

By: Elkins

H.B. No. 3726

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability of judges required to serve on juvenile
3 boards of certain counties.

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

5 SECTION 1. Chapter 152, Subchapter D, Human Resources Code,
6 is amended to read as follows:

7 Sec. 152.1071. HARRIS COUNTY. (a) The juvenile board of
8 Harris County is composed of:

9 (1) the county judge;

10 (2) the juvenile court judges;

11 (3) one judge of a district court that primarily hears
12 family law matters, selected by those judges;

13 (4) one judge of a district court that primarily hears
14 criminal law cases, selected by those judges;

15 (5) one judge of a district court that primarily hears
16 civil cases, selected by those judges; and

17 (6) a justice of the peace in Harris County, selected
18 by majority vote of all of the justices of the peace in the county.

19 (b) At the first meeting in January each year the board
20 shall elect a chairman from among the members. The board shall hold
21 regular monthly meetings and may meet at the call of the chairman or
22 at the written request to the chairman of at least two members. The
23 board shall keep accurate and complete minutes of its meetings. The
24 minutes are open to public inspection.

1 (c) The juvenile board shall appoint a chief probation
2 officer who meets the standards set by the Texas Juvenile Probation
3 Commission. [~~Subject to the approval of the commissioners court,~~
4 ~~the juvenile board shall establish a general personnel policy for~~
5 ~~the employees of the probation department and the county~~
6 ~~institutions under the jurisdiction of the board. The board shall~~
7 ~~establish and maintain an employee classification system that~~
8 ~~includes:~~

9 (1) ~~an accurate statement of the duties of each~~
10 ~~employee position;~~

11 (2) ~~the qualification for each position; and~~

12 (3) ~~a compensation plan that ensures equal pay for~~
13 ~~equal work.]~~

14 (d) The juvenile board shall make an annual written report
15 to the commissioners court that relates to the operations and
16 efficiency of the juvenile probation department and the county
17 institutions under the jurisdiction of the board and to the general
18 adequacy of the juvenile services provided by the county. The board
19 may include in the report any recommendations for improvements that
20 the board considers necessary.

21 (e) The board shall investigate the operations of the
22 juvenile probation department and the county institutions under the
23 jurisdiction of the board at the request of the juvenile court
24 judge. The board shall make a written report of the investigation
25 to the commissioners court.

26 (f) The juvenile board may make any special studies or
27 investigations it considers necessary to improve the operations of

1 the juvenile probation departments and the county institutions
2 under its jurisdiction.

3 (g) Subject to the approval of the commissioners court, the
4 board may accept and hold in trust a grant or donation of land,
5 money, or other personal property to benefit the county facilities
6 under the jurisdiction of the board.

7 (h) The juvenile board shall inspect and certify the
8 facilities used for juvenile detention or confinement pursuant to
9 the requirements of Chapter 51 of the Texas Family Code.

10 (i) The duties under this section are judicial
11 responsibilities, and each member of the juvenile board shall have
12 judicial immunity from all suits arising from the activities under
13 this section, the activities under Chapter 51 of the Texas Family
14 Code, and from the activities of the chief juvenile probation
15 officer.

16 (j) [~~(h)~~] Sections 152.0002, 152.0003, 152.0004, 152.0005,
17 152.0006, 152.0007, and 152.0008 do not apply to the juvenile board
18 of Harris County.

19 Sec. 152.1072. HARRIS COUNTY JUVENILE PROBATION
20 DEPARTMENT. (a) The Harris County chief probation officer is the
21 chief administrative officer of the juvenile probation department
22 and the director of the county institutions under the jurisdiction
23 of the juvenile board.

24 (b) The chief probation officer shall annually prepare
25 under the juvenile board's direction a budget for the juvenile
26 probation department and the county institutions under the
27 jurisdiction of the juvenile board. The juvenile board shall

1 approve the budget and submit the budget to the commissioners court
2 for final approval in the same manner prescribed by law for the
3 other county agencies and departments.

4 (c) Subject to the approval of the commissioners court, the
5 chief probation officer shall establish a general personnel policy
6 for the employees of the probation department and the county
7 institutions under the jurisdiction of the juvenile board. The
8 chief probation officer shall establish and maintain an employee
9 classification system that includes:

10 (1) an accurate statement of the duties of each
11 employee

12 (2) the qualifications for each position; and

13 (3) a compensation plan that ensures equal pay for
14 equal work.

15 (d) [~~(c)~~] The chief probation officer shall hire the
16 employees of the juvenile probation department and of the county
17 institutions under the jurisdiction of the juvenile board. The
18 chief probation officer may remove an employee at any time. The
19 appointment and removal of supervisors of the probation department
20 and of superintendents of county institutions are subject to
21 approval by the juvenile board. The commissioners court shall pay
22 the salaries and expenses of the employees as determined by the
23 budget submitted by the juvenile board and approved by the
24 commissioners court.

25 SECTION 2. (a) This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

1 If the Act does not receive the vote necessary for immediate effect,
2 this Act takes effect September 1, 2007.

3 (b) The change in law made by this Act applies to actions of
4 the juvenile board that occurred before, on, or after the effective
5 date of this Act.