

By: Schwertner, et al.

S.B. No. 1727

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Juvenile Justice Department and the functions of the office of independent ombudsman for the Texas Juvenile Justice Department.

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

SECTION 1. Article 42A.054, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) Article 42A.053 does not apply to a defendant if it is shown that the defendant committed an offense punishable as a felony when the defendant was:

(1) at least 17 years of age;

(2) committed to the Texas Juvenile Justice Department; and

(3) confined in a secure facility operated under Subtitle C, Title 12, Human Resources Code.

SECTION 2. Article 42A.056, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY SUPERVISION. A defendant is not eligible for community supervision under Article 42A.055 if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically

1 under Article 42A.551;

2 (3) is adjudged guilty of an offense under Section
3 19.02, Penal Code;

4 (4) is convicted of an offense under Section 21.11,
5 22.011, or 22.021, Penal Code, if the victim of the offense was
6 younger than 14 years of age at the time the offense was committed;

7 (5) is convicted of an offense under Section 20.04,
8 Penal Code, if:

9 (A) the victim of the offense was younger than 14
10 years of age at the time the offense was committed; and

11 (B) the actor committed the offense with the
12 intent to violate or abuse the victim sexually;

13 (6) is convicted of an offense under Section 20A.02,
14 20A.03, 43.04, 43.05, or 43.25, Penal Code;

15 (7) is convicted of an offense for which punishment is
16 increased under Section 481.134(c), (d), (e), or (f), Health and
17 Safety Code, if it is shown that the defendant has been previously
18 convicted of an offense for which punishment was increased under
19 any of those subsections; ~~or~~

20 (8) is convicted of an offense under Section 481.1123,
21 Health and Safety Code, if the offense is punishable under
22 Subsection (d), (e), or (f) of that section; or

23 (9) is convicted of an offense punishable as a felony
24 when the defendant was:

25 (A) at least 17 years of age;

26 (B) committed to the Texas Juvenile Justice
27 Department; and

1 (C) confined in a secure facility operated under
2 Subtitle C, Title 12, Human Resources Code.

3 SECTION 3. Section 51.12(c-1), Family Code, is amended to
4 read as follows:

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

12 (1) the requirements of Subsections (a), (f), and (g);
13 and

14 (2) minimum professional standards for the detention
15 of children in pre-adjudication secure confinement promulgated by
16 the department or, at the election of the juvenile board of the
17 county in which the facility is located, the current standards
18 promulgated by the American Correctional Association.

19 SECTION 4. Section 51.125(c), Family Code, is amended to
20 read as follows:

21 (c) The Texas Juvenile Justice Department shall [~~annually~~]
22 inspect each public or private juvenile post-adjudication secure
23 correctional facility that is not operated by the department. The
24 department shall provide a report to each juvenile court judge
25 presiding in the same county as an inspected facility indicating
26 whether the facility is suitable or unsuitable for the confinement
27 of children in accordance with minimum professional standards for

1 the confinement of children in post-adjudication secure
2 confinement promulgated by the department or, at the election of
3 the juvenile board of the county in which the facility is located,
4 the current standards promulgated by the American Correctional
5 Association.

6 SECTION 5. Section 51.126(c), Family Code, is amended to
7 read as follows:

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

19 SECTION 6. Section 53.045(a), Family Code, is amended to
20 read as follows:

21 (a) Except as provided by Subsection (e), the prosecuting
22 attorney may refer the petition to the grand jury of the county in
23 which the court in which the petition is filed presides if the
24 petition alleges that the child engaged in delinquent conduct that:

25 (1) constitutes habitual felony conduct as described
26 by Section 51.031;

27 (2) [~~or that~~] included the violation of any of the

1 following provisions:

2 (A) [~~(1)~~] Section 19.02, Penal Code (murder);

3 (B) [~~(2)~~] Section 19.03, Penal Code (capital
4 murder);

5 (C) [~~(3)~~] Section 19.04, Penal Code
6 (manslaughter);

7 (D) [~~(4)~~] Section 20.04, Penal Code (aggravated
8 kidnapping);

9 (E) [~~(5)~~] Section 22.011, Penal Code (sexual
10 assault) or Section 22.021, Penal Code (aggravated sexual assault);

11 (F) [~~(6)~~] Section 22.02, Penal Code (aggravated
12 assault);

13 (G) [~~(7)~~] Section 29.03, Penal Code (aggravated
14 robbery);

15 (H) [~~(8)~~] Section 22.04, Penal Code (injury to a
16 child, elderly individual, or disabled individual), if the offense
17 is punishable as a felony, other than a state jail felony;

18 (I) [~~(9)~~] Section 22.05(b), Penal Code (felony
19 deadly conduct involving discharging a firearm);

20 (J) [~~(10)~~] Subchapter D, Chapter 481, Health and
21 Safety Code, if the conduct constitutes a felony of the first degree
22 or an aggravated controlled substance felony (certain offenses
23 involving controlled substances);

