

AN ACT

relating to the continuation and functions of the Texas Juvenile Justice Department, the functions of the office of independent ombudsman for the Texas Juvenile Justice Department, and the powers and duties of the office of inspector general of the Texas Juvenile Justice Department.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

- 1           (5) investigators of the district attorneys', criminal  
2 district attorneys', and county attorneys' offices;
- 3           (6) law enforcement agents of the Texas Alcoholic  
4 Beverage Commission;
- 5           (7) each member of an arson investigating unit  
6 commissioned by a city, a county, or the state;
- 7           (8) officers commissioned under Section [37.081](#),  
8 Education Code, or Subchapter [E](#), Chapter [51](#), Education Code;
- 9           (9) officers commissioned by the General Services  
10 Commission;
- 11          (10) law enforcement officers commissioned by the  
12 Parks and Wildlife Commission;
- 13          (11) officers commissioned under Chapter [23](#),  
14 Transportation Code;
- 15          (12) municipal park and recreational patrolmen and  
16 security officers;
- 17          (13) security officers and investigators commissioned  
18 as peace officers by the comptroller;
- 19          (14) officers commissioned by a water control and  
20 improvement district under Section [49.216](#), Water Code;
- 21          (15) officers commissioned by a board of trustees  
22 under Chapter [54](#), Transportation Code;
- 23          (16) investigators commissioned by the Texas Medical  
24 Board;
- 25          (17) officers commissioned by:
  - 26               (A) the board of managers of the Dallas County  
27 Hospital District, the Tarrant County Hospital District, the Bexar

1 County Hospital District, or the El Paso County Hospital District  
2 under Section 281.057, Health and Safety Code;

3 (B) the board of directors of the Ector County  
4 Hospital District under Section 1024.117, Special District Local  
5 Laws Code;

6 (C) the board of directors of the Midland County  
7 Hospital District of Midland County, Texas, under Section 1061.121,  
8 Special District Local Laws Code; and

9 (D) the board of hospital managers of the Lubbock  
10 County Hospital District of Lubbock County, Texas, under Section  
11 1053.113, Special District Local Laws Code;

12 (18) county park rangers commissioned under  
13 Subchapter E, Chapter 351, Local Government Code;

14 (19) investigators employed by the Texas Racing  
15 Commission;

16 (20) officers commissioned under Chapter 554,  
17 Occupations Code;

18 (21) officers commissioned by the governing body of a  
19 metropolitan rapid transit authority under Section 451.108,  
20 Transportation Code, or by a regional transportation authority  
21 under Section 452.110, Transportation Code;

22 (22) investigators commissioned by the attorney  
23 general under Section 402.009, Government Code;

24 (23) security officers and investigators commissioned  
25 as peace officers under Chapter 466, Government Code;

26 (24) officers appointed by an appellate court under  
27 Subchapter F, Chapter 53, Government Code;

1 (25) officers commissioned by the state fire marshal  
2 under Chapter 417, Government Code;

3 (26) an investigator commissioned by the commissioner  
4 of insurance under Section 701.104, Insurance Code;

5 (27) officers appointed by the inspector general of  
6 ~~[apprehension specialists and inspectors general commissioned by]~~  
7 the Texas Juvenile Justice Department ~~[as officers]~~ under Section  
8 ~~[Sections]~~ 242.102 ~~[and 243.052]~~, Human Resources Code;

9 (28) officers appointed by the inspector general of  
10 the Texas Department of Criminal Justice under Section 493.019,  
11 Government Code;

12 (29) investigators commissioned by the Texas  
13 Commission on Law Enforcement under Section 1701.160, Occupations  
14 Code;

15 (30) commission investigators commissioned by the  
16 Texas Private Security Board under Section 1702.061, Occupations  
17 Code;

18 (31) the fire marshal and any officers, inspectors, or  
19 investigators commissioned by an emergency services district under  
20 Chapter 775, Health and Safety Code;

21 (32) officers commissioned by the State Board of  
22 Dental Examiners under Section 254.013, Occupations Code, subject  
23 to the limitations imposed by that section; and

24 (33) ~~[investigators commissioned by the Texas~~  
25 ~~Juvenile Justice Department as officers under Section 221.011,~~  
26 ~~Human Resources Code, and~~

27 [~~34~~] the fire marshal and any related officers,

1 inspectors, or investigators commissioned by a county under  
2 Subchapter B, Chapter 352, Local Government Code.

3 SECTION 2. Articles 18B.001(1) and (4), Code of Criminal  
4 Procedure, are amended to read as follows:

5 (1) "Authorized peace officer" means:

6 (A) a sheriff or deputy sheriff;

7 (B) a constable or deputy constable;

8 (C) a marshal or police officer of a  
9 municipality;

10 (D) a ranger or officer commissioned by the  
11 Public Safety Commission or the director of the department;

12 (E) an investigator of a prosecutor's office;

13 (F) a law enforcement agent of the Texas  
14 Alcoholic Beverage Commission;

15 (G) a law enforcement officer commissioned by the  
16 Parks and Wildlife Commission;

17 (H) an enforcement officer appointed by the  
18 inspector general of the Texas Department of Criminal Justice under  
19 Section 493.019, Government Code;

20 (I) a law enforcement officer appointed by the  
21 inspector general of the Texas Juvenile Justice Department under  
22 Section 242.102, Human Resources Code;

23 (J) an investigator commissioned by the attorney  
24 general under Section 402.009, Government Code; or

25 (K) [~~(J)~~] a member of an arson investigating unit  
26 commissioned by a municipality, a county, or the state.

27 (4) "Designated law enforcement office or agency"

1 means:

2 (A) the sheriff's department of a county with a  
3 population of 3.3 million or more;

4 (B) a police department in a municipality with a  
5 population of 200,000 or more; [~~or~~]

6 (C) the office of inspector general of the Texas  
7 Department of Criminal Justice; or

8 (D) the office of inspector general of the Texas  
9 Juvenile Justice Department.

10 SECTION 3. Article 18B.252(b), Code of Criminal Procedure,  
11 is amended to read as follows:

12 (b) If the director of the department or the director's  
13 designee approves the policy submitted under Article 18B.251, the  
14 inspector general of the Texas Department of Criminal Justice or  
15 the inspector general's designee, the inspector general of the  
16 Texas Juvenile Justice Department or the inspector general's  
17 designee, or the sheriff or chief of a designated law enforcement  
18 agency or the sheriff's or chief's designee, as applicable, shall  
19 submit to the director a written list of all peace officers in the  
20 designated law enforcement office or agency who are authorized to  
21 possess, install, operate, or monitor pen registers, ESN readers,  
22 or similar equipment.

23 SECTION 4. Article 18B.302(a), Code of Criminal Procedure,  
24 is amended to read as follows:

25 (a) The inspector general of the Texas Department of  
26 Criminal Justice, the inspector general of the Texas Juvenile  
27 Justice Department or the inspector general's designee, or the

1 sheriff or chief of a designated law enforcement agency, as  
2 applicable, shall submit to the director of the department a  
3 written report of expenditures made by the designated law  
4 enforcement office or agency to purchase and maintain a pen  
5 register, ESN reader, or similar equipment authorized under this  
6 chapter.

7 SECTION 5. Article 18B.451, Code of Criminal Procedure, is  
8 amended to read as follows:

9 Art. 18B.451. SUBPOENA AUTHORITY. The director of the  
10 department or the director's designee, the inspector general of the  
11 Texas Department of Criminal Justice or the inspector general's  
12 designee, the inspector general of the Texas Juvenile Justice  
13 Department or the inspector general's designee, or the sheriff or  
14 chief of a designated law enforcement agency or the sheriff's or  
15 chief's designee may issue an administrative subpoena to a  
16 communication common carrier or a provider of an electronic  
17 communications service to compel the production of any carrier's or  
18 service provider's business records that:

- 19 (1) disclose information about:
- 20 (A) the carrier's or service provider's  
21 customers; or
- 22 (B) users of the services offered by the carrier  
23 or service provider; and
- 24 (2) are material to a criminal investigation.

25 SECTION 6. Article 18B.452, Code of Criminal Procedure, is  
26 amended to read as follows:

27 Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later

1 than the 30th day after the date on which an administrative subpoena  
2 is issued under Article 18B.451, the inspector general of the Texas  
3 Department of Criminal Justice, the inspector general of the Texas  
4 Juvenile Justice Department or the inspector general's designee, or  
5 the sheriff or chief of a designated law enforcement agency, as  
6 applicable, shall report to the department the issuance of the  
7 subpoena.

