

BILL ANALYSIS

C.S.H.B. 2884

By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Juvenile justice practitioners, juvenile court judges, prosecutors and juvenile probation officers assisted in making recommendations for this juvenile justice legislation. Most significant were recommendations related to the inter-county transfer of supervision of youth on probation who move away from the county where they were adjudicated. Clarifying substantive and technical refinements are provided to the procedures known as Inter-County Transfer of Probation Supervision which was originally enacted during the 79th Texas Legislature in 2005. These amendments include clarifying that transfer of probation supervision is inapplicable to counties within the same judicial district being served by one juvenile probation department; expanding required information that must accompany a child's case upon transfer to a receiving county; requiring sending and receiving county to establish official start date for transfer of supervision; providing a mechanism to collect and disseminate victim restitution; addressing the transfer of sex offenders; and procedures related to deferred prosecution transfer. These areas of concern and a number of other proposed amendments reflect the changing needs of a juvenile justice system that has increased in size, sophistication and complexity since the major reforms of the 74th Legislature in 1995.

There are a number of additional substantive, clarifying, and technical amendments covering a wide range of concerns that have come to light since the last legislative session. Amendments to the Family Code, Code of Criminal Procedure, Penal Code and other codes are included that relate to such things as clarifying that a magistrate's determination of the voluntariness of a juvenile's statement must be reduced to writing; clarifying what entities can legally operate juvenile pre-adjudication detention and post-adjudication secure correctional facilities in Texas; authorizing the Texas Juvenile Probation Commission to deny, revoke or suspend registration of any juvenile facility that fails to comply with minimum standards; adding the offense of criminal conspiracy to commit an offense enumerated in the determinate sentence act to the determinate sentence provisions; defining indeterminate sentence to the Texas Youth Commission; authorizing detention of a child after a disposition hearing pending transport to a facility, the Texas Youth Commission or pending medical treatment; clarifying furlough procedures from mental health facilities for youth committing 3g offenses; clarifying interagency sharing of information with the Texas Juvenile Probation Commission; authorizing the Texas Juvenile Probation Commission and local counties to create and maintain a statewide juvenile information and case management system; creates provisions that allow a juvenile probation department to utilize unclaimed restitution payments for the same purposes for which the county may spend juvenile state aid; clarifying the definition of abuse, neglect and exploitation; elevating inhalant abuse to Level 2 of Progressive Sanctions; clarifying definition of juvenile probation program; expanding infant care and parenting program at Texas Youth Commission as well as limit the maximum capacity for residential facilities in the Texas Youth Commission to 3,000, with only a maximum of 100 juveniles per residential facility and requires that the facilities be located in or near the county in which a juvenile resides. C.S.H.B.2884 also authorizes the Texas Juvenile Probation Commission to issue subpoenas when necessary to facilitate their investigations of abuse, neglect or exploitation and any audits or monitoring responsibilities; including juvenile facilities in various penal code offenses; and adding employees of TYC and juvenile probation departments to the offense of Violation of Civil Rights of Person in Custody; Improper Sexual Relations with Person in Custody.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

C.S.H.B. 2884 80(R)

ANALYSIS

SECTION 1. Amends Section 2.12 of the Code of Criminal Procedure by adding investigators commissioned by the Texas Juvenile Probation Commission to the list of who is considered a peace officer, and makes other technical changes.

SECTION 2. Amends Sec. 51.03(b), to make a technical correction to the new chapter and section in the Health and Safety Code. Previous Chapter 484 related to inhalant abuse was repealed and replaced by Chapter 485.

SECTION 3. Amends Sec. 51.0412, Family Code, to provide the juvenile court with jurisdiction in a motion to transfer determinate sentence probation to adult court for a juvenile age 18 or older who has fled the jurisdiction before a transfer hearing can be held if the motion for transfer has timely been filed prior to the juvenile becoming 18 and the prosecutor has exercised due diligence to complete the transfer proceeding prior to the probationer's 18th birthday.

SECTION 4. Amends Sec. 51.072, Family Code, by amending Subsections (b), (e), (f), (j), (k), (m), and (n) and adding Subsections (f-1) and (m-1) to make clarifying changes to the transfer of probation supervision between counties (interim supervision) procedures:

Subsection (b) is amended to clarify that if the receiving and sending county are both within the same judicial district served by one juvenile probation department, then a transfer of probation supervision is not required.

