

BILL ANALYSIS

Senate Research Center
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S.B. 103
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research has shown that many of the youth incarcerated with the Texas Youth Commission (TYC) were physically abused by employees, and the rate of such occurrences has drastically increased in recent years. Turnover rates and inadequate training of employees at TYC are major contributors to the increasing abuse. Recruiting and retaining staff have been major challenges for TYC. The lack of a criminal investigation division within TYC is another contributor to the increasing rate of violence, both to youth and staff. Lowering the ratio of youth to staff, increasing the amount of training for employees, and providing independent investigations of alleged crimes could reduce the rate of abuse and violence occurring at TYC facilities.

As proposed, S.B. 103 requires the TYC to provide 300 hours of training to guards before they begin their duties at facilities and to maintain a ratio at least one guard for every 12 youth committed to the facility. S.B. 103 requires TYC to establish an office of inspector general for the purpose of investigating criminal acts among TYC youth, guards, and other TYC employees, and reporting the results of any investigation to the TYC Board. S.B. 103 prohibits TYC from assigning a child younger than 15 years of age to the same dormitory as a youth at least 17 years of age. S.B. 103 requires the Texas Rangers to make monthly unannounced visit to facilities and to submit reports to the Texas Sunset Commission for inclusion in TYC's sunset review evaluation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Youth Commission in SECTION 4 (Section 61.0451, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 2.12, Code of Criminal Procedure, as follows:

- (17) Updates a reference to the Texas State Board of Medical Examiners to refer to the Texas Medical Board.
- (25) Updates a reference to the Texas Department of Health to refer to the Department of State Health Services.
- (28) Updates a reference to Article 1.10D, Insurance Code, to refer to Section 701.104, Insurance Code.
- (29) Includes inspectors general commissioned by the Texas Youth Commission (TYC) as officers under Sections 61.0451 and 61.0931, Human Resources Code.
- (32) Updates a reference to the Texas Commission on Private Security to refer to the Texas Private Security Board.

SECTION 2. Amends Article 104.003(a), Code of Criminal Procedure, as follows:

- (a) Requires the state to reimburse the county for specified expenses in a prosecution of a felony committed while the actor was a prisoner in the custody of the Texas Department of Criminal Justice (TDCJ) or a person committed to TYC, rather than a prisoner in the custody of the Texas Department of Corrections, or in a prosecution of an offense

committed in TDCJ or in TYC by any person under Section 38.11, Penal Code, Chapter 481, Health and Safety Code, or Sections 485.031 through 485.035, Health and Safety Code, rather than Chapter 21, Acts of 55th Legislature, Regular Session, 1957 (Article 6184m, V.T.C.S.).

SECTION 3. Amends Subchapter C, Chapter 61, Human Resources Code, by adding Section 61.0356, as follows:

Sec. 61.0356. FACILITY GUARDS. (a) Requires TYC to provide each correctional facility guard employed by TYC with at least 300 hours of training before the guard commences guarding duties at the facility.

(b) Requires TYC to maintain a ratio of not less than one guard for every 12 persons committed to the facility in each correctional facility operated by TYC.

SECTION 4. Amends Subchapter C, Chapter 61, Human Resources Code, by adding Section 61.0451, as follows:

Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) Requires TYC to establish an office of inspector general for the purpose of investigating fraud committed by TYC employees and crimes committed at a facility operated by TYC or at a residential facility operated by another entity under a contract with TYC.

(b) Requires the office of inspector general to report the results of any investigation conducted under this section to the governing board of TYC (board).

(c) Authorizes the office of inspector general to employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. Requires an inspector general to have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(d) Requires that peace officers employed and commissioned under Subsection (c) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

(e) Requires TYC by rule to establish policies and procedures for the operations of the office of inspector general.

SECTION 5. Amends Subchapter D, Chapter 61, Human Resources Code, by adding Section 61.061, as follows:

Sec. 61.061. DORM RESTRICTION IN COMMISSION FACILITIES. Prohibits TYC from assigning a child younger than 15 years of age to the same correctional facility dorm as a person who is at least 17 years of age.

SECTION 6. Amends Subchapter B, Chapter 411, Government Code, by adding Section 411.025, as follows:

Sec. 411.025. INVESTIGATION OF TEXAS YOUTH COMMISSION FACILITIES. (a) Requires Texas Rangers to make an unannounced visit at least once each month to a correctional facility operated by TYC to conduct observations and inspections of the facility.

(b) Requires the Texas Rangers to submit the results of the visits to the Texas Sunset Commission for inclusion in TYC's sunset review under Section 61.020, Human Resources Code.

(c) Provides that this section expires September 1, 2009.

SECTION 7. (a) Makes application of Section 61.0356(a), Human Resources Code, as added by this Act, prospective. Requires TYC to provide training to correctional facility guards hired before the effective date of this Act, as soon as practicable after the effective date of this Act, as necessary to conform to the requirements of Section 61.0356(a), Human Resources Code, as added by this Act.

(b) Requires TYC, as soon as practicable after the effective date of this Act, to ensure that:

(1) each correctional facility operated by TYC has a ratio of not less than one guard for every 12 children committed to the facility, as required by Section 61.0356(b), Human Resources Code, as added by this Act; and

(2) children younger than 15 years of age are assigned to separate correctional facility dorms from persons who are at least 17 years of age as required by Section 61.061, Human Resources Code, as added by this Act.

(c) Requires TYC to establish the office of inspector general as soon as practicable after the effective date of this Act, as required by Section 61.0451, Human Resources Code, as added by this Act.

SECTION 8. Effective date: September 1, 2007.