8 SECTION 7. Section 51.12(c-1), Family Code, is amended to  
9 read as follows:

10 (c-1) The Texas Juvenile Justice Department shall  
11 [~~annually~~] inspect each public or private juvenile  
12 pre-adjudication secure detention facility. The department shall  
13 provide a report to each juvenile court judge presiding in the same  
14 county as an inspected facility indicating whether the facility is  
15 suitable or unsuitable for the detention of children in accordance  
16 with:

17 (1) the requirements of Subsections (a), (f), and (g);  
18 and

19 (2) minimum professional standards for the detention  
20 of children in pre-adjudication secure confinement promulgated by  
21 the department or, at the election of the juvenile board of the  
22 county in which the facility is located, the current standards  
23 promulgated by the American Correctional Association.

24 SECTION 8. Section 51.125(c), Family Code, is amended to  
25 read as follows:

26 (c) The Texas Juvenile Justice Department shall [~~annually~~]  
27 inspect each public or private juvenile post-adjudication secure



1 correctional facility that is not operated by the department. The  
2 department shall provide a report to each juvenile court judge  
3 presiding in the same county as an inspected facility indicating  
4 whether the facility is suitable or unsuitable for the confinement  
5 of children in accordance with minimum professional standards for  
6 the confinement of children in post-adjudication secure  
7 confinement promulgated by the department or, at the election of  
8 the juvenile board of the county in which the facility is located,  
9 the current standards promulgated by the American Correctional  
10 Association.

11 SECTION 9. Section 51.126(c), Family Code, is amended to  
12 read as follows:

13 (c) The Texas Juvenile Justice Department shall [~~annually~~]  
14 inspect each nonsecure correctional facility. The Texas Juvenile  
15 Justice Department shall provide a report to each juvenile court  
16 judge presiding in the same county as an inspected facility  
17 indicating whether the facility is suitable or unsuitable for the  
18 confinement of children in accordance with minimum professional  
19 standards for the confinement of children in nonsecure confinement  
20 promulgated by the Texas Juvenile Justice Department or, at the  
21 election of the juvenile board of the county in which the facility  
22 is located, the current standards promulgated by the American  
23 Correctional Association.

24 SECTION 10. Sections 51.20(a), (b), (c), and (d), Family  
25 Code, are amended to read as follows:

26 (a) At any stage of the proceedings under this title,  
27 including when a child is initially detained in a pre-adjudication

1 secure detention facility or a post-adjudication secure  
2 correctional facility, the juvenile court may, at its discretion or  
3 at the request of the child's parent or guardian, order a child who  
4 is referred to the juvenile court or who is alleged by a petition or  
5 found to have engaged in delinquent conduct or conduct indicating a  
6 need for supervision to be examined by a disinterested expert,  
7 including a physician, psychiatrist, or psychologist, qualified by  
8 education and clinical training in mental health or intellectual  
9 disability [~~mental retardation~~] and experienced in forensic  
10 evaluation, to determine whether the child has a mental illness, as  
11 defined by Section 571.003, Health and Safety Code, is a person with  
12 an intellectual disability, [~~mental retardation~~] as defined by  
13 Section 591.003, Health and Safety Code, or suffers from chemical  
14 dependency, as defined by Section 464.001, Health and Safety Code.  
15 If the examination is to include a determination of the child's  
16 fitness to proceed, an expert may be appointed to conduct the  
17 examination only if the expert is qualified under Subchapter B,  
18 Chapter 46B, Code of Criminal Procedure, to examine a defendant in a  
19 criminal case, and the examination and the report resulting from an  
20 examination under this subsection must comply with the requirements  
21 under Subchapter B, Chapter 46B, Code of Criminal Procedure, for  
22 the examination and resulting report of a defendant in a criminal  
23 case.

24 (b) If, after conducting an examination of a child ordered  
25 under Subsection (a) and reviewing any other relevant information,  
26 there is reason to believe that the child has a mental illness or  
27 intellectual disability [~~mental retardation~~] or suffers from

1 chemical dependency, the probation department shall refer the child  
2 to the local mental health [~~or mental retardation~~] authority, to  
3 the local intellectual and developmental disability authority, or  
4 to another appropriate and legally authorized agency or provider  
5 for evaluation and services, unless the prosecuting attorney has  
6 filed a petition under Section 53.04.

7 (c) If, while a child is under deferred prosecution  
8 supervision or court-ordered probation, a qualified professional  
9 determines that the child has a mental illness or intellectual  
10 disability [~~mental retardation~~] or suffers from chemical  
11 dependency and the child is not currently receiving treatment  
12 services for the mental illness, intellectual disability [~~mental~~  
13 ~~retardation~~], or chemical dependency, the probation department  
14 shall refer the child to the local mental health [~~or mental~~  
15 ~~retardation~~] authority, to the local intellectual and  
16 developmental disability authority, or to another appropriate and  
17 legally authorized agency or provider for evaluation and services.

18 (d) A probation department shall report each referral of a  
19 child to a local mental health [~~or mental retardation~~] authority,  
20 to a local intellectual and developmental disability authority, or  
21 to another agency or provider made under Subsection (b) or (c) to  
22 the Texas Juvenile Justice Department in a format specified by the  
23 department.

24 SECTION 11. Section 56.01(c), Family Code, is amended to  
25 read as follows:

26 (c) An appeal may be taken:

27 (1) except as provided by Subsection (n), by or on

1 behalf of a child from an order entered under:

2 (A) Section 54.02 respecting transfer of the  
3 child for prosecution as an adult;

4 (B) Section 54.03 with regard to delinquent  
5 conduct or conduct indicating a need for supervision;

6 (C) Section 54.04 disposing of the case;

7 (D) Section 54.05 respecting modification of a  
8 previous juvenile court disposition; or

9 (E) Chapter 55 by a juvenile court committing a  
10 child to a facility for persons with mental illness [~~the mentally~~  
11 ~~ill~~] or intellectual disabilities [~~intellectually disabled~~]; or

12 (2) by a person from an order entered under Section  
13 54.11(i)(2) transferring the person to the custody of the Texas  
14 Department of Criminal Justice.

15 SECTION 12. Section 58.009, Family Code, is amended by  
16 amending Subsections (c) and (f) and adding Subsection (f-1) to  
17 read as follows:

18 (c) The Texas Juvenile Justice Department may grant [~~the~~  
19 ~~following entities~~] access to juvenile justice information:

20 (1) for research and statistical purposes or for any  
21 other purpose approved by the department to:

22 (A) [~~(1)~~] criminal justice agencies as defined  
23 by Section 411.082, Government Code;

24 (B) [~~(2)~~] the Texas Education Agency, as  
25 authorized under Section 37.084, Education Code;

26 (C) [~~(3)~~] any agency under the authority of the  
27 Health and Human Services Commission; or

1                    (D) [~~(4)~~] the Department of Family and  
2 Protective Services; or

3                    (2) for a purpose beneficial to and approved by the  
4 department to an individual or entity that:

5                    (A) is working on a research or statistical  
6 project that meets the requirements of and is approved by the  
7 department; and

8                    (B) has a specific agreement with the department  
9 that:

10                    (i) specifically authorizes access to  
11 identifiable juvenile justice information;

12                    (ii) limits the use of the information to  
13 the purposes for which the information is given;

14                    (iii) ensures the security and  
15 confidentiality of the information; and

16                    (iv) provides for sanctions if a  
17 requirement imposed under Subparagraph (i), (ii), or (iii) is  
18 violated [~~(5) a public or private university~~].

19                    (f) The Texas Juvenile Justice Department may not release  
20 juvenile justice information in identifiable form, except for  
21 information released under Subsection (c) [~~(c)(1), (2), (3), or (4)~~  
22 ~~or under the terms of an agreement entered into under Subsection~~  
23 ~~(d)(2)~~]. For purposes of this subsection, identifiable  
24 information means information that contains a juvenile offender's  
25 name or other personal identifiers or that can, by virtue of sample  
26 size or other factors, be reasonably interpreted as referring to a  
27 particular juvenile offender.