24 (K) [~~(11)~~] Section 15.03, Penal Code (criminal
25 solicitation);

26 (L) [~~(12)~~] Section 21.11(a)(1), Penal Code
27 (indecent with a child);

1 (M) [~~(13)~~] Section 15.031, Penal Code (criminal
2 solicitation of a minor);

3 (N) [~~(14)~~] Section 15.01, Penal Code (criminal
4 attempt), if the offense attempted was an offense under Section
5 19.02, Penal Code (murder), or Section 19.03, Penal Code (capital
6 murder), or an offense listed by Article 42A.054(a), Code of
7 Criminal Procedure;

8 (O) [~~(15)~~] Section 28.02, Penal Code (arson), if
9 bodily injury or death is suffered by any person by reason of the
10 commission of the conduct;

11 (P) [~~(16)~~] Section 49.08, Penal Code
12 (intoxication manslaughter); or

13 (Q) [~~(17)~~] Section 15.02, Penal Code (criminal
14 conspiracy), if the offense made the subject of the criminal
15 conspiracy includes a violation of any of the provisions referenced
16 in Paragraphs (A) through (P); or

17 (3) constitutes a felony of the first, second, or
18 third degree committed while the child was committed to the Texas
19 Juvenile Justice Department [~~Subdivisions (1) through (16)~~].

20 SECTION 7. Sections 54.02(a) and (j), Family Code, are
21 amended to read as follows:

22 (a) The juvenile court may waive its exclusive original
23 jurisdiction and transfer a child to the appropriate district court
24 or criminal district court for criminal proceedings if:

25 (1) the child is alleged to have violated a penal law
26 of the grade of felony;

27 (2) the child was:

1 (A) 14 years of age or older at the time the child
2 [~~he~~] is alleged to have committed the offense, if the offense is a
3 capital felony, an aggravated controlled substance felony, or a
4 felony of the first degree, and no adjudication hearing has been
5 conducted concerning that offense; or

6 (B) 15 years of age or older at the time the child
7 is alleged to have committed the offense, if the offense is a felony
8 of the second or third degree [~~or a state jail felony~~], and no
9 adjudication hearing has been conducted concerning that offense;
10 and

11 (3) after a full investigation and a hearing, the
12 juvenile court determines that there is probable cause to believe
13 that the child before the court committed the offense alleged and
14 that because of the seriousness of the offense alleged or the
15 background of the child the welfare of the community requires
16 criminal proceedings.

17 (j) The juvenile court may waive its exclusive original
18 jurisdiction and transfer a person to the appropriate district
19 court or criminal district court for criminal proceedings if:

20 (1) the person is 18 years of age or older;

21 (2) the person was:

22 (A) 10 years of age or older and under 17 years of
23 age at the time the person is alleged to have committed a capital
24 felony or an offense under Section 19.02, Penal Code;

25 (B) 14 years of age or older and under 17 years of
26 age at the time the person is alleged to have committed an
27 aggravated controlled substance felony or a felony of the first

1 degree other than an offense under Section 19.02, Penal Code; or

2 (C) 15 years of age or older and under 17 years of
3 age at the time the person is alleged to have committed a felony of
4 the second or third degree [~~or a state jail felony~~];

5 (3) no adjudication concerning the alleged offense has
6 been made or no adjudication hearing concerning the offense has
7 been conducted;

8 (4) the juvenile court finds from a preponderance of
9 the evidence that:

10 (A) for a reason beyond the control of the state
11 it was not practicable to proceed in juvenile court before the 18th
12 birthday of the person; or

13 (B) after due diligence of the state it was not
14 practicable to proceed in juvenile court before the 18th birthday
15 of the person because:

16 (i) the state did not have probable cause to
17 proceed in juvenile court and new evidence has been found since the
18 18th birthday of the person;

19 (ii) the person could not be found; or

20 (iii) a previous transfer order was
21 reversed by an appellate court or set aside by a district court; and

22 (5) the juvenile court determines that there is
23 probable cause to believe that the child before the court committed
24 the offense alleged.

25 SECTION 8. Section 56.01(c), Family Code, is amended to
26 read as follows:

27 (c) An appeal may be taken:

1 (1) except as provided by Subsection (n), by or on
2 behalf of a child from an order entered under:

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

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

7 (C) Section 54.04 disposing of the case;

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

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

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

16 SECTION 9. Sections 202.001(a) and (b), Human Resources
17 Code, are amended to read as follows:

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

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

22 (2) one member who is a member [~~three members who are~~
23 ~~members~~] of a county commissioners court with juvenile justice
24 experience;

25 (3) one prosecutor in juvenile court;

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

1 includes fewer than 7,500 persons younger than 18 years of age;

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

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

9 (7) one adolescent mental health treatment
10 professional licensed under Subtitle B or I, Title 3, Occupations
11 Code, or a representative from a local mental or behavioral health
12 authority who has experience working with children;

