the committing county for  
11 forwarding funds collected to which the committing county is  
12 entitled;

13 (16) any of the child's school or immunization records  
14 that the committing county possesses;

15 (17) any victim information concerning the case for  
16 which the child is committed; and

17 (18) any of the child's pertinent medical records that  
18 the committing court possesses.

19 Sec. 243.006 [~~61-066~~]. COMMITMENT RECORDS. A commitment to  
20 the department [~~commission~~] may not be received in evidence or used  
21 in any way in any proceedings in any court except in:

22 (1) subsequent proceedings under Title 3 of the Family  
23 Code against the same child;

24 (2) imposing sentence in any criminal proceedings  
25 against the same person; or

26 (3) subsequent civil commitment proceedings under  
27 Chapter 841, Health and Safety Code, regarding the same person.

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1           Sec. 243.007 [~~61.067~~]. INFORMATION PROVIDED TO COMMITTING  
2 COURT. (a) If a court that commits a child to the department  
3 [~~commission~~] requests, in the commitment order, that the department  
4 [~~commission~~] keep the court informed of the progress the child is  
5 making while committed to the department [~~commission~~], the  
6 department [~~commission~~] shall provide the court with periodic  
7 updates on the child's progress.

8           (b) A report provided under Subsection (a) may include any  
9 information the department [~~commission~~] determines to be relevant  
10 in evaluating the child's progress, including, as applicable,  
11 information concerning the child's treatment, education, and  
12 health.

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

16           SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

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

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

24                   (2) a department employee designated by the executive  
25 director may, without a warrant or other order, take the child into  
26 the custody of the department.

27           (b) A child who is arrested or taken into custody under

1 Subsection (a) may be detained in any suitable place, including an  
2 adult jail facility if the person is 17 years of age or older, until  
3 the child is returned to the custody of the department or  
4 transported to a department facility.

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

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

10 (2) the child's physical description, including sex,  
11 weight, height, race, ethnicity, eye color, hair color, scars,  
12 marks, and tattoos;

13 (3) a photograph of the child; and

14 (4) if necessary to protect the welfare of the  
15 community, any other information that reveals dangerous  
16 propensities of the child or expedites the apprehension of the  
17 child.

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

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

1        CHAPTER 244 [~~SUBCHAPTER E~~]. CARE AND TREATMENT OF CHILDREN

2                SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

3                Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The

4 department [~~commission~~] shall examine and make a study of each  
5 child committed to it within three business days [~~as soon as~~  
6 ~~possible~~] after commitment. The study shall be made according to  
7 rules established by the board [~~commission~~] and shall include:

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

10              (2) consideration of the child's:

11                      (A) medical history; [~~7~~]

12                      (B) substance abuse; [~~7~~ and]

13                      (C) treatment history; [~~7~~ including the child's]

14                      (D) psychiatric history; [~~and substance abuse~~  
15 ~~history~~]

16                      (E) sex offender history; and

17                      (F) violent offense history.

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

24              (b) For a child for whom a minimum length of stay is  
25 established under Section 243.002 [~~61.062~~] of one year or longer,  
26 the initial examination must include a comprehensive psychiatric  
27 evaluation unless the department had received the results of a



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1 comprehensive evaluation of the child conducted not more than 90  
2 days before the date of the initial examination.

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

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

14 Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~

15 ~~(a) In providing medical care, behavioral health care, or~~  
16 ~~rehabilitation services, the commission shall integrate the~~  
17 ~~provision of those services in an integrated comprehensive delivery~~  
18 ~~system.~~

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

- 22 ~~[(1) health care,~~
- 23 ~~[(2) dental care,~~
- 24 ~~[(3) behavioral health care,~~
- 25 ~~[(4) substance abuse treatment,~~
- 26 ~~[(5) nutrition,~~
- 27 ~~[(6) programming,~~

1           ~~[(7) case management, and~~

2           ~~[(8) general rehabilitation services, including~~  
3 ~~educational, spiritual, daily living, recreational, and security~~  
4 ~~services.~~

5           ~~[Sec. 61.072].~~ REEXAMINATION.     (a)     The department

6 ~~[commission]~~ shall periodically reexamine each child under its  
7 control, except those on release under supervision or in foster  
8 homes, for the purpose of determining whether a rehabilitation plan  
9 made by the department ~~[commission]~~ concerning the child should be  
10 modified or continued.

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

15           (c)   The reexamination ~~[examination]~~ of a child may be made  
16 as frequently as the department ~~[commission]~~ considers necessary,  
17 but shall be made at intervals not exceeding six months.

18           Sec. 244.003 ~~[61.073]~~. RECORDS OF EXAMINATIONS AND

19 TREATMENT.   (a)   The department ~~[commission]~~ shall keep written  
20 records of all examinations and conclusions based on them and of all  
21 orders concerning the disposition or treatment of each child  
22 subject to its control.

23           (b)   Except as provided by Section 243.051(c) ~~[61.093(e)]~~,  
24 these records and all other information concerning a child,  
25 including personally identifiable information, are not public and  
26 are available only according to the provisions of Section 58.005,  
27 Family Code, Section 244.051 ~~[61.0731, Human Resources Code]~~, and

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1 Chapter 61, Code of Criminal Procedure.

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

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

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

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

1            [~~Sec. 61.074~~]. FAILURE TO EXAMINE OR REEXAMINE.

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

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

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

14            (1) permit the child liberty under supervision and on  
15 conditions the department [~~it~~] believes conducive to acceptable  
16 behavior;

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

20            (3) order reconfinement or renewed release as often as  
21 conditions indicate to be desirable;

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

25            (5) discharge the child from control when the  
26 department [~~it~~] is satisfied that discharge will best serve the  
27 child's welfare and the protection of the public.

1           Sec. 244.006 [~~61.0751. SUBPOENAS.~~] (a) ~~A~~ hearings  
2 ~~examiner appointed by the commission may issue a subpoena requiring~~  
3 ~~the attendance of a witness or the production of any record, book,~~  
4 ~~paper, or document the hearings examiner considers necessary for a~~  
5 ~~determination of treatment under Section 61.075.~~

6           ~~[(b) The hearings examiner may sign a subpoena and~~  
7 ~~administer an oath.~~

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

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

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

22           ~~[Sec. 61.076].~~ TYPE OF TREATMENT PERMITTED. (a) As a  
23 means of correcting the socially harmful tendencies of a child  
24 committed to the department [~~it~~], the department [~~commission~~] may:

25           (1) require the child to participate in moral,  
26 academic, vocational, physical, and correctional training and  
27 activities;

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1           (2) require the modes of life and conduct that seem  
2 best adapted to fit the child for return to full liberty without  
3 danger to the public;

4           (3) provide any medical or psychiatric treatment that  
5 is necessary; and

6           (4) place physically fit children in  
7 parks-maintenance camps, forestry camps, or ranches owned by the  
8 state or the United States and require the performance of suitable  
9 conservation and maintenance work.

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

13          Sec. 244.007 [~~61-0761~~]. FAMILY PROGRAMS. The department  
14 [~~commission~~] shall develop programs that encourage family  
15 involvement in the rehabilitation of the child.

16          Sec. 244.0075 [~~61-07611~~]. RESTRAINT OF PREGNANT JUVENILE.

17 (a) The department [~~commission~~] may not use restraints to control  
18 the movement of a pregnant child who is committed to the department  
19 [~~commission~~] at any time during which the child is in labor or  
20 delivery or recovering from delivery, unless the executive director  
21 or executive director's designee determines that the use of  
22 restraints is necessary to:

23           (1) ensure the safety and security of the child or her  
24 infant, department [~~commission~~] or medical personnel, or any member  
25 of the public; or

26           (2) prevent a substantial risk that the child will  
27 attempt escape.

1 (b) If a determination to use restraints is made under  
2 Subsection (a), the type of restraint used and the manner in which  
3 the restraint is used must be the least restrictive available under  
4 the circumstances to ensure safety and security or to prevent  
5 escape.

6 Sec. 244.008 [~~61.0762~~]. INFANT CARE AND PARENTING PROGRAM.

7 (a) In this section, "child" means the child of a person who is  
8 committed to the department [~~commission~~].

9 (b) The department [~~commission~~] may establish child care  
10 and parenting programs for persons committed to the department  
11 [~~commission~~] who are parents.

12 (c) The department [~~commission~~] may permit a mother to have  
13 possession of her child in a residential program that has an infant  
14 care and parenting program or to have possession of her child in a  
15 department-funded [~~commission-funded~~] independent living  
16 residence for up to six months if:

17 (1) the child's father or another relative or guardian  
18 of the child agrees in advance of the child's placement with the  
19 child's mother to assume possession of the child immediately upon  
20 notice by the department [~~commission~~] to do so;

21 (2) the child's parents and any other person having a  
22 duty of support acknowledge that by permitting the mother to have  
23 possession of the child while the mother is confined in a  
24 residential facility or placed in an independent living residence,  
25 the department [~~commission~~] assumes no responsibility for the  
26 child's care beyond the responsibility of care that is ordinarily  
27 due the child's mother and the reasonable accommodations that are

1 necessary for the mother's care of her child;

2 (3) the child's parents and any other person having a  
3 duty of support agree to indemnify and hold the department  
4 [~~commission~~] harmless from any claims that may be made against the  
5 department [~~commission~~] for the child's support, including medical  
6 support; and

7 (4) the department [~~commission~~] determines that the  
8 placement is in the best interest of both the mother and her child.

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

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

16 (1) health care;

17 (2) dental care;

18 (3) behavioral health care;

19 (4) substance abuse treatment;

20 (5) nutrition;

21 (6) programming;

22 (7) case management; and

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

26 Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The  
27 commission, in consultation with advocacy and support groups such



1 ~~as those described in Section 61.0386(a), shall develop a parent's~~  
2 ~~bill of rights for distribution to the parent or guardian of a child~~  
3 ~~who is under 18 years of age and committed to the commission. The~~  
4 ~~parent's bill of rights must include:~~

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

9           ~~[(2) a list of possible incidents that require~~  
10 ~~parental notification,~~

11           ~~[(3) policies concerning visits and telephone~~  
12 ~~conversations with a child committed to the commission,~~

13           ~~[(4) a description of commission caseworker~~  
14 ~~responsibilities,~~

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

19                   ~~[(A) counseling, including substance abuse and~~  
20 ~~mental health counseling,~~

21                   ~~[(B) assistance programs, including financial~~  
22 ~~and travel assistance programs for visiting a child committed to~~  
23 ~~the commission,~~

24                   ~~[(C) workforce preparedness programs,~~

25                   ~~[(D) parenting programs, and~~

26                   ~~[(E) commission seminars, and~~

27           ~~[(6) information concerning the indeterminate~~

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1 ~~sentencing structure at the commission, an explanation of reasons~~  
2 ~~that a child's commitment at the commission could be extended, and~~  
3 ~~an explanation of the review process under Sections 61.0815 and~~  
4 ~~61.0816 for a child committed to the commission without a~~  
5 ~~determinate sentence.~~

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

- 10 ~~[(1) the parent's bill of rights, and~~  
11 ~~[(2) the contact information of the commission~~  
12 ~~caseworker assigned to the child.~~

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

17 ~~[(1) the academic and behavioral progress of the~~  
18 ~~child, and~~

19 ~~[(2) the results of any reexamination of the child~~  
20 ~~conducted under Section 61.072.~~

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

26 ~~[(e) The commission shall ensure that if the Department of~~  
27 ~~Family and Protective Services has been appointed managing~~

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1 ~~conservator of a child, the department is given the same rights as~~  
2 ~~the child's parent under the parent's bill of rights developed under~~  
3 ~~this section.~~

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

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

8 (1) explore family issues and needs with the parent or  
9 guardian of a child committed to the department [~~commission~~];

10 (2) as needed, provide the parent or guardian of a  
11 child committed to the department [~~commission~~] with information  
12 concerning programs and services provided by the department  
13 [~~commission~~] or another resource; and

14 (3) perform other duties required by the department  
15 [~~commission~~].