1        (f-1) In accordance with Chapter 552, Government Code, the  
2 Texas Juvenile Justice Department may grant access to juvenile  
3 justice information that is not identifiable information for  
4 research or statistical purposes or for any other purpose approved  
5 by the department to:

6            (1) criminal justice agencies as defined by Section  
7 411.082, Government Code;

8            (2) the Texas Education Agency, as authorized under  
9 Section 37.084, Education Code;

10           (3) any agency under the authority of the Health and  
11 Human Services Commission;

12           (4) the Department of Family and Protective Services;

13           (5) a public or private university; or

14           (6) an individual or entity working on a research or  
15 statistical project.

16        SECTION 13. Section 662.005(b), Government Code, is amended  
17 to read as follows:

18        (b) Except as provided by Section 662.010, and  
19 notwithstanding Section 659.015 or another law, a state employee  
20 who is a peace officer commissioned or appointed, as applicable, by  
21 a state officer or state agency listed under Article 2.12, Code of  
22 Criminal Procedure, or who is employed by the Department of Public  
23 Safety either to perform communications or dispatch services  
24 related to traffic law enforcement or as a public security officer,  
25 as that term is defined by Section 1701.001, Occupations Code, or  
26 who is employed by the Parks and Wildlife Department to perform  
27 communications and dispatch services to assist law enforcement

1 officers commissioned by the Parks and Wildlife Commission in  
2 performing law enforcement duties, or who is employed by the Texas  
3 Juvenile Justice Department to perform communication service  
4 duties for the incident reporting center and to assist law  
5 enforcement officers appointed by the office of inspector general  
6 of the Texas Juvenile Justice Department in performing  
7 investigative duties, or who is employed as a security officer  
8 providing security and entry searches for secure correctional  
9 facilities operated by the Texas Juvenile Justice Department, and  
10 who is required to work on a national or state holiday that falls on  
11 a Saturday or Sunday is entitled to compensatory time off at the  
12 rate of one hour for each hour worked on the holiday.

13 SECTION 14. Sections 202.001(a) and (b), Human Resources  
14 Code, are amended to read as follows:

15 (a) The board is composed of the following nine [~~13~~] members  
16 appointed by the governor with the advice and consent of the senate:

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

19 (2) one member who is a member [~~three members who are~~  
20 ~~members~~] of a county commissioners court with juvenile justice  
21 experience;

22 (3) one prosecutor in juvenile court;

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

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

1 includes at least 7,500 but fewer than 80,000 persons younger than  
2 18 years of age;

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

6 (7) one adolescent mental health treatment  
7 professional licensed under Subtitle B or I, Title 3, Occupations  
8 Code, or a representative from a local mental health authority  
9 designated under Chapter 533, Health and Safety Code, who has  
10 experience working with children;

11 (8) one member who is:

12 (A) an educator, as that term is defined by  
13 Section 5.001, Education Code, with juvenile justice experience; or

14 (B) a juvenile justice professional with  
15 experience managing a secure juvenile justice facility operated by  
16 the department or a county; and

17 (9) one member [~~three members~~] of the general public.

18 (b) Members serve staggered six-year terms, with the terms  
19 of three [~~four or five~~] members expiring on February 1 of each  
20 odd-numbered year.

21 SECTION 15. Section 202.005, Human Resources Code, is  
22 amended to read as follows:

23 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile  
24 probation officer who is a board member shall avoid the appearance  
25 of a conflict of interest by not voting or participating in any  
26 decision by the board that solely benefits or penalizes or  
27 otherwise solely impacts the juvenile probation department over



1 which the chief juvenile probation officer has authority. The  
2 chief juvenile probation officer may not vote or render any  
3 decisions regarding matters of officer discipline [~~abuse and~~  
4 ~~neglect~~] presented to the board regarding the chief juvenile  
5 probation officer's department.

6 (a-1) If a juvenile justice professional is appointed as a  
7 board member under Section 202.001(a)(8), the member shall avoid  
8 the appearance of a conflict of interest by not voting or  
9 participating in any decision by the board that solely benefits or  
10 penalizes or otherwise solely impacts any juvenile probation  
11 department or facility the professional is employed by or works for  
12 under a contract. The professional may not vote or render any  
13 decisions regarding matters of officer discipline presented to the  
14 board regarding any juvenile probation department or facility the  
15 professional is employed by or works for under a contract.

16 (b) The board may adopt recusal requirements in addition to  
17 those described by Subsections [~~Subsection~~] (a) and (a-1),  
18 including requirements that are more restrictive than those  
19 described by those subsections [~~Subsection (a)~~].

20 SECTION 16. Section 202.006, Human Resources Code, is  
21 amended by amending Subsection (b) and adding Subsection (d) to  
22 read as follows:

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

25 (1) the law governing department operations [~~the~~  
26 ~~legislation that created the department~~];

27 (2) the programs, functions, rules, and budget of the

1 department;

2 (3) the scope of and limitations on the rulemaking  
3 authority of the board;

4 (4) the results of the most recent formal audit of the  
5 department;

6 (5) [~~4~~] the requirements of:

7 (A) laws relating to open meetings, public  
8 information, administrative procedure, and disclosing conflicts of  
9 interest; and

10 (B) other laws applicable to members of a state  
11 policymaking body in performing their duties; and

12 (6) [~~5~~] any applicable ethics policies adopted by  
13 the department or the Texas Ethics Commission.

14 (d) The executive director shall create a training manual  
15 that includes the information required by Subsection (b). The  
16 executive director shall distribute a copy of the training manual  
17 annually to each member of the board. Each member of the board  
18 shall sign and submit to the executive director a statement  
19 acknowledging that the member received and has reviewed the  
20 training manual.

21 SECTION 17. Section 202.010, Human Resources Code, is  
22 amended to read as follows:

23 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice  
24 Board and the Texas Juvenile Justice Department are subject to  
25 Chapter 325, Government Code (Texas Sunset Act). Unless continued  
26 in existence as provided by that chapter, the board and the  
27 department are abolished September 1, 2027 [~~2023~~].

1 SECTION 18. Section 203.001, Human Resources Code, is  
2 amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to  
3 read as follows:

4 (b-1) The board may delegate to the executive director the  
5 board's responsibilities as the board determines appropriate.

6 (b-2) In making a delegation under Subsection (b-1), the  
7 board shall provide, as appropriate:

8 (1) to the executive director with respect to each  
9 delegation:

10 (A) clear direction;

11 (B) performance measures; and

12 (C) reporting requirements; and

13 (2) to the department, sufficient oversight to ensure  
14 that delegated responsibilities are performed according to the  
15 mission and funding priorities described by Subsection (c).

16 (b-3) The executive director is a full-time employee of the  
17 board and shall:

18 (1) perform the regular administrative functions of  
19 the board and any other duty as the board directs; and

20 (2) under the direction of the board, perform the  
21 duties required by this subtitle or designated by the board.

22 (b-4) The executive director may not perform a  
23 discretionary or decision-making function for which the board is  
24 solely responsible.

25 SECTION 19. Section 203.002, Human Resources Code, is  
26 amended to read as follows:

27 Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

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

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

5           (b) The executive director must possess the following  
6 minimum qualifications:

7           (1) five years of experience in the field of juvenile  
8 corrections or congregate care in an administrative capacity;

9           (2) three years of experience in the field of juvenile  
10 corrections or congregate care in an administrative capacity and a  
11 graduate degree from an institution of higher education in a  
12 relevant field, including penology, adolescent development,  
13 behavior management, or rehabilitative services; or

14           (3) seven years of experience in management and  
15 administration of a government agency, institution of higher  
16 education, or business enterprise of a size comparable to the  
17 department.

18           (c) The department shall track the frequency with which the  
19 executive director takes the following actions as defined by  
20 department rule:

21           (1) selects a child for a conditional placement;

22           (2) selects a child for a home placement;

23           (3) waives the requirement for a child with a  
24 determinate sentence to spend the child's entire minimum period of  
25 confinement in a high-restriction facility;

26           (4) waives the requirement for a child to be on  
27 intensive supervision when initially released on parole;

1           (5) authorizes early discharges for a child on parole;  
2 or  
3           (6) finalizes an appeal brought by an advocacy group  
4 or social service provider who was denied certain access to  
5 department facilities.

6           (d) The executive director shall provide the board and the  
7 Sunset Advisory Commission at the beginning of each calendar  
8 quarter aggregated data on the number of times each action  
9 described by Subsection (c) was taken during the previous calendar  
10 quarter.

