

By: Phillips

H.B. No. 1315

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the inspection and certification of juvenile detention  
3 and correctional facilities.

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

5 SECTION 1. Section 51.12, Family Code, is amended by  
6 amending Subsection (c) and adding Subsection (c-1) to read as  
7 follows:

8 (c) The Texas Juvenile Probation Commission shall  
9 biennially [~~In each county, each judge of the juvenile court and a~~  
10 ~~majority of the members of the juvenile board shall personally~~]  
11 inspect each [~~the~~] juvenile pre-adjudication secure detention  
12 facility [~~facilities~~] and [~~any~~] public or private juvenile secure  
13 correctional facility [~~facilities~~] used for post-adjudication  
14 confinement except a facility operated or certified by the Texas  
15 Youth Commission. The Texas Juvenile Probation Commission [~~that~~  
16 ~~are located in the county and operated under authority of the~~  
17 ~~juvenile board at least annually and~~] shall biennially certify [~~in~~  
18 ~~writing to the authorities responsible for operating and giving~~  
19 ~~financial support to the facilities and to the Texas Juvenile~~  
20 ~~Probation Commission~~] that a facility is [~~they are~~] suitable or  
21 unsuitable for the detention of children in accordance with:

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

23 and

24 (2) minimum professional standards for the detention

1 of children in pre-adjudication or post-adjudication secure  
2 confinement promulgated by the commission under Section  
3 141.042(a)(4), Human Resources Code, [~~Texas Juvenile Probation~~  
4 ~~Commission]~~ or, at the election of the juvenile board of the county  
5 in which the facility is located, the current standards promulgated  
6 by the American Correctional Association.

7 (c-1) The Texas Juvenile Probation Commission shall provide  
8 the juvenile board of a county in which a facility certified by the  
9 commission under Subsection (c) is located with a copy of the  
10 certification. The juvenile board shall provide the authorities  
11 responsible for operating and giving financial support to the  
12 facility with a copy of the certification provided by the Texas  
13 Juvenile Probation Commission.

14 SECTION 2. Section 42.041(b), Human Resources Code, is  
15 amended to read as follows:

16 (b) This section does not apply to:

17 (1) a state-operated facility;

18 (2) an agency foster home or agency foster group home;

19 (3) a facility that is operated in connection with a  
20 shopping center, business, religious organization, or  
21 establishment where children are cared for during short periods  
22 while parents or persons responsible for the children are attending  
23 religious services, shopping, or engaging in other activities on or  
24 near the premises, including but not limited to retreats or classes  
25 for religious instruction;

26 (4) a school or class for religious instruction that  
27 does not last longer than two weeks and is conducted by a religious

1 organization during the summer months;

2 (5) a youth camp licensed by the Texas Department of  
3 Health;

4 (6) a facility licensed, operated, certified, or  
5 registered by another state agency;

6 (7) an educational facility accredited by the Texas  
7 Education Agency or the Southern Association of Colleges and  
8 Schools that operates primarily for educational purposes in grades  
9 kindergarten and above, an after-school program operated directly  
10 by an accredited educational facility, or an after-school program  
11 operated by another entity under contract with the educational  
12 facility, if the Texas Education Agency or Southern Association of  
13 Colleges and Schools has approved the curriculum content of the  
14 after-school program operated under the contract;

15 (8) an educational facility that operates solely for  
16 educational purposes in grades kindergarten through at least grade  
17 two, that does not provide custodial care for more than one hour  
18 during the hours before or after the customary school day, and that  
19 is a member of an organization that promulgates, publishes, and  
20 requires compliance with health, safety, fire, and sanitation  
21 standards equal to standards required by state, municipal, and  
22 county codes;

23 (9) a kindergarten or preschool educational program  
24 that is operated as part of a public school or a private school  
25 accredited by the Texas Education Agency, that offers educational  
26 programs through grade six, and that does not provide custodial  
27 care during the hours before or after the customary school day;

1           (10) a family home, whether registered or listed;

2           (11) an educational facility that is integral to and  
3 inseparable from its sponsoring religious organization or an  
4 educational facility both of which do not provide custodial care  
5 for more than two hours maximum per day, and that offers educational  
6 programs for children age five and above in one or more of the  
7 following: kindergarten through at least grade three, elementary,  
8 or secondary grades;

9           (12) an emergency shelter facility providing shelter  
10 to minor mothers who are the sole support of their natural children  
11 under Section 32.201, Family Code, unless the facility would  
12 otherwise require a license as a child-care facility under this  
13 section;

14           (13) a juvenile detention facility certified under  
15 Section 51.12, Family Code, [~~or Section 141.042(d),~~] a juvenile  
16 facility providing services solely for the Texas Youth Commission,  
17 or any other correctional facility for children operated or  
18 regulated by another state agency or by a political subdivision of  
19 the state;

20           (14) an elementary-age (ages 5-13) recreation program  
21 operated by a municipality provided the governing body of the  
22 municipality annually adopts standards of care by ordinance after a  
23 public hearing for such programs, that such standards are provided  
24 to the parents of each program participant, and that the ordinances  
25 shall include, at a minimum, staffing ratios, minimum staff  
26 qualifications, minimum facility, health, and safety standards,  
27 and mechanisms for monitoring and enforcing the adopted local

1 standards; and further provided that parents be informed that the  
2 program is not licensed by the state and the program may not be  
3 advertised as a child-care facility; or

4 (15) an annual youth camp held in a municipality with a  
5 population of more than 1.5 million that operates for not more than  
6 three months and that has been operated for at least 10 years by a  
7 nonprofit organization that provides care for the homeless.

8 SECTION 3. Section 42.052(h), Human Resources Code, is  
9 amended to read as follows:

10 (h) The certification requirements of this section do not  
11 apply to a juvenile detention facility certified under Section  
12 51.12, Family Code [~~or Section 141.042(d)~~].

13 SECTION 4. Section 141.042(d), Human Resources Code, is  
14 repealed.

15 SECTION 5. This Act takes effect September 1, 2005.