

By: Castro

H.B. No. 2335

A BILL TO BE ENTITLED

AN ACT

relating to the operations of the Texas Youth Commission.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

1 (7) each member of an arson investigating unit
2 commissioned by a city, a county, or the state;

3 (8) officers commissioned under Section 37.081,
4 Education Code, or Subchapter E, Chapter 51, Education Code;

5 (9) officers commissioned by the General Services
6 Commission;

7 (10) law enforcement officers commissioned by the
8 Parks and Wildlife Commission;

9 (11) airport police officers commissioned by a city
10 with a population of more than 1.18 million that operates an airport
11 that serves commercial air carriers;

12 (12) airport security personnel commissioned as peace
13 officers by the governing body of any political subdivision of this
14 state, other than a city described by Subdivision (11), that
15 operates an airport that serves commercial air carriers;

16 (13) municipal park and recreational patrolmen and
17 security officers;

18 (14) security officers and investigators commissioned
19 as peace officers by the comptroller;

20 (15) officers commissioned by a water control and
21 improvement district under Section 49.216, Water Code;

22 (16) officers commissioned by a board of trustees
23 under Chapter 54, Transportation Code;

24 (17) investigators commissioned by the Texas Medical
25 [~~State~~] Board [~~of Medical Examiners~~];

26 (18) officers commissioned by the board of managers of
27 the Dallas County Hospital District, the Tarrant County Hospital

1 District, or the Bexar County Hospital District under Section
2 281.057, Health and Safety Code;

3 (19) county park rangers commissioned under
4 Subchapter E, Chapter 351, Local Government Code;

5 (20) investigators employed by the Texas Racing
6 Commission;

7 (21) officers commissioned under Chapter 554,
8 Occupations Code;

9 (22) officers commissioned by the governing body of a
10 metropolitan rapid transit authority under Section 451.108,
11 Transportation Code, or by a regional transportation authority
12 under Section 452.110, Transportation Code;

13 (23) investigators commissioned by the attorney
14 general under Section 402.009, Government Code;

15 (24) security officers and investigators commissioned
16 as peace officers under Chapter 466, Government Code;

17 (25) an officer employed by the [~~Texas~~ Department of
18 State Health Services under Section 431.2471, Health and Safety
19 Code;

20 (26) officers appointed by an appellate court under
21 Subchapter F, Chapter 53, Government Code;

22 (27) officers commissioned by the state fire marshal
23 under Chapter 417, Government Code;

24 (28) an investigator commissioned by the commissioner
25 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;

26 (29) apprehension specialists and inspectors general
27 commissioned by the Texas Youth Commission as officers under

1 Sections 61.0451 and [Section] 61.0931, Human Resources Code;

2 (30) officers appointed by the executive director of
3 the Texas Department of Criminal Justice under Section 493.019,
4 Government Code;

5 (31) investigators commissioned by the Commission on
6 Law Enforcement Officer Standards and Education under Section
7 1701.160, Occupations Code;

8 (32) commission investigators commissioned by the
9 Texas [~~Commission on~~] Private Security Board under Section
10 1702.061(f), Occupations Code;

11 (33) the fire marshal and any officers, inspectors, or
12 investigators commissioned by an emergency services district under
13 Chapter 775, Health and Safety Code; and

14 (34) officers commissioned by the State Board of
15 Dental Examiners under Section 254.013, Occupations Code, subject
16 to the limitations imposed by that section.

17 SECTION 2. Article 104.003(a), Code of Criminal Procedure,
18 is amended to read as follows:

19 (a) In a prosecution of a felony committed while the actor
20 was a prisoner in the custody of the Texas Department of Criminal
21 Justice or a person committed to the Texas Youth Commission
22 [~~Corrections~~] or a prosecution of an offense committed in the
23 department or in the Texas Youth Commission by any person under
24 Section 38.11, Penal Code [Chapter 21, Acts of 55th Legislature,
25 Regular Session, 1957 (Article 6184m, Vernon's Texas Civil
26 Statutes)], [~~or~~] Chapter 481, Health and Safety Code, or Sections
27 485.031 through 485.035, Health and Safety Code, the state shall

1 reimburse the county for expenses incurred by the county, in an
2 amount that the court determines to be reasonable, for payment of:

3 (1) salaries and expenses of foreign language
4 interpreters and interpreters for deaf persons whose services are
5 necessary to the prosecution;

6 (2) consultation fees of experts whose assistance is
7 directly related to the prosecution;

8 (3) travel expenses for witnesses;

9 (4) expenses for the food, lodging, and compensation
10 of jurors;

11 (5) compensation of witnesses;

12 (6) the cost of preparation of a statement of facts and
13 a transcript of the trial for purposes of appeal;

14 (7) if the death of a person is an element of the
15 offense, expenses of an inquest relating to the death;

16 (8) food, lodging, and travel expenses incurred by the
17 prosecutor's staff during travel essential to the prosecution of
18 the offense;

19 (9) court reporter's fees; and

20 (10) the cost of special security officers.

