

By: Hinojosa, et al.

S.B. No. 103

Substitute the following for S.B. No. 103:

By: Hochberg

C.S.S.B. No. 103

A BILL TO BE ENTITLED

AN ACT

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relating to the Texas Youth Commission and the prosecution of certain offenses and delinquent conduct in the Texas Youth Commission and certain other criminal justice agencies; providing penalties.

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

1 district attorneys', and county attorneys' offices;

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

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

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

8 (9) officers commissioned by the General Services
9 Commission;

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

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

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

19 (13) municipal park and recreational patrolmen and
20 security officers;

21 (14) security officers and investigators commissioned
22 as peace officers by the comptroller;

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

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

27 (17) investigators commissioned by the Texas Medical

1 ~~[State] Board [of Medical Examiners];~~

2 (18) officers commissioned by the board of managers of
3 the Dallas County Hospital District, the Tarrant County Hospital
4 District, or the Bexar County Hospital District under Section
5 281.057, Health and Safety Code;

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

8 (20) investigators employed by the Texas Racing
9 Commission;

10 (21) officers commissioned under Chapter 554,
11 Occupations Code;

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

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

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

20 (25) an officer employed by the ~~[Texas]~~ Department of
21 State Health Services under Section 431.2471, Health and Safety
22 Code;

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

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

27 (28) an investigator commissioned by the commissioner

1 of insurance under Section 701.104 [~~Article 1.10D~~], Insurance Code;

2 (29) apprehension specialists and inspectors general
3 commissioned by the Texas Youth Commission as officers under
4 Sections 61.0451 and [~~Section~~] 61.0931, Human Resources Code;

5 (30) officers appointed by the executive director of
6 the Texas Department of Criminal Justice under Section 493.019,
7 Government Code;

8 (31) investigators commissioned by the Commission on
9 Law Enforcement Officer Standards and Education under Section
10 1701.160, Occupations Code;

11 (32) commission investigators commissioned by the
12 Texas [~~Commission on~~] Private Security Board under Section
13 1702.061(f), Occupations Code;

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

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

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

22 (a) In a prosecution of a criminal offense or delinquent
23 conduct [~~felony~~] committed on property owned or operated by or
24 under contract with [~~while the actor was a prisoner in the custody~~
25 ~~of~~] the Texas Department of Criminal Justice or the Texas Youth
26 Commission, or committed by or against a person in the custody of
27 the department or commission while the person is performing a duty

1 away from department or commission property [~~Corrections or a~~
2 ~~prosecution of an offense committed in the department by any person~~
3 ~~under Chapter 21, Acts of 55th Legislature, Regular Session, 1957~~
4 ~~(Article 6184m, Vernon's Texas Civil Statutes), or Chapter 481,~~
5 ~~Health and Safety Code, or Sections 485.031 through 485.035, Health~~
6 ~~and Safety Code], the state shall reimburse the county for expenses
7 incurred by the county, in an amount that the court determines to be
8 reasonable, for payment of:~~

9 (1) salaries and expenses of foreign language
10 interpreters and interpreters for deaf persons whose services are
11 necessary to the prosecution;

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

14 (3) travel expenses for witnesses;

15 (4) expenses for the food, lodging, and compensation
16 of jurors;

17 (5) compensation of witnesses;

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

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

22 (8) food, lodging, and travel expenses incurred by the
23 prosecutor's staff during travel essential to the prosecution of
24 the offense;

25 (9) court reporter's fees; and

26 (10) the cost of special security officers.

27 SECTION 3. Sections 54.04(d) and (u), Family Code, are

1 amended to read as follows:

2 (d) If the court or jury makes the finding specified in
3 Subsection (c) allowing the court to make a disposition in the case:

4 (1) the court or jury may, in addition to any order
5 required or authorized under Section 54.041 or 54.042, place the
6 child on probation on such reasonable and lawful terms as the court
7 may determine:

8 (A) in the child's own home or in the custody of a
9 relative or other fit person; or

10 (B) subject to the finding under Subsection (c)
11 on the placement of the child outside the child's home, in:

12 (i) a suitable foster home; or

13 (ii) a suitable public or private
14 institution or agency, except the Texas Youth Commission;

15 (2) if the court or jury found at the conclusion of the
16 adjudication hearing that the child engaged in delinquent conduct
17 that violates a penal law of this state or the United States of the
18 grade of felony [~~or, if the requirements of Subsection (s) or (t)~~
19 ~~are met, of the grade of misdemeanor,~~] and if the petition was not
20 approved by the grand jury under Section 53.045, the court may
21 commit the child to the Texas Youth Commission without a
22 determinate sentence;

23 (3) if the court or jury found at the conclusion of the
24 adjudication hearing that the child engaged in delinquent conduct
25 that included a violation of a penal law listed in Section 53.045(a)
26 and if the petition was approved by the grand jury under Section
27 53.045, the court or jury may sentence the child to commitment in

1 the Texas Youth Commission with a possible transfer to the
2 [~~institutional division or the pardons and paroles division of the~~]
3 Texas Department of Criminal Justice for a term of:

4 (A) not more than 40 years if the conduct
5 constitutes:

6 (i) a capital felony;

7 (ii) a felony of the first degree; or

8 (iii) an aggravated controlled substance
9 felony;

10 (B) not more than 20 years if the conduct
11 constitutes a felony of the second degree; or

12 (C) not more than 10 years if the conduct
13 constitutes a felony of the third degree;

14 (4) the court may assign the child an appropriate
15 sanction level and sanctions as provided by the assignment
16 guidelines in Section 59.003; or

17 (5) if applicable, the court or jury may make a
18 disposition under Subsection (m).

19 (u) For the purposes of disposition under Subsection
20 (d)(2), delinquent conduct that violates a penal law of this state
21 of the grade of felony [~~or misdemeanor~~] does not include conduct
22 that violates a lawful order of a county, municipal, justice, or
23 juvenile court under circumstances that would constitute contempt
24 of that court.