11           SECTION 20. Section 203.0081, Human Resources Code, is  
12 amended by amending Subsections (a) and (e) and adding Subsection  
13 (c-1) to read as follows:

- 14           (a) The advisory council on juvenile services consists of:
- 15               (1) the executive director of the department or the
  - 16 executive director's designee;
  - 17               (2) the director of probation services of the
  - 18 department or the director's designee;
  - 19               (3) the director of state programs and facilities of
  - 20 the department or the director's designee;
  - 21               (4) the executive commissioner of the Health and Human
  - 22 Services Commission or the commissioner's designee;
  - 23               (5) one representative of the county commissioners
  - 24 courts appointed by the board;
  - 25               (6) two juvenile court judges appointed by the board;
  - 26 [~~and~~]
  - 27               (7) seven chief juvenile probation officers appointed

1 by the board as provided by Subsection (b); and

2 (8) the commissioner of the Department of Family and  
3 Protective Services or the commissioner's designee.

4 (c-1) The board shall adopt rules regarding:

5 (1) the purpose, role, responsibility, goals, and  
6 duration of the advisory council;

7 (2) the quorum requirement for the advisory council;

8 (3) training requirements for advisory council  
9 members;

10 (4) policies to avoid conflicts of interest by  
11 advisory council members;

12 (5) a periodic review process to evaluate the  
13 continuing need for the advisory council;

14 (6) policies to ensure the advisory council does not  
15 violate any provision of Chapter 551, Government Code, applicable  
16 to the board or the advisory council;

17 (7) the appropriate level of participation from ex  
18 officio advisory council members designated under Subsections  
19 (a)(1)-(4) and (8); and

20 (8) reporting requirements and other communication  
21 procedures between the board and the advisory council.

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

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

25 (2) conducting long-range strategic planning;

26 (3) reviewing and proposing revisions to existing or  
27 newly proposed standards affecting juvenile probation programs,

1 services, or facilities;

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

4 (5) assessing and developing recommendations to  
5 improve the sharing of information between agencies that serve  
6 children, including agencies serving children in both the juvenile  
7 justice and child welfare systems; and

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

10 SECTION 21. Chapter 203, Human Resources Code, is amended  
11 by adding Sections 203.0083, 203.0084, and 203.0085 to read as  
12 follows:

13 Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

14 (a) The board by rule may establish advisory committees to make  
15 recommendations to the board on programs, rules, and policies  
16 administered by the board.

17 (b) In establishing an advisory committee under this  
18 section, the board shall adopt rules, including rules regarding:

19 (1) the purpose, role, responsibility, goals, and  
20 duration of the committee;

21 (2) the size of and quorum requirement for the  
22 committee;

23 (3) qualifications for committee membership;

24 (4) appointment procedures for members;

25 (5) terms of service for members;

26 (6) training requirements for members;

27 (7) policies to avoid conflicts of interest by

1 members;

2 (8) a periodic review process to evaluate the  
3 continuing need for the committee; and

4 (9) policies to ensure the committee does not violate  
5 any provision of Chapter 551, Government Code, applicable to the  
6 board or the committee.

7 (c) The board shall establish a youth career and technical  
8 education advisory committee and adopt rules required by Subsection  
9 (b) for the committee. The advisory committee shall assist the  
10 department with overseeing and coordinating vocational training  
11 for youth in the custody of the department, including training  
12 provided by community colleges and other local entities with which  
13 the department may partner.

14 Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)  
15 The department shall develop a comprehensive set of risk factors to  
16 use in assessing the overall risk level of the facilities and  
17 entities inspected by the department under:

- 18 (1) Chapter 51, Family Code;  
19 (2) Section 221.008 of this code; and  
20 (3) Subtitle C, Title 12, of this code.

21 (b) The risk factors described by Subsection (a) may  
22 include:

- 23 (1) the entity type;  
24 (2) available programming;  
25 (3) past and repeat standards violations;  
26 (4) the volume and types of complaints received by the  
27 department;



1           (5) recent leadership changes;

2           (6) high staff turnover;

3           (7) relevant findings from the office of independent  
4 ombudsman and the office of inspector general;

5           (8) negative media attention; and

6           (9) the number of months since the date of the  
7 department's last inspection of the entity.

8           (c) The department shall use the risk factors developed  
9 under this section to guide the inspections process for facilities  
10 and entities described by Subsection (a) by developing risk  
11 assessment tools with clear, objective standards to use in  
12 assessing the overall risk level of each entity.

13           (d) The department may develop distinct assessment tools  
14 under Subsection (c) for different entity types, as appropriate.

15           (e) The department shall periodically review the assessment  
16 tools developed under this section to ensure that the tools remain  
17 up to date and meaningful, as determined by the department.

18           Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department  
19 shall adopt a policy prioritizing inspections conducted by the  
20 department under:

21           (1) Chapter 51, Family Code;

22           (2) Section 221.008 of this code; and

23           (3) Subtitle C, Title 12, of this code.

24           (b) The policy under Subsection (a) must require the  
25 department to:

26           (1) prioritize the inspection of entities based on the  
27 relative risk level of each entity; and

1           (2) use the risk assessment tools established under  
2 Section 203.0084 to determine how frequently and intensively the  
3 department conducts risk-based inspections.

4           (c) The policy under Subsection (a) may provide for the  
5 department to use alternative inspection methods for entities  
6 determined to be low risk, including the following methods:

7                   (1) desk audits of key documentation;

8                   (2) abbreviated inspection procedures;

9                   (3) videoconference technology; and

10                   (4) other methods that are an alternative to  
11 conducting an in-person inspection.

12           (d) On request by the department, a juvenile probation  
13 department or a private facility under the department's  
14 jurisdiction shall provide information on a routine basis, as  
15 determined by the department, to assist the department in  
16 implementing a risk-based inspection schedule.

17           SECTION 22. Section 203.010(c), Human Resources Code, is  
18 amended to read as follows:

19           (c) Criminal complaints initially referred to the office of  
20 [~~the~~] inspector general relating to juvenile probation programs,  
21 services, or facilities shall be sent to the appropriate local law  
22 enforcement agency. The office of inspector general has concurrent  
23 jurisdiction on agreement with the local law enforcement agency to  
24 conduct a criminal investigation under Section 242.102. Any other  
25 complaint shall be referred to the appropriate division of the  
26 department. The board by rule shall establish policies for the  
27 referral of noncriminal complaints.

1 SECTION 23. Chapter 203, Human Resources Code, is amended  
2 by adding Section 203.0101 to read as follows:

3 Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a)  
4 The department shall make available on the department's Internet  
5 website a statistical analysis of the complaints received against  
6 certified officers by the department.

7 (b) The complaint analysis under this section must include  
8 aggregate information on the number, source, type, and disposition  
9 of complaints received against certified officers during the  
10 preceding fiscal year and include the following information:

11 (1) the number of certified officers by certification  
12 type;

13 (2) the number of complaints against certified  
14 officers by certification type;

15 (3) the number of complaints resolved and the manner  
16 of resolution, including:

17 (A) the total number of agreed, default, and  
18 board orders entered;

19 (B) the total number of cases referred for  
20 contested case hearings by the State Office of Administrative  
21 Hearings;

22 (C) the total number of contested cases heard by  
23 the State Office of Administrative Hearings; and

24 (D) the total number of contested cases that were  
25 appealed to a district court;

26 (4) the average number of days required to resolve a  
27 complaint;

1           (5) a detailed analysis of the resolution for each  
2 closed complaint, by the nature of the alleged violation; and

3           (6) a detailed analysis of each closed complaint, by  
4 source.

5           SECTION 24. Section 203.013, Human Resources Code, is  
6 amended by adding Subsection (c) to read as follows:

7           (c) The executive director shall acknowledge receipt of and  
8 discuss the results of internal audits with the board.

9           SECTION 25. Section 203.014(c), Human Resources Code, is  
10 amended to read as follows:

11           (c) The office of inspector general shall operate the  
12 toll-free number required by Subsection (a) and the 24-hour  
13 incident reporting center and [department] shall share the  
14 complaints received with the appropriate department entity [on the  
15 toll-free number with the office of inspector general and the  
16 office of the independent ombudsman].