21 SECTION 3. Subchapter C, Chapter 61, Human Resources Code,
22 is amended by adding Section 61.0356 to read as follows:

23 Sec. 61.0356. FACILITY GUARDS. (a) The commission shall
24 provide each correctional facility guard employed by the commission
25 with at least 300 hours of training before the guard commences
26 guarding duties at the facility.

27 (b) In each correctional facility operated by the

1 commission, the commission must maintain a ratio of not less than
2 one guard for every 12 persons committed to the facility.

3 SECTION 4. Subchapter C, Chapter 61, Human Resources Code,
4 is amended by adding Sections 61.0451 and 61.0452 to read as
5 follows:

6 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The
7 commission shall establish an office of inspector general for the
8 purpose of investigating:

9 (1) fraud committed by commission employees; and

10 (2) crimes committed at a facility operated by the
11 commission or at a residential facility operated by another entity
12 under a contract with the commission.

13 (b) The office of inspector general shall report the results
14 of any investigation conducted under this section to the board.

15 (c) The office of inspector general may employ and
16 commission inspectors general as peace officers for the purpose of
17 carrying out the duties described by this section. An inspector
18 general shall have all of the powers and duties given to peace
19 officers under Article 2.13, Code of Criminal Procedure.

20 (d) Peace officers employed and commissioned under
21 Subsection (c) must be certified by the Commission on Law
22 Enforcement Officer Standards and Education under Chapter 1701,
23 Occupations Code.

24 (e) The commission by rule shall establish policies and
25 procedures for the operations of the office of inspector general.

26 Sec. 61.0452. OFFICE OF OMBUDSMAN. (a) The commission
27 shall establish an office of ombudsman for the purpose of:

1 (1) evaluating the delivery of services to children
2 committed to the commission;

3 (2) receiving and reviewing complaints concerning
4 commission actions;

5 (3) conducting investigations of complaints if the
6 office determines that:

7 (A) a child committed to the commission or the
8 child's family may be in need of assistance from the office; or

9 (B) a systemic issue in the commission's
10 provision of services is raised by a complaint;

11 (4) making an appropriate referral or providing
12 assistance to a child committed to the commission or to the child's
13 family if after an investigation the ombudsman determines the child
14 or the child's family is in need of assistance;

15 (5) advocating the best interests of the child in the
16 process of providing assistance to a child or the child's family;

17 (6) periodically reviewing facilities operated by or
18 under contract with the commission and the operating procedures of
19 such facilities; and

20 (7) taking appropriate actions to advise children
21 committed to the commission, the parents or guardians of the
22 children, and commission employees of the services of the office of
23 ombudsman, the purpose of the office, and the procedures to follow
24 in contacting the office.

25 (b) The office of ombudsman shall report the results of an
26 investigation conducted under this section to the board.

27 (c) Notwithstanding any other law, the office of ombudsman

1 may access, inspect, or copy any record necessary to carry out the
2 responsibilities provided under this section.

3 (d) In performing the responsibilities provided under this
4 section, an employee of the office of ombudsman may communicate
5 privately with a person who has received or is receiving services
6 from the commission. A communication described by this subsection
7 is confidential and not subject to disclosure under Chapter 552,
8 Government Code.

9 (e) The name, address, or other personally identifiable
10 information of a person who files a complaint with the office of
11 ombudsman, information generated by the office of ombudsman in the
12 course of an investigation, and confidential records obtained by
13 the office of ombudsman are confidential and not subject to
14 disclosure under Chapter 552, Government Code, except that the
15 information and records, other than confidential information and
16 records concerning a pending law enforcement investigation or
17 criminal action, may be disclosed to the appropriate person if the
18 office determines that disclosure is:

19 (1) in the general public interest;

20 (2) necessary to enable the office to perform the
21 responsibilities provided under this section; or

22 (3) necessary to identify, prevent, or treat the abuse
23 or neglect of a child.

24 (f) The commission may not discharge or in any manner
25 discriminate or retaliate against an employee who in good faith
26 makes a complaint to the office of ombudsman or cooperates with the
27 office in an investigation.

1 SECTION 5. Subchapter D, Chapter 61, Human Resources Code,
2 is amended by adding Section 61.061 to read as follows:

3 Sec. 61.061. DORM RESTRICTION IN COMMISSION FACILITIES.
4 The commission may not assign a child younger than 15 years of age
5 to the same correctional facility dorm as a person who is at least
6 17 years of age.