25 SECTION 4. Section 54.05(f), Family Code, is amended to
26 read as follows:

27 (f) Except as provided by Subsection (j), a disposition

1 based on a finding that the child engaged in delinquent conduct that
2 violates a penal law of this state or the United States of the grade
3 of felony [~~or, if the requirements of Subsection (k) are met, of the~~
4 ~~grade of misdemeanor,~~] may be modified so as to commit the child to
5 the Texas Youth Commission if the court after a hearing to modify
6 disposition finds by a preponderance of the evidence that the child
7 violated a reasonable and lawful order of the court. A disposition
8 based on a finding that the child engaged in habitual felony conduct
9 as described by Section 51.031 or in delinquent conduct that
10 included a violation of a penal law listed in Section 53.045(a) may
11 be modified to commit the child to the Texas Youth Commission with a
12 possible transfer to the [~~institutional division or the pardons and~~
13 ~~parole division of the~~] Texas Department of Criminal Justice for a
14 definite term prescribed by Section 54.04(d)(3) if the original
15 petition was approved by the grand jury under Section 53.045 and if
16 after a hearing to modify the disposition the court finds that the
17 child violated a reasonable and lawful order of the court.

18 SECTION 5. Chapter 54, Family Code, is amended by adding
19 Section 54.052 to read as follows:

20 Sec. 54.052. CREDIT FOR TIME SPENT IN DETENTION FACILITY
21 FOR CHILD WITH DETERMINATE SENTENCE. (a) This section applies only
22 to a child who is committed to the Texas Youth Commission under a
23 determinate sentence under Section 54.04(d)(3) or (m) or Section
24 54.05(f).

25 (b) The judge of the court in which a child is adjudicated
26 shall give the child credit on the child's sentence for the time
27 spent by the child, in connection with the conduct for which the

1 child was adjudicated, in a secure detention facility before the
2 child's transfer to a Texas Youth Commission facility.

3 (c) If a child appeals the child's adjudication and is
4 retained in a secure detention facility pending the appeal, the
5 judge of the court in which the child was adjudicated shall give the
6 child credit on the child's sentence for the time spent by the child
7 in a secure detention facility pending disposition of the child's
8 appeal. The court shall endorse on both the commitment and the
9 mandate from the appellate court all credit given the child under
10 this subsection.

11 (d) The Texas Youth Commission shall grant any credit under
12 this section in computing the child's eligibility for parole and
13 discharge.

14 SECTION 6. Section 58.106(a), Family Code, is amended to
15 read as follows:

16 (a) Except as otherwise provided by this section,
17 information contained in the juvenile justice information system is
18 confidential information for the use of the department and may not
19 be disseminated by the department except:

20 (1) with the permission of the juvenile offender, to
21 military personnel of this state or the United States;

22 (2) to a person or entity to which the department may
23 grant access to adult criminal history records as provided by
24 Section 411.083, Government Code;

25 (3) to a juvenile justice agency; ~~and~~

26 (4) to ~~[the Criminal Justice Policy Council]~~ the
27 Texas Youth Commission~~[7]~~ and the Texas Juvenile Probation

1 Commission for analytical purposes; and

2 (5) to the office of independent ombudsman of the
3 Texas Youth Commission.

4 SECTION 7. Section 41.102, Government Code, is amended by
5 adding Subsection (c) to read as follows:

6 (c) The attorney general may offer to assist a prosecuting
7 attorney in the prosecution of criminal offenses concerning the
8 Texas Youth Commission.

9 SECTION 8. Chapter 41, Government Code, is amended by
10 adding Subchapter E to read as follows:

11 SUBCHAPTER E. SPECIAL PROSECUTION UNIT

12 Sec. 41.301. DEFINITIONS. In this subchapter:

13 (1) "Board of directors" means the board of directors
14 of the unit.

15 (2) "Commission" means the Texas Youth Commission.

16 (3) "Department" means the Texas Department of
17 Criminal Justice.

18 (4) "Executive board" means the executive board
19 governing the board of directors of the unit.

20 (5) "Prosecuting attorney" means a district attorney,
21 a criminal district attorney, or a county attorney representing the
22 state in criminal matters before the district or inferior courts of
23 the county.

24 (6) "Unit" means the special prosecution unit.

25 Sec. 41.302. GENERAL FUNCTION OF SPECIAL PROSECUTION UNIT.

26 The special prosecution unit is an independent unit that cooperates
27 with and supports prosecuting attorneys in prosecuting offenses and

1 delinquent conduct described by Article 104.003(a), Code of
2 Criminal Procedure.

3 Sec. 41.303. BOARD OF DIRECTORS. (a) The unit is governed
4 by a board of directors composed of each prosecuting attorney who
5 represents the state in criminal matters before a court in a county
6 in which one or more facilities owned or operated by or under
7 contract with the department or the commission are located.

8 (b) A prosecuting attorney described by Subsection (a)
9 shall serve on the board of directors in addition to the other
10 duties of the prosecuting attorney assigned by law.

11 Sec. 41.304. EXECUTIVE BOARD. (a) The board of directors
12 is governed by an executive board composed of 11 members elected by
13 the membership of the board of directors on a majority vote from
14 among that membership, as follows:

15 (1) one member of the executive board who represents
16 the state in criminal matters before a court in a county in which
17 one or more facilities owned or operated by or under contract with
18 the commission are located shall be elected on a majority vote of
19 the members of the board of directors to serve a term expiring in an
20 even-numbered year;

21 (2) an additional four members of the executive board
22 shall be elected on a majority vote of the members of the board of
23 directors to serve terms expiring in even-numbered years;

24 (3) one member of the executive board who represents
25 the state in criminal matters before a court in a county in which
26 one or more facilities owned or operated by or under contract with
27 the commission are located shall be elected on a majority vote of

1 the members of the board of directors to serve a term expiring in an
2 odd-numbered year; and

3 (4) an additional five members of the executive board
4 shall be elected on a majority vote of the members of the board of
5 directors to serve terms expiring in odd-numbered years.