17           SECTION 26. Section 203.017, Human Resources Code, is  
18 amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and  
19 amending Subsection (e) to read as follows:

20           (a-1) The department shall update and submit the  
21 regionalization plan developed under Subsection (a) to the Sunset  
22 Advisory Commission and standing legislative committees with  
23 primary jurisdiction over juvenile justice matters by December 1 of  
24 each even-numbered year. Before submitting the plan, the  
25 department must present an updated draft of the regionalization  
26 plan to the board for public comment and board approval.

27           (a-2) The department may incorporate relevant suggestions,

1 needs, or recommendations from the regionalization plan into  
2 subsequent strategic plans, legislative appropriation requests,  
3 and any other necessary document to support the plan's  
4 implementation.

5 (b-1) In addition to the requirements of Subsection (b), in  
6 developing the regionalization plan, the department shall consult  
7 with:

8 (1) the advisory council on juvenile services;

9 (2) juvenile probation departments;

10 (3) regional juvenile probation associations;

11 (4) advocacy groups;

12 (5) parents and guardians of children under the  
13 jurisdiction of the department;

14 (6) individuals formerly involved in the juvenile  
15 justice system; and

16 (7) any other stakeholder the department determines  
17 may be helpful.

18 (e) The regionalization plan must, as applicable:

19 (1) include a budget review, redirection of staff, and  
20 funding mechanisms necessary to support the plan;

21 (2) create a new division of the department  
22 responsible for administering the regionalization plan and  
23 monitoring program quality and accountability;

24 (3) ~~[include sufficient mechanisms to divert at least:~~

25 ~~[(A) 30 juveniles from commitment to secure~~  
26 ~~facilities operated by the department for the state fiscal year~~  
27 ~~beginning September 1, 2015; and~~

1                   ~~[(B) 150 juveniles from commitment to secure~~  
2 ~~facilities operated by the department for the state fiscal year~~  
3 ~~beginning September 1, 2016, and~~

4                   ~~[(4)]~~ for the state fiscal year beginning September 1,  
5 2017, and each subsequent state fiscal year, include any savings  
6 that are generated by the decreases in the population of the secure  
7 facilities operated by the department under Subtitle C that exceed  
8 the cost of implementing the plan;

9                   (4) include:

10                   (A) information on the department's compliance  
11 with statutory regionalization requirements;

12                   (B) information on internal goals for diverting  
13 children from commitment to the department; and

14                   (C) an analysis of rates of commitment to the  
15 custody of the department, broken down by region and county, and any  
16 relevant recommendations regarding trends in these rates; and

17                   (5) include specific, actionable steps regarding how  
18 the department will enhance regional capacity, coordination, and  
19 collaboration among juvenile probation departments to keep  
20 children closer to home as an alternative to commitment to the  
21 department's facilities while ensuring access to programs and the  
22 supervision necessary to maintain public safety.

23                   (e-1) In developing the steps under Subsection (e)(5), the  
24 department shall consider:

25                   (1) options to target or expand funding for juvenile  
26 probation departments to enhance community-based programs and  
27 maximize the use of existing juvenile justice beds;

1           (2) opportunities to use financial and other  
2 incentives to encourage diversion, facilitate cooperation within  
3 and across the regions established under Subsection (c), and  
4 emphasize the benefits of sharing available resources among  
5 counties;

6           (3) plans for creating additional capacity to minimize  
7 gaps in juvenile justice beds and services at the local level,  
8 including the expansion or development of beds and facilities  
9 designated specifically for regional use; and

10           (4) processes for downsizing, closing, or repurposing  
11 large state secure facilities to shift toward a more regionally  
12 based juvenile justice system.

13           SECTION 27. Section 203.018(e), Human Resources Code, is  
14 amended to read as follows:

15           (e) The department or any local probation department may  
16 ~~[not]~~ use or contract with a facility that was constructed or  
17 previously used for the confinement of adult offenders if the  
18 department determines that the facility is appropriately  
19 retrofitted to accommodate youth-specific requirements and needs.

20           SECTION 28. Chapter 203, Human Resources Code, is amended  
21 by adding Section 203.0185 to read as follows:

22           Sec. 203.0185. RESOURCE MAPPING. (a) The department shall  
23 partner with one or more public or private institutions of higher  
24 education to inventory and map resources available for children in  
25 the juvenile justice system. To determine the types of information  
26 the department requires to timely identify and address resource,  
27 program, and service gaps in probation regions that result in

1 commitments to department secure facilities, the department shall  
2 consult with:

- 3 (1) institutions of higher education;
- 4 (2) the advisory council on juvenile services; and
- 5 (3) other relevant stakeholders.

6 (b) The board shall adopt rules requiring juvenile  
7 probation departments, at useful and reasonable intervals, to  
8 report to the department relevant information on resource, program,  
9 and service gaps identified under Subsection (a), including  
10 information on:

- 11 (1) the needs of children committed to the department  
12 that are not being met with community resources; and
- 13 (2) the types of resources, programs, and services  
14 that, if available in the community, may allow juvenile probation  
15 departments to keep children closer to home as an alternative to  
16 commitment to the department.

17 SECTION 29. Section 221.002, Human Resources Code, is  
18 amended by adding Subsection (d-1) to read as follows:

19 (d-1) In adopting rules under Subsection (a)(4), the board  
20 shall authorize a juvenile probation department to house a child  
21 committed to the department in a pre-adjudication secure detention  
22 facility or a post-adjudication secure correctional facility as the  
23 child awaits transfer to the department.

24 SECTION 30. Section 221.056(a), Human Resources Code, is  
25 amended to read as follows:

26 (a) The department may contract with a local mental health  
27 [~~and mental retardation~~] authority for the establishment of a



1 residential treatment facility for juveniles with mental illness or  
2 emotional injury who, as a condition of juvenile probation, are  
3 ordered by a court to reside at the facility and receive education  
4 services at the facility. The department may work in cooperation  
5 with the local mental health [~~and mental retardation~~] authority to  
6 provide mental health residential treatment services for juveniles  
7 residing at a facility established under this section.

8 SECTION 31. Section 222.001, Human Resources Code, is  
9 amended by amending Subsection (a) and adding Subsection (b-1) to  
10 read as follows:

11 (a) To be eligible for appointment as a probation officer, a  
12 person who was not employed as a probation officer before September  
13 1, 1981, must:

14 (1) [~~be of good moral character,~~  
15 [~~(2) have acquired a bachelor's degree conferred by a~~  
16 ~~college or university accredited by an accrediting organization~~  
17 ~~recognized by the Texas Higher Education Coordinating Board,~~

18 [~~(3) have either:~~  
19 [~~(A) one year of graduate study in criminology,~~  
20 ~~corrections, counseling, law, social work, psychology, sociology,~~  
21 ~~or other field of instruction approved by the department, or~~

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

24 [~~(i) in a social service, community,~~  
25 ~~corrections, or juvenile agency that deals with offenders or~~  
26 ~~disadvantaged persons, and~~

27 [~~(ii) that the department determines~~

1 ~~provides the kind of experience necessary to meet this requirement,~~  
2           ~~(4)~~ have satisfactorily completed the course of  
3 preservice training or instruction and any continuing education  
4 required by the department;  
5           ~~(5)~~ have passed the tests or examinations  
6 required by the department; and  
7           ~~(6)~~ possess the level of certification required  
8 by the department.

9           (b-1) The department by rule shall establish, with input  
10 from the advisory council on juvenile services and other relevant  
11 stakeholders, the minimum education and experience requirements a  
12 person must meet to be eligible for a juvenile probation officer  
13 certification. Rules adopted by the department under this  
14 subsection must be the least restrictive rules possible to ensure  
15 certified juvenile probation officers are qualified to protect  
16 children and public safety without creating barriers to entry into  
17 the profession.

18           SECTION 32. Section 222.002, Human Resources Code, is  
19 amended to read as follows:

20           Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. To  
21 be eligible for appointment as a detention officer, a person who was  
22 not employed as a detention officer before September 1, 2005, must:

- 23           (1) ~~be of good moral character,~~  
24           ~~(2)~~ be at least 21 years of age;  
25           (2) ~~(3)~~ have acquired a high school diploma or its  
26 equivalent;  
27           (3) ~~(4)~~ have satisfactorily completed the course of

1 preservice training or instruction required by the department;

2 (4) [~~(5)~~] have passed the tests or examinations  
3 required by the department; and

4 (5) [~~(6)~~] possess the level of certification required  
5 by the department.