16 (b) A department [~~commission~~] caseworker shall:

17 (1) at least once a month, attempt to contact the  
18 child's parent or guardian by phone, in person while the parent or  
19 guardian is visiting the facility, or, if necessary, by mail;

20 (2) if unsuccessful in contacting the child's parent  
21 or guardian under Subdivision (1), attempt at least one additional  
22 time each month to contact the child's parent or guardian; and

23 (3) document successful as well as unsuccessful  
24 attempts to contact the child's parent or guardian.

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

1 the parent or guardian.

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

6 ~~[(b) The records must show, for each calendar quarter and~~  
7 ~~for each calendar year,~~

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

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

12 ~~[(3) the name of the principal investigator conducting~~  
13 ~~the research program or study, and~~

14 ~~[(4) the entity sponsoring the research program or~~  
15 ~~study.~~

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

20 ~~[(1) governor,~~

21 ~~[(2) lieutenant governor,~~

22 ~~[(3) speaker of the house of representatives, and~~

23 ~~[(4) members of the legislature.~~

24 ~~[(d) A report submitted under this section is public~~  
25 ~~information under Chapter 552, Government Code.]~~

26 Sec. 244.0105 ~~[61.0766]~~. REPORT CONCERNING FOSTER CHILDREN  
27 COMMITTED TO DEPARTMENT ~~[COMMISSION]~~. (a) Not later than the 10th

1 day before the date of a permanency hearing under Subchapter D,  
2 Chapter 263, Family Code, or a placement review hearing under  
3 Subchapter F, Chapter 263, Family Code, regarding a child for whom  
4 the Department of Family and Protective Services has been appointed  
5 managing conservator, a department [~~commission~~] caseworker shall  
6 submit a written report regarding the child's commitment to the  
7 department [~~commission~~] to:

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

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

14 (1) the results of any assessments of the child during  
15 the child's commitment to the department [~~commission~~], including  
16 assessments of the child's emotional, mental, educational,  
17 psychological, psychiatric, medical, or physical needs;

18 (2) information regarding the child's placement in  
19 particular programs administered by the department [~~commission~~];  
20 and

21 (3) a description of the child's progress in programs  
22 administered by the department [~~commission~~].

23 Sec. 244.0106 [~~61.0767~~]. RULES REGARDING SERVICES FOR  
24 FOSTER CHILDREN. (a) The board [~~commission~~] and the executive  
25 commissioner of the Health and Human Services Commission shall  
26 jointly adopt rules to ensure that a child for whom the Department  
27 of Family and Protective Services has been appointed managing

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1 conservator receives appropriate services while the child is  
2 committed to the department [~~commission~~] or released under  
3 supervision by the department [~~commission~~].

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

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

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

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

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

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

1 (2) the department [~~commission~~] to:

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

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

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

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

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

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

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

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

26 (iv) a grievance or disciplinary hearing  
27 for the child;

1 (v) a report of abuse or neglect of the  
2 child; and

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

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

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

13 (b) Unless a child is committed to the department  
14 [~~commission~~] under a determinate sentence under Section  
15 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department  
16 [~~commission~~] shall discharge a child who is mentally ill or  
17 mentally retarded from its custody if:

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

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

24 (c) If a child who is discharged from the department  
25 [~~commission~~] under Subsection (b) as a result of mental illness is  
26 not receiving court-ordered mental health services, the child's  
27 discharge is effective on the earlier of:



1 (1) the date the court enters an order regarding an  
2 application for mental health services filed under Section  
3 244.012(b) [~~61.0772(b)~~]; or

4 (2) the 30th day after the date the application is  
5 filed.

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

15 (e) If a child who is discharged from the department  
16 [~~commission~~] under Subsection (b) as a result of mental retardation  
17 is not receiving mental retardation services, the child's discharge  
18 is effective on the earlier of:

19 (1) the date the court enters an order regarding an  
20 application for mental retardation services filed under Section  
21 244.012(b) [~~61.0772(c)~~]; or

22 (2) the 30th day after the date that the application is  
23 filed.

24 (f) If a child who is discharged from the department  
25 [~~commission~~] under Subsection (b) as a result of mental retardation  
26 is receiving mental retardation services, the child's discharge  
27 from the department [~~commission~~] is effective immediately.

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1 (g) If a child who is mentally ill or mentally retarded is  
2 discharged from the department [~~commission~~] under Subsection (b),  
3 the child is eligible to receive continuity of care services from  
4 the Texas Correctional Office on Offenders with Medical or Mental  
5 Impairments under Chapter 614, Health and Safety Code.

6 Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE.

7 (a) The department [~~commission~~] shall establish a system that  
8 identifies children in the department's [~~commission's~~] custody who  
9 are mentally ill or mentally retarded.

10 (b) Before a child who is identified as mentally ill is  
11 discharged from the department's [~~commission's~~] custody under  
12 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]  
13 psychiatrist shall examine the child. The department [~~commission~~]  
14 shall refer a child requiring outpatient psychiatric treatment to  
15 the appropriate mental health authority. For a child requiring  
16 inpatient psychiatric treatment, the department [~~commission~~] shall  
17 file a sworn application for court-ordered mental health services,  
18 as provided in Subchapter C, Chapter 574, Health and Safety Code,  
19 if:

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

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

25 (c) Before a child who is identified as mentally retarded  
26 under Chapter 593, Health and Safety Code, is discharged from the  
27 department's [~~commission's~~] custody under Section 244.011(b)

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1 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for  
2 mental retardation services if the child is not receiving mental  
3 retardation services.

4       Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN  
5 SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The  
6 department [~~commission~~] may petition the juvenile court that  
7 entered the order of commitment for a child for the initiation of  
8 mental health commitment proceedings if the child is committed to  
9 the department [~~commission~~] under a determinate sentence under  
10 Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

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

15       (c) The department [~~commission~~] shall cooperate with the  
16 juvenile court in any proceeding under this section.

17       (d) The juvenile court shall credit to the term of the  
18 child's commitment to the department [~~commission~~] any time the  
19 child is committed to an inpatient mental health facility.

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

23       (f) If the term of an order committing a child to an  
24 inpatient mental health facility is scheduled to expire before the  
25 end of the child's sentence and another order committing the child  
26 to an inpatient mental health facility is not scheduled to be  
27 entered, the inpatient mental health facility shall notify the

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1 juvenile court that entered the order of commitment committing the  
2 child to the department [~~commission~~]. The juvenile court may  
3 transfer the child to the custody of the department [~~commission~~],  
4 transfer the child to the Texas Department of Criminal Justice, or  
5 release the child under supervision, as appropriate.

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

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

- 22               (1) the child has not completed the sentence; and
- 23               (2) the child's conduct, regardless of whether the  
24 child was released under supervision under Section 245.051  
25 [~~61.081~~], indicates that the welfare of the community requires the  
26 transfer.

27       (b) The department [~~commission~~] shall cooperate with the

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1 court on any proceeding on the transfer of the child.

2 (c) If a child is released under supervision, a juvenile  
3 court adjudication that the child engaged in delinquent conduct  
4 constituting a felony offense, a criminal court conviction of the  
5 child for a felony offense, or a determination under Section  
6 244.005(4) [~~61.075(4)~~] revoking the child's release under  
7 supervision is required before referral of the child to the  
8 juvenile court under Subsection (a).

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

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

22 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

23 Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,  
24 AND OTHERS. (a) In the interest of achieving the purpose of the  
25 department and protecting the public, the department may disclose  
26 records and other information concerning a child to the child and  
27 the child's parent or guardian only if disclosure would not

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1 materially harm the treatment and rehabilitation of the child and  
2 would not substantially decrease the likelihood of the department  
3 receiving information from the same or similar sources in the  
4 future. Information concerning a person who is age 18 or older may  
5 not be disclosed to the person's parent or guardian without the  
6 person's consent.

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

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

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

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

1 bill of rights must include:

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

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

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

10           (4) a description of department caseworker  
11 responsibilities;

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

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

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

21                   (C) workforce preparedness programs;

22                   (D) parenting programs; and

23                   (E) department seminars; and

24           (6) information concerning the indeterminate  
25 sentencing structure at the department, an explanation of reasons  
26 that a child's commitment at the department could be extended, and  
27 an explanation of the review process under Sections 245.101 and

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1 245.104 for a child committed to the department without a  
2 determinate sentence.

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

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

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

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

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

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

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

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



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1                    CHAPTER 245 [~~SUBCHAPTER F~~]. RELEASE

2                    SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

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

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

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

19                    (4) the objective measurement of parole officer  
20 workloads; and

21                    (5) the gathering and analysis of information related  
22 to the effectiveness of parole services and to future parole  
23 requirements.

24                    Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department  
25 may make a contract with a county to use the services of the  
26 county's juvenile probation department for the supervision of  
27 children within the county who are on furlough from a department

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1 facility or who are released under supervision from a department  
2 facility.

3 (b) Payments under a contract described by Subsection (a)  
4 shall be made to the county treasurer on a quarterly schedule.

5 (c) The department may not pay a county for supervision of a  
6 child for any time after the child:

7 (1) is discharged from the department's custody;

8 (2) is returned to a department facility; or

9 (3) transfers the child's residence to another county  
10 or state.

11 (d) A county that has a contract with the department must  
12 report to the department on the status and progress of each child  
13 for whom the county is receiving payments. The reports shall be  
14 made at the time and in the manner specified by the contract.

15 SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

16 Sec. 245.051 [~~61.081~~]. RELEASE UNDER SUPERVISION.

17 (a) The department [~~commission~~] may release under supervision any  
18 child in the department's [~~its~~] custody and place the child in the  
19 child's [~~his or her~~] home or in any situation or family approved by  
20 the department [~~commission~~]. Prior to placing a child in the  
21 child's [~~his or her~~] home, the department [~~commission~~] shall  
22 evaluate the home setting to determine the level of supervision and  
23 quality of care that is available in the home.

24 (b) [~~Subject to legislative appropriation, the commission~~  
25 ~~may employ parole officers to investigate, place, supervise, and~~  
26 ~~direct the activities of a parolee to ensure the parolee's~~  
27 ~~adjustment to society in accordance with the rules adopted by the~~

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1 ~~commission.~~

2       ~~[(e) Parole officers may work with local organizations,~~  
3 ~~clubs, and agencies to formulate plans and procedures for the~~  
4 ~~prevention of juvenile delinquency.~~

5       ~~[(d) The commission may resume the care and custody of any~~  
6 ~~child released under supervision at any time before the final~~  
7 ~~discharge of the child.~~

8       ~~[(e)]~~ Not later than 10 days before the day the department  
9 ~~[commission]~~ releases a child under this section, the department  
10 ~~[commission]~~ shall give notice of the release to the juvenile court  
11 and the office of the prosecuting attorney of the county in which  
12 the adjudication that the child engaged in delinquent conduct was  
13 made.

14       (c) ~~[(f)]~~ If a child is committed to the department  
15 ~~[commission]~~ under a determinate sentence under Section  
16 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
17 the department ~~[commission]~~ may not release the child under  
18 supervision without approval of the juvenile court that entered the  
19 order of commitment unless the child has served at least:

20           (1) 10 years, if the child was sentenced to commitment  
21 for conduct constituting capital murder;

22           (2) 3 years, if the child was sentenced to commitment  
23 for conduct constituting an aggravated controlled substance felony  
24 or a felony of the first degree;

25           (3) 2 years, if the child was sentenced to commitment  
26 for conduct constituting a felony of the second degree; or

27           (4) 1 year, if the child was sentenced to commitment

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1 for conduct constituting a felony of the third degree.

2 (d) [~~g~~] The department [~~commission~~] may request the  
3 approval of the court under this section at any time.

4 (e) The department may resume the care and custody of any  
5 child released under supervision at any time before the final  
6 discharge of the child.