6 (b) If a vacancy on the executive board occurs, the board of
7 directors shall elect a person to serve the remainder of the
8 vacating member's term in the manner provided by Subsection (a). To
9 be eligible for election under this subsection, a person must meet
10 any qualifications required of the vacating member for service on
11 the executive board.

12 Sec. 41.305. OFFICERS. (a) The members of the board of
13 directors, on a majority vote, shall elect from among the
14 membership of the executive board a presiding officer and an
15 assistant presiding officer. The presiding officer serves as the
16 presiding officer of the board of directors and the executive
17 board, and the assistant presiding officer serves as the assistant
18 presiding officer of the board of directors and the executive
19 board.

20 (b) The presiding officer and the assistant presiding
21 officer serve terms of one year.

22 (c) The assistant presiding officer serves as presiding
23 officer of the board of directors and the executive board in the
24 presiding officer's absence or if a vacancy occurs in that office
25 until a new presiding officer is elected as provided by Subsection
26 (d).

27 (d) If a vacancy occurs in the office of presiding officer

1 or assistant presiding officer, the board of directors shall elect
2 a person to serve the remainder of the vacating officer's term in
3 the manner provided by Subsection (a).

4 Sec. 41.306. MEMBERSHIP ON BOARD OF DIRECTORS OR EXECUTIVE
5 BOARD NOT A CIVIL OFFICE OF EMOLUMENT. A position on the board of
6 directors or the executive board may not be construed to be a civil
7 office of emolument for any purpose, including those purposes
8 described in Section 40, Article XVI, Texas Constitution.

9 Sec. 41.307. REIMBURSEMENT FOR EXPENSES. A member of the
10 board of directors or executive board is not entitled to
11 compensation for service on the board of directors or executive
12 board, if applicable, but is entitled to be reimbursed for
13 necessary expenses incurred in carrying out the duties and
14 responsibilities of a member of the board of directors and the
15 executive board, if applicable, as provided by the General
16 Appropriations Act.

17 Sec. 41.308. CHIEF OF SPECIAL PROSECUTION UNIT; ADDITIONAL
18 EMPLOYEES. The board of directors, on a majority vote, shall employ
19 a person to serve as chief of the unit and additional persons to
20 accomplish the unit's purposes. The board of directors may
21 determine the compensation of the unit's employees.

22 Sec. 41.309. ELECTION OF COUNSELLOR. (a) The executive
23 board, on a majority vote, shall elect a counsellor.

24 (b) To be eligible to serve as a counsellor, a person must:

25 (1) be certified in criminal law by the Texas Board of
26 Legal Specialization;

27 (2) have at least five years of experience as a lawyer

1 assisting prosecuting attorneys in prosecuting offenses or
2 delinquent conduct committed on state property used for the custody
3 of persons charged with or convicted of offenses or used for the
4 custody of children charged with or adjudicated as having engaged
5 in delinquent conduct or conduct indicating a need for supervision;
6 or

7 (3) have served for at least five years as a
8 prosecuting attorney or as a judge of a district court, a court of
9 appeals, or the court of criminal appeals.

10 Sec. 41.310. DUTIES OF COUNSELLOR. (a) The counsellor
11 elected in accordance with Section 41.309:

12 (1) shall coordinate prosecution issues in and monitor
13 each case involving an offense or delinquent conduct described by
14 Article 104.003(a), Code of Criminal Procedure, that concerns the
15 commission;

16 (2) shall work with criminal justice analysts employed
17 by the Legislative Budget Board and other persons who monitor cases
18 involving offenses or delinquent conduct described by Article
19 104.003(a), Code of Criminal Procedure; and

20 (3) may conduct an investigation of any alleged
21 illegal or improper conduct by commission officers, employees, or
22 contractors that the counsellor reasonably believes:

23 (A) jeopardizes the health, safety, and welfare
24 of children in the custody of the commission; and

25 (B) could constitute an offense described by
26 Article 104.003(a), Code of Criminal Procedure.

27 (b) In addition to the duties prescribed by Subsection (a),

1 the counsellor shall on a quarterly basis provide the board of
2 directors and the standing committees of the senate and house of
3 representatives with primary jurisdiction over matters concerning
4 correctional facilities with a report concerning offenses or
5 delinquent conduct prosecuted by the unit on receiving a request
6 for assistance under Section 61.098, Human Resources Code, or a
7 request for assistance otherwise from a prosecuting attorney. A
8 report under this subsection is public information under Chapter
9 552, Government Code, and the board of directors shall request that
10 the commission publish the report on the commission's Internet
11 website. A report must be both aggregated and disaggregated by
12 individual facility and include information relating to:

13 (1) the number of requests for assistance received
14 under Section 61.098, Human Resources Code, and requests for
15 assistance otherwise received from prosecuting attorneys;

16 (2) the number of cases investigated and the number of
17 cases prosecuted;

18 (3) the types and outcomes of cases prosecuted, such
19 as whether the case concerned narcotics or an alleged incident of
20 sexual abuse; and

21 (4) the relationship of a victim to a perpetrator, if
22 applicable.

23 (c) The counsellor, in consultation with the board of
24 directors, shall notify the foreman of the appropriate grand jury,
25 in the manner provided by Article 20.09, Code of Criminal
26 Procedure, if:

27 (1) the counsellor receives credible evidence of

1 illegal or improper conduct by commission officers, employees, or
2 contractors that the counsellor reasonably believes jeopardizes
3 the health, safety, and welfare of children in the custody of the
4 commission;

5 (2) the counsellor reasonably believes the conduct:

6 (A) could constitute an offense described by
7 Article 104.003(a), Code of Criminal Procedure; and

8 (B) involves the alleged physical or sexual abuse
9 of a child in the custody of a commission facility or an
10 investigation related to the alleged abuse; and

11 (3) the counsellor has reason to believe that
12 information concerning the conduct has not previously been
13 presented to the appropriate grand jury.