13 (8) one member who is:

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

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

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

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

23 SECTION 10. Section 202.005, Human Resources Code, is
24 amended by adding Subsection (a-1) and amending Subsection (b) to
25 read as follows:

26 (a-1) If a juvenile justice professional is appointed as a
27 board member under Section 202.001(a)(8), the member shall:

1 (1) avoid the appearance of a conflict of interest by
2 not voting or participating in any decision by the board that solely
3 benefits or penalizes or otherwise solely impacts any juvenile
4 probation department or facility the professional is employed by or
5 works for under a contract; and

6 (2) refrain from voting or rendering any decision
7 regarding a matter of abuse and neglect presented to the board with
8 respect to any juvenile probation department or facility the
9 professional is employed by or works for under a contract.

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

14 SECTION 11. Section 202.006, Human Resources Code, is
15 amended by amending Subsection (b) and adding Subsection (d) to
16 read as follows:

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

19 (1) the law governing department operations [~~the~~
20 ~~legislation that created the department~~];

21 (2) the programs, functions, rules, and budget of the
22 department;

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

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

27 (5) [~~(4)~~] the requirements of:

1 (A) laws relating to open meetings, public
2 information, administrative procedure, and disclosing conflicts of
3 interest; and

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

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

8 (d) The executive director shall create a training manual
9 that includes the information required by Subsection (b). The
10 executive director shall distribute a copy of the training manual
11 annually to each member of the board. Each member of the board shall
12 sign and submit to the executive director a statement acknowledging
13 that the member received and has reviewed the training manual.

14 SECTION 12. Section 202.010, Human Resources Code, is
15 amended to read as follows:

16 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
17 Board and the Texas Juvenile Justice Department are subject to
18 Chapter 325, Government Code (Texas Sunset Act). Unless continued
19 in existence as provided by that chapter, the board and the
20 department are abolished September 1, 2025 [~~2023~~].

21 SECTION 13. Section 203.001, Human Resources Code, is
22 amended by adding Subsections (b-1) and (b-2) to read as follows:

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

25 (b-2) In making a delegation under Subsection (b-1), the
26 board shall provide:

27 (1) to the executive director with respect to each

1 delegation:

2 (A) clear direction;

3 (B) performance measures; and

4 (C) reporting requirements; and

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

8 SECTION 14. Section 203.002, Human Resources Code, is
9 amended to read as follows:

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

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

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

15 (b) The executive director must possess the following
16 minimum qualifications:

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

19 (2) three years of experience in the field of juvenile
20 corrections or congregate care in an administrative capacity and a
21 graduate degree from an institution of higher education in a
22 relevant field, including penology, adolescent development,
23 behavior management, or rehabilitative services; or

24 (3) seven years of experience in management and
25 administration of a government agency, institution of higher
26 education, or business enterprise of a size comparable to the
27 department.

1 (c) The department shall track the frequency with which the
2 executive director takes the following actions:

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

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

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

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

10 (5) authorizes early discharges for a child on parole;

11 or

12 (6) finalizes an appeal brought by an advocacy group
13 or social service provider who was denied certain access to
14 department facilities.

15 (d) The executive director shall provide the board and the
16 Sunset Advisory Commission four times each year aggregated data on
17 the number of times each action described by Subsection (c) was
18 taken during the previous calendar quarter.

19 SECTION 15. Section [203.0081](#), Human Resources Code, is
20 amended by amending Subsections (a) and (e) and adding Subsection
21 (c-1) to read as follows:

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

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

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

27 (3) the director of state programs and facilities of

1 the department or the director's designee;

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

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

6 (6) two juvenile court judges appointed by the board;

7 [~~and~~]

8 (7) seven chief juvenile probation officers appointed
9 by the board as provided by Subsection (b); and

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

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

13 (1) the purpose, role, and goals of the advisory
14 council;

15 (2) the meeting procedures and quorum requirement for
16 the advisory council;

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

20 (4) appointment or election procedures for the chair
21 and vice chair of the advisory council;

22 (5) reporting requirements and other communication
23 procedures between the board and the advisory council;

24 (6) policies to avoid conflicts of interest by members
25 of the advisory council; and

26 (7) policies to ensure the advisory council does not
27 violate any provision of Chapter 551, Government Code, applicable

1 to the advisory council.

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

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

5 (2) conducting long-range strategic planning;

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

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

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

15 (6) advising the board on any other matter on the
16 request of the board.

17 SECTION 16. Chapter 203, Human Resources Code, is amended
18 by adding Sections 203.0083, 203.0084, 203.0085, and 203.0101 to
19 read as follows:

20 Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

21 (a) Subject to the requirements of Chapter 2110, Government Code,
22 the board by rule may establish advisory committees to assist the
23 board with rulemaking, policy development, and other activities as
24 determined by the board.