6 SECTION 33. Subchapter B, Chapter 222, Human Resources  
7 Code, is amended by adding Sections 222.0521 and 222.0522 to read as  
8 follows:

9 Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53,  
10 Occupations Code, applies to the issuance of a certification issued  
11 by the department.

12 Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The  
13 department may issue a provisional certification to an employee of  
14 a juvenile probation department or a private facility that houses  
15 youth on probation until the employee is certified under Section  
16 222.001, 222.002, or 222.003, as applicable.

17 (b) The department shall adopt rules to implement  
18 Subsection (a), including rules regarding eligibility for  
19 provisional certification and application procedures.

20 SECTION 34. Section 223.001, Human Resources Code, is  
21 amended by adding Subsections (a-1), (a-2), and (d-1) and amending  
22 Subsection (c) to read as follows:

23 (a-1) The department may incorporate as factors in the basic  
24 probation funding formula under Subsection (a) measures that create  
25 incentives for diverting children from the juvenile justice system.  
26 The department may prioritize factors for which the department  
27 collects relevant information. The board may adopt rules

1 establishing and defining the factors under this subsection.

2 (a-2) When revising the basic probation funding formula  
3 under Subsection (a), the department shall consult and coordinate  
4 with relevant stakeholders, including:

5 (1) the advisory council on juvenile services; and

6 (2) the Legislative Budget Board.

7 (c) The department shall set aside a portion of the funds  
8 appropriated to the department for discretionary state aid to fund  
9 programs designed to address special needs or projects of local  
10 juvenile boards, including projects dedicated to specific target  
11 populations based on risk and needs, and with established  
12 recidivism reduction goals. The department shall develop  
13 discretionary grant funding protocols based on documented,  
14 data-driven, and research-based practices. The department may  
15 incorporate incentives into the discretionary grant funding  
16 protocols that encourage collaboration between juvenile probation  
17 departments.

18 (d-1) The board, in consultation with the advisory council  
19 on juvenile services, shall adopt rules requiring a juvenile  
20 probation department to apply for the placement of a child in a  
21 regional specialized program before a juvenile court commits the  
22 child to the department's custody under Chapter 54, Family Code.  
23 The board by rule may establish exceptions to this requirement for  
24 offenses or circumstances the department considers inappropriate  
25 for diversion from commitment to state custody.

26 SECTION 35. Chapter 241, Human Resources Code, is amended  
27 by adding Section 241.009 to read as follows:

1       Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than  
2 October 1 of each year, the department shall publish on the  
3 department's Internet website aggregated information on the number  
4 of children committed to the department during the previous fiscal  
5 year, categorized by:

6           (1) committing offense level;

7           (2) sentence type;

8           (3) age; and

9           (4) sex.

10       (b) The department shall publish quarterly on the  
11 department's Internet website end-of-month data described by  
12 Subsection (a), aggregated for all children committed to the  
13 department and for children placed in each secure facility and  
14 halfway house.

15       (c) The department shall ensure that information regarding  
16 an individual child cannot be identified in any of the aggregated  
17 information published under this section.

18       SECTION 36. The heading to Section 242.002, Human Resources  
19 Code, is amended to read as follows:

20       Sec. 242.002. [~~EVALUATION~~ ~~OF~~] TREATMENT PROGRAMS;  
21 AVAILABILITY.

22       SECTION 37. Sections 242.002(c) and (d), Human Resources  
23 Code, are amended to read as follows:

24       (c) The department shall offer or make available programs  
25 for the rehabilitation and reestablishment in society of children  
26 committed to the department, including programs for females and for  
27 sex offenders, capital offenders, children who are chemically

1 dependent, and children with mental illness, [~~described by~~  
2 ~~Subsection (a)]~~ in an adequate manner so that a child in the custody  
3 of the department receives appropriate rehabilitation services  
4 recommended for the child by the court committing the child to the  
5 department.

6 (d) If the department is unable to offer or make available  
7 programs described by [~~Subsection (a) in the manner provided by]~~  
8 Subsection (c), the department shall, not later than December 31 of  
9 each even-numbered year, provide the standing committees of the  
10 senate and house of representatives with primary jurisdiction over  
11 matters concerning correctional facilities with a report  
12 explaining:

13 (1) which programs are not offered or are unavailable;  
14 and

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

17 SECTION 38. Section [242.056](#)(a), Human Resources Code, is  
18 amended to read as follows:

19 (a) The department shall allow advocacy and support groups  
20 whose primary functions are to benefit children, inmates, girls and  
21 women, persons with mental illness [~~the mentally ill~~], or victims  
22 of sexual assault to provide on-site information, support, and  
23 other services for children confined in department facilities.

24 SECTION 39. Section [242.102](#), Human Resources Code, is  
25 amended by amending Subsections (a), (b), (c), (d), (e), (g), and  
26 (h) and adding Subsections (a-1), (a-2), (b-1), and (c-1) to read as  
27 follows:

1 (a) The office of inspector general is established at the  
2 department under the direction of the board as a law enforcement  
3 agency for the purpose of:

4 (1) preventing, detecting, and investigating:

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

8 (B) crimes and delinquent conduct committed at a  
9 facility operated by the department, a residential facility  
10 operated by another entity under a contract with the department, or  
11 any facility in which a child committed to the custody of the  
12 department is housed or receives medical or mental health  
13 treatment, including:

14 (i) unauthorized or illegal entry into a  
15 department facility;

16 (ii) the introduction of contraband into a  
17 department facility;

18 (iii) escape from a secure facility; and

19 (iv) organized criminal activity; ~~and~~

20 (2) investigating complaints received under Section  
21 [203.010](#) involving allegations of abuse, neglect, or exploitation of  
22 children in juvenile justice programs or facilities under Section  
23 [261.405](#), Family Code;

24 (3) investigating complaints of abuse, neglect, or  
25 exploitation of:

26 (A) juveniles housed in a pre-adjudication or  
27 post-adjudication public or private secure or nonsecure facility

1 regardless of licensing entity; and

2 (B) juveniles committed to the department;

3 (4) apprehending juveniles after escape or violation  
4 of release conditions as described by Section 243.051;

5 (5) investigating gang-related activity within the  
6 juvenile justice system; and

7 (6) performing entry security and exterior perimeter  
8 security searches for a department-operated secure correctional  
9 facility, as defined by Section 51.02, Family Code.

10 (a-1) The office of inspector general has concurrent  
11 jurisdiction on agreement with the local law enforcement agency to  
12 conduct a criminal investigation under Subsection (a)(3).

13 (a-2) The office of inspector general shall operate the  
14 incident reporting center for the department under Section 203.014.

15 (b) The office of inspector general shall prepare an  
16 investigative [~~and deliver a~~] report concerning the results of  
17 investigations [~~any investigation~~] conducted under this section  
18 and may deliver the report to any of the following:

19 (1) the department [~~board~~];

20 (2) the appropriate district or county attorney  
21 [~~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



1 correctional facilities;

2 (8) the special prosecution unit;

3 (9) the state auditor; or [~~and~~]

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

6 (b-1) An individual or entity that receives a report under  
7 Subsection (b) may not disclose the information unless otherwise  
8 authorized by law.

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

17 (c-1) The board by rule shall require any findings related  
18 to an administrative investigation under Subsection (a)(2) to be  
19 reviewed for legal sufficiency before being made public.

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

26 (e) Peace officers employed and appointed [~~commissioned~~]  
27 under Subsection (d) must:

1 (1) be certified by the Texas Commission on Law  
2 Enforcement under Chapter 1701, Occupations Code; and

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

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; and
- 21 (10) the special prosecution unit.

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

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

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

6 (3) the number of investigations conducted concerning  
7 suicides, deaths, and hospitalizations of children in the custody  
8 of the department at secure facilities, on parole, or at other  
9 placement locations; and

10 (4) the final disposition of any complaint received  
11 under Section 203.010 related to juvenile probation departments and  
12 Section 261.405, Family Code, that concerns the abuse, neglect, or  
13 exploitation of a juvenile.

14 SECTION 40. Section 243.001, Human Resources Code, is  
15 amended by adding Subsection (d) to read as follows:

16 (d) The department shall place a child in the most  
17 restrictive setting appropriate as the child awaits an adjudication  
18 or prosecution for conduct constituting a felony of the first or  
19 second degree while in the department's custody. The board by rule  
20 shall establish placement procedures that guide the department in  
21 determining the most appropriate setting for the child based on  
22 rehabilitative needs while preserving due process rights.