14 SECTION 9. Chapter 325, Government Code, is amended by
15 adding Section 325.0121 to read as follows:

16 Sec. 325.0121. STUDY ON TRANSITION TOWARD REGIONALIZED
17 JUVENILE CORRECTIONS. (a) The commission shall appoint an
18 advisory committee as provided by this section to develop a
19 practicable plan to move the Texas Youth Commission toward a
20 regionalized structure of smaller facilities and more diversified
21 treatment and placement options, taking into consideration the
22 likely effects of this regionalized structure on:

23 (1) recidivism;

24 (2) juvenile and family access to services; and

25 (3) costs to this state and the counties of this state.

26 (b) The commission shall take into consideration the
27 findings and recommendations of the advisory committee in its

1 report to the legislature under Section 325.012 as part of its
2 review of the Texas Youth Commission, which, as provided by Section
3 61.020, Human Resources Code, is abolished September 1, 2009,
4 unless continued in existence as provided by this chapter.

5 (c) The commission shall appoint an advisory committee not
6 later than December 1, 2007.

7 (d) The advisory committee consists of nine members
8 appointed by the commission in consultation with the Texas Youth
9 Commission, Texas Juvenile Probation Commission, governor,
10 lieutenant governor, and speaker of the house of representatives.
11 At least three of the members must be nationally recognized experts
12 in the field of juvenile justice. At least one of the members must
13 be a recognized advocate for children.

14 (e) The chairman of the commission shall designate a
15 presiding officer from among the members appointed to the advisory
16 committee.

17 (f) The advisory committee shall convene at the call of the
18 presiding officer.

19 (g) A member of the advisory committee may not receive
20 compensation from the state for committee service but may receive
21 reimbursement for travel to official meetings according to policies
22 established by the commission.

23 (h) Not later than December 1, 2008, the advisory committee
24 shall report the committee's findings and recommendations to the
25 commission.

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

27 SECTION 10. Section 411.1141(a), Government Code, is

1 amended to read as follows:

2 (a) The Texas Youth Commission is entitled to obtain from
3 the department criminal history record information maintained by
4 the department that relates to a person described by Section
5 61.0357(b), Human Resources Code [~~who is:~~

6 [~~(1) an applicant for a position with the Texas Youth~~
7 ~~Commission;~~

8 [~~(2) a volunteer or an intern, or an applicant~~
9 ~~volunteer or intern, with the Texas Youth Commission;~~

10 [~~(3) a business entity or person who contracts with~~
11 ~~the Texas Youth Commission to provide direct delivery services to~~
12 ~~youth;~~

13 [~~(4) an employee of, or an applicant for employment~~
14 ~~with, a business entity or person who contracts with the Texas Youth~~
15 ~~Commission to provide direct delivery of services to youth; or~~

16 [~~(5) a volunteer or an intern, or an applicant~~
17 ~~volunteer or intern, with a business entity or person who contracts~~
18 ~~with the Texas Youth Commission to provide direct delivery of~~
19 ~~services to youth].~~

20 SECTION 11. Chapter 493, Government Code, is amended by
21 adding Section 493.026 to read as follows:

22 Sec. 493.026. INSPECTOR GENERAL REPORT ON CRIMINAL
23 OFFENSES. (a) In this section, "special prosecution unit" means
24 the special prosecution unit established under Subchapter E,
25 Chapter 41.

26 (b) The inspector general of the department shall on a
27 quarterly basis prepare and deliver to the board of directors of the

1 special prosecution unit a report concerning any alleged criminal
2 offense concerning the department and described by Article
3 104.003(a), Code of Criminal Procedure, that occurred during the
4 preceding calendar quarter.

5 SECTION 12. Section 508.156(a), Government Code, is amended
6 to read as follows:

7 (a) Before the release of a person who is transferred under
8 Section 61.081(f) or 61.084(g) [~~61.084(f) or (g)~~], Human Resources
9 Code, to the division for release on parole, a parole panel shall
10 review the person's records and may interview the person or any
11 other person the panel considers necessary to determine the
12 conditions of parole. The panel may impose any reasonable condition
13 of parole on the person that the panel may impose on an adult inmate
14 under this chapter.

15 SECTION 13. Section 811.001(9), Government Code, is amended
16 to read as follows:

17 (9) "Law enforcement officer" means a member of the
18 retirement system who:

19 (A) has been commissioned as a law enforcement
20 officer by the Department of Public Safety, the Texas Alcoholic
21 Beverage Commission, [~~or~~] the Parks and Wildlife Department, or the
22 office of inspector general at the Texas Youth Commission; and

23 (B) is recognized as a commissioned law
24 enforcement officer by the Commission on Law Enforcement Officer
25 Standards and Education.

26 SECTION 14. Section 814.104(b), Government Code, is amended
27 to read as follows:

1 (b) A member who is at least 55 years old and who has at
2 least 10 years of service credit as a commissioned peace officer
3 engaged in criminal law enforcement activities of the Department of
4 Public Safety, the Texas Alcoholic Beverage Commission, [~~or~~] the
5 Parks and Wildlife Department, or the office of inspector general
6 at the Texas Youth Commission, or as a custodial officer, is
7 eligible to retire and receive a service retirement annuity.

8 SECTION 15. Section 815.505, Government Code, is amended to
9 read as follows:

10 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
11 CUSTODIAL OFFICERS. Not later than the 12th day of the month
12 following the month in which a person begins or ceases employment as
13 a law enforcement officer or custodial officer, the Public Safety
14 Commission, the Texas Alcoholic Beverage Commission, the Parks and
15 Wildlife Commission, the office of inspector general at the Texas
16 Youth Commission, the Board of Pardons and Paroles, or the Texas
17 Board of Criminal Justice, as applicable, shall certify to the
18 retirement system, in the manner prescribed by the system, the name
19 of the employee and such other information as the system determines
20 is necessary for the crediting of service and financing of benefits
21 under this subtitle.