25 (b) In establishing an advisory committee under this
26 section, the board shall adopt rules regarding:

27 (1) the purpose, role, and goals of the advisory

1 committee;

2 (2) the composition of and quorum requirement for the
3 committee;

4 (3) the qualifications for committee membership,
5 including:

6 (A) experience requirements, including any
7 specific expertise;

8 (B) representation of diverse stakeholders; and

9 (C) geographic diversity of committee members;

10 (4) appointment procedures and terms of service for
11 committee members;

12 (5) policies to avoid conflicts of interest by
13 committee members; and

14 (6) policies to ensure the committee does not violate
15 any provision of Chapter 551, Government Code, applicable to the
16 committee.

17 Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
18 As part of the department's duty to inspect facilities and other
19 entities under the department's jurisdiction, the department shall
20 develop a comprehensive set of risk factors to use in assessing the
21 overall risk level of the facilities and entities. The risk factors
22 may 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 (b) The department shall use the risk factors developed
9 under this section to guide the inspections process for all
10 facilities and entities under the department's jurisdiction by
11 developing risk assessment tools with clear, objective standards to
12 use in assessing the overall risk level of each entity.

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

15 (d) 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) The department may request necessary information from a
13 juvenile probation department or a private facility under the
14 department's jurisdiction to assist the department in implementing
15 a risk-based inspection schedule.

16 Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a)
17 The department shall make available on the department's Internet
18 website a statistical analysis of the complaints received by the
19 department.

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

24 (1) the number of certified officers by certification
25 type;

26 (2) the number of complaints against certified
27 officers by certification type;

1 (3) the number of complaints resolved and the manner
2 of resolution, including:

3 (A) the total number of agreed, default, and
4 board orders entered;

5 (B) the total number of cases referred for
6 contested case hearings by the State Office of Administrative
7 Hearings;

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

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

12 (4) the average number of days required to resolve a
13 complaint;

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

16 (6) a detailed analysis of each closed complaint, by
17 source.

18 SECTION 17. Section [203.013](#), Human Resources Code, is
19 amended by adding Subsection (c) to read as follows:

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

22 SECTION 18. Section [203.017](#), Human Resources Code, is
23 amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and
24 amending Subsection (e) to read as follows:

25 (a-1) Not later than December 1, 2024, the department shall
26 update and submit the regionalization plan developed under
27 Subsection (a) to the Sunset Advisory Commission and standing

1 legislative committees with primary jurisdiction over juvenile
2 justice matters. Before submitting the plan, the department must
3 present an updated draft of the regionalization plan to the board
4 for public comment and board approval. This subsection expires
5 September 1, 2025.

6 (a-2) The department may incorporate relevant suggestions,
7 needs, or recommendations from the regionalization plan into
8 subsequent strategic plans, legislative appropriation requests,
9 and any other necessary document to support the plan's
10 implementation.

11 (b-1) In addition to the requirements of Subsection (b), in
12 developing the regionalization plan, the department shall consult
13 with:

- 14 (1) the advisory council on juvenile services;
- 15 (2) regional juvenile probation associations;
- 16 (3) advocacy groups;
- 17 (4) parents and guardians of children under the
18 jurisdiction of the department;
- 19 (5) individuals formerly involved in the juvenile
20 justice system; and
- 21 (6) any other stakeholder the department determines
22 may be helpful.

23 (e) The regionalization plan must:

- 24 (1) include a budget review, redirection of staff, and
25 funding mechanisms necessary to support the plan;
- 26 (2) create a new division of the department
27 responsible for administering the regionalization plan and

1 monitoring program quality and accountability;

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

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

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

9 [(4)] for the state fiscal year beginning September 1,
10 2017, and each subsequent state fiscal year, include any savings
11 that are generated by the decreases in the population of the secure
12 facilities operated by the department under Subtitle C that exceed
13 the cost of implementing the plan;

14 (4) include information on:

15 (A) the department's compliance with statutory
16 regionalization requirements; and

17 (B) internal goals for diverting children from
18 commitment to the department; and

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

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

27 (1) options to target or expand funding for juvenile

1 probation departments to enhance community-based programs and
2 maximize the use of existing juvenile justice beds;

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

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

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

15 SECTION 19. Section 203.018(e), Human Resources Code, is
16 amended to read as follows:

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

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

24 Sec. 203.0185. INFORMATION GATHERING. (a) The department
25 shall partner with one or more public or private institutions of
26 higher education to inventory and map resources available for
27 children in the juvenile justice system. To determine the types of

1 information the department requires to timely identify and address
2 resource, program, and service gaps in probation regions that
3 result in commitments to department secure facilities, the
4 department shall consult with:

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

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

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

19 SECTION 21. Section [221.002](#), Human Resources Code, is
20 amended by adding Subsection (d-1) to read as follows:

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

26 SECTION 22. Section [222.001](#), Human Resources Code, is
27 amended by amending Subsection (a) and adding Subsection (b-1) to