7 (f) [~~h~~] If the department [~~commission~~] finds that a child  
8 has violated an order under which the child is released under  
9 supervision, on notice by any reasonable method to all persons  
10 affected, the department [~~commission~~] may order the child:

- 11 (1) to return to an institution;
- 12 (2) if the violation resulted in property damage or  
13 personal injury:
  - 14 (A) to make full or partial restitution to the  
15 victim of the offense; or
  - 16 (B) if the child is financially unable to make  
17 full or partial restitution, to perform services for a charitable  
18 or educational institution; or
- 19 (3) to comply with any other conditions the department  
20 [~~commission~~] considers appropriate.

21 (g) [~~i~~] Notwithstanding Subsection (c) [~~f~~], if a child  
22 is committed to the department [~~commission~~] under a determinate  
23 sentence under Section 54.04(d)(3), Section 54.04(m), or Section  
24 54.05(f), Family Code, the department [~~commission~~] may release the  
25 child under supervision without approval of the juvenile court that  
26 entered the order of commitment if not more than nine months remain  
27 before the child's discharge under Section 245.151(b) [~~61.084(b)~~].

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1           Sec. 245.052 [~~61.0811~~. ~~PAROLE MANAGEMENT~~. ~~The commission~~  
2 ~~shall develop a management system for parole services that~~  
3 ~~objectively measures and provides for:~~

4                   [~~(1) the systematic examination of children's needs~~  
5 ~~and the development of treatment plans to address those needs,~~

6                   [~~(2) the evaluation of homes, foster homes, and public~~  
7 ~~and private institutions as constructive parole placements,~~

8                   [~~(3) the classification of children based on the level~~  
9 ~~of children's needs and the degree of risk presented to the public,~~

10                  [~~(4) the objective measurement of parole officer~~  
11 ~~workloads, and~~

12                  [~~(5) the gathering and analysis of information related~~  
13 ~~to the effectiveness of parole services and to future parole~~  
14 ~~requirements.~~

15           [~~Sec. 61.0812~~]. SUBSTANCE ABUSE TREATMENT [~~FOR SUBSTANCE~~  
16 ~~ABUSE~~]. Subject to an express appropriation to fund the treatment  
17 programs required by this section, the department [~~commission~~] may  
18 not release a child under supervision or parole a child if:

19                   (1) the child has a substance abuse problem, including  
20 the use of a controlled substance, hazardous inhalable substances,  
21 or alcohol habitually; and

22                   (2) the child has not completed a treatment program  
23 for the problem.

24           Sec. 245.053 [~~61.0813~~]. SEX OFFENDER COUNSELING AND  
25 TREATMENT. (a) Before releasing a child described by Subsection  
26 (b) under supervision, the department [~~commission~~]:

27                   (1) may require as a condition of release that the

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1 child:

2 (A) attend psychological counseling sessions for  
3 sex offenders as provided by Subsection (e); and

4 (B) submit to a polygraph examination as provided  
5 by Subsection (f) for purposes of evaluating the child's treatment  
6 progress; and

7 (2) shall require as a condition of release that the  
8 child:

9 (A) register under Chapter 62, Code of Criminal  
10 Procedure; and

11 (B) submit a blood sample or other specimen to  
12 the Department of Public Safety under Subchapter G, Chapter 411,  
13 Government Code, for the purpose of creating a DNA record of the  
14 child, unless the child has already submitted the required specimen  
15 under other state law.

16 (b) This section applies to a child adjudicated for engaging  
17 in delinquent conduct constituting an offense for which the child  
18 is required to register as a sex offender under Chapter 62, Code of  
19 Criminal Procedure.

20 (c) Psychological counseling required as a condition of  
21 release under Subsection (a) must be with an individual or  
22 organization that:

23 (1) provides sex offender treatment or counseling;

24 (2) is specified by the department [~~commission~~]; and

25 (3) meets minimum standards of counseling established  
26 by the department [~~commission~~].

27 (d) A polygraph examination required as a condition of

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1 release under Subsection (a) must be administered by an individual  
2 who is:

- 3 (1) specified by the department [~~commission~~]; and  
4 (2) licensed as a polygraph examiner under Chapter  
5 1703, Occupations Code.

6 (e) In addition to specifying a sex offender treatment  
7 provider to provide counseling to a child described by Subsection  
8 (b), the department [~~commission~~] shall:

9 (1) establish with the cooperation of the treatment  
10 provider the date, time, and place of the first counseling session  
11 between the child and the treatment provider;

12 (2) notify the child and the treatment provider before  
13 the release of the child of the date, time, and place of the first  
14 counseling session between the child and the treatment provider;  
15 and

16 (3) require the treatment provider to notify the  
17 department [~~commission~~] immediately if the child fails to attend  
18 any scheduled counseling session.

19 (f) If the department [~~commission~~] specifies a polygraph  
20 examiner under Subsection (d) to administer a polygraph examination  
21 to a child, the department [~~commission~~] shall arrange for a  
22 polygraph examination to be administered to the child:

23 (1) not later than the 60th day after the date the  
24 child attends the first counseling session established under  
25 Subsection (e); and

26 (2) after the initial polygraph examination, as  
27 required by Subdivision (1), on the request of the treatment

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1 provider specified under Subsection (c).

2 (g) If the department [~~commission~~] requires as a condition  
3 of release that a child attend psychological counseling under  
4 Subsection (a), the department [~~commission~~] shall notify the court  
5 that committed the child to the department [~~commission~~]. After  
6 receiving notification from the department [~~commission~~] under this  
7 subsection, the court may order the parent or guardian of the child  
8 to:

9 (1) attend four sessions of instruction with an  
10 individual or organization specified by the department  
11 [~~commission~~] relating to:

- 12 (A) sexual offenses;
- 13 (B) family communication skills;
- 14 (C) sex offender treatment;
- 15 (D) victims' rights;
- 16 (E) parental supervision; and
- 17 (F) appropriate sexual behavior; and

18 (2) during the time the child attends psychological  
19 counseling, participate in monthly treatment groups conducted by  
20 the child's treatment provider relating to the child's  
21 psychological counseling.

22 (h) A court that orders a parent or guardian of a child to  
23 attend instructional sessions and participate in treatment groups  
24 under Subsection (g) shall require:

25 (1) the individual or organization specified by the  
26 department [~~commission~~] under Subsection (g) to notify the court  
27 immediately if the parent or guardian fails to attend any scheduled



1 instructional session; and

2 (2) the child's treatment provider specified under  
3 Subsection (c) to notify the court immediately if the parent or  
4 guardian fails to attend a session in which the parent or guardian  
5 is required to participate in a scheduled treatment group.

6 (i) If the department [~~commission~~] requires as a condition  
7 of release that a child attend psychological counseling under  
8 Subsection (a), the department [~~commission~~] may, before the date  
9 the period of release ends, petition the appropriate court to  
10 request the court to extend the period of release for an additional  
11 period necessary to complete the required counseling as determined  
12 by the treatment provider, except that the release period may not be  
13 extended to a date after the date of the child's 18th birthday.

14 Sec. 245.0535 [~~61.08131~~]. COMPREHENSIVE REENTRY AND  
15 REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The  
16 department [~~commission~~] shall develop a comprehensive plan for each  
17 child committed to the custody of the department to reduce  
18 recidivism and ensure the successful reentry and reintegration of  
19 the child [~~children~~] into the community following the [~~a~~] child's  
20 release under supervision or final discharge, as applicable, from  
21 the department [~~commission~~]. The plan for a child must be designed  
22 to ensure that the child receives an extensive continuity of care in  
23 services from the time the child is committed to the department to  
24 the time of the child's final discharge from the department. The  
25 plan for a child must include, as applicable:

26 (1) housing assistance;

27 (2) a step-down program, such as placement in a

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1 halfway house;

2           (3) family counseling;

3           (4) academic and vocational mentoring;

4           (5) trauma counseling for a child who is a victim of  
5 abuse while in the custody of the department; and

6           (6) other specialized treatment services appropriate  
7 for the child.

8           (b) The comprehensive reentry and reintegration plan  
9 developed under this section must provide for:

10           (1) an assessment of each child committed to the  
11 department [~~commission~~] to determine which skills the child needs  
12 to develop to be successful in the community following release  
13 under supervision or final discharge;

14           (2) programs that address the assessed needs of each  
15 child;

16           (3) a comprehensive network of transition programs to  
17 address the needs of children released under supervision or finally  
18 discharged from the department [~~commission~~];

19           (4) the identification of providers of existing local  
20 programs and transitional services with whom the department  
21 [~~commission~~] may contract under this section to implement the  
22 reentry and reintegration plan; and

23           (5) subject to Subsection (c), the sharing of  
24 information between local coordinators, persons with whom the  
25 department [~~commission~~] contracts under this section, and other  
26 providers of services as necessary to adequately assess and address  
27 the needs of each child.

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1 (c) A child's personal health information may be disclosed  
2 under Subsection (b)(5) only in the manner authorized by Section  
3 244.051 [~~61.0731~~] or other state or federal law, provided that the  
4 disclosure does not violate the Health Insurance Portability and  
5 Accountability Act of 1996 (Pub. L. No. 104-191).

6 (d) The programs provided under Subsections (b)(2) and (3)  
7 must:

8 (1) be implemented by highly skilled staff who are  
9 experienced in working with reentry and reintegration programs for  
10 children;

11 (2) provide children with:

12 (A) individualized case management and a full  
13 continuum of care;

14 (B) life-skills training, including information  
15 about budgeting, money management, nutrition, and exercise;

16 (C) education and, if a child has a learning  
17 disability, special education;

18 (D) employment training;

19 (E) appropriate treatment programs, including  
20 substance abuse and mental health treatment programs; and

21 (F) parenting and relationship-building classes;

22 and

23 (3) be designed to build for children post-release and  
24 post-discharge support from the community into which the child is  
25 released under supervision or finally discharged, including  
26 support from agencies and organizations within that community.

27 (e) The department [~~commission~~] may contract and coordinate

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1 with private vendors, units of local government, or other entities  
2 to implement the comprehensive reentry and reintegration plan  
3 developed under this section, including contracting to:

4 (1) coordinate the supervision and services provided  
5 to children during the time children are in the custody of the  
6 department [~~commission~~] with any supervision or services provided  
7 children who have been released under supervision or finally  
8 discharged from the department [~~commission~~];

9 (2) provide children awaiting release under  
10 supervision or final discharge with documents that are necessary  
11 after release or discharge, including identification papers,  
12 medical prescriptions, job training certificates, and referrals to  
13 services; and

14 (3) provide housing and structured programs,  
15 including programs for recovering substance abusers, through which  
16 children are provided services immediately following release under  
17 supervision or final discharge.

18 (f) To ensure accountability, any contract entered into  
19 under this section must contain specific performance measures that  
20 the department [~~commission~~] shall use to evaluate compliance with  
21 the terms of the contract.

22 [~~(g) The commission shall ensure that each reentry and~~  
23 ~~reintegration plan developed for a child under Section 61.0814 is~~  
24 ~~coordinated with the comprehensive reentry and reintegration plan~~  
25 ~~developed under this section.]~~

26 (h) The department [~~commission~~] shall conduct and  
27 coordinate research to determine whether the comprehensive reentry

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1 and reintegration plan developed under this section reduces  
2 recidivism rates.

3 (i) Not later than December 1 of each even-numbered year,  
4 the department [~~commission~~] shall deliver a report of the results  
5 of research conducted or coordinated under Subsection (h) to the  
6 lieutenant governor, the speaker of the house of representatives,  
7 and the standing committees of each house of the legislature with  
8 primary jurisdiction over juvenile justice and corrections.

9 (j) If a program or service in the child's comprehensive  
10 reentry and reintegration plan is not available at the time the  
11 child is to be released, the department shall find a suitable  
12 alternative program or service so that the child's release is not  
13 postponed.

14 (k) The department shall:

15 (1) clearly explain the comprehensive reentry and  
16 reintegration plan and any conditions of supervision to a child who  
17 will be released on supervision; and

18 (2) require each child committed to the department  
19 that is to be released on supervision to acknowledge and sign a  
20 document containing any conditions of supervision.