22 SECTION 16. Section 61.001, Human Resources Code, is
23 amended by adding Subdivision (7) to read as follows:

24 (7) "Office of inspector general" means the office of
25 inspector general established under Section 61.0451.

26 SECTION 17. Section 61.012(b), Human Resources Code, is
27 amended to read as follows:

1 (b) Members of the board must be citizens who are recognized
2 within their communities for their interest in youth. The board
3 shall be comprised of at least one physician, an experienced member
4 of a victim's advocacy organization, a mental health professional,
5 and a current or former prosecutor or judge. A majority of the
6 members of the board must be qualified, by experience or education,
7 in the development and administration of programs for the
8 rehabilitation and reestablishment in society of children in the
9 custody of agencies similar in mission and scope to the commission.

10 SECTION 18. Sections 61.019 and 61.0191, Human Resources
11 Code, are amended to read as follows:

12 Sec. 61.019. DELEGATION OF POWERS AND DUTIES. Any power,
13 duty, or function of the commission or of the board that is not
14 assigned by statute to the office of inspector general may be
15 exercised and performed by the executive director or any member or
16 employee designated or assigned by the board or by the executive
17 director.

18 Sec. 61.0191. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The
19 [~~financial transactions of the~~] commission is [~~are~~] subject to
20 audit by the state auditor in accordance with Chapter 321,
21 Government Code.

22 (b) The state auditor, on request of the office of inspector
23 general, may provide information or other assistance to the office
24 of inspector general that the state auditor determines is
25 appropriate. The office of inspector general may coordinate with
26 the state auditor to review or schedule a plan for an investigation
27 under Section 61.0451 or share other information.

1 (c) The state auditor may access all information maintained
2 by the office of inspector general, such as vouchers, electronic
3 data, and internal records, including information that is otherwise
4 confidential under law. Information obtained by the state auditor
5 under this subsection is confidential and is not subject to
6 disclosure under Chapter 552, Government Code.

7 (d) Any provision of this chapter relating to the operations
8 of the office of inspector general does not:

9 (1) supersede the authority of the state auditor to
10 conduct an audit under Chapter 321, Government Code; or

11 (2) prohibit the state auditor from:

12 (A) conducting an audit, investigation, or other
13 review; or

14 (B) having full and complete access to all
15 records and other information concerning the commission, including
16 any witness statement or electronic data, that the state auditor
17 considers necessary for the audit, investigation, or review.

18 SECTION 19. Subchapter B, Chapter 61, Human Resources Code,
19 is amended by adding Section 61.023 to read as follows:

20 Sec. 61.023. ACCREDITATION BY AMERICAN CORRECTIONAL
21 ASSOCIATION. Not later than September 1, 2007, the commission
22 shall adopt a plan for and begin the process of receiving
23 accreditation by the American Correctional Association for each
24 correctional facility operated by or under contract with the
25 commission.

26 SECTION 20. Section 61.0315, Human Resources Code, is
27 amended to read as follows:

1 Sec. 61.0315. [~~REVIEW OF~~] TREATMENT PROGRAMS. (a) The
2 commission shall annually review the effectiveness of the
3 commission's programs for the rehabilitation and reestablishment
4 in society of children committed to the commission, including
5 programs for sex offenders, capital offenders, children who are
6 chemically dependent, and emotionally disturbed children.

7 (b) On or before December 31 of each year, the commission
8 shall make a report on the effectiveness of the programs to the
9 Legislative Budget Board.

10 (c) The commission shall offer or make available programs
11 described by Subsection (a) in an adequate manner so that a child in
12 the custody of the commission receives appropriate rehabilitation
13 services recommended for the child by the court committing the
14 child to the commission.

15 (d) If the commission is unable to offer or make available
16 programs described by Subsection (a) in the manner provided by
17 Subsection (c), the commission shall, not later than January 10 of
18 each odd-numbered year, provide the standing committees of the
19 senate and house of representatives with primary jurisdiction over
20 matters concerning correctional facilities with a report
21 explaining:

22 (1) which programs are not offered or are unavailable;
23 and

24 (2) the reason the programs are not offered or are
25 unavailable.

26 SECTION 21. Subchapter C, Chapter 61, Human Resources Code,
27 is amended by adding Sections 61.0331, 61.0332, and 61.0345 to read

1 as follows:

2 Sec. 61.0331. INTERNAL AUDIT; REPORT. (a) The commission
3 shall regularly conduct internal audits of the commission,
4 including audits of:

5 (1) correctional facilities operated by and under
6 contract with the commission; and

7 (2) medical services provided to children in the
8 custody of the commission.

9 (b) The commission shall on a quarterly basis report the
10 results of the audits to:

11 (1) the committees of the senate and house of
12 representatives with primary jurisdiction over matters concerning
13 correctional facilities; and

14 (2) the state auditor.

15 Sec. 61.0332. COMPLIANCE REPORTS. (a) The commission
16 shall provide the joint select committee on the operation and
17 management of the Texas Youth Commission with reports concerning
18 the progress of the commission in complying with the requirements
19 of S.B. No. 103, Acts of the 80th Legislature, Regular Session,
20 2007. The commission shall prepare and deliver the first report to
21 the joint select committee on December 1, 2007, the second report to
22 the joint select committee on June 1, 2008, and the final report to
23 the joint select committee on December 1, 2008.

24 (b) This section expires January 1, 2009.

25 Sec. 61.0345. MISSION STATEMENT. The commission shall
26 develop and adopt a statement regarding the role and mission of the
27 commission.

1 SECTION 22. Section 61.035, Human Resources Code, is
2 amended by amending Subsection (b) and adding Subsection (c) to
3 read as follows:

4 (b) Except as otherwise provided by this chapter, an
5 employee of the commission is employed on an at-will basis [~~The~~
6 ~~commission may remove any employee for cause, and a decision by the~~
7 ~~commission is final~~].