1 read as follows:

2 (a) To be eligible for appointment as a probation officer, a
3 person who was not employed as a probation officer before September
4 1, 1981, must:

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

9 ~~[(3) have either:~~
10 ~~[(A) one year of graduate study in criminology,~~
11 ~~corrections, counseling, law, social work, psychology, sociology,~~
12 ~~or other field of instruction approved by the department; or~~

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

15 ~~[(i) in a social service, community,~~
16 ~~corrections, or juvenile agency that deals with offenders or~~
17 ~~disadvantaged persons; and~~

18 ~~[(ii) that the department determines~~
19 ~~provides the kind of experience necessary to meet this requirement,~~

20 ~~[(4)]~~ have satisfactorily completed the course of
21 preservice training or instruction and any continuing education
22 required by the department;

23 (2) ~~[(5)]~~ have passed the tests or examinations
24 required by the department; and

25 (3) ~~[(6)]~~ possess the level of certification required
26 by the department.

27 (b-1) The department by rule shall establish, with input

1 from the advisory council on juvenile services and other relevant
2 stakeholders, the minimum education and experience requirements a
3 person must meet to be eligible for a juvenile probation officer
4 certification. Rules adopted by the department under this
5 subsection:

6 (1) must be the least restrictive rules possible to
7 ensure certified juvenile probation officers are qualified to
8 protect children and public safety without creating barriers to
9 entry into the profession; and

10 (2) may not require that a person have a degree higher
11 than an associate degree from a college or university accredited by
12 an accrediting organization recognized by the Texas Higher
13 Education Coordinating Board to be eligible for certification.

14 SECTION 23. Section 222.002, Human Resources Code, is
15 amended to read as follows:

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

19 (1) ~~[be of good moral character,~~

20 ~~[(2)]~~ be at least 21 years of age;

21 (2) [(3)] have acquired a high school diploma or its
22 equivalent;

23 (3) [(4)] have satisfactorily completed the course of
24 preservice training or instruction required by the department;

25 (4) [(5)] have passed the tests or examinations
26 required by the department; and

27 (5) [(6)] possess the level of certification required

1 by the department.

2 SECTION 24. Subchapter B, Chapter 222, Human Resources
3 Code, is amended by adding Sections 222.0521 and 222.0522 to read as
4 follows:

5 Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53,
6 Occupations Code, applies to the issuance of a certification issued
7 by the department.

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

13 (b) The department shall adopt rules to implement
14 Subsection (a), including rules regarding eligibility for
15 provisional certification and application procedures.

16 SECTION 25. Section 223.001, Human Resources Code, is
17 amended by adding Subsections (a-1), (a-2), and (d-1) and amending
18 Subsection (c) to read as follows:

19 (a-1) The department may incorporate as factors in the basic
20 probation funding formula under Subsection (a) measures that create
21 incentives for diverting children from the juvenile justice system.
22 The department may prioritize factors for which the department
23 currently collects relevant information. The board may adopt rules
24 establishing and defining the factors under this subsection.

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

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

2 (2) the Legislative Budget Board.

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

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

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

24 Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than
25 October 1 of each year, the department shall publish on the
26 department's Internet website aggregated information on the number
27 of children committed to the department during the previous fiscal

1 year, categorized by:

2 (1) committing offense level;

3 (2) sentence type;

4 (3) age; and

5 (4) sex.

6 (b) The department shall publish quarterly on the
7 department's Internet website current information described by
8 Subsection (a), aggregated for all children committed to the
9 department and individually for each secure facility and halfway
10 house.

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

14 SECTION 27. The heading to Section 242.002, Human Resources
15 Code, is amended to read as follows:

16 Sec. 242.002. [~~EVALUATION—OF~~] TREATMENT PROGRAMS;
17 AVAILABILITY.

18 SECTION 28. Sections 242.002(c) and (d), Human Resources
19 Code, are amended to read as follows:

20 (c) The department shall offer or make available programs
21 for the rehabilitation and reestablishment in society of children
22 committed to the department, including programs for females and for
23 sex offenders, capital offenders, children who are chemically
24 dependent, and children with mental illness, [~~described by~~
25 Subsection (a)] in an adequate manner so that a child in the custody
26 of the department receives appropriate rehabilitation services
27 recommended for the child by the court committing the child to the

1 department.

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

9 (1) which programs are not offered or are unavailable;
10 and

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

13 SECTION 29. Section 242.056(a), Human Resources Code, is
14 amended to read as follows:

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

20 SECTION 30. Section 242.102, Human Resources Code, is
21 amended by adding Subsection (c-1) to read as follows:

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

25 SECTION 31. Section 243.001, Human Resources Code, is
26 amended by adding Subsection (d) to read as follows:

27 (d) The department shall place a child in the most

1 restrictive setting appropriate as the child awaits an adjudication
2 or prosecution for conduct constituting a felony of the first or
3 second degree while in the department's custody. The board by rule
4 shall establish placement procedures that guide the department in
5 determining the most appropriate setting for the child based on
6 rehabilitative needs while preserving due process rights.