21 Sec. 245.054 [~~61.08141~~]. INFORMATION PROVIDED TO COURT  
22 BEFORE RELEASE. (a) In addition to providing the court with  
23 notice of release of a child under Section 245.051(b) [~~61.081(e)~~],  
24 as soon as possible but not later than the 30th day before the date  
25 the department [~~commission~~] releases the child, the department  
26 [~~commission~~] shall provide the court that committed the child to  
27 the department [~~commission~~]:

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1 (1) a copy of the child's reentry and reintegration  
2 plan developed under Section 245.0535 [~~61.0814~~]; and

3 (2) a report concerning the progress the child has  
4 made while committed to the department [~~commission~~].

5 (b) If, on release, the department [~~commission~~] places a  
6 child in a county other than the county served by the court that  
7 committed the child to the department [~~commission~~], the department  
8 [~~commission~~] shall provide the information described by Subsection  
9 (a) to both the committing court and the juvenile court in the  
10 county where the child is placed after release.

11 (c) If, on release, a child's residence is located in  
12 another state, the department [~~commission~~] shall provide the  
13 information described by Subsection (a) to both the committing  
14 court and a juvenile court of the other state that has jurisdiction  
15 over the area in which the child's residence is located.

SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

16 Sec. 245.101 [~~61.0814. REENTRY AND REINTEGRATION PLAN.~~

17 ~~(a) The commission shall develop a reentry and reintegration plan~~  
18 ~~for each child committed to the custody of the commission. The plan~~  
19 ~~for a child must be designed to ensure that the child receives an~~  
20 ~~extensive continuity of care in services from the time the child is~~  
21 ~~committed to the commission to the time of the child's final~~  
22 ~~discharge from the commission. The plan for a child must include,~~  
23 ~~as applicable,~~  
24

25 ~~[(1) housing assistance,~~

26 ~~[(2) a step-down program, such as placement in a~~

27 ~~halfway house,~~

1           ~~[(3) family counseling,~~  
2           ~~[(4) academic and vocational mentoring,~~  
3           ~~[(5) trauma counseling for a child who is a victim of~~  
4 ~~abuse while in the custody of the commission, and~~  
5           ~~[(6) other specialized treatment services appropriate~~  
6 ~~for the child.~~

7           ~~[(b) If a program or service in the child's reentry and~~  
8 ~~reintegration plan is not available at the time the child is to be~~  
9 ~~released, the commission shall find a suitable alternative program~~  
10 ~~or service so that the child's release is not postponed.~~

11           ~~[Sec. 61.0815].~~ COMPLETION OF MINIMUM LENGTH OF STAY;  
12 PANEL. (a) After a child who is committed to the department  
13 ~~[commission]~~ without a determinate sentence completes the minimum  
14 length of stay established by the department ~~[commission]~~ for the  
15 child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~  
16 shall, in the manner provided by this section and Section 245.102:

17           (1) discharge the child from the custody of the  
18 department ~~[commission]~~;

19           (2) release the child under supervision under Section  
20 245.051 ~~[61.081]~~; or

21           (3) extend the length of the child's stay in the  
22 custody of the department ~~[commission]~~.

23           (b) The board ~~[commission]~~ by rule shall establish a panel  
24 whose function is to review and determine whether a child who has  
25 completed the child's minimum length of stay should be discharged  
26 from the custody of the department ~~[commission]~~ as provided by  
27 Subsection (a)(1), be released under supervision under Section

1 245.051 [~~61.081~~] as provided by Subsection (a)(2), or remain in the  
2 custody of the department [~~commission~~] for an additional period of  
3 time as provided by Subsection (a)(3).

4 (c) The executive director [~~commissioner~~] shall determine  
5 the size of the panel described by Subsection (b) and the length of  
6 the members' terms of service on the panel. The panel must consist  
7 of an odd number of members and the terms of the panel's members  
8 must last for at least two years. The executive director  
9 [~~commissioner~~] shall adopt policies that ensure the transparency,  
10 consistency, and objectivity of the panel's composition,  
11 procedures, and decisions. The executive director [~~commissioner~~]  
12 shall appoint persons to serve as members of the panel. A person  
13 appointed to the panel must be a department [~~commission~~] employee  
14 who works at the department's [~~commission'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 [~~commission~~].

17 Sec. 245.102. EXTENSION ORDER. (a) A [~~d~~—The] panel may  
18 extend the length of the child's stay as provided by Section  
19 245.101(a)(3) [~~Subsection (a)(3)~~] only if the panel determines by  
20 majority vote and on the basis of clear and convincing evidence  
21 that:

22 (1) the child is in need of additional rehabilitation  
23 from the department; [~~commission~~] and

24 (2) [~~that~~] the department [~~commission~~] will provide  
25 the most suitable environment for that rehabilitation.

26 (b) In extending the length of a child's stay, the panel  
27 must specify the additional period of time that the child is to



1 remain in the custody of the department [~~commission~~] and must  
 2 conduct an additional review and determination as provided by  
 3 Section 245.101 [~~this section~~] on the child's completion of the  
 4 additional term of stay.

5       (c) If the panel determines that the child's length of stay  
 6 should not be extended, the department [~~commission~~] must discharge  
 7 the child from the custody of the department [~~commission~~] as  
 8 provided by Section 245.101(a)(1) [~~Subsection (a)(1)~~] or release  
 9 the child under supervision under Section 245.051 [~~Section 61.081~~]  
 10 as provided by Section 245.101(a)(2) [~~Subsection (a)(2)~~].

11       Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION

12 ORDERS. (a) [~~(e)~~] The department [~~commission~~] shall maintain  
 13 statistics of the number of extensions granted by a [~~the~~] panel  
 14 under Section 245.102. The statistics must include aggregated  
 15 information concerning:

16               (1) the race, age, sex, specialized treatment needs,  
 17 and county of origin for each child for whom an extension order is  
 18 requested;

19               (2) the facility in which the child is confined; and

20               (3) if applicable, any allegations concerning the  
 21 abuse, mistreatment, or neglect of the child, aggregated by the  
 22 type of misconduct to which the child was subjected.

23       (b) [~~(f)~~] To the extent authorized under law, the  
 24 statistics maintained under Subsection (a) [~~(e)~~] are public  
 25 information under Chapter 552, Government Code, and the department  
 26 [~~commission~~] shall post the statistics on the department's  
 27 [~~commission's~~] Internet website.

1           (c) The department [~~commission~~] shall prepare and deliver  
2 to the standing committees of the senate and house of  
3 representatives with primary jurisdiction over matters concerning  
4 correctional facilities a report concerning the statistics  
5 maintained under Subsection (a) [~~(e)~~].

6           (d) [~~(g)~~] The department [~~commission~~] shall provide a  
7 report to the parent, guardian, or designated advocate of a child  
8 whose length of stay is extended under Section 245.102 [~~this~~  
9 ~~section~~] explaining the panel's reason for the extension.

10           Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF  
11 EXTENSION ORDER. (a) The board [~~commission~~] by rule shall  
12 establish a process to request the reconsideration of an extension  
13 order issued by a [~~the~~] panel [~~established~~] under Section 245.102  
14 [~~61.0815~~].

15           (b) The process to request reconsideration must provide  
16 that:

17                   (1) a child, a parent, guardian, or designated  
18 advocate of a child, an employee of the department [~~commission~~], or  
19 a person who provides volunteer services at a department  
20 [~~commission~~] facility may submit a request for reconsideration of  
21 an extension order;

22                   (2) the person submitting the request for  
23 reconsideration of an extension order must state in the request the  
24 reason for the request;

25                   (3) after receiving a request for reconsideration of  
26 an extension order, the panel shall reconsider an extension order  
27 that:

1 (A) extends the child's stay in the custody of  
2 the department [~~commission~~] by six months or more; or

3 (B) combined with previous extension orders will  
4 result in an extension of the child's stay in the custody of the  
5 department [~~commission~~] by six months or more;

6 (4) the panel's reconsideration of an extension order  
7 includes consideration of the information submitted in the request;  
8 and

9 (5) the panel shall send a written reply to the child,  
10 the parent, guardian, or designated advocate of the child, and the  
11 person who made the request for reconsideration of an extension  
12 order that includes an explanation of the panel's decision after  
13 reconsidering the extension order, including an indication that the  
14 panel has considered the information submitted in the request.

15 (c) The department [~~commission~~] shall create a form for a  
16 request for reconsideration of an extension order that is clear and  
17 easy to understand. The department [~~commission~~] shall ensure that  
18 a child may request assistance in completing a request for  
19 reconsideration of an extension order.

20 Sec. 245.105. STATISTICS AND REPORTS CONCERNING  
21 RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department  
22 [~~commission~~] shall maintain statistics of the number of requests  
23 for reconsideration of an extension order that are submitted under  
24 Section 245.104 and the action taken on reconsideration of the  
25 extension order. The statistics must include aggregated  
26 information concerning:

27 (1) the race, age, sex, specialized treatment needs,

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1 and county of origin for each child for whom a request for  
2 reconsideration of an extension order is submitted;

3 (2) whether a request for reconsideration of an  
4 extension order results in:

5 (A) a discharge or release under supervision; or

6 (B) the original extension order being upheld;

7 (3) the facility in which the child is confined; and

8 (4) if applicable, any allegations concerning the  
9 abuse, mistreatment, or neglect of the child, aggregated by the  
10 type of misconduct to which the child was subjected.

11 (b) [~~e~~] To the extent authorized under law, the  
12 statistics maintained under Subsection (a) [~~d~~] are public  
13 information under Chapter 552, Government Code, and the department  
14 [~~commission~~] shall post the statistics on the department's  
15 [~~commission's~~] Internet website.

16 (c) The department [~~commission~~] shall prepare and deliver  
17 to the standing committees of the senate and house of  
18 representatives with primary jurisdiction over matters concerning  
19 correctional facilities a report concerning the statistics  
20 maintained under Subsection (a) [~~d~~].

21 Sec. 245.106 [~~61.082~~]. TRANSPORTATION, CLOTHING, MONEY.  
22 The department [~~commission~~] shall ensure that each child it  
23 releases under supervision has:

24 (1) suitable clothing;

25 (2) [~~r~~] transportation to his or her home or to the  
26 county in which a suitable home or employment has been found; [~~r~~]

27 and

1           (3) money in an amount authorized by the rules of the  
2 department [~~commission~~].

3                           SUBCHAPTER D. TERMINATION OF CONTROL

4           Sec. 245.151 [~~61.083. CONTRACTS WITH COUNTIES.~~ (a) ~~The~~  
5 ~~commission may make a contract with a county to use the services of~~  
6 ~~the county's juvenile probation department for the supervision of~~  
7 ~~children within the county who are on furlough from a commission~~  
8 ~~facility or who are released under supervision from a commission~~  
9 ~~facility.~~

10           ~~[(b) The payments shall be made to the county treasurer on a~~  
11 ~~quarterly schedule.~~

12           ~~[(c) The commission may not pay a county for supervision of~~  
13 ~~a child for any time after the child:~~

14                           ~~[(1) is discharged from the commission's custody,~~

15                           ~~[(2) is returned to a commission facility, or~~

16                           ~~[(3) transfers his or her residence to another county~~  
17 ~~or state.~~

18           ~~[(d) A county that has a contract with the commission must~~  
19 ~~report to the commission on the status and progress of each child~~  
20 ~~for whom the county is receiving payments. The reports shall be~~  
21 ~~made at the time and in the manner specified by the contract.~~

22           ~~[Sec. 61.084].~~ TERMINATION OF CONTROL. (a) Except as  
23 provided by Subsections (b) and (c), if a person is committed to the  
24 department [~~commission~~] under a determinate sentence under Section  
25 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
26 the department [~~commission~~] may not discharge the person from its  
27 custody.

1           (b) The department [~~commission~~] shall discharge without a  
2 court hearing a person committed to the department [~~it~~] for a  
3 determinate sentence under Section 54.04(d)(3), Section 54.04(m),  
4 or Section 54.05(f), Family Code, who has not been transferred to  
5 the Texas Department of Criminal Justice under a court order on the  
6 date that the time spent by the person in detention in connection  
7 with the committing case plus the time spent at the department  
8 [~~Texas Youth Commission~~] under the order of commitment equals the  
9 period of the sentence.

