

By: Bolton

H.B. No. 3521

A BILL TO BE ENTITLED

AN ACT

relating to measures to increase the safety of children committed to the Texas Youth Commission.

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

SECTION 1. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Section 61.0356 to read as follows:

Sec. 61.0356. JOB APPLICANTS AND EMPLOYEES CONVICTED OF CRIMES INVOLVING A CHILD. (a) In this section, "convicted of a crime involving a child" means conviction of or deferred adjudication for a felony offense under Title 5, Penal Code, or an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, if the victim of the offense is under 18 years of age.

(b) The commission may hire an individual whose responsibilities involve, in whole or in part, dealing directly with children, only if the commission first determines that the individual has not been convicted of a crime involving a child.

(c) The commission may retain an employee whose responsibilities involve, in whole or in part, dealing directly with children, only if the commission first determines that the employee has not been convicted of a crime involving a child on or after September 1, 2007. This subsection does not prevent the commission from discharging an employee on determining that the employee was convicted of a crime involving a child before

1 September 1, 2007.

2 SECTION 2. Subchapter C, Chapter 61, Human Resources Code,  
3 is amended by adding Section 61.0424 to read as follows:

4 Sec. 61.0424. ALLEGATION OF ABUSE OR NEGLECT AT COMMISSION  
5 FACILITY. (a) The attorney general shall investigate an  
6 allegation of abuse or neglect of a child at a facility operated by  
7 the commission.

8 (b) The attorney general shall report its findings and  
9 recommendations concerning the allegation to the commission.

10 SECTION 3. Subchapter C, Chapter 61, Human Resources Code,  
11 is amended by adding Sections 61.0451, 61.0452, and 61.0453 to read  
12 as follows:

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

16 (1) fraud committed by commission employees,  
17 including parole officers employed by or under contract with the  
18 commission; and

19 (2) crimes committed at a facility operated by the  
20 commission or at a residential facility operated by another entity  
21 under a contract with the commission.

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

24 (c) The office of inspector general may employ and  
25 commission inspectors general as peace officers for the purpose of  
26 carrying out the duties described by this section. An inspector  
27 general shall have all of the powers and duties given to peace

1 officers under Article 2.13, Code of Criminal Procedure.

2 (d) Peace officers employed and commissioned under  
3 Subsection (c) must be certified by the Commission on Law  
4 Enforcement Officer Standards and Education under Chapter 1701,  
5 Occupations Code.

6 (e) The board shall appoint a commissioned peace officer as  
7 chief inspector general. The chief inspector general:

8 (1) is subject to the requirements of this section;  
9 and

10 (2) shall report information regarding the operations  
11 of the office of inspector general to the board on request of the  
12 board.

13 (f) The commission by rule shall establish policies and  
14 procedures for the operations of the office of inspector general.

15 Sec. 61.0452. COMPLAINTS. (a) The commission shall  
16 establish procedures for:

17 (1) receiving and reviewing complaints concerning  
18 commission actions; and

19 (2) conducting investigations of complaints if the  
20 commission determines that:

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

23 (B) a systemic issue in the commission's  
24 provision of services is raised by a complaint.

25 (b) The commission shall:

26 (1) treat any complaint submitted to it under this  
27 section as also submitted to the office of the inspector general;

1 and

2 (2) provide the office of inspector general with a  
3 copy of the complaint, along with all supporting documentation.

4 (c) The commission shall adopt rules to provide both a  
5 timeline and time limits for an investigation under this section.

6 (d) The commission shall establish procedures to  
7 standardize and provide for the recordkeeping of:

8 (1) receiving all correspondence; and

9 (2) all communications relating to any investigation.

10 (e) The commission may not discharge or in any manner  
11 discriminate or retaliate against an employee who in good faith  
12 makes a complaint to the commission or cooperates with the office in  
13 an investigation.

14 Sec. 61.0453. OVERSIGHT OF STUDENTS. (a) At a facility of  
15 the commission, a single individual may not have complete control,  
16 supervision, or oversight over the schedule and movements of the  
17 children in the facility.

18 (b) The commission shall by rule establish procedures to  
19 implement this section.

20 SECTION 4. Subchapter D, Chapter 61, Human Resources Code,  
21 is amended by adding Section 61.0655 to read as follows:

22 Sec. 61.0655. NOTIFICATION OF CHILD AND FAMILY OF CHILD.

23 (a) On receipt of the order of commitment of a child to the  
24 commission, the commission shall provide to the child and to the  
25 parent or guardian of the child:

26 (1) a statement of the rights that the child has while  
27 committed to the commission;

1           (2) the names, addresses, phone numbers, and e-mail  
2 addresses of:

3                   (A) the employee of the commission with  
4 supervisory authority over the facility to which the child is  
5 committed with whom the child can file a complaint or otherwise  
6 report any abuse;

7                   (B) an employee in the office of the inspector  
8 general with whom the child can file a complaint or otherwise report  
9 any abuse;

10                  (C) an employee in the office of the attorney  
11 general with whom the child can file a complaint or otherwise report  
12 any abuse; and

13                  (D) the state representative and senator of the  
14 child.

15           (b) The commission shall also provide to the child the  
16 information described by Subsection (a):

17                   (1) when the child first arrives at the commission;  
18 and

19                   (2) during the initial orientation or training  
20 conducted by the commission for the child.

21           SECTION 5. Subchapter G, Chapter 61, Human Resources Code,  
22 is amended by adding Section 61.098 to read as follows:

23           Sec. 61.098. POSTING OF INFORMATION. (a) The commission  
24 shall post a sign in the eating area and other conspicuous, high  
25 traffic, high visibility locations at each of its facilities for  
26 children that states:

27                   (1) the rights that the child has while committed to

1 the commission; and

2 (2) the name, phone number, and e-mail address of the  
3 employee of the commission with supervisory authority over the  
4 facility to which the child is committed with whom the child can  
5 file a complaint or otherwise report any abuse.

6 (b) The sign must have dimensions of at least 8-1/2 inches  
7 by 11 inches and be in an easily readable font and type size.

8 SECTION 6. Section 411.1141(a), Government Code, is amended  
9 to read as follows:

10 (a) The Texas Youth Commission is entitled to obtain from  
11 the department criminal history record information maintained by  
12 the department that relates to a person who is:

13 (1) an applicant for a position with or an employee of  
14 the Texas Youth Commission;

15 (2) a volunteer or an intern, or an applicant  
16 volunteer or intern, with the Texas Youth Commission;

17 (3) a business entity or person who contracts with the  
18 Texas Youth Commission to provide direct delivery services to  
19 youth;

20 (4) an employee of, or an applicant for employment  
21 with, a business entity or person who contracts with the Texas Youth  
22 Commission to provide direct delivery of services to youth; or

23 (5) a volunteer or an intern, or an applicant  
24 volunteer or intern, with a business entity or person who contracts  
25 with the Texas Youth Commission to provide direct delivery of  
26 services to youth.

27 SECTION 7. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2007.