7 SECTION 32. Sections 244.011(a), (b), and (g), Human
8 Resources Code, are amended to read as follows:

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

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

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

19 (2) the department determines that the child is unable
20 to progress in the department's rehabilitation programs because of
21 the child's mental illness or intellectual disabilities [~~mental~~
22 ~~retardation~~].

23 (g) If a child with mental illness or intellectual
24 disabilities [~~who is mentally ill or mentally retarded~~] is
25 discharged from the department under Subsection (b), the child is
26 eligible to receive continuity of care services from the Texas
27 Correctional Office on Offenders with Medical or Mental Impairments

1 under Chapter 614, Health and Safety Code.

2 SECTION 33. Section 244.012, Human Resources Code, is
3 amended to read as follows:

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

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

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

19 (2) the psychiatrist who examined the child determines
20 that the child is a child with mental illness [~~mentally ill~~] and the
21 child meets at least one of the criteria listed in Section 574.034
22 or 574.0345, Health and Safety Code.

23 (c) Before a child who is identified as having an
24 intellectual disability [~~mentally retarded~~] under Chapter 593,
25 Health and Safety Code, is discharged from the department's custody
26 under Section 244.011(b), the department shall refer the child for
27 intellectual disability [~~mental retardation~~] services if the child

1 is not receiving intellectual disability [~~mental retardation~~]
2 services.

3 SECTION 34. Section 244.014, Human Resources Code, is
4 amended by adding Subsection (a-1) to read as follows:

5 (a-1) After a child sentenced to commitment under Section
6 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years
7 of age but before the child becomes 19 years of age, the department
8 shall refer the child to the juvenile court that entered the order
9 of commitment for approval of the child's transfer to the Texas
10 Department of Criminal Justice for confinement if:

- 11 (1) the child has not completed the sentence;
12 (2) while the child was committed to the custody of the
13 department, the child was subsequently adjudicated or convicted for
14 conduct constituting a felony of the first or second degree or an
15 offense punishable under Section 22.01(b)(1), Penal Code; and
16 (3) the child was at least 16 years of age at the time
17 the conduct occurred.

18 SECTION 35. Sections 245.0535(h) and (i), Human Resources
19 Code, are amended to read as follows:

- 20 (h) The department shall conduct and coordinate research:
21 (1) to determine whether the comprehensive reentry and
22 reintegration plan developed under this section reduces recidivism
23 rates; and
24 (2) to review the effectiveness of the department's
25 programs for the rehabilitation and reestablishment in society of
26 children committed to the department, including programs for
27 females and for sex offenders, capital offenders, children who are

1 chemically dependent, and children with mental illness.

2 (i) Not later than December 31 of each even-numbered year,
3 the department shall deliver a report of the results of research
4 conducted or coordinated under Subsection (h) to the lieutenant
5 governor, the speaker of the house of representatives, the
6 Legislative Budget Board, and the standing committees of each house
7 of the legislature with primary jurisdiction over juvenile justice
8 and corrections.

9 SECTION 36. Section 261.002, Human Resources Code, is
10 amended to read as follows:

11 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of
12 independent ombudsman is a state agency established for the purpose
13 of investigating, evaluating, and securing the rights of [~~the~~]
14 children:

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

17 (2) adjudicated for conduct that constitutes an
18 offense and placed in a facility operated by or contracted with a
19 juvenile probation department.

20 SECTION 37. Section 261.056(a), Human Resources Code, is
21 amended to read as follows:

22 (a) The department shall allow any child committed to the
23 department or adjudicated for conduct that constitutes an offense
24 and placed in a facility operated by or contracted with a juvenile
25 probation department to communicate with the independent ombudsman
26 or an assistant to the ombudsman. The communication:

27 (1) may be in person, by mail, or by any other means;

1 and

2 (2) is confidential and privileged.

3 SECTION 38. Section 261.057, Human Resources Code, is
4 amended to read as follows:

5 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The
6 independent ombudsman shall promote awareness among the public and
7 the children committed to the department or adjudicated for conduct
8 that constitutes an offense and placed in a facility operated by or
9 contracted with a juvenile probation department of:

10 (1) how the office may be contacted;

11 (2) the purpose of the office; and

12 (3) the services the office provides.

13 SECTION 39. Section 261.061(c), Human Resources Code, is
14 amended to read as follows:

15 (c) The office shall periodically notify the complaint
16 parties of the status of the complaint until final disposition
17 unless the notice would jeopardize an investigation.