23 SECTION 41. The heading to Section 244.011, Human Resources  
24 Code, is amended to read as follows:

25 Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL  
26 DISABILITIES [~~MENTAL RETARDATION~~].

27 SECTION 42. Sections 244.011(a), (b), (e), (f), and (g),

1 Human Resources Code, are amended to read as follows:

2 (a) The department shall accept a child with mental illness  
3 or intellectual disabilities who is committed to the department  
4 [~~who is mentally ill or mentally retarded~~].

5 (b) Unless the [~~a~~] child is committed to the department  
6 under a determinate sentence under Section 54.04(d)(3), 54.04(m),  
7 or 54.05(f), Family Code, the department shall discharge a child  
8 with mental illness or intellectual disabilities [~~who is mentally~~  
9 ~~ill or mentally retarded~~] from its custody if:

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

12 (2) the department determines that the child is unable  
13 to progress in the department's rehabilitation programs because of  
14 the child's mental illness or intellectual disabilities [~~mental~~  
15 ~~retardation~~].

16 (e) If a child who is discharged from the department under  
17 Subsection (b) as a result of an intellectual disability [~~mental~~  
18 ~~retardation~~] is not receiving intellectual disability [~~mental~~  
19 ~~retardation~~] services, the child's discharge is effective on the  
20 earlier of:

21 (1) the date the court enters an order regarding an  
22 application for intellectual disability [~~mental retardation~~]  
23 services filed under Section 244.012(b); or

24 (2) the 30th day after the date that the application is  
25 filed.

26 (f) If a child who is discharged from the department under  
27 Subsection (b) as a result of an intellectual disability [~~mental~~

1 ~~retardation]~~ is receiving intellectual disability [~~mental~~  
2 ~~retardation]~~ services, the child's discharge from the department  
3 is effective immediately.

4 (g) If a child with mental illness or intellectual  
5 disabilities [~~who is mentally ill or mentally retarded]~~ is  
6 discharged from the department under Subsection (b), the child is  
7 eligible to receive continuity of care services from the Texas  
8 Correctional Office on Offenders with Medical or Mental Impairments  
9 under Chapter 614, Health and Safety Code.

10 SECTION 43. Section 244.012, Human Resources Code, is  
11 amended to read as follows:

12 Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The  
13 department shall establish a system that identifies children with  
14 mental illness or intellectual disabilities in the department's  
15 custody [~~who are mentally ill or mentally retarded]~~.

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

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

27 (2) the psychiatrist who examined the child determines

1 that the child is a child with mental illness [~~mentally ill~~] and the  
2 child meets at least one of the criteria listed in Section [574.034](#)  
3 or [574.0345](#), Health and Safety Code.

4 (c) Before a child who is identified as having an  
5 intellectual disability [~~mentally retarded~~] under Chapter [593](#),  
6 Health and Safety Code, is discharged from the department's custody  
7 under Section [244.011](#)(b), the department shall refer the child for  
8 intellectual disability [~~mental retardation~~] services if the child  
9 is not receiving intellectual disability [~~mental retardation~~]  
10 services.

11 SECTION 44. Section [244.014](#), Human Resources Code, is  
12 amended by adding Subsection (a-1) to read as follows:

13 (a-1) After a child sentenced to commitment under Section  
14 [54.04](#)(d)(3), [54.04](#)(m), or [54.05](#)(f), Family Code, becomes 16 years  
15 of age but before the child becomes 19 years of age, the department  
16 shall refer the child to the juvenile court that entered the order  
17 of commitment for approval of the child's transfer to the Texas  
18 Department of Criminal Justice for confinement if:

- 19 (1) the child has not completed the sentence;  
20 (2) while the child was committed to the custody of the  
21 department, the child was subsequently adjudicated or convicted for  
22 conduct constituting a felony of the first or second degree or an  
23 offense punishable under Section [22.01](#)(b)(1), Penal Code; and  
24 (3) the child was at least 16 years of age at the time  
25 the conduct occurred.

26 SECTION 45. Sections [245.0535](#)(h) and (i), Human Resources  
27 Code, are amended to read as follows:

1 (h) The department shall conduct and coordinate research:

2 (1) to determine whether the comprehensive reentry and  
3 reintegration plan developed under this section reduces recidivism  
4 rates; and

5 (2) to review the effectiveness of the department's  
6 programs for the rehabilitation and reestablishment in society of  
7 children committed to the department, including programs for  
8 females and for sex offenders, capital offenders, children who are  
9 chemically dependent, and children with mental illness.

10 (i) Not later than December 31 of each even-numbered year,  
11 the department shall deliver a report of the results of research  
12 conducted or coordinated under Subsection (h) to the lieutenant  
13 governor, the speaker of the house of representatives, the  
14 Legislative Budget Board, and the standing committees of each house  
15 of the legislature with primary jurisdiction over juvenile justice  
16 and corrections.

17 SECTION 46. Section 261.002, Human Resources Code, is  
18 amended to read as follows:

19 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of  
20 independent ombudsman is a state agency established for the purpose  
21 of investigating, evaluating, and securing the rights of [~~the~~]  
22 children:

23 (1) committed to the department, including a child  
24 released under supervision before final discharge; and

25 (2) adjudicated for conduct that constitutes an  
26 offense and placed in a facility operated by or contracted with a  
27 juvenile probation department or juvenile board.

1 SECTION 47. Section 261.056(a), Human Resources Code, is  
2 amended to read as follows:

3 (a) The department shall allow any child committed to the  
4 department or adjudicated for conduct that constitutes an offense  
5 and placed in a facility operated by or contracted with a juvenile  
6 probation department or juvenile board to communicate with the  
7 independent ombudsman or an assistant to the ombudsman. The  
8 communication:

9 (1) may be in person, by mail, or by any other means;  
10 and

11 (2) is confidential and privileged.

12 SECTION 48. Section 261.057, Human Resources Code, is  
13 amended to read as follows:

14 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The  
15 independent ombudsman shall promote awareness among the public and  
16 the children committed to the department or adjudicated for conduct  
17 that constitutes an offense and placed in a facility operated by or  
18 contracted with a juvenile probation department or juvenile board  
19 of:

20 (1) how the office may be contacted;

21 (2) the purpose of the office; and

22 (3) the services the office provides.

23 SECTION 49. Section 261.061(c), Human Resources Code, is  
24 amended to read as follows:

25 (c) The office shall periodically notify the complaint  
26 parties of the status of the complaint until final disposition  
27 unless the notice would jeopardize an investigation.



1 SECTION 50. Section 261.101, Human Resources Code, is  
2 amended by amending Subsection (a) and adding Subsection (g) to  
3 read as follows:

4 (a) The independent ombudsman shall:

5 (1) review the procedures established by the board and  
6 evaluate the delivery of services to children to ensure that the  
7 rights of children are fully observed;

8 (2) review complaints filed with the independent  
9 ombudsman concerning the actions of the department, juvenile  
10 probation departments, or other entities operating facilities in  
11 which children adjudicated for conduct that constitutes an offense  
12 are placed and investigate each complaint in which it appears that a  
13 child may be in need of assistance from the independent ombudsman;

14 (3) conduct investigations of complaints, other than  
15 complaints alleging criminal behavior, if the office determines  
16 that:

17 (A) a child committed to the department, a child  
18 adjudicated for conduct that constitutes an offense and placed in a  
19 facility operated by or contracted with a juvenile probation  
20 department or juvenile board, or the child's family may be in need  
21 of assistance from the office; or

22 (B) a systemic issue raised in a complaint about  
23 the [~~department's~~] provision of services to children by the  
24 department, juvenile probation departments, or other entities  
25 operating facilities in which children adjudicated for conduct that  
26 constitutes an offense are placed [~~is raised by a complaint~~];

27 (4) review or inspect periodically the facilities and

1 procedures of any institution or residence in which a child  
2 adjudicated for conduct that constitutes an offense has been placed  
3 by the department or a juvenile probation department, whether  
4 public or private, to ensure that the rights of children are fully  
5 observed;

6 (5) provide assistance to a child or family who the  
7 independent ombudsman determines is in need of assistance,  
8 including advocating with an agency, provider, or other person in  
9 the best interests of the child;

10 (6) review court orders as necessary to fulfill its  
11 duties;

12 (7) recommend changes in any procedure relating to the  
13 treatment of children committed to the department or adjudicated  
14 for conduct that constitutes an offense and placed in a facility  
15 operated by or contracted with a juvenile probation department or  
16 juvenile board;

17 (8) make appropriate referrals under any of the duties  
18 and powers listed in this subsection;

19 (9) supervise assistants who are serving as advocates  
20 in internal administrative and disciplinary hearings by  
21 representing [~~in their representation of~~] children committed to the  
22 department or adjudicated for conduct that constitutes an offense  
23 and placed in a facility operated by or contracted with a juvenile  
24 probation department or juvenile board [~~internal administrative~~  
25 ~~and disciplinary hearings~~];

26 (10) review reports received by the department  
27 relating to complaints regarding juvenile probation programs,

1 services, or facilities and analyze the data contained in the  
2 reports to identify trends in complaints;

3 (11) report a possible standards violation by a  
4 [~~local~~] juvenile probation department to the appropriate division  
5 of the department; and

6 (12) immediately report the findings of any  
7 investigation related to the operation of a post-adjudication  
8 correctional facility in a county to the chief juvenile probation  
9 officer and the juvenile board of the county.