Subsection (e) is amended to require the sending county juvenile probation department to provide the receiving county juvenile probation department with additional information including the race of the child, telephone number of the person with whom the child will reside, and the name and telephone number of the child's school in the receiving county.

Subsection (f) is amended to increase the timeframe from 5 to 10 business days in which the sending county juvenile probation department must provide required documentation to the receiving county juvenile probation department. Subsection (f-1) is added which requires the inter-county transfer officers in the sending and receiving counties to agree on the official start date for interim supervision. The start date must begin no later than 3 business days after the date the required documents have been received and accepted by the receiving county.

Subsection (j) is amended to require the receiving county juvenile probation department to provide the sending county with written documentation of the incidents of probation violation upon which the request to resume direct supervision is based.

Subsection (k) is amended to require that during the period of interim supervision, the receiving county must collect and distribute to the victim monetary restitution payments in the manner specified by the sending county. At the conclusion of interim supervision, the receiving county must collect and distribute any remaining restitution payments directly to the victim.

Subsection (m) is amended to require that upon the transfer of permanent supervision by the sending county juvenile court, the sending county juvenile probation department shall promptly send the permanent supervision order and all required related documents to the receiving county.

Subsection (m-1) is added to require the sending county to resume supervision of the child if the child on interim supervision moves to a new county and is no longer in the receiving county prior to the expiration of the 180 days of interim supervision.

Subsection (n) is amended to clarify that the period of interim supervision of a child placed on determinate sentence probation does not expire until the child has satisfactorily completed the greater of either 180 days or one-third of the term of probation (including extensions). Further clarifies that if the state elects to initiate transfer proceedings to adult court, the juvenile court of the sending county may order transfer of permanent supervision before the expiration of the interim supervision period.

SECTION 5. Amends Sec. 51.073, Family Code, by amending Subsection (c) and adding Subsection (d-1) related to transfer of probation supervision between counties (permanent supervision):

Subsection (c) is amended to clarify that the juvenile must be brought before the receiving county juvenile court to impose new or different conditions of probation than those originally ordered by the sending county or ordered by the receiving county during interim supervision.

Subsection (d-1) is added to give the receiving county jurisdiction to conduct a sex offender registration hearing on the final transfer of a case involving a child adjudicated for an offense requiring registration as a sex offender. The receiving county may consider the recommendation of the sending county.

SECTION 6. Amends Sec. 51.074, Family Code by adding Subsections (b) and (c) regarding transfer of probation supervision between counties (deferred prosecution):

Subsection (b) is added requiring a child whose deferred adjudication has been extended by the juvenile court shall remain on interim supervision for an additional period not to exceed 180 days.

Subsection (c) is added to require that upon a violation of the conditions of the original deferred prosecution agreement, the receiving county must forward the case to the sending county for prosecution or other action. The receiving county cannot modify the original conditions of deferred prosecution.

SECTION 7. Amends Sec. 51.095(f), Family Code, to change the terms “*videotape*” and “*videotaped*” to “*recording*” and “*recorded*” respectively in order to reflect and authorize the use of digital media recordings in addition to videotapes. Further clarifies that the magistrate's determination of voluntariness of a juvenile's statement must be reduced to writing, signed and dated by the magistrate.

SECTION 8. Amends Sec. 51.12, Family Code, by adding Subsections (b-1) and (m) and amending Subsections (c) and (i) related to secure juvenile pre-adjudication detention facilities:

Subsection (b-1) is added to clarify that a pre-adjudication secure detention facility for juvenile offenders may only be operated by a governmental unit in this state or a private entity under a contract with a governmental unit in this state.

Subsection (c) is amended to clarify that in each county, the juvenile court judges and a majority of the juvenile board must personally inspect all

public and private secure juvenile pre-adjudication detention facilities annually and certify that the facilities are suitable or unsuitable for the detention of children. Deletes references to post-adjudication secure correctional facilities which become the subject of new Section 51.125.

Subsection (i) is amended to delete references to post-adjudication secure correctional facilities which become the subject of new Section 51.125 and cross reference new Subsection (b-1).

Subsection (m) is added to authorize the Texas Juvenile Probation Commission to deny, suspend, or revoke the registration of any secure pre-adjudication juvenile detention facility if the facility fails to adhere to all applicable minimum standards or fails to timely correct any notice of noncompliance with minimum standards.

SECTION 9. Amends Chapter 51, Family Code, by adding Section 51.125 related to juvenile secure post-adjudication correctional facilities:

Subsection (a) requires that a post-adjudication secure correctional facility for juvenile offenders may only be operated by a governmental unit in this state or a private entity under a contract with a governmental unit in this state.