10           (c) The department [~~commission~~] shall transfer to the Texas  
11 Department of Criminal Justice a person who is the subject of an  
12 order under Section 54.11(i)(2), Family Code, transferring the  
13 person to the custody of the Texas Department of Criminal Justice  
14 for the completion of the person's sentence.

15           (d) [~~(e)~~] Except as provided by Subsection (e) [~~(g)~~], the  
16 department [~~commission~~] shall discharge from its custody a person  
17 not already discharged on the person's 19th birthday.

18           (e) [~~(g)~~] The department [~~commission~~] shall transfer a  
19 person who has been sentenced under a determinate sentence to  
20 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),  
21 Family Code, or who has been returned to the department  
22 [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody  
23 of the Texas Department of Criminal Justice on the person's 19th  
24 birthday, if the person has not already been discharged or  
25 transferred, to serve the remainder of the person's sentence on  
26 parole as provided by Section 508.156, Government Code.

27           Sec. 245.152 [~~61-0841~~]. DETERMINATE SENTENCE PAROLE.

1 (a) Not later than the 90th day before the date the department  
2 [~~commission~~] transfers a person to the custody of the Texas  
3 Department of Criminal Justice for release on parole under Section  
4 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department  
5 [~~commission~~] shall submit to the Texas Department of Criminal  
6 Justice [~~department~~] all pertinent information relating to the  
7 person, including:

- 8 (1) the juvenile court judgment;
- 9 (2) the circumstances of the person's offense;
- 10 (3) the person's previous social history and juvenile  
11 court records;
- 12 (4) the person's physical and mental health record;
- 13 (5) a record of the person's conduct, employment  
14 history, and attitude while committed to the department  
15 [~~commission~~];
- 16 (6) a record of the sentence time served by the person  
17 at the department [~~commission~~] and in a juvenile detention facility  
18 in connection with the conduct for which the person was  
19 adjudicated; and
- 20 (7) any written comments or information provided by  
21 the department [~~commission~~], local officials, family members of the  
22 person, victims of the offense, or the general public.

23 (b) The department [~~commission~~] shall provide instruction  
24 for parole officers of the Texas Department of Criminal Justice  
25 relating to juvenile programs at the department [~~commission~~]. The  
26 department [~~commission~~] and the Texas Department of Criminal  
27 Justice [~~department~~] shall enter into a memorandum of understanding

1 relating to the administration of this subsection.

2 (c) The Texas Department of Criminal Justice shall grant  
3 credit for sentence time served by a person at the department  
4 [~~commission~~] and in a juvenile detention facility, as recorded by  
5 the department [~~commission~~] under Subsection (a)(6), in computing  
6 the person's eligibility for parole and discharge from the Texas  
7 Department of Criminal Justice [~~department~~].

8 SECTION 1.008. Subchapter I, Chapter 61, Human Resources  
9 Code, is transferred to Subtitle C, Title 12, Human Resources Code,  
10 as added by this Act, redesignated as Chapter 246, and amended to  
11 read as follows:

12 CHAPTER 246 [~~SUBCHAPTER I~~]. INDUSTRIES PROGRAM

13 Sec. 246.001 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The  
14 purposes of the department [~~commission~~] industries program are:

15 (1) to provide adequate employment and vocational  
16 training for children; and

17 (2) to develop and expand public and private  
18 department [~~commission~~] industries.

19 Sec. 246.002 [~~61.122~~]. ADVISORY COMMITTEE. (a) A  
20 department [~~commission~~] industries advisory committee is created  
21 consisting of nine members appointed by the board [~~commission~~].

22 (b) Members serve staggered three-year terms, with the  
23 terms of three members expiring February 1 of each odd-numbered  
24 year.

25 (c) In making appointments under this section, the board  
26 [~~commission~~] shall endeavor to include representatives of  
27 industries appropriate for hiring children committed to the



1 department [~~commission~~].

2       Sec. 246.003 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The  
3 department [~~commission~~] shall apportion wages earned by a child  
4 working under the industries program in amounts determined at the  
5 discretion of the department [~~commission~~], in the following  
6 priority:

7           (1) a person to whom the child has been ordered by a  
8 court or to whom the child has agreed to pay restitution;

9           (2) a person to whom the child has been ordered by a  
10 court to pay child support;

11           (3) the compensation to victims of crime fund or the  
12 compensation to victims of crime auxiliary fund; and

13           (4) the child's student account.

14       Sec. 246.004 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas  
15 Juvenile Justice Department [~~Youth Commission~~] industries program  
16 fund is created in the state treasury.

17           (b) Proceeds from the operation of the industries program  
18 shall be deposited in the fund.

19           (c) Money from the fund may be appropriated only for use by  
20 the department [~~commission~~] for the administration of this chapter  
21 [~~subchapter~~].

22           [~~(d) Sections 403.094 and 403.095, Government Code, do not~~  
23 ~~apply to the fund.~~]

24       Sec. 246.005 [~~61.125~~]. CONTRACTS. To encourage the  
25 development and expansion of the industries program, the department  
26 [~~commission~~] may enter into necessary contracts related to the  
27 program.

1           Sec. 246.006 [~~61.126~~]. DONATIONS. The industries program  
2 may be financed through contributions donated for this purpose by  
3 private businesses contracting with the department [~~commission~~].

4           Sec. 246.007 [~~61.127~~]. GRANTS.           (a) The department  
5 [~~commission~~] may accept a grant for the vocational rehabilitation  
6 of children.

7           (b) The department [~~commission~~] shall maintain a record of  
8 the receipt and disbursement of a grant and shall annually report to  
9 the lieutenant governor and the speaker of the house of  
10 representatives on the administration of grant funds.

11           Sec. 246.008 [~~61.128~~]. LEASE OF LAND. (a) The department  
12 [~~commission~~] may lease land owned by the department [~~commission~~] to  
13 a private business to expand and develop the industries program.

14           (b) The term of the lease may not exceed 20 years.

15           (c) The business must lease the land at fair market value.

16           (d) The business may construct a new facility on the land or  
17 convert an existing facility.

18           Sec. 246.009 [~~Sec. 61.129. CERTIFICATION FOR FRANCHISE~~  
19 ~~CREDIT. The commission shall prepare and issue a certification~~  
20 ~~that a corporation requires for the franchise tax credit for wages~~  
21 ~~paid as provided by Subchapter M, Chapter 171, Tax Code.~~

22           [~~Sec. 61.130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A  
23 business contracting with the department [~~commission~~] may enter  
24 into an ad valorem tax abatement agreement under Subchapters B and  
25 C, Chapter 312, Tax Code, with the governing body of the  
26 municipality and county in which the business is located.

27           (b) If an area in which businesses contracting with the

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.

9 SECTION 1.009. Title 12, Human Resources Code, as added by  
10 this Act, is amended by adding Subtitle D, and a heading is added to  
11 read as follows:

12 SUBTITLE D. INDEPENDENT OMBUDSMAN

13 SECTION 1.010. Chapter 64, Human Resources Code, is  
14 transferred to Subtitle D, Title 12, Human Resources Code, as added  
15 by this Act, redesignated as Chapter 261, and amended to read as  
16 follows:

17 CHAPTER 261 [~~64~~]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN

18 [~~OF THE TEXAS YOUTH COMMISSION~~]

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

21 (1) [~~"Commission" means the Texas Youth Commission.~~

22 [~~(2)~~] "Independent ombudsman" means the individual  
23 who has been appointed under this chapter to the office of  
24 independent ombudsman:

25 (2) [~~(3)~~] "Office" means the office of independent  
26 ombudsman created under this chapter.

27 Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office

1 of independent ombudsman is a state agency established for the  
2 purpose of investigating, evaluating, and securing the rights of  
3 the children committed to the department [~~commission~~], including a  
4 child released under supervision before final discharge.

5 Sec. 261.003 [~~64.003~~]. INDEPENDENCE. (a) The independent  
6 ombudsman in the performance of its duties and powers under this  
7 chapter acts independently of the department [~~commission~~].

8 (b) Funding for the independent ombudsman is appropriated  
9 separately from funding for the department [~~commission~~].

10 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

11 Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT  
12 OMBUDSMAN. (a) The governor shall appoint the independent  
13 ombudsman with the advice and consent of the senate for a term of  
14 two years, expiring February 1 of odd-numbered years.

15 (b) A person appointed as independent ombudsman is eligible  
16 for reappointment but may not serve more than three terms in that  
17 capacity.

18 Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent  
19 ombudsman may hire assistants to perform, under the direction of  
20 the independent ombudsman, the same duties and exercise the same  
21 powers as the independent ombudsman.

22 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person  
23 may not serve as independent ombudsman or as an assistant to the  
24 independent ombudsman if the person or the person's spouse:

25 (1) is employed by or participates in the management  
26 of a business entity or other organization receiving funds from the  
27 department [~~commission~~];

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1           (2) owns or controls, directly or indirectly, any  
2 interest in a business entity or other organization receiving funds  
3 from the department [~~commission~~]; or

4           (3) uses or receives any amount of tangible goods,  
5 services, or funds from the department [~~commission~~].

6           (b) A person may not serve as independent ombudsman or as an  
7 assistant to the independent ombudsman if the person or the  
8 person's spouse is required to register as a lobbyist under Chapter  
9 305, Government Code, because of the person's activities for  
10 compensation on behalf of a profession related to the operation of  
11 the department [~~commission~~].

12           (c) A person may not serve as independent ombudsman or as an  
13 assistant to the independent ombudsman if the person or the  
14 person's spouse is an officer, employee, manager, or paid  
15 consultant of a Texas trade association in the field of criminal or  
16 juvenile justice.

17           (d) For the purposes of this section, a Texas trade  
18 association is a nonprofit, cooperative, and voluntarily joined  
19 association of business or professional competitors in this state  
20 designed to assist its members and its industry or profession in  
21 dealing with mutual business or professional problems and in  
22 promoting their common interest.

23           Sec. 261.054 [~~64.054~~]. SUNSET PROVISION. [~~(a)~~] The office  
24 is subject to review under Chapter 325, Government Code (Texas  
25 Sunset Act), but is not abolished under that chapter. The office  
26 shall be reviewed during the periods in which the Texas Juvenile  
27 Justice Department or its successor agency [~~Texas Youth Commission~~]

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1 is reviewed.

2 ~~[(b) Notwithstanding Subsection (a), the Sunset Advisory~~  
3 ~~Commission shall focus its review of the office on compliance with~~  
4 ~~requirements placed on the office by legislation enacted by the~~  
5 ~~81st Legislature, Regular Session, 2009, that becomes law. This~~  
6 ~~subsection expires September 1, 2011.]~~

7 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.

20 (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

1 department [~~commission~~] program or operation;

2 (3) problem concerning the delivery of services in a  
3 facility operated by or under contract with the department  
4 [~~commission~~]; or

5 (4) interference by the department [~~commission~~] with  
6 an investigation conducted by the office.

7 Sec. 261.056 [~~64.056~~]. COMMUNICATION AND CONFIDENTIALITY.

8 (a) The department [~~commission~~] shall allow any child committed to  
9 the department [~~commission~~] to communicate with the independent  
10 ombudsman or an assistant to the ombudsman. The communication:

11 (1) may be in person, by mail, or by any other means;  
12 and

13 (2) is confidential and privileged.

14 (b) The records of the independent ombudsman are  
15 confidential, except that the independent ombudsman shall:

16 (1) share with the office of inspector general of the  
17 department [~~commission~~] a communication with a child that may  
18 involve the abuse or neglect of the child; and

19 (2) disclose its nonprivileged records if required by  
20 a court order on a showing of good cause.

21 (c) The independent ombudsman may make reports relating to  
22 an investigation public after the investigation is complete but  
23 only if the names of all children, parents, and employees are  
24 redacted from the report and remain confidential.