18 SECTION 40. Section 261.101, Human Resources Code, is
19 amended by amending Subsection (a) and adding Subsection (g) to
20 read as follows:

21 (a) The independent ombudsman shall:

22 (1) review the procedures established by the board and
23 evaluate the delivery of services to children to ensure that the
24 rights of children are fully observed;

25 (2) review complaints filed with the independent
26 ombudsman concerning the actions of the department, juvenile
27 probation departments, or other entities operating facilities in

1 which children adjudicated for conduct that constitutes an offense
2 are placed and investigate each complaint in which it appears that a
3 child may be in need of assistance from the independent ombudsman;

4 (3) conduct investigations of complaints, other than
5 complaints alleging criminal behavior, if the office determines
6 that:

7 (A) a child committed to the department, a child
8 adjudicated for conduct that constitutes an offense and placed in a
9 facility operated by or contracted with a juvenile probation
10 department, or the child's family may be in need of assistance from
11 the office; or

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

17 (4) review or inspect periodically the facilities and
18 procedures of any institution or residence in which a child
19 adjudicated for conduct that constitutes an offense has been placed
20 by the department or a juvenile probation department, whether
21 public or private, to ensure that the rights of children are fully
22 observed;

23 (5) provide assistance to a child or family who the
24 independent ombudsman determines is in need of assistance,
25 including advocating with an agency, provider, or other person in
26 the best interests of the child;

27 (6) review court orders as necessary to fulfill its

1 duties;

2 (7) recommend changes in any procedure relating to the
3 treatment of children committed to the department or adjudicated
4 for conduct that constitutes an offense and placed in a facility
5 operated by or contracted with a juvenile probation department;

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

8 (9) supervise assistants who are serving in internal
9 administrative and disciplinary hearings positions as advocates in
10 their representation of children committed to the department or
11 adjudicated for conduct that constitutes an offense and placed in a
12 facility operated by or contracted with a juvenile probation
13 department [~~internal administrative and disciplinary hearings~~];

14 (10) review reports received by the department
15 relating to complaints regarding juvenile probation programs,
16 services, or facilities and analyze the data contained in the
17 reports to identify trends in complaints;

18 (11) report a possible standards violation by a
19 [~~local~~] juvenile probation department to the appropriate division
20 of the department; and

21 (12) immediately report the findings of any
22 investigation related to the operation of a post-adjudication
23 correctional facility in a county to the chief juvenile probation
24 officer and the juvenile board of the county.

25 (g) The department and juvenile probation departments shall
26 notify the office regarding any private facility described by
27 Subsection (f)(1) with which the department or the juvenile

1 probation department contracts to place children adjudicated as
2 having engaged in conduct indicating a need for supervision or
3 delinquent conduct. The report under this subsection must be made
4 annually and updated at the time a new contract is entered into with
5 a facility described by this subsection. The office shall adopt
6 rules to implement the reporting requirements under this
7 subsection, including the specific times the report must be made.

8 SECTION 41. Section 261.102, Human Resources Code, is
9 amended to read as follows:

10 Sec. 261.102. TREATMENT OF [~~DEPARTMENT~~] EMPLOYEES WHO
11 COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile
12 probation department, or another entity operating a facility in
13 which children adjudicated for conduct that constitutes an offense
14 are placed may not discharge or in any manner discriminate or
15 retaliate against an employee who in good faith makes a complaint to
16 the office of independent ombudsman or cooperates with the office
17 in an investigation.

18 SECTION 42. Subchapter C, Chapter 261, Human Resources
19 Code, is amended by adding Sections 261.105 and 261.106 to read as
20 follows:

21 Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
22 The office shall develop a comprehensive set of risk factors to use
23 in assessing the overall risk level of facilities and entities the
24 office has the duty to inspect. The risk factors may include:

- 25 (1) the entity type;
26 (2) past and repeat children's rights violations;
27 (3) the volume and types of complaints received by the

1 office;

2 (4) recent changes in a facility or parole office
3 leadership;

4 (5) high staff turnover;

5 (6) relevant investigations by the office;

6 (7) negative media attention; and

7 (8) the number of months since the date of the office's
8 last inspection of the entity.

9 (b) The office shall use the risk factors developed under
10 this section to guide the inspections process for all facilities
11 and entities the office inspects by developing risk assessment
12 tools with clear, objective standards to use in assessing the
13 overall risk level of each facility or entity.

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

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

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

23 (b) The policy under Subsection (a) must require the office
24 to use the risk assessment tools established under Section 261.105
25 to determine how frequently and intensively the office conducts
26 risk-based inspections.

27 (c) The policy under Subsection (a) may provide for the

1 office to use alternative inspection methods for entities
2 determined to be low risk, including the following methods:

- 3 (1) desk audits of key documentation;
4 (2) abbreviated inspection procedures;
5 (3) videoconference technology; and
6 (4) other methods that are an alternative to
7 conducting an in-person inspection.

8 (d) The office may request necessary information from
9 facilities inspected by the office to assist the office in
10 implementing a risk-based inspection schedule.