Subsection (b) requires that in each county, the juvenile court judges and a majority of the juvenile board must personally inspect all public and private secure juvenile post-adjudication correctional facilities annually and certify that the facilities are suitable or unsuitable for the detention of children in accordance with either standards promulgated by the Texas Juvenile Probation Commission or the American Correctional Association.

Subsection (c) requires a governmental unit or private entity that operates or contracts for the operation of a juvenile post-adjudication secure correctional facility must register the facility annually with the Texas Juvenile Probation Commission and must adhere to all applicable minimum standards.

Subsection (d) authorizes the Texas Juvenile Probation Commission to deny, suspend, or revoke the registration of any secure post-adjudication juvenile correctional facility if the facility fails to adhere to all applicable minimum standards or fails to timely correct any notice of noncompliance with minimum standards.

SECTION 10. Amends Sec. 51.17, Family Code, by amending Subsection (c) and adding Subsections (h) and (i).

Subsection (c) is amended to clarify that Articles 33.03 (Presence of Defendant) and 37.07 (Criminal Docket) of the Code of Criminal Procedure are applicable to juvenile court proceedings.

Subsection (h) is added to clarify that Articles 57.01 and 57.02, Code of Criminal Procedure related to the use of a pseudonym by a victim in a criminal case apply to juvenile court proceedings.

Subsection (i) is added to exempt the state from paying any cost or fee imposed for trial and appellate courts except for an appeal of a determinate sentence case in which case the state pays all costs of appeal, other than the respondent's attorney fees.

SECTION 11. Amends Sections 53.045(a) and (d), Family Code, by adding in Subsection (a) the offense of criminal conspiracy to commit any of the

enumerated determinate sentence offenses to the determinate sentence statute. Subsection (d) is amended to delete “Corrections” and refer to the Texas Department of Criminal Justice as the agency is now titled.

SECTION 12.

Amends Sec. 54.04, Family Code, by amending Subsections (a), (b), (d), and (j) and adding Subsection (v).

Subsection (a) is amended to require in a determinate sentencing case disposition hearing that the child must elect a jury trial in writing before the commencement of jury voir dire. Upon a finding of delinquent conduct, the child may change the election of who assesses disposition with the consent of the prosecutor.

Subsection (b) is amended to clarify that the juvenile court has wide latitude in considering a full range of evidence at the disposition hearing of a juvenile notwithstanding the Texas Rules of Evidence or Chapter 37 Code of Criminal Procedure. (Verdict must be general; Separate hearing on Proper Punishment) which relates to allowing the court to hear evidence related to unadjudicated extraneous offenses.

Subsection (d) is amended to clarify that any residential placement of a child as a condition of probation must be in either 1) a facility licensed by a state governmental entity or exempt from licensure under state law; or 2) a post- adjudication secure correctional facility that meets the requirements of Section 51.125 regarding operation, registration and certification, except a TYC facility. Further, this amendment clarifies the historical meaning of an “indeterminate” commitment to TYC as a commitment until age 21 unless discharged earlier by TYC.

Subsection (j) is amended to clarify that the requirement that a juvenile’s fingerprint be affixed to the disposition order can be met by attaching a document that contains the fingerprint. This facilitates the use of a fingerprint card which allows the necessary high resolution needed for imaging documents into a paperless system, thus facilitating electronic storage of such information.

Subsection (v) is added to expressly clarify the authority for a child to be detained in a local detention facility after the disposition hearing in which the juvenile court ordered a placement in a residential facility or a commitment to the Texas Youth Commission. The child can be held pending transport to the ordered facility. Additionally, the child can be held pending the provision of advisable or needed medical care before transportation, including girls in their third trimester of pregnancy.

SECTION 13.

Amends Chapter 54 of the Family Code by adding Section 54.0481 to require that a juvenile probation department that receives a payment to a victim, as an order of a juvenile court order, for restitution shall immediately deposit the payment in an interest-bearing account in the county treasury and notify the victim by certified mail that the payment has been received. The juvenile probation department must then promptly remit the payment to a victim who makes a claim for payment. The department is required to make and document a good faith effort to locate and notify the victim of the unclaimed payment on or before the fifth anniversary of the date the juvenile probation department receives a payment for a victim. A juvenile probation department must pay the victim the amount of the original payment, if a victim claims a payment on or before the fifth anniversary of the date on which the juvenile probation department mailed a notice to the victim. However, if a victim does not claim a payment on or before the fifth anniversary of the mailed notice, the department has no liability to the victim or anyone else in relation to the payment and shall transfer the payment from the interest-bearing

account to a special fund of the county treasury, the unclaimed juvenile restitution fund. The funds in the juvenile restitution fund may be spent only for the same purposes for which the county may spend juvenile state aid.

- SECTION 14.** Amends Sec. 55.43(a), Family Code, to clarify that the prosecuting attorney may file a motion for a restoration hearing of a juvenile if the juvenile is not currently on furlough from a mental health facility or outpatient center. This provision clarifies that past furloughs will not prohibit the filing for a restoration hearing.
- SECTION 15.** Amends Sec. 55.44(a), Family Code, to clarify that the juvenile court in a restoration hearing shall transfer the proceedings to criminal court if the juvenile is not currently on furlough from a mental health facility. This provision clarifies that past furloughs will not prohibit transfer of the proceedings to criminal court.
- SECTION 16.** Amends Sec. 55.45, Family Code, by adding Subsection (c) to require a mental health residential care facility that is providing mental health services to a juvenile who has been found to be unfit to proceed by the juvenile court to apply in writing, by certified mail, return receipt requested, to the juvenile court that ordered commitment of the child and show good cause for any release of the juvenile from the facility for more than 48 hours if the juvenile is alleged to have committed an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure. Notice of this request must be sent to the prosecutor responsible for the case. Any party may apply for a hearing on the application and if no one applies, the trial court must resolve the application. Rules of evidence do not apply and there is no appeal of the court's ruling. Release of the child without the express approval of the trial court is punishable by contempt.
- SECTION 17.** Amends Sec. 58.0051, Family Code by adding Subsection (e) authorizing the Texas Juvenile Probation Commission to enter into an interagency agreement to share educational information for research, audit, and analytical purposes with the Texas Education Agency, the Texas Youth Commission and the Texas Department of Criminal Justice.
- SECTION 18.** Amends Sec. 58.0072(c) and (d), Family Code, related to the sharing of information between the Texas Juvenile Probation Commission and other agencies or individuals.
- Subsection (c) is amended to authorize sharing of information with the Texas Education Agency as authorized by Section 37.084, Education Code.
- Subsection (d) is amended to clarify that the Texas Juvenile Probation Commission may grant access to juvenile justice information to certain entities if the purpose of the information sharing is beneficial to the Texas Juvenile Probation Commission. This amendment further clarifies the authorization to share information with persons working on research or statistical projects funded in whole or part with federal funds. Deletes reference to 28 C.R.R. Part 22.
- SECTION 19.** Amends Sec. 58.110(e), Family Code, to delete the requirement that the referral of a child's case without a custody event be reported to DPS within 7 days. Non-custody referrals must be reported to DPS within 30 days.
- SECTION 20.** Amends Chapter 58, Family Code, by adding Subchapter E related to a statewide juvenile information and case management system known as the Juvenile Case Management System (JCMS), a new state of the art

integrated computer system being developed in partnership between the Conference of Urban Counties Techshare Program, Bexar County, Dallas County, Tarrant County and the Texas Juvenile Probation Commission:

Sec. 58.401 is added to provide definitions of key terms of this subchapter including “Commission”, “Criminal justice agency”, “juvenile justice agency”, “partner agencies”, and “system”.

Sec. 58.402 is added to state the purposes of the system which are 1) to provide accurate statewide information relating to children in the juvenile justice system; 2) to facilitate communication and information sharing between authorized entities in the criminal and juvenile justice agencies and partner agencies regarding effective identification and service delivery to juvenile offenders; and 3) to provide flexible and comprehensive juvenile justice information and case management capabilities for juvenile probation departments statewide.

Sec. 58.403 is added to authorize the Texas Juvenile Probation Commission and local counties to create and maintain a statewide data system to aid in the processing of juvenile cases, facilitate service delivery, aid in identification of at-risk and delinquent children; and to facilitate cross-jurisdictional sharing of information related to juvenile offenders between authorized criminal and juvenile justice agencies and partner agencies.

Sec. 58.404 is added to authorize the Texas Juvenile Probation Commission to collect and maintain all information related to juvenile offenders, including all information collected and maintained under Subchapter B (Juvenile Justice Information System at Department of Public Safety) and Subchapter D (Local Juvenile Justice Information System).

Sec. 58.405 is added to authorize access to all data in the automated system to juvenile justice agencies. Juvenile justice agencies may share information with appropriate partner agencies and other entities authorized by law to receive the information.

SECTION 21. Amends Sec. 59.003(a), Family Code, to elevate inhalant abuse to sanction level two of the Progressive Sanctions guidelines thus reflecting the seriousness of this offense. Sanction level two recommends a disposition of deterred prosecution as opposed to supervisory caution at sanction level one.

SECTION 22. Amends Sec. 261.401(a) and (b), Family Code, to expand the definitions of “abuse”, “neglect” and “exploitation” to include situations that occur in a non-residential program such as a juvenile probation program. Amends Subsection (b) to expressly authorize and mandate the Texas Juvenile Probation Commission to investigate abuse, neglect and exploitation in juvenile justice programs.

SECTION 23. Amends Sec. 261.405(a), Family Code, to include in the definition of “juvenile justice facility” those facilities that are operated by governmental units other than local juvenile boards. Also expands definition of “juvenile justice program” to expressly include juvenile probation departments.

SECTION 24. Amends Sec. 25.0951(a), Education Code, to clarify that a school district must file a complaint or referral against a student for failure to attend school under Section 25.0951(a) within seven days of the student’s tenth unexcused absence. This amendment codifies Attorney General Opinion

GA-0417 interpreting legislative changes made during the 79th Texas Legislature.

SECTION 25. Amends Subchapter C, Chapter 61 of the Human Resources Code by adding Sections 61.055 and 61.056 to provide that the total maximum capacity for residential facilities, including halfway houses, operated by or under contract with the commission is 3,000. However, on the approval of the governor, the commission may confine more than 3,000 children in residential facilities operated by or under contract with the commission if the commission determines that the number of children committed to the commission who are in need of placement in residential facilities exceeds 3,000.

To ensure that a child committed to the commission is confined in a residential facility located in or near the county in which the child resides, the commission shall operate one or more community-based residential facilities in each county in this state that has a population of at least 600,000 and may operate a community-based residential facility in any other county. Additionally, the commission may confine a child committed to the commission only in a community-based residential facility described by Subsection (a).

Moreover, the commission may confine a child committed to the commission only in a residential facility that is located in the county in which the child resides. If the commission does not operate a residential facility in that particular county, the child may be confined only in the residential facility that is nearest to the county in which the child resides.

The commission may not confine more than 100 children in any residential facility operated by or under contract with the commission, no later than September 1, 2008, the commission shall transfer to the Texas Department of Criminal Justice any residential facility designed to house more than 100 children that is owned by this state and operated by or under contract with the commission. This subsection expires October 1, 2008.

SECTION 26. Amends Sec. 61.0762, Human Resources Code, by amending Subsections (a), (b), and (c) related to the infant care and parenting program at the Texas Youth Commission.

Subsection (a) defines “child” to mean the child of a person committed to the Texas Youth Commission.

Subsection (b) is amended to clarify TYC has authority to establish infant care and parenting programs for persons committed to the commission.

Subsection (c) is amended to authorize TYC to expand the mother-baby program to permit a mother to have possession of her infant in a commission-funded independent living residence for up to six months. The term “infant” is changed to “child” throughout the subsection.

SECTION 27. Amends Subchapter C, Chapter 141, Human Resources Code, to add Section 141.0461 related to the issuance of subpoenas, administration of oaths, receiving evidence, and gathering information by the Texas Juvenile Probation Commission:

Subsection (a) defines “evidence” as any record, book, paper, document, data, or other evidence maintained by electronic or other means.

Subsection (b) authorizes the Texas Juvenile Probation Commission to issue a subpoena for witnesses or evidence that the commission considers necessary for the investigation of abuse, neglect, or exploitations,

allegations; complaints; and financial and programmatic audits of juvenile probation programs, services and facilities, including juvenile justice alternative education programs; or any matter under the authority of the commission.

Subsection (c) requires that the commission may issue a subpoena only if it is signed by the chairman or vice-chairman of the commission and at least two other members of the commission, one of whom must be a judge.

Subsection (d) authorizes a peace officer, commission investigator, other commission official or person authorized by the Code of Criminal Procedure Article 24.01 to serve the subpoena in the same manner as in criminal actions.

Subsection (e) requires witness fees and mileage be paid as in civil cases in the district court in the county to which the witness is called unless the proceeding is made under Chapter 2001, Government Code. Witnesses subpoenaed by the commission shall be paid their fees and mileage by the commission out of funds appropriated for that purpose.

Subsection (f) authorizes a court of record having original jurisdiction of criminal actions may compel the attendance of a witness or the production of material, or the giving of testimony, by an attachment for contempt.

Subsection (g) authorizes the chairman of the board or another member of the commission to administer an oath to a witness.

Subsection (h) authorizes the Texas Juvenile Probation Commission to apply to the district court for an order directing a witness to show cause why the witness should not be punished for contempt for failing to answer questions or produce evidence when ordered. This provision also provides a mechanism for the judge to find witnesses in contempt of court.

Subsection (i) provides the commission shall be granted access at any reasonable time to any evidence that is related to any matter the commission or executive director consider necessary to administer the commission's function, powers, and duties.

Section 141.055 allows the commission to employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405 of the Family Code. Peace officers employed and commissioned must be certified by the Commission on Law Enforcement Officer Standards and Education.

SECTION 28. Amends Sec. 38.06(a), Penal Code, to expand the offense of escape to include escape from a secure juvenile pre-adjudication detention facility and escape from the lawful custody of a juvenile probation officer as authorized by Family Code Section 52.01.

SECTION 29. Amends Sec. 38.07, Penal Code, by adding Subsection (f) to the offense of *Permitting or Facilitating Escape* to expand the definition of "correctional facility" to include a juvenile secure correctional facility and a secure detention facility as those terms are defined in Section 51.02, Family Code.

SECTION 30. Amends Sec. 38.09, Penal Code, by adding Subsection (c) to the offense of *Implements of Escape* to expand the definition of "correctional facility" to include a juvenile secure correctional facility and a secure detention facility as those terms are defined in Section 51.02, Family Code.

- SECTION 31.** Amends Sec. 38.111, Penal Code, by adding Subsection (e) to the offense of *Improper Contact with Victim* to expand the definition of “correctional facility” to include a juvenile secure correctional facility and a secure detention facility as those terms are defined in Section 51.02, Family Code.
- SECTION 32.** Amends Sec. 38.114, Penal Code, by adding Subsection (d) to the offense of *Contraband in Correctional Facility* to expand the definition of “correctional facility” to include a juvenile secure correctional facility and a secure detention facility as those terms are defined in Section 51.02, Family Code.
- SECTION 33.** Amends Sec. 39.04(f), Penal Code, to expand the offense of *Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody* to include employees of the Texas Youth Commission and local juvenile probation departments.
- SECTION 34.** Repeals Sections 61.049, 141.0432, 141.0433, and 141.0434 of the Human Resources Code relating to contracting by the Texas Juvenile Probation Commission with private vendors for construction, maintenance, operation, management and financing of youth boot camps.
- SECTION 36.**
- (a) Provides for the prospective application of the Act for conduct, or any element of a penal law violation, occurring on or after the effective date.
 - (b) Provides for the continuing effectiveness of laws that were in effect at the time of conduct occurring before the effective date.
 - (c) Only applies to an order by a juvenile court rendered on or after the effective date of this Act. An appeal of an order rendered before the effective date of this Act is governed by the law in effect at the time the order was rendered, and that law is continued in effect for that purpose.
 - (d) Section 54.0481, Family Code, as added by this Act, applies only to a payment of restitution under a juvenile court order received by a juvenile probation department on or after the effective date of this Act.
- SECTION 37.** This Act takes effect September 1, 2007

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.2884 modifies the original H.B.2884 by including investigators commissioned by the Texas Juvenile Probation Commission as peace officers, to be employed by the Commission for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities. Moreover, peace officers employed and commissioned must be certified by the Commission on Law Enforcement Officer Standards and Education. C.S.H.B.2884 further modifies H.B.2884 by requiring that a juvenile probation department that receives a payment to a victim, as an order of a juvenile court order, for restitution shall immediately deposit the payment in an interest-bearing account in the county treasury and notify the victim by certified mail that the payment has been received. The juvenile probation department must then promptly remit the payment to a victim who makes a claim for payment. Lastly, C.S.H.B.2884 adds a provision that limits the maximum capacity for residential facilities in the Texas Youth Commission to 3,000, with only a maximum of 100 juveniles per residential facility and requires that the facilities be located in or near the county in which a juvenile resides. Also would provide that those facilities that are not longer being utilized by the Texas Youth Commission be transferred over the Texas Department of Criminal Justice.