25 (d) The name, address, or other personally identifiable  
26 information of a person who files a complaint with the office of  
27 independent ombudsman, information generated by the office of

1 independent ombudsman in the course of an investigation, and  
2 confidential records obtained by the office of independent  
3 ombudsman are confidential and not subject to disclosure under  
4 Chapter 552, Government Code, except that the information and  
5 records, other than confidential information and records  
6 concerning a pending law enforcement investigation or criminal  
7 action, may be disclosed to the appropriate person if the office  
8 determines that disclosure is:

- 9 (1) in the general public interest;
- 10 (2) necessary to enable the office to perform the  
11 responsibilities provided under this section; or
- 12 (3) necessary to identify, prevent, or treat the abuse  
13 or neglect of a child.

14 Sec. 261.057 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.  
15 The independent ombudsman shall promote awareness among the public  
16 and the children committed to the department [~~commission~~] of:

- 17 (1) how the office may be contacted;
- 18 (2) the purpose of the office; and
- 19 (3) the services the office provides.

20 Sec. 261.058 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The  
21 office by rule shall establish policies and procedures for the  
22 operations of the office of independent ombudsman.

23 (b) The office and the board [~~commission~~] shall adopt rules  
24 necessary to implement Section 261.060 [~~64.060~~], including rules  
25 that establish procedures for the department [~~commission~~] to review  
26 and comment on reports of the office and for the department  
27 [~~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

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1 filed with the office that relate to the operations or staff of the  
2 office. The office shall maintain information about parties to the  
3 complaint, the subject matter of the complaint, a summary of the  
4 results of the review or investigation of the complaint, and the  
5 disposition of the complaint.

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

8 (c) The office shall periodically notify the complaint  
9 parties of the status of the complaint until final disposition.

10 SUBCHAPTER C. DUTIES AND POWERS

11 Sec. 261.101 [~~64.101~~]. DUTIES AND POWERS. (a) The

12 independent ombudsman shall:

13 (1) review the procedures established by the board  
14 [~~commission~~] and evaluate the delivery of services to children to  
15 ensure that the rights of children are fully observed;

16 (2) review complaints filed with the independent  
17 ombudsman concerning the actions of the department [~~commission~~] and  
18 investigate each complaint in which it appears that a child may be  
19 in need of assistance from the independent ombudsman;

20 (3) conduct investigations of complaints, other than  
21 complaints alleging criminal behavior, if the office determines  
22 that:

23 (A) a child committed to the department  
24 [~~commission~~] or the child's family may be in need of assistance from  
25 the office; or

26 (B) a systemic issue in the department's  
27 [~~commission's~~] provision of services is raised by a complaint;

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1           (4) review or inspect periodically the facilities and  
2 procedures of any institution or residence in which a child has been  
3 placed by the department [~~commission~~], whether public or private,  
4 to ensure that the rights of children are fully observed;

5           (5) provide assistance to a child or family who the  
6 independent ombudsman determines is in need of assistance,  
7 including advocating with an agency, provider, or other person in  
8 the best interests of the child;

9           (6) review court orders as necessary to fulfill its  
10 duties;

11           (7) recommend changes in any procedure relating to the  
12 treatment of children committed to the department [~~commission~~];

13           (8) make appropriate referrals under any of the duties  
14 and powers listed in this subsection; [~~and~~]

15           (9) supervise assistants who are serving as advocates  
16 in their representation of children committed to the department  
17 [~~commission~~] in internal administrative and disciplinary hearings;

18           (10) review reports received by the department  
19 relating to complaints regarding juvenile probation programs,  
20 services, or facilities and analyze the data contained in the  
21 reports to identify trends in complaints; and

22           (11) report a possible standards violation by a local  
23 juvenile probation department to the appropriate division of the  
24 department.

25           (b) The independent ombudsman may apprise persons who are  
26 interested in a child's welfare of the rights of the child.

27           (c) To assess if a child's rights have been violated, the

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1 independent ombudsman may, in any matter that does not involve  
2 alleged criminal behavior, contact or consult with an  
3 administrator, employee, child, parent, expert, or any other  
4 individual in the course of its investigation or to secure  
5 information.

6 (d) Notwithstanding any other provision of this chapter,  
7 the independent ombudsman may not investigate alleged criminal  
8 behavior.

9 (e) Notwithstanding any other provision of this chapter,  
10 the powers of the office are limited to facilities operated and  
11 services provided by the department under Subtitle C.

12 Sec. 261.102 [~~64.102~~]. TREATMENT OF DEPARTMENT  
13 [~~COMMISSION~~] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.  
14 The department [~~commission~~] may not discharge or in any manner  
15 discriminate or retaliate against an employee who in good faith  
16 makes a complaint to the office of independent ombudsman or  
17 cooperates with the office in an investigation.

18 Sec. 261.103 [~~64.103~~]. TRAINING. The independent  
19 ombudsman shall attend annual sessions, including the training  
20 curriculum for juvenile correctional officers required under  
21 Section 242.009 [~~61.0356~~], and may participate in other appropriate  
22 professional training.

23 Sec. 261.104 [~~64.104~~]. MEMORANDUM OF UNDERSTANDING.  
24 (a) The office and the department [~~commission~~] shall enter into a  
25 memorandum of understanding concerning:

26 (1) the most efficient manner in which to share  
27 information with one another; and

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1 (2) the procedures for handling overlapping  
2 monitoring duties and activities performed by the office and the  
3 department [~~commission~~].

4 (b) The memorandum of understanding entered into under  
5 Subsection (a), at a minimum, must:

6 (1) address the interaction of the office with that  
7 portion of the department [~~commission~~] that conducts an internal  
8 audit under Section 203.013 [~~61.0331~~];

9 (2) address communication between the office and the  
10 department [~~commission~~] concerning individual situations involving  
11 children committed to the department [~~commission~~] and how those  
12 situations will be documented and handled;

13 (3) contain guidelines on the office's role in  
14 relevant working groups and policy development decisions at the  
15 department [~~commission~~];

16 (4) ensure opportunities for sharing information  
17 between the office and the department [~~commission~~] for the purposes  
18 of assuring quality and improving programming within the department  
19 [~~commission~~]; and

20 (5) preserve the independence of the office by  
21 authorizing the office to withhold information concerning matters  
22 under active investigation by the office from the department  
23 [~~commission~~] and department [~~commission~~] staff and to report the  
24 information to the board and the governor.

25 SUBCHAPTER D. ACCESS TO INFORMATION

26 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF  
27 GOVERNMENTAL ENTITIES. (a) The [~~commission shall allow the~~]

1 independent ombudsman has access to the department's [~~its~~] records  
2 relating to the children committed to the department [~~commission~~].

3 (b) The Department of Public Safety shall allow the  
4 independent ombudsman access to the juvenile justice information  
5 system established under Subchapter B, Chapter 58, Family Code.

6 (c) A local law enforcement agency shall allow the  
7 independent ombudsman access to its records relating to any child  
8 in the care or custody of the department [~~commission~~].

9 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE  
10 ENTITIES. The independent ombudsman shall have access to the  
11 records of a private entity that relate to a child committed to the  
12 department [~~commission~~].

13 SECTION 1.011. Subsection (a), Section 61.020, Human  
14 Resources Code, is amended to read as follows:

15 (a) The Texas Youth Commission [~~is subject to Chapter 325,~~  
16 ~~Government Code (Texas Sunset Act). Unless continued in existence~~  
17 ~~as provided by that chapter, the commission]~~ is abolished on  
18 December [~~and this chapter expires September~~] 1, 2011.

19 SECTION 1.012. Subsection (a), Section 141.012, Human  
20 Resources Code, is amended to read as follows:

21 (a) The Texas Juvenile Probation Commission [~~is subject to~~  
22 ~~Chapter 325, Government Code (Texas Sunset Act). Unless continued~~  
23 ~~in existence as provided by that chapter, the commission]~~ is  
24 abolished on December [~~and this chapter expires September~~] 1, 2011.

25 ARTICLE 2. MISCELLANEOUS PROVISIONS

26 SECTION 2.001. Section 51.126, Family Code, is amended by  
27 amending Subsections (b), (c), (d), and (e) and adding Subsection

1 (f) to read as follows:

2 (b) In each county, each judge of the juvenile court and a  
3 majority of the members of the juvenile board shall personally  
4 inspect, at least annually, all nonsecure correctional facilities  
5 that are located in the county and shall certify in writing to the  
6 authorities responsible for operating and giving financial support  
7 to the facilities and to the Texas Juvenile Justice Department  
8 [~~Probation Commission~~] that the facility or facilities are suitable  
9 or unsuitable for the confinement of children. In determining  
10 whether a facility is suitable or unsuitable for the confinement of  
11 children, the juvenile court judges and juvenile board members  
12 shall consider:

13 (1) current monitoring and inspection reports and any  
14 noncompliance citation reports issued by the Texas Juvenile Justice  
15 Department [~~Probation Commission~~], including the report provided  
16 under Subsection (c), and the status of any required corrective  
17 actions; and

18 (2) the other factors described under Sections  
19 51.12(c)(2)-(7).

20 (c) The Texas Juvenile Justice Department [~~Probation~~  
21 ~~Commission~~] shall annually inspect each nonsecure correctional  
22 facility. The Texas Juvenile Justice Department [~~Probation~~  
23 ~~Commission~~] shall provide a report to each juvenile court judge  
24 presiding in the same county as an inspected facility indicating  
25 whether the facility is suitable or unsuitable for the confinement  
26 of children in accordance with minimum professional standards for  
27 the confinement of children in nonsecure confinement promulgated by

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1 the Texas Juvenile Justice Department [~~Probation Commission~~] or, at  
2 the election of the juvenile board of the county in which the  
3 facility is located, the current standards promulgated by the  
4 American Correctional Association.

5 (d) A governmental unit or private entity that operates or  
6 contracts for the operation of a juvenile nonsecure correctional  
7 facility in this state under Subsection (a), except for a facility  
8 operated by or under contract with the Texas Juvenile Justice  
9 Department [~~Texas Youth Commission~~], shall:

10 (1) register the facility annually with the Texas  
11 Juvenile Justice Department [~~Probation Commission~~]; and

12 (2) adhere to all applicable minimum standards for the  
13 facility.

14 (e) The Texas Juvenile Justice Department [~~Probation~~  
15 ~~Commission~~] may deny, suspend, or revoke the registration of any  
16 facility required to register under Subsection (d) if the facility  
17 fails to:

18 (1) adhere to all applicable minimum standards for the  
19 facility; or

20 (2) timely correct any notice of noncompliance with  
21 minimum standards.

22 (f) In this section, "Texas Juvenile Justice Department"  
23 means the Texas Juvenile Probation Commission. This subsection  
24 expires December 1, 2011.

25 SECTION 2.002. Section 58.403, Family Code, is amended by  
26 adding Subsection (d) to read as follows:

27 (d) Subchapter L, Chapter 2054, Government Code, does not



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1 apply to the statewide juvenile information and case management  
2 system created under this subchapter.

3 SECTION 2.003. Subdivision (1), Subsection (c), Section  
4 614.017, Health and Safety Code, is amended to read as follows:

5 (1) "Agency" includes any of the following entities  
6 and individuals, a person with an agency relationship with one of  
7 the following entities or individuals, and a person who contracts  
8 with one or more of the following entities or individuals:

9 (A) the Texas Department of Criminal Justice and  
10 the Correctional Managed Health Care Committee;

11 (B) the Board of Pardons and Paroles;

12 (C) the Department of State Health Services;

13 (D) the Texas Juvenile Justice Department  
14 [~~Probation Commission~~];

15 (E) [~~the Texas Youth Commission~~];

16 [~~F~~] the Department of Assistive and  
17 Rehabilitative Services;

18 (F) [~~G~~] the Texas Education Agency;

19 (G) [~~H~~] the Commission on Jail Standards;

20 (H) [~~I~~] the Department of Aging and Disability  
21 Services;

22 (I) [~~J~~] the Texas School for the Blind and  
23 Visually Impaired;

24 (J) [~~K~~] community supervision and corrections  
25 departments and local juvenile probation departments;

26 (K) [~~L~~] personal bond pretrial release offices  
27 established under Article 17.42, Code of Criminal Procedure;

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1                    (L) [~~(M)~~] 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.

21                   SECTION 2.004. Subsections (a) and (b), Section 614.018,  
22 Health and Safety Code, are amended to read as follows:

23                   (a) The Texas Juvenile Justice Department [~~Probation~~  
24 ~~Commission, the Texas Youth Commission~~], the Department of Public  
25 Safety, the Department of State Health Services, the Department of  
26 Aging and Disability Services, the Department of Family and  
27 Protective Services, the Texas Education Agency, and local juvenile

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1 probation departments shall adopt a memorandum of understanding  
2 that establishes their respective responsibilities to institute a  
3 continuity of care and service program for juveniles with mental  
4 impairments in the juvenile justice system. The Texas Correctional  
5 Office on Offenders with Medical and Mental Impairments shall  
6 coordinate and monitor the development and implementation of the  
7 memorandum of understanding.

8 (b) The memorandum of understanding must establish methods  
9 for:

10 (1) identifying juveniles with mental impairments in  
11 the juvenile justice system and collecting and reporting relevant  
12 data to the office;

13 (2) developing interagency rules, policies, and  
14 procedures for the coordination of care of and the exchange of  
15 information on juveniles with mental impairments who are committed  
16 to or treated, served, or supervised by the [~~Texas Youth~~  
17 ~~Commission, the~~] Texas Juvenile Justice Department [~~Probation~~  
18 ~~Commission~~], the Department of Public Safety, the Department of  
19 State Health Services, the Department of Family and Protective  
20 Services, the Department of Aging and Disability Services, the  
21 Texas Education Agency, local juvenile probation departments,  
22 local mental health or mental retardation authorities, and  
23 independent school districts; and

24 (3) identifying the services needed by juveniles with  
25 mental impairments in the juvenile justice system.

26 ARTICLE 3. CONFORMING AMENDMENTS

27 SECTION 3.001. Article 2.12, Code of Criminal Procedure, is

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1 amended to read as follows:

2           Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
3 officers:

4           (1) sheriffs, their deputies, and those reserve  
5 deputies who hold a permanent peace officer license issued under  
6 Chapter 1701, Occupations Code;

7           (2) constables, deputy constables, and those reserve  
8 deputy constables who hold a permanent peace officer license issued  
9 under Chapter 1701, Occupations Code;

10           (3) marshals or police officers of an incorporated  
11 city, town, or village, and those reserve municipal police officers  
12 who hold a permanent peace officer license issued under Chapter  
13 1701, Occupations Code;

14           (4) rangers and officers commissioned by the Public  
15 Safety Commission and the Director of the Department of Public  
16 Safety;

17           (5) investigators of the district attorneys', criminal  
18 district attorneys', and county attorneys' offices;

19           (6) law enforcement agents of the Texas Alcoholic  
20 Beverage Commission;

21           (7) each member of an arson investigating unit  
22 commissioned by a city, a county, or the state;

23           (8) officers commissioned under Section 37.081,  
24 Education Code, or Subchapter E, Chapter 51, Education Code;

25           (9) officers commissioned by the General Services  
26 Commission;

27           (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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1           (32) commission investigators commissioned by the  
2 Texas Private Security Board under Section 1702.061(f),  
3 Occupations Code;

4           (33) the fire marshal and any officers, inspectors, or  
5 investigators commissioned by an emergency services district under  
6 Chapter 775, Health and Safety Code;

7           (34) officers commissioned by the State Board of  
8 Dental Examiners under Section 254.013, Occupations Code, subject  
9 to the limitations imposed by that section;

10           (35) investigators commissioned by the Texas Juvenile  
11 Justice Department [~~Probation Commission~~] as officers under  
12 Section 221.011 [~~141.055~~], Human Resources Code; and

13           (36) the fire marshal and any related officers,  
14 inspectors, or investigators commissioned by a county under  
15 Subchapter B, Chapter 352, Local Government Code.

16           SECTION 3.002. Subsection (d), Section 5, Article 18.20,  
17 Code of Criminal Procedure, is amended to read as follows:

18           (d) The Texas Juvenile Justice Department [~~Youth~~  
19 ~~Commission~~] may own electronic, mechanical, or other devices for a  
20 use or purpose authorized by Section 242.103 [~~61.0455~~], Human  
21 Resources Code, and the inspector general of the Texas Juvenile  
22 Justice Department [~~Youth Commission~~], a commissioned officer of  
23 that office, or another person acting in the presence and under the  
24 direction of a commissioned officer of that office may possess,  
25 install, operate, or monitor those devices as provided by Section  
26 242.103 [~~61.0455~~].

27           SECTION 3.003. Subsection (e), Section 29.012, Education

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1 Code, is amended to read as follows:

2 (e) This section does not apply to a residential treatment  
3 facility for juveniles established under Section 221.056  
4 [~~141.059~~], Human Resources Code.

5 SECTION 3.004. Subsection (c), Section 51.13, Family Code,  
6 is amended to read as follows:

7 (c) A child may not be committed or transferred to a penal  
8 institution or other facility used primarily for the execution of  
9 sentences of persons convicted of crime, except:

10 (1) for temporary detention in a jail or lockup  
11 pending juvenile court hearing or disposition under conditions  
12 meeting the requirements of Section 51.12 of this code;

13 (2) after transfer for prosecution in criminal court  
14 under Section 54.02 of this code; or

15 (3) after transfer from the Texas Juvenile Justice  
16 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],  
17 Human Resources Code.

18 SECTION 3.005. Subsection (a), Section 51.21, Family Code,  
19 is amended to read as follows:

20 (a) A probation department that administers the mental  
21 health screening instrument or clinical assessment required by  
22 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the  
23 child to the local mental health authority for assessment and  
24 evaluation if:

25 (1) the child's scores on the screening instrument or  
26 clinical assessment indicate a need for further mental health  
27 assessment and evaluation; and



1 (2) the department and child do not have access to an  
2 internal, contract, or private mental health professional.

3 SECTION 3.006. Subsection (d), Section 53.045, Family Code,  
4 is amended to read as follows:

5 (d) If the grand jury approves of the petition, the fact of  
6 approval shall be certified to the juvenile court, and the  
7 certification shall be entered in the record of the case. For the  
8 purpose of the transfer of a child to the Texas Department of  
9 Criminal Justice as provided by Section 245.151(c) [~~61.084(e)~~],  
10 Human Resources Code, a juvenile court petition approved by a grand  
11 jury under this section is an indictment presented by the grand  
12 jury.

13 SECTION 3.007. Subsections (a), (h), (i), and (j), Section  
14 54.11, Family Code, are amended to read as follows:

15 (a) On receipt of a referral under Section 244.014(a)  
16 [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas  
17 Department of Criminal Justice of a person committed to the Texas  
18 Juvenile Justice Department [~~Youth Commission~~] under Section  
19 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by  
20 the Texas Juvenile Justice Department [~~commission~~] under Section  
21 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the  
22 release under supervision of a person committed to the Texas  
23 Juvenile Justice Department [~~commission~~] under Section  
24 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and  
25 place for a hearing on the release of the person.

26 (h) The hearing on a person who is referred for transfer  
27 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall

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1 be held not later than the 60th day after the date the court  
2 receives the referral.

3 (i) On conclusion of the hearing on a person who is referred  
4 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources  
5 Code, the court may order:

6 (1) the return of the person to the Texas Juvenile  
7 Justice Department [~~Youth Commission~~]; or

8 (2) the transfer of the person to the custody of the  
9 Texas Department of Criminal Justice for the completion of the  
10 person's sentence.

11 (j) On conclusion of the hearing on a person who is referred  
12 for release under supervision under Section 245.051(c)  
13 [~~61.081(f)~~], Human Resources Code, the court may order the return  
14 of the person to the Texas Juvenile Justice Department [~~Youth~~  
15 ~~Commission~~]:

16 (1) with approval for the release of the person under  
17 supervision; or

18 (2) without approval for the release of the person  
19 under supervision.

20 SECTION 3.008. Subsection (g-1), Section 58.003, Family  
21 Code, is amended to read as follows:

22 (g-1) Any records collected or maintained by the Texas  
23 Juvenile Justice Department [~~Probation Commission~~], including  
24 statistical data submitted under Section 221.007 [~~141.044~~], Human  
25 Resources Code, are not subject to a sealing order issued under this  
26 section.

27 SECTION 3.009. Subsection (b), Section 58.0072, Family

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1 Code, is amended to read as follows:

2 (b) Juvenile justice information consists of information of  
3 the type described by Section 58.104, including statistical data in  
4 any form or medium collected, maintained, or submitted to the Texas  
5 Juvenile Justice Department [~~Probation Commission~~] under Section  
6 221.007 [~~141.044~~], Human Resources Code.

7 SECTION 3.010. Subsection (b), Section 41.310, Government  
8 Code, is amended to read as follows:

9 (b) In addition to the duties prescribed by Subsection (a),  
10 the counsellor shall on a quarterly basis provide the board of  
11 directors and the standing committees of the senate and house of  
12 representatives with primary jurisdiction over matters concerning  
13 correctional facilities with a report concerning offenses or  
14 delinquent conduct prosecuted by the unit on receiving a request  
15 for assistance under Section 241.007 [~~61.098~~], Human Resources  
16 Code, or a request for assistance otherwise from a prosecuting  
17 attorney. A report under this subsection is public information  
18 under Chapter 552, Government Code, and the board of directors  
19 shall request that the commission publish the report on the  
20 commission's Internet website. A report must be both aggregated  
21 and disaggregated by individual facility and include information  
22 relating to:

23 (1) the number of requests for assistance received  
24 under Section 241.007 [~~61.098~~], Human Resources Code, and requests  
25 for assistance otherwise received from prosecuting attorneys;

26 (2) the number of cases investigated and the number of  
27 cases prosecuted;

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1           (3) the types and outcomes of cases prosecuted, such  
2 as whether the case concerned narcotics or an alleged incident of  
3 sexual abuse; and

4           (4) the relationship of a victim to a perpetrator, if  
5 applicable.

6           SECTION 3.011. Subsection (a), Section 411.1141,  
7 Government Code, is amended to read as follows:

8           (a) The Texas Juvenile Justice Department [~~Youth~~  
9 ~~Commission~~] is entitled to obtain from the department criminal  
10 history record information maintained by the department that  
11 relates to a person described by Section 242.010(b) [~~61.0357(b)~~],  
12 Human Resources Code.

13           SECTION 3.012. Subsection (d), Section 493.017, Government  
14 Code, is amended to read as follows:

15           (d) A sex offender correction program that provides  
16 counseling sessions for a child who is released under supervision  
17 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report  
18 to the Texas Juvenile Justice Department [~~Youth Commission~~], not  
19 later than the 15th day of each month, the following information  
20 about the child:

21           (1) the total number of counseling sessions attended  
22 by the child during the preceding month; and

23           (2) if during the preceding month the child terminates  
24 participation in the program before completing counseling, the  
25 reason for the child's termination of counseling or that the reason  
26 for the termination of counseling is unknown.

27           SECTION 3.013. Section 499.053, Government Code, is amended

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1 to read as follows:

2           Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE  
3 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional~~  
4 ~~division~~] shall accept persons transferred to the department  
5 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~  
6 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

7           (b) A person transferred to the department [~~institutional~~  
8 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~  
9 ~~Commission~~] is entitled to credit on the person's sentence for the  
10 time served in the custody of the Texas Juvenile Justice Department  
11 [~~youth commission~~].

12           (c) All laws relating to good conduct time and eligibility  
13 for release on parole or mandatory supervision apply to a person  
14 transferred to the department [~~institutional division~~] by the Texas  
15 Juvenile Justice Department [~~youth commission~~] as if the time the  
16 person was detained in a detention facility and the time the person  
17 served in the custody of the Texas Juvenile Justice Department  
18 [~~youth commission~~] was time served in the custody of the department  
19 [~~division~~].

20           (d) A person transferred from the Texas Juvenile Justice  
21 Department [~~Youth Commission~~] for the offense of capital murder  
22 shall become eligible for parole as provided in Section 508.145(d)  
23 for an offense listed in Section 3g, Article 42.12, Code of Criminal  
24 Procedure, or an offense for which a deadly weapon finding has been  
25 made.

26           SECTION 3.014. Subsection (a), Section 508.156, Government  
27 Code, is amended to read as follows:

1 (a) Before the release of a person who is transferred under  
2 Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], Human  
3 Resources Code, to the department [~~division~~] for release on parole,  
4 a parole panel shall review the person's records and may interview  
5 the person or any other person the panel considers necessary to  
6 determine the conditions of parole. The panel may impose any  
7 reasonable condition of parole on the person that the panel may  
8 impose on an adult inmate under this chapter.

9 SECTION 3.015. Subsection (c), Section 614.019, Health and  
10 Safety Code, is amended to read as follows:

11 (c) A child with mental illness or mental retardation who is  
12 discharged from the Texas Juvenile Justice Department [~~Youth~~  
13 ~~Commission~~] under Section 244.011 [~~61.077~~], Human Resources Code,  
14 may receive continuity of care services from the office for a  
15 minimum of 90 days after discharge from the commission and for as  
16 long as necessary for the child to demonstrate sufficient stability  
17 to transition successfully to mental health or mental retardation  
18 services provided by a local mental health or mental retardation  
19 authority.

20 SECTION 3.016. Subsection (b), Section 152.0007, Human  
21 Resources Code, is amended to read as follows:

22 (b) The board may establish guidelines for the initial  
23 assessment of a child by the juvenile probation department. The  
24 guidelines shall provide a means for assessing a child's mental  
25 health status, family background, and level of education. The  
26 guidelines shall assist the probation department in determining  
27 whether a comprehensive psychological evaluation of the child

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1 should be conducted. The board shall require that probation  
2 department personnel use assessment information compiled by the  
3 child's school, if the information is available, before conducting  
4 a comprehensive psychological evaluation of the child. The board  
5 may adopt all or part of the Texas Juvenile Justice Department's  
6 [~~Juvenile Probation Commission's~~] minimum standards for assessment  
7 under Section 221.002 [~~141.042~~] in complying with this subsection.

8 SECTION 3.017. Section 152.0011, Human Resources Code, is  
9 amended to read as follows:

10 Sec. 152.0011. LOCAL YOUTH BOOT CAMPS; CONTRACTS WITH  
11 PRIVATE VENDORS. (a) The juvenile board or local juvenile  
12 probation department may establish a youth boot camp and employ  
13 necessary personnel to operate the camp.

14 (b) The juvenile board or local juvenile probation  
15 department may contract with a private vendor for the financing,  
16 construction, operation, maintenance, or management of a youth boot  
17 camp [~~in the same manner as the state. The juvenile board may not~~  
18 ~~award a contract under this subsection unless the board requests~~  
19 ~~proposals and receives a proposal that meets or exceeds, in~~  
20 ~~addition to requirements specified in the request for proposals,~~  
21 ~~the requirements specified in Section 141.0434.~~

22 [~~(c) A juvenile board youth boot camp must offer a program~~  
23 ~~that complies with the requirements of the youth boot camps set~~  
24 ~~forth in Section 141.0432].~~

25 (c) [~~(d)~~] If a juvenile board or its designee determines  
26 that a child is not complying with the rules of conduct promulgated  
27 by the board [~~commission~~] or is medically or psychologically

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1 unsuitable for the program, the board shall terminate the child's  
2 participation in the program and request the sentencing court to  
3 reassume custody of the child.

4 SECTION 3.018. Subsection (f), Section 152.0301, Human  
5 Resources Code, is amended to read as follows:

6 (f) The juvenile board shall ensure that the chief juvenile  
7 officer and fiscal officer:

8 (1) keep the financial and statistical records and  
9 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
10 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

11 (2) submit periodic financial and statistical reports  
12 to the county commissioners court.

13 SECTION 3.019. Subsection (g), Section 152.0791, Human  
14 Resources Code, is amended to read as follows:

15 (g) The juvenile board shall ensure that the chief juvenile  
16 officer and fiscal officer:

17 (1) keep the financial and statistical records and  
18 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
19 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

20 (2) submit periodic financial and statistical reports  
21 to the commissioners courts.

22 SECTION 3.020. Subsection (f), Section 152.1371, Human  
23 Resources Code, is amended to read as follows:

24 (f) The juvenile board shall ensure that the chief juvenile  
25 officer and fiscal officer:

26 (1) keep the financial and statistical records and  
27 submit reports to the Texas Juvenile Justice Department [~~Probation~~



1 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and .

2 (2) submit periodic financial and statistical reports  
3 to the county commissioners court.

4 SECTION 3.021. Subsection (f), Section 152.1431, Human  
5 Resources Code, is amended to read as follows:

6 (f) The juvenile board shall ensure that the chief juvenile  
7 officer and fiscal officer:

8 (1) keep the financial and statistical records and  
9 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
10 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

11 (2) submit periodic financial and statistical reports  
12 to the county commissioners court.

13 SECTION 3.022. Subsection (f), Section 152.2511, Human  
14 Resources Code, is amended to read as follows:

15 (f) The juvenile board shall ensure that the chief juvenile  
16 officer and fiscal officer:

17 (1) keep the financial and statistical records and  
18 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
19 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

20 (2) submit periodic financial and statistical reports  
21 to the county commissioners court.

22 SECTION 3.023. Subsection (e-1), Section 16.02, Penal Code,  
23 is amended to read as follows:

24 (e-1) It is a defense to prosecution under Subsection (d)(1)  
25 that the electronic, mechanical, or other device is possessed by a  
26 person authorized to possess the device under Section 500.008,  
27 Government Code, or Section 242.103 [~~61.0455~~], Human Resources

1 Code.

2 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

3 SECTION 4.001. (a) Effective December 1, 2011, Subchapters  
4 A, B, and H, Chapter 61, Human Resources Code, and Subchapters A and  
5 B, Chapter 141, Human Resources Code, are repealed.

6 (b) Effective December 1, 2011, the Texas Youth Commission  
7 and the Texas Juvenile Probation Commission are abolished and the  
8 powers and duties of those agencies are transferred to the Texas  
9 Juvenile Justice Board and the Texas Juvenile Justice Department in  
10 accordance with Title 12, Human Resources Code, as added by this  
11 Act.

12 SECTION 4.002. (a) Not later than December 1, 2011, the  
13 governor shall appoint the initial members of the Texas Juvenile  
14 Justice Board under Section 202.001, Human Resources Code, as added  
15 by this Act. The governor shall appoint:

- 16 (1) four members whose terms expire February 1, 2013;  
17 (2) four members whose terms expire February 1, 2015;  
18 and  
19 (3) five members whose terms expire February 1, 2017.

20 (b) The initial members of the Advisory Council on Juvenile  
21 Services shall be appointed as provided by Section 203.0081, Human  
22 Resources Code, as added by this Act, not later than December 1,  
23 2011. At the first advisory council meeting, the members, other  
24 than the ex officio members, shall draw lots to determine the length  
25 of each member's initial term and which members' terms expire each  
26 year.

27 SECTION 4.003. (a) All money, records, property, and

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1 equipment in the possession of the Texas Youth Commission or the  
2 Texas Juvenile Probation Commission on December 1, 2011, shall be  
3 transferred to the possession of the Texas Juvenile Justice  
4 Department on December 1, 2011, or as soon as possible after that  
5 date.

6 (b) Effective December 1, 2011, a rule adopted by the Texas  
7 Youth Commission or the Texas Juvenile Probation Commission is a  
8 rule of the Texas Juvenile Justice Department until and unless the  
9 Texas Juvenile Justice Board amends or repeals the rule.

10 (c) Effective December 1, 2011, a memorandum of  
11 understanding entered into by the Texas Youth Commission or the  
12 Texas Juvenile Probation Commission is binding against the Texas  
13 Juvenile Justice Department to the same extent that the memorandum  
14 bound the agency that entered into the memorandum of understanding,  
15 until and unless the department enters into a new memorandum of  
16 understanding that modifies the department's responsibilities.

17 SECTION 4.004. As soon as practicable after September 1,  
18 2011, the Texas Juvenile Justice Department shall establish the  
19 toll-free number for complaints, as required under Section 203.014,  
20 Human Resources Code, as added by this Act.

21 SECTION 4.005. Unless another provision of this Act  
22 specifically provides otherwise, the Texas Youth Commission and the  
23 Texas Juvenile Probation Commission, as applicable, shall  
24 implement each change in law made by this Act, including adopting  
25 any necessary or required rule, not later than December 1, 2011.

26 SECTION 4.006. (a) The validity of a disposition of a child  
27 under Title 3, Family Code, made before, on, or after the effective

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1 date of this Act is not affected solely because:

2 (1) the terms of the disposition refer to the Texas  
3 Youth Commission or the Texas Juvenile Probation Commission; and

4 (2) during the time for which the disposition is in  
5 effect, the Texas Youth Commission and the Texas Juvenile Probation  
6 Commission cease to exist and their powers and duties are  
7 transferred, as provided by this Act, to the Texas Juvenile Justice  
8 Department.

9 (b) The action of a juvenile probation department taken in  
10 relation to a child before, on, or after the effective date of this  
11 Act is not affected solely because:

12 (1) the terms of the action refer to the Texas Youth  
13 Commission or the Texas Juvenile Probation Commission; and

14 (2) during the time for which the action is in effect,  
15 the Texas Youth Commission and the Texas Juvenile Probation  
16 Commission cease to exist and their powers and duties are  
17 transferred, as provided by this Act, to the Texas Juvenile Justice  
18 Department.

19 (c) The changes in law made by this Act to Title 3, Family  
20 Code, are not substantive in nature and apply to conduct by a child  
21 that occurs before, on, or after the effective date of this Act.

22 (d) The disposition of an individual 10 years of age or  
23 older and under 21 years of age who was committed to the Texas Youth  
24 Commission under Title 3, Family Code, before June 8, 2007, is not  
25 affected by Subdivision (2), Subsection (a), Section 201.001, Human  
26 Resources Code, as added by this Act.

27 SECTION 4.007. (a) This section applies only to a closed

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1 facility on real property owned by the Texas Youth Commission or the  
2 Texas Juvenile Justice Department that is located wholly or partly  
3 in a county that has a population of less than 100,000.

4 (b) The Texas Youth Commission or the Texas Juvenile Justice  
5 Department may transfer a closed facility to the county or  
6 municipality in which the facility is located.

7 (c) The consideration for the transfer authorized by  
8 Subsection (b) of this section is the requirement that the county or  
9 municipality use the property transferred only for a purpose that  
10 benefits the public interest of the state. If the county or  
11 municipality no longer uses the property for a public purpose,  
12 ownership of the property automatically reverts to the Texas  
13 Juvenile Justice Department.

14 (d) The Texas Youth Commission or the Texas Juvenile Justice  
15 Department shall transfer the property by an appropriate instrument  
16 of transfer, executed on the agency's behalf by the commissioner of  
17 the General Land Office. The instrument of transfer must:

18 (1) provide that:

19 (A) the transferee shall use the property only  
20 for a purpose that benefits the public interest of the state; and

21 (B) ownership of the property will automatically  
22 revert to the Texas Juvenile Justice Department if the transferee  
23 uses the property for any purpose other than a purpose that benefits  
24 the interest of the state;

25 (2) describe the property to be transferred by metes  
26 and bounds; and

27 (3) exclude from the transfer all mineral interests in

1 and under the property and prohibit any exploration, drilling, or  
2 other similar intrusion on the property related to mineral  
3 interests.

4 (e) The Texas Juvenile Justice Department shall retain  
5 custody of the instrument of transfer after the instrument of  
6 transfer is filed in the real property records of the county in  
7 which the property is located.

8 (f) This section expires September 1, 2017.

9 SECTION 4.008. This Act takes effect September 1, 2011.

David Newhurst  
President of the Senate

Joe Straus  
Speaker of the House

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.

Patsy Spaw  
Secretary of the Senate

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  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5:20 PM O'CLOCK

Hope Roberts  
Secretary of State