11 SECTION 43. Section 261.151(c), Human Resources Code, is
12 amended to read as follows:

13 (c) A local law enforcement agency shall allow the
14 independent ombudsman access to its records relating to any child
15 in the care or custody of the department or any child adjudicated
16 for conduct that constitutes an offense and placed in a private
17 facility contracted with a juvenile probation department.

18 SECTION 44. Section 261.152, Human Resources Code, is
19 amended to read as follows:

20 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.
21 The independent ombudsman shall have access to the records of a
22 private entity that relate to a child committed to the department or
23 a child adjudicated for conduct that constitutes an offense and
24 placed in a private facility contracted with a juvenile probation
25 department.

26 SECTION 45. Subchapter D, Chapter 261, Human Resources
27 Code, is amended by adding Section 261.153 to read as follows:

1 Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION
2 DEPARTMENTS. The independent ombudsman shall have access to the
3 records of a juvenile probation department that relate to a child
4 adjudicated for conduct that constitutes an offense and placed in a
5 facility operated by or contracted with a juvenile probation
6 department.

7 SECTION 46. The following provisions of the Human Resources
8 Code are repealed:

- 9 (1) Sections [222.001](#)(b), (c), and (f);
10 (2) Sections [242.002](#)(a) and (b); and
11 (3) Section [246.002](#).

12 SECTION 47. (a) Not later than January 1, 2024, the Texas
13 Juvenile Justice Department shall repeal any rule requiring that an
14 individual must be of good moral character to qualify for a
15 department certification.

16 (b) Not later than December 1, 2024, the Texas Juvenile
17 Justice Department shall submit the regionalization plan required
18 by Section [203.017](#)(a-1), Human Resources Code, as added by this
19 Act.

20 SECTION 48. (a) Notwithstanding Section [202.001](#)(b), Human
21 Resources Code, as amended by this Act, and except as otherwise
22 provided by this subsection, the term for a member of the Texas
23 Juvenile Justice Board serving on September 1, 2023, expires on
24 that date. A board member serving on that date may continue to
25 serve as a member of the board until a majority of appointments to
26 the board are made under Subsection (b) of this section. A member
27 of the board described by this subsection is eligible for

1 reappointment under Subsection (b) of this section.

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

5 (1) three members to serve terms expiring February 1,
6 2025;

7 (2) three members to serve terms expiring February 1,
8 2027; and

9 (3) three members to serve terms expiring February 1,
10 2029.

11 SECTION 49. (a) Except as provided by Subsection (b) of
12 this section, Section 202.006, Human Resources Code, as amended by
13 this Act, applies to a member of the Texas Juvenile Justice Board
14 appointed before, on, or after the effective date of this Act.

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

25 SECTION 50. (a) For purposes of Section 202.010, Human
26 Resources Code, as amended by this Act, the Sunset Advisory
27 Commission shall conduct a limited-scope review of the Texas

1 Juvenile Justice Department for the 89th Legislature.

2 (b) In conducting the limited-scope review under this
3 section, the Sunset Advisory Commission staff evaluation and report
4 must:

5 (1) review the implementation of the Sunset Advisory
6 Commission's recommendations adopted by the commission and
7 statutory recommendations for the Texas Juvenile Justice
8 Department made to the 88th Legislature;

9 (2) identify the barriers to implementing the
10 recommendations under Subdivision (1) of this subsection;

11 (3) identify any changes needed to improve
12 coordination between the Texas Juvenile Justice Department and the
13 Texas Department of Criminal Justice, particularly for children
14 transferred from the custody of the Texas Juvenile Justice
15 Department to the custody of the Texas Department of Criminal
16 Justice; and

17 (4) review the decision-making processes involving
18 the Texas Juvenile Justice Board and executive director to evaluate
19 any needed changes in board engagement, delegation of duties, staff
20 discretion, and transparency.

21 (c) The Sunset Advisory Commission's recommendations to the
22 89th Legislature may include any recommendation the commission
23 considers appropriate based on the limited-scope review conducted
24 under this section.

25 SECTION 51. The Texas Juvenile Justice Board shall
26 establish a Youth Career and Technical Education Advisory
27 Committee. The advisory committee shall assist the Texas Juvenile

1 Justice Department with overseeing and coordinating ongoing and
2 future vocational training for youth in the custody of the
3 department, including training provided by community colleges and
4 other local entities with which the department may partner.

5 SECTION 52. The changes in law made by this Act to Articles
6 42A.054 and 42A.056, Code of Criminal Procedure, and Sections
7 53.045 and 54.02, Family Code, apply only to an offense committed or
8 conduct that occurs on or after the effective date of this Act. An
9 offense committed or conduct that occurred before that date is
10 governed by the law in effect on the date the offense was committed
11 or the conduct occurred, and the former law is continued in effect
12 for that purpose. For purposes of this section, an offense was
13 committed or conduct occurred before the effective date of this Act
14 if any element of the offense or conduct occurred before that date.

15 SECTION 53. This Act takes effect September 1, 2023.