7 SECTION 6. Subchapter E, Chapter 61, Human Resources Code,
8 is amended by adding Sections 61.0763 and 61.0764 to read as
9 follows:

10 Sec. 61.0763. PARENT'S BILL OF RIGHTS. (a) The commission
11 shall develop a parent's bill of rights for distribution to the
12 parent or guardian of a child who is under 18 years of age and
13 committed to the commission. The parent's bill of rights must
14 include:

15 (1) a description of the commission's grievance
16 policies and procedures;

17 (2) a list of possible incidents that require parental
18 notification;

19 (3) policies concerning visits and telephone
20 conversations with a child committed to the commission;

21 (4) a description of commission caseworker
22 responsibilities; and

23 (5) a statement that the commission caseworker
24 assigned to a child may assist the child's parent or guardian in
25 obtaining information and services from the commission or another
26 resource concerning:

27 (A) counseling, including substance abuse and

1 mental health counseling;

2 (B) assistance programs, including financial and
3 travel assistance programs for visiting a child committed to the
4 commission;

5 (C) workforce preparedness programs;

6 (D) parenting programs; and

7 (E) commission seminars.

8 (b) Not later than 48 hours after the time a child is
9 admitted to a commission facility, the commission shall mail to the
10 child's parent or guardian at the last known address of the parent
11 or guardian:

12 (1) the parent's bill of rights; and

13 (2) the contact information of the commission
14 caseworker assigned to the child.

15 Sec. 61.0764. COMMISSION CASEWORKERS. (a) The commission
16 shall assign a caseworker to a child committed to the commission. A
17 commission caseworker shall:

18 (1) explore family issues and needs with the parent or
19 guardian of a child committed to the commission;

20 (2) as needed, provide the parent or guardian of a
21 child committed to the commission with information concerning
22 programs and services provided by the commission or another
23 resource; and

24 (3) perform other duties required by the commission.

25 (b) A commission caseworker shall:

26 (1) at least once a month, attempt to contact the
27 child's parent or guardian by phone, in person while the parent or

1 guardian is visiting the facility, or, if necessary, by mail;

2 (2) if unsuccessful in contacting the child's parent
3 or guardian under Subdivision (1), attempt at least one additional
4 time each month to contact the child's parent or guardian; and

5 (3) document successful as well as unsuccessful
6 attempts to contact the child's parent or guardian.

7 (c) If for six months the commission caseworker is unable to
8 contact the child's parent or guardian as provided by Subsection
9 (b), a facility supervisor shall ensure that the supervisor, the
10 caseworker, or another facility administrator continues to attempt
11 to contact the parent or guardian at least once a month.

12 (d) To the extent practicable, a caseworker shall attempt to
13 communicate with a parent or guardian who does not speak English in
14 the native language of the parent or guardian.

15 SECTION 7. Subchapter B, Chapter 411, Government Code, is
16 amended by adding Section 411.025 to read as follows:

17 Sec. 411.025. INVESTIGATION OF TEXAS YOUTH COMMISSION
18 FACILITIES. (a) The Texas Rangers shall make an unannounced visit
19 at least once each month to a correctional facility operated by the
20 Texas Youth Commission to conduct observations and inspections of
21 the facility.

22 (b) The Texas Rangers shall submit the results of the visits
23 to the Texas Sunset Commission for inclusion in the Texas Youth
24 Commission's sunset review under Section 61.020, Human Resources
25 Code.

26 (c) This section expires September 1, 2009.

27 SECTION 8. (a) Section 61.0356(a), Human Resources Code,

1 as added by this Act, applies only to a correctional facility guard
2 hired by the Texas Youth Commission on or after the effective date
3 of this Act. As soon as practicable after the effective date of
4 this Act, the Texas Youth Commission shall provide training to
5 correctional facility guards hired before the effective date of
6 this Act as necessary to conform to the requirements of Section
7 61.0356(a), Human Resources Code, as added by this Act.

8 (b) As soon as practicable after the effective date of this
9 Act, the Texas Youth Commission shall ensure that:

10 (1) each correctional facility operated by the
11 commission has a ratio of not less than one guard for every 12
12 children committed to the facility, as required by Section
13 61.0356(b), Human Resources Code, as added by this Act; and

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

18 (c) As soon as practicable after the effective date of this
19 Act, the Texas Youth Commission shall establish the office of
20 inspector general and the office of ombudsman as required by
21 Sections 61.0451 and 61.0452, Human Resources Code, as added by
22 this Act.

23 SECTION 9. This Act takes effect September 1, 2007.