

BILL ANALYSIS

C.S.H.B. 3521
By: Bolton
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although the most notorious cases of abuse have been at the West Texas facility of the Texas Youth Commission (TYC), the rape, abuse, and mistreatment of inmates at facilities across the state has been prevalent for many years. The abuse of many of these inmates has recently come to lawmakers' attention and has warranted immediate legislative action to remedy the long-term and extensive problems at TYC.

CSHB 3521 addresses the need for increased safety of the children committed to TYC facilities by protecting employees who choose to speak out; establishing guidelines by which youth are supervised; allowing TYC to access the criminal history record information of employees; and requiring the posting of signs with information about the committed children's rights at all TYC facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Youth Commission in SECTION 1 of this bill.

ANALYSIS

CSHB 3521 amends the Human Resources Code to prohibit the Texas Youth Commission (TYC) from discharging or in any manner discriminating or retaliating against an employee who in good faith makes a complaint to the commission or cooperates with the office in an investigation.

The bill prohibits, at a facility of the TYC, a single individual from having complete control, supervision, or oversight over the schedule and movements of the children in the facility.

The bill requires the commission, by rule, to establish procedures to implement the provisions in Section 61.0454, Human Resources Code.

The bill requires the TYC to post a sign in the eating area and other conspicuous, high traffic, high visibility locations at each of its facilities for children that states: (1) the rights that the child has while committed to the TYC and (2) the name, phone number, and e-mail address of the employee of the TYC with supervisory authority over the facility to which the child is committed with whom the child can file a complaint or otherwise report any abuse. The sign must have dimensions of at least 8-1/2 inches by 11 inches and be in an easily readable font and type size.

The bill also amends the Government Code to allow the TYC to be entitled to obtain from the Department of Public Safety (department) criminal history record information maintained by the department that relates to a person who is an employee of the TYC.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute eliminates the following provisions from the original bill: certain hiring and firing requirements; the requirement that the attorney general investigate certain allegations and report findings and recommendations; the establishment of an office of inspector general and all of the powers and duties therein; the requirements and procedures for managing complaints; and certain requirements regarding notifications made to children committed to the Texas Youth Commission and the parents or guardians of those children.