8 (c) The commission shall establish procedures and practices
9 governing:

10 (1) employment-related grievances submitted by
11 commission employees; and

12 (2) disciplinary actions within the commission,
13 including a procedure allowing a commission employee to elect to
14 participate in an independent dismissal mediation if the employee
15 is recommended for dismissal.

16 SECTION 23. Subchapter C, Chapter 61, Human Resources Code,
17 is amended by adding Sections 61.0356, 61.0357, 61.0386, 61.0451,
18 61.0452, 61.0461, 61.061, 61.062, and 61.0651 to read as follows:

19 Sec. 61.0356. JUVENILE CORRECTIONAL OFFICERS; STAFFING.

20 (a) In this section, "juvenile correctional officer" means an
21 employee whose primary duty includes the custodial supervision of
22 children in the custody of the commission.

23 (b) The commission shall provide each juvenile correctional
24 officer employed by the commission with at least 300 hours of
25 training, which must include on-the-job training, before the
26 officer independently commences the officer's duties at the
27 facility. The training must provide the officer with information

1 and instruction related to the officer's duties, including
2 information and instruction concerning:

3 (1) the juvenile justice system of this state,
4 including the juvenile correctional facility system;

5 (2) security procedures;

6 (3) the supervision of children committed to the
7 commission;

8 (4) signs of suicide risks and suicide precautions;

9 (5) signs and symptoms of the abuse, assault, neglect,
10 and exploitation of a child, including sexual abuse and sexual
11 assault, and the manner in which to report the abuse, assault,
12 neglect, or exploitation of a child;

13 (6) the neurological, physical, and psychological
14 development of adolescents;

15 (7) commission rules and regulations, including
16 rules, regulations, and tactics concerning the use of force;

17 (8) appropriate restraint techniques;

18 (9) the Prison Rape Elimination Act of 2003 (42 U.S.C.
19 Section 15601, et seq.);

20 (10) the rights and responsibilities of children in
21 the custody of the commission;

22 (11) interpersonal relationship skills;

23 (12) the social and cultural lifestyles of children in
24 the custody of the commission;

25 (13) first aid and cardiopulmonary resuscitation;

26 (14) counseling techniques;

27 (15) conflict resolution and dispute mediation,

1 including de-escalation techniques;
2 (16) behavior management;
3 (17) mental health issues; and
4 (18) employee rights, employment discrimination, and
5 sexual harassment.

6 (c) The commission may employ part-time juvenile
7 correctional officers. A part-time juvenile correctional officer
8 is subject to the training requirements of this section.

9 (d) In each correctional facility operated by the
10 commission that has a dormitory, including an open-bay dormitory,
11 the commission must maintain a ratio of not less than one juvenile
12 correctional officer performing direct supervisory duties for
13 every 12 persons committed to the facility.

14 (e) The commission shall consider the age of a juvenile
15 correctional officer or other commission employee who performs
16 direct supervisory duties when determining the placement of the
17 officer or employee in a commission facility so that, to the extent
18 practicable, an officer or employee is not supervising a child who
19 is not more than three years younger than the officer or employee or
20 is otherwise a similar age to the officer or employee.

21 (f) The commission shall rotate the assignment of each
22 juvenile correctional officer at an interval determined by the
23 commission so that a juvenile correctional officer is not assigned
24 to the same station for an extended period of time.

25 (g) The commission shall ensure that at least one juvenile
26 correctional officer is assigned to supervise in or near a
27 classroom or other location in which children receive education

1 services or training at the time the children are receiving the
2 education services or training.

3 (h) The commission shall adopt rules necessary to
4 administer this section.

5 Sec. 61.0357. REQUIRED BACKGROUND AND CRIMINAL HISTORY
6 CHECKS. (a) In this section:

7 (1) "Department" means the Department of Public
8 Safety.

9 (2) "National criminal history record information"
10 means criminal history record information obtained from the
11 department under Subchapter F, Chapter 411, Government Code, and
12 from the Federal Bureau of Investigation under Section 411.087,
13 Government Code.

14 (b) The executive director or the executive director's
15 designee shall review the national criminal history record
16 information, state criminal history record information maintained
17 by the department, and previous and current employment references
18 of each person who:

19 (1) is an employee, contractor, volunteer, ombudsman,
20 or advocate working for the commission or working in a commission
21 facility or a facility under contract with the commission;

22 (2) provides direct delivery of services to children
23 in the custody of the commission; or

24 (3) has access to records in commission facilities or
25 offices.

26 (c) To enable the executive director or the executive
27 director's designee to conduct the review, the commission shall

1 adopt rules requiring a person described by Subsection (b) to
2 electronically provide the department with a complete set of the
3 person's fingerprints in a form and of a quality acceptable to the
4 department and the Federal Bureau of Investigation.

5 (d) For each person described by Subsection (b), the
6 executive director or the executive director's designee shall
7 review on an annual basis the person's national criminal history
8 record information.

9 (e) The commission shall ensure that the system used to
10 check state criminal history record information maintained by the
11 department is capable of providing real time arrest information.

12 (f) The commission by rule may require a person described by
13 Subsection (b) to pay a fee related to the national criminal history
14 record information review conducted under this section. The amount
15 of the fee may not exceed the administrative costs incurred by the
16 commission in conducting the review, including the costs of
17 obtaining the person's fingerprints.

18 (g) The commission shall adopt rules necessary to
19 administer this section.

20 Sec. 61.0386. ADVOCACY AND SUPPORT GROUPS. (a) The
21 commission shall allow advocacy and support groups whose primary
22 functions are to benefit children, inmates, girls and women, the
23 mentally ill, and victims of sexual assault to provide on-site
24 information, support, and other services for children confined in
25 commission facilities.

26 (b) The commission shall adopt security and privacy
27 procedures for advocacy and support groups that provide on-site

1 information, support, and other services under this section. The
2 security and privacy procedures may not be designed to deny an
3 advocacy or support group access to children confined in commission
4 facilities.