10 (g) The department and juvenile probation departments shall  
11 notify the office regarding any private facility described by  
12 Subsection (f)(1) with which the department or the juvenile  
13 probation department contracts to place children adjudicated as  
14 having engaged in conduct indicating a need for supervision or  
15 delinquent conduct. The report under this subsection must be made  
16 annually and updated at the time a new contract is entered into with  
17 a facility described by this subsection. The office shall adopt  
18 rules to implement the reporting requirements under this  
19 subsection, including the specific times the report must be made.

20 SECTION 51. Section 261.102, Human Resources Code, is  
21 amended to read as follows:

22 Sec. 261.102. TREATMENT OF [~~DEPARTMENT~~] EMPLOYEES WHO  
23 COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile  
24 probation department, or another entity operating a facility in  
25 which children adjudicated for conduct that constitutes an offense  
26 are placed may not discharge or in any manner discriminate or  
27 retaliate against an employee who in good faith makes a complaint to

1 the office of independent ombudsman or cooperates with the office  
2 in an investigation.

3 SECTION 52. Subchapter C, Chapter 261, Human Resources  
4 Code, is amended by adding Sections 261.105 and 261.106 to read as  
5 follows:

6 Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)  
7 The office shall develop a comprehensive set of risk factors to use  
8 in assessing the overall risk level of facilities and entities  
9 described by Section 261.101(f) and of department parole offices.

10 The risk factors may include:

- 11 (1) the entity type;
- 12 (2) past and repeat children's rights violations;
- 13 (3) the volume and types of complaints received by the  
14 office;
- 15 (4) recent changes in a facility or parole office  
16 leadership;
- 17 (5) high staff turnover;
- 18 (6) relevant investigations by the office of the  
19 inspector general of the department;
- 20 (7) negative media attention; and
- 21 (8) the number of months since the date of the office's  
22 last inspection of the entity.

23 (b) The office shall use the risk factors developed under  
24 this section to guide the inspections of facilities and entities  
25 described by Section 261.101(f), and of department parole offices,  
26 by developing risk assessment tools with clear, objective standards  
27 to use in assessing the overall risk level of each facility, entity,

1 or parole office.

2 (c) The office may develop distinct assessment tools under  
3 Subsection (b) for different entity types, as appropriate.

4 (d) The office shall periodically review the assessment  
5 tools developed under this section to ensure that the tools remain  
6 up to date and meaningful, as determined by the office.

7 Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office  
8 shall adopt a policy prioritizing the inspection of facilities  
9 conducted under Section 261.101(f) and of department parole offices  
10 based on the relative risk level of each entity.

11 (b) The policy under Subsection (a) must require the office  
12 to use the risk assessment tools established under Section 261.105  
13 to determine how frequently and intensively the office conducts  
14 risk-based inspections.

15 (c) The policy under Subsection (a) may provide for the  
16 office to use alternative inspection methods for entities  
17 determined to be low risk, including the following methods:

- 18 (1) desk audits of key documentation;  
19 (2) abbreviated inspection procedures;  
20 (3) videoconference technology; and  
21 (4) other methods that are an alternative to  
22 conducting an in-person inspection.

23 (d) On request by the office, the department, a juvenile  
24 probation department, or a private facility under the office's  
25 jurisdiction shall provide information on a routine basis, as  
26 determined by the office, to assist the office in implementing a  
27 risk-based inspection schedule.

1 SECTION 53. Section 261.151(c), Human Resources Code, is  
2 amended to read as follows:

3 (c) A local law enforcement agency shall allow the  
4 independent ombudsman access to its records relating to any child  
5 in the care or custody of the department or any child adjudicated  
6 for conduct that constitutes an offense and placed in a facility  
7 operated by or contracted with a juvenile probation department or  
8 juvenile board.

9 SECTION 54. Section 261.152, Human Resources Code, is  
10 amended to read as follows:

11 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.  
12 The independent ombudsman shall have access to the records of a  
13 private entity that relate to a child committed to the department or  
14 a child adjudicated for conduct that constitutes an offense and  
15 placed in a private facility contracted with a juvenile probation  
16 department or juvenile board.

17 SECTION 55. Subchapter D, Chapter 261, Human Resources  
18 Code, is amended by adding Section 261.153 to read as follows:

19 Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION  
20 DEPARTMENTS. The independent ombudsman shall have access to the  
21 records of a juvenile probation department that relate to a child  
22 adjudicated for conduct that constitutes an offense and placed in a  
23 facility operated by or contracted with a juvenile probation  
24 department or juvenile board.

25 SECTION 56. The following provisions are repealed:

- 26 (1) Section 58.009(d), Family Code;  
27 (2) Section 221.011, Human Resources Code;

- 1 (3) Section 221.055, Human Resources Code;
- 2 (4) Sections 222.001(b) and (f), Human Resources Code;
- 3 (5) Sections 242.002(a) and (b), Human Resources Code;
- 4 (6) Section 243.052, Human Resources Code; and
- 5 (7) Section 246.002, Human Resources Code.

6 SECTION 57. (a) Not later than January 1, 2024, the Texas  
7 Juvenile Justice Department shall repeal any rule requiring that an  
8 individual must be of good moral character to qualify for a  
9 department certification.

10 (b) Not later than December 1, 2024, the Texas Juvenile  
11 Justice Department shall submit the first updated regionalization  
12 plan required by Section 203.017(a-1), Human Resources Code, as  
13 added by this Act.

14 SECTION 58. (a) Notwithstanding Section 202.001(b), Human  
15 Resources Code, as amended by this Act, and except as otherwise  
16 provided by this subsection, the term for a member of the Texas  
17 Juvenile Justice Board serving on September 1, 2023, expires on  
18 that date. A board member serving on that date may continue to  
19 serve as a member of the board until a majority of appointments to  
20 the board are made under Subsection (b) of this section. A member  
21 of the board described by this subsection is eligible for  
22 reappointment under Subsection (b) of this section.

23 (b) In making the initial appointments to the board  
24 according to the changes in law made by this Act to Section 202.001,  
25 Human Resources Code, the governor shall designate:

- 26 (1) three members to serve terms expiring February 1,  
27 2025;

1           (2) three members to serve terms expiring February 1,  
2 2027; and

3           (3) three members to serve terms expiring February 1,  
4 2029.

5           SECTION 59. (a) Except as provided by Subsection (b) of  
6 this section, Section 202.006, Human Resources Code, as amended by  
7 this Act, applies to a member of the Texas Juvenile Justice Board  
8 appointed before, on, or after the effective date of this Act.

9           (b) A member of the Texas Juvenile Justice Board who before  
10 the effective date of this Act completed the training program  
11 required by Section 202.006, Human Resources Code, as that law  
12 existed before the effective date of this Act, is only required to  
13 complete additional training on the subjects added by this Act to  
14 the training program required by Section 202.006, Human Resources  
15 Code. A board member described by this subsection may not vote,  
16 deliberate, or be counted as a member in attendance at a meeting of  
17 the board held on or after December 1, 2023, until the member  
18 completes the additional training.

19           SECTION 60. This Act takes effect September 1, 2023.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1727 passed the Senate on April 12, 2023, by the following vote: Yeas 30, Nays 0; May 25, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1727 passed the House, with amendments, on May 17, 2023, by the following vote: Yeas 141, Nays 2, one present not voting; May 26, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 110, Nays 31, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor