

By: Talarico

H.B. No. 4356

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the dissolution of the Texas Juvenile Justice
3 Department and the creation of the Office of Youth Safety and
4 Rehabilitation.

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

6 SECTION 1. The heading to Subtitle A, Title 12, Human
7 Resources Code, is amended to read as follows:

8 SUBTITLE A. OFFICE OF YOUTH SAFETY AND REHABILITATION [~~TEXAS~~
9 ~~JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT~~]

10 SECTION 2. Subtitle A, Title 12, Human Resources Code, is
11 amended by adding Chapter 201A to read as follows:

12 CHAPTER 201A. OFFICE OF YOUTH SAFETY AND REHABILITATION

13 Sec. 201A.001. DEFINITIONS. (a) In this chapter:

14 (1) "Board" means the Board of Youth Safety and
15 Rehabilitation.

16 (2) "Child" means an individual:

17 (A) 10 years of age or older and younger than 18
18 years of age who is under the jurisdiction of a juvenile court; or

19 (B) 10 years of age or older and younger than 19
20 years of age who is committed to the custody of the office under
21 Title 3, Family Code.

22 (3) "Office" means the Office of Youth Safety and
23 Rehabilitation.

24 (b) A reference in other law to the Texas Juvenile Justice

1 Department means the office.

2 Sec. 201A.002. OFFICE OF YOUTH SAFETY AND REHABILITATION.

3 The executive commissioner of the Health and Human Services
4 Commission shall maintain an Office of Youth Safety and
5 Rehabilitation within the commission with the goal of:

6 (1) promoting trauma-responsive and culturally
7 informed services for children engaging in delinquent conduct in a
8 manner that supports the child's successful transition to
9 adulthood; and

10 (2) ensuring children become responsible, thriving,
11 and engaged members of their communities.

12 Sec. 201A.003. RESPONSIBILITIES OF OFFICE. The office is
13 responsible for:

14 (1) managing and allocating recouped funding to
15 community-based service providers;

16 (2) providing technical assistance to develop and
17 expand local diversion opportunities to meet the various needs of
18 children who have engaged in delinquent conduct, including sex
19 offender, substance abuse, mental health treatment, and in-school
20 diversion and prevention programs;

21 (3) acting as a financial and administrative
22 intermediary entity between state and local organizations and
23 county agencies to distribute state and other grants and resources;
24 and

25 (4) overseeing the use of the funding described by
26 Subdivision (3) throughout this state to assist in the development
27 of infrastructure for local programs focusing on children.

1 Sec. 201A.004. ANNUAL REPORT REQUIRED. The office shall
2 annually submit a report to the governor and each member of the
3 legislature. The report must:

4 (1) describe outcomes achieved by the office in the
5 preceding year;

6 (2) detail the work completed by the office in the
7 preceding year, including any new services or programs offered by
8 the office;

9 (3) evaluate the efficacy of current programs offered
10 locally to children;

11 (4) identify and recommend policies for improved
12 outcomes and integrated programs and services to best support
13 children outside of detention facilities; and

14 (5) identify and disseminate best practices to help
15 inform restorative practices, including education, diversion,
16 reentry, religious, and victim services.

17 Sec. 201A.005. BOARD; FUNDING PRIORITIES. (a) The board is
18 the governing body of the office and is responsible for the
19 operations of the office.

20 (b) The board shall develop and implement policies that
21 clearly separate the policymaking responsibilities of the board and
22 the management responsibilities of the presiding officer and the
23 staff of the office.

24 (c) The board shall establish funding priorities for
25 services that support the goals of the office and that do not
26 provide incentives to detain children.

27 Sec. 201A.006. COMPOSITION OF BOARD; PRESIDING OFFICER.

1 (a) The board is composed of the following 19 members or their
2 designees:

3 (1) the executive commissioner of the Health and Human
4 Services Commission;

5 (2) the chief officer of the Medicaid and CHIP
6 services department of the Health and Human Services Commission;

7 (3) the deputy executive commissioner of the
8 Intellectual and Developmental Disability and Behavioral Health
9 Services Department;

10 (4) the director of the Early Childhood Education
11 Division at the Texas Education Agency;

12 (5) the following members appointed by the governor:

13 (A) a member of the judiciary;

14 (B) an attorney with experience in defending
15 civil rights cases;

16 (C) a member of the Texas Judicial Commission on
17 Mental Health;

18 (D) a faculty member from the medical school at
19 The University of Texas Health Science Center at San Antonio;

20 (E) a licensed trauma-informed youth counselor;

21 (F) an education advocate;

22 (G) two culturally responsive juvenile justice
23 advocates;

24 (H) a culturally responsive youth mental health
25 advocate;

26 (I) a harm reduction advocate; and

27 (J) a representative of the Texas Correctional

1 Office on Offenders with Medical or Mental Impairments; and
2 (6) the following members appointed by the governor
3 from recommendations made by the presiding officer:

- 4 (A) a child welfare advocate;
5 (B) two youth advocates; and
6 (C) two individuals formerly committed to a
7 juvenile detention facility who can serve as a credible messenger
8 for detained youth.

9 (b) Board members serve staggered six-year terms, with the
10 terms of six or seven members expiring on February 1 of each
11 odd-numbered year.

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

15 Sec. 201A.006. PLAN. (a) The office shall develop and
16 adopt a plan to improve the juvenile justice system under the
17 authority of the office.

18 (b) The plan must include a detailed list of procedures and
19 strategies to:

- 20 (1) not later than September 1, 2026:
21 (A) end commitments of children to any of the
22 five secure juvenile detention facilities operated by the Texas
23 Juvenile Justice Department;
24 (B) significantly reduce the population of
25 children currently committed to each of the five secure juvenile
26 detention facilities operated by the Texas Juvenile Justice
27 Department;

1 (C) establish infrastructure in each county in
2 this state to provide alternative services related to delinquency
3 prevention and intervention, including alternative evidence-based
4 safe, local, supportive placements for children who cannot stay at
5 home;

6 (D) establish secure placement options for
7 children in cases where the court finds that the offender presents a
8 serious security risk of harm to self or others;

9 (E) increase local, evidence-based delinquency
10 responses and interventions in communities and schools; and

11 (F) end racial and disability disparities for
12 children in the juvenile justice system; and

13 (2) not later than September 1, 2030, complete a
14 staggered closure of the five secure juvenile detention facilities
15 operated by the Texas Juvenile Justice Department.

16 (c) In developing the plan, the office shall consult with
17 experts and interested parties, including juvenile probation
18 departments.

19 (d) Not later than January 1, 2025, the office shall submit
20 a copy of the plan to the governor, the lieutenant governor, the
21 speaker of the house of representatives, and each member of the
22 legislature.

23 (e) This section expires September 1, 2030.

24 Sec. 201A.007. SUNSET PROVISION. The office is subject to
25 Chapter 325, Government Code (Texas Sunset Act). Unless continued
26 in existence as provided by that chapter, the board and office are
27 abolished September 1, 2030.

1 SECTION 3. (a) Chapters 201, 202, and 203, Human Resources
2 Code, are repealed.

3 SECTION 4. (a) The Texas Juvenile Justice Department is
4 abolished but continues in existence until September 1, 2030, for
5 the sole purpose of transferring obligations, property, rights,
6 powers, grants, and duties to the Office of Youth Safety and
7 Rehabilitation. The Office of Youth Safety and Rehabilitation
8 assumes any remaining obligations, property, rights, powers, and
9 duties of the Texas Juvenile Justice Department as they exist
10 immediately before September 1, 2030. All unexpended funds under
11 the management of the Texas Juvenile Justice Board of the Texas
12 Juvenile Justice Department as provided by Chapter 203, Human
13 Resources Code, as that chapter existed immediately before the
14 effective date of this Act, are transferred to the Office of Youth
15 Safety and Rehabilitation for the purpose of administering duties
16 under Chapter 201A, Human Resources Code, as added by this Act.

17 (b) The Texas Juvenile Justice Department and the Office of
18 Youth Safety and Rehabilitation shall, in consultation with
19 appropriate state entities, ensure that the transfer of the
20 obligations, property, rights, powers, and duties of the Texas
21 Juvenile Justice Department to the Office of Youth Safety and
22 Rehabilitation is completed not later than September 1, 2030.

23 (c) All rules of the Texas Juvenile Justice Department are
24 continued in effect as rules of the Office of Youth Safety and
25 Rehabilitation until superseded by a rule of the Office of Youth
26 Safety and Rehabilitation. An authorization issued by the Texas
27 Juvenile Justice Department is continued in effect as provided by

1 the law in effect immediately before the effective date of this Act.
2 An authorization pending on the effective date of this Act is
3 continued without change in status after the effective date of this
4 Act. A complaint, investigation, or other proceeding pending on
5 the effective date of this Act is continued without change in status
6 after the effective date of this Act.

7 (d) Unless the context indicates otherwise, a reference to
8 the Texas Juvenile Justice Department in a law or administrative
9 rule means the Office of Youth Safety and Rehabilitation.

10 SECTION 5. Not later than the 60th day after the effective
11 date of this Act, the governor shall appoint members to the Board of
12 Youth Safety and Rehabilitation in accordance with Section
13 201A.006, Human Resources Code, as added by this Act. In appointing
14 the initial members of the board under this section, the governor
15 shall designate six members for terms expiring February 1, 2025,
16 six members for terms expiring February 1, 2027, and seven members
17 for terms expiring February 1, 2029.

18 SECTION 6. This Act takes effect September 1, 2023.