5 (c) The commission shall adopt standards consistent with
6 standards adopted by the Texas Department of Criminal Justice
7 regarding the confidential correspondence of children confined in
8 commission facilities with external entities, including advocacy
9 and support groups.

10 Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office
11 of inspector general is established at the commission for the
12 purpose of investigating:

13 (1) fraud committed by commission employees,
14 including parole officers employed by or under a contract with the
15 commission; and

16 (2) crimes committed at a facility operated by the
17 commission or at a residential facility operated by another entity
18 under a contract with the commission.

19 (b) The office of inspector general shall prepare and
20 deliver a report concerning the results of any investigation
21 conducted under this section to:

22 (1) the executive director;

23 (2) the board;

24 (3) the governor;

25 (4) the lieutenant governor;

26 (5) the speaker of the house of representatives;

27 (6) the standing committees of the senate and house of

1 representatives with primary jurisdiction over matters concerning
2 correctional facilities;

3 (7) the special prosecution unit;

4 (8) the state auditor; and

5 (9) any other appropriate state agency responsible for
6 licensing or certifying commission employees or facilities.

7 (c) The report prepared under Subsection (b) must include a
8 summary of the actions performed by the office of inspector general
9 in conducting the investigation, a statement of whether the
10 investigation resulted in a finding that fraud or a criminal
11 offense occurred, and a description of the finding. The report is
12 public information under Chapter 552, Government Code, only to the
13 extent authorized under that chapter and other law.

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

19 (e) Peace officers employed and commissioned under
20 Subsection (d) must:

21 (1) be certified by the Commission on Law Enforcement
22 Officer Standards and Education under Chapter 1701, Occupations
23 Code; and

24 (2) complete advanced courses relating to the duties
25 of peace officers employed and commissioned under Subsection (d) as
26 part of any continuing education requirements for the peace
27 officers.

1 (f) The board shall select a commissioned peace officer as
2 chief inspector general. The chief inspector general is subject to
3 the requirements of this section and may only be discharged for
4 cause.

5 (g) The chief inspector general shall on a quarterly basis
6 prepare and deliver a report concerning the operations of the
7 office of inspector general to:

8 (1) the executive director;

9 (2) the board;

10 (3) the governor;

11 (4) the lieutenant governor;

12 (5) the speaker of the house of representatives;

13 (6) the standing committees of the senate and house of
14 representatives with primary jurisdiction over correctional
15 facilities;

16 (7) the state auditor; and

17 (8) the comptroller.

18 (h) A report prepared under Subsection (g) is public
19 information under Chapter 552, Government Code, to the extent
20 authorized under that chapter and other law, and the commission
21 shall publish the report on the commission's Internet website. A
22 report must be both aggregated and disaggregated by individual
23 facility and include information relating to:

24 (1) the types of investigations conducted by the
25 office of inspector general, such as whether an investigation
26 concerned narcotics or an alleged incident of sexual abuse;

27 (2) the relationship of a victim to a perpetrator, if

1 applicable; and

2 (3) the number of investigations conducted concerning
3 suicides, deaths, and hospitalizations of children in the custody
4 of the commission.

5 (i) The office of inspector general shall immediately
6 report to the executive director, the board, the governor's general
7 counsel, and the state auditor any particularly serious or flagrant
8 problem concerning the administration of a commission program or
9 operation or any interference by the board or an employee of the
10 commission with an investigation conducted by the office.

11 Sec. 61.0452. TOLL-FREE NUMBER. (a) The commission shall
12 establish a permanent, toll-free number for the purpose of
13 receiving any information concerning the abuse, neglect, or
14 exploitation of children in the custody of the commission.

15 (b) The office of inspector general shall ensure that:

16 (1) the toll-free number is prominently displayed in
17 each commission facility; and

18 (2) children in the custody of the commission and
19 commission employees have access to telephones for the purpose of
20 calling the toll-free number.

21 Sec. 61.0461. EMPLOYMENT OR DESIGNATION OF CHAPLAIN AT
22 CERTAIN COMMISSION FACILITIES. The commission shall ensure that a
23 chaplain is employed or formally designated for each commission
24 correctional facility that is an institution.

25 Sec. 61.061. PLACEMENT IN COMMISSION FACILITIES. (a) The
26 commission may not assign a child younger than 15 years of age to
27 the same correctional facility dormitory as a person who is at least

1 17 years of age unless the commission determines that the placement
2 is necessary to ensure the safety of children in the custody of the
3 commission. This subsection does not apply to a dormitory that is
4 used exclusively for short-term assessment and orientation
5 purposes.

6 (b) The commission by rule shall adopt scheduling, housing,
7 and placement procedures for the purpose of protecting vulnerable
8 children in the custody of the commission. The procedures must
9 address the age, physical condition, and treatment needs of a child
10 as well as any other relevant factor.

11 (c) The commission shall consider the proximity of the
12 residence of a child's family in determining the appropriate
13 commission facility in which to place a child.

14 Sec. 61.062. ESTABLISHMENT OF MINIMUM LENGTH OF STAY. (a)
15 The commission shall establish a minimum length of stay for each
16 child committed to the commission without a determinate sentence.

17 (b) In establishing a minimum length of stay for a child,
18 the commission shall consider:

19 (1) the nature of and seriousness of the conduct
20 engaged in by the child; and

21 (2) the danger the child poses to the community.

22 Sec. 61.0651. INFORMATION PROVIDED BY COMMITTING COURT. In
23 addition to the information provided under Section 61.065, a court
24 that commits a child to the commission shall provide the commission
25 with a copy of the following documents:

26 (1) the petition and the adjudication and disposition
27 orders for the child, including the child's thumbprint;

1 (2) if the commitment is a result of revocation of
2 probation, a copy of the conditions of probation and the revocation
3 order;

4 (3) the social history report for the child;

5 (4) any psychological or psychiatric reports
6 concerning the child;

7 (5) the contact information sheet for the child's
8 parents or guardian;

9 (6) any law enforcement incident reports concerning
10 the offense for which the child is committed;

11 (7) any sex offender registration information
12 concerning the child;

13 (8) any juvenile probation department progress
14 reports concerning the child;

15 (9) any assessment documents concerning the child;

16 (10) the computerized referral and case history for
17 the child, including case disposition;

18 (11) the child's birth certificate;

19 (12) the child's social security number or social
20 security card, if available;

21 (13) the name, address, and telephone number of the
22 court administrator in the committing county;

23 (14) Title IV-E eligibility screening information for
24 the child, if available;

25 (15) the address in the committing county for
26 forwarding funds collected to which the committing county is
27 entitled;

1 (16) any of the child's school or immunization records
2 that the committing county possesses;

3 (17) any victim information concerning the case for
4 which the child is committed; and

5 (18) any of the child's pertinent medical records that
6 the committing court possesses.

7 SECTION 24. Sections 61.071 and 61.072, Human Resources
8 Code, are amended to read as follows:

9 Sec. 61.071. INITIAL EXAMINATION. (a) The commission
10 shall examine and make a study of each child committed to it as soon
11 as possible after commitment. The study shall be made according to
12 rules established by the commission and shall include:

13 (1) long-term planning for the child; and

14 (2) consideration of the child's medical, substance
15 abuse, and treatment history, including the child's psychiatric
16 history and substance abuse history [a determination of whether the
17 child will need long-term residential care].

18 (b) For a child for whom a minimum length of stay is
19 established under Section 61.062 of one year or longer, the initial
20 examination must include a comprehensive psychiatric evaluation.

21 (c) The commission shall administer comprehensive
22 psychological assessments to a child as part of the child's initial
23 examination, including assessments designed to identify whether a
24 child is in need of a psychiatric evaluation. If the results of a
25 child's psychological assessments indicate that the child is in
26 need of a psychiatric evaluation, the commission shall as soon as
27 practicable conduct a psychiatric evaluation of the child.

1 Sec. 61.072. REEXAMINATION. The commission shall
2 periodically reexamine each child under its control, except those
3 on release under supervision or in foster homes, for the purpose of
4 determining whether a rehabilitation plan made by the commission
5 concerning the child should be modified or continued. The
6 examination must include a study of all current circumstances of a
7 child's personal and family situation and an evaluation of the
8 progress made by the child since the child's last examination. The
9 examination of a child may be made as frequently as the commission
10 considers necessary [~~desirable~~], but shall be made at intervals not
11 exceeding six months [~~one year~~].

12 SECTION 25. Subchapter E, Chapter 61, Human Resources Code,
13 is amended by adding Section 61.0711 to read as follows:

14 Sec. 61.0711. HEALTH CARE DELIVERY SYSTEM. (a) In
15 providing medical care, behavioral health care, or rehabilitation
16 services, the commission shall integrate the provision of those
17 services in an integrated comprehensive delivery system.

18 (b) The delivery system may be used to deliver any medical,
19 behavioral health, or rehabilitation services provided to a child
20 in the custody of the commission, including:

- 21 (1) health care;
- 22 (2) dental care;
- 23 (3) behavioral health care;
- 24 (4) substance abuse treatment;
- 25 (5) nutrition;
- 26 (6) programming;
- 27 (7) case management; and

1 (8) general rehabilitation services, including
2 educational, spiritual, daily living, recreational, and security
3 services.

4 SECTION 26. Section 61.0731, Human Resources Code, is
5 amended by adding Subsection (c) to read as follows:

6 (c) The commission may disclose to a peace officer or law
7 enforcement agency images of children recorded by an electronic
8 recording device and incident reporting and investigation
9 documents containing the names of children if the information is
10 relevant to the investigation of a criminal offense alleged to have
11 occurred in a facility operated by or under contract with the
12 commission.

13 SECTION 27. Subchapter E, Chapter 61, Human Resources Code,
14 is amended by adding Sections 61.0763 and 61.0764 to read as
15 follows:

16 Sec. 61.0763. RIGHTS OF PARENTS. (a) The commission, in
17 consultation with advocacy and support groups such as those
18 described in Section 61.0386(a), shall develop a parent's bill of
19 rights for distribution to the parent or guardian of a child who is
20 under 18 years of age and committed to the commission. The parent's
21 bill of rights must include:

22 (1) a description of the commission's grievance
23 policies and procedures, including contact information for the
24 office of inspector general and the office of the independent
25 ombudsman established under Chapter 64;

26 (2) a list of possible incidents that require parental
27 notification;

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

3 (4) a description of commission caseworker
4 responsibilities; and

5 (5) a statement that the commission caseworker
6 assigned to a child may assist the child's parent or guardian in
7 obtaining information and services from the commission and other
8 resources concerning:

9 (A) counseling, including substance abuse and
10 mental health counseling;

11 (B) assistance programs, including financial and
12 travel assistance programs for visiting a child committed to the
13 commission;

14 (C) workforce preparedness programs;

15 (D) parenting programs; and

16 (E) commission seminars.

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

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

22 (2) the contact information of the commission
23 caseworker assigned to the child.

24 (c) The commission shall on a quarterly basis provide to the
25 parent, guardian, or designated advocate of a child who is in the
26 custody of the commission a report concerning the progress of the
27 child at the commission, including:

1 (1) the academic and behavioral progress of the child;

2 and

3 (2) the results of any reexamination of the child
4 conducted under Section 61.072.

5 (d) The commission shall ensure that written information
6 provided to a parent or guardian regarding the rights of a child in
7 the custody of the commission or the rights of a child's parent or
8 guardian, including the parent's bill of rights, is clear and easy
9 to understand.

10 Sec. 61.0764. COMMISSION CASEWORKERS. (a) The commission
11 shall assign a caseworker to a child committed to the commission. A
12 commission caseworker shall:

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

15 (2) as needed, provide the parent or guardian of a
16 child committed to the commission with information concerning
17 programs and services provided by the commission or another
18 resource; and

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

20 (b) A commission caseworker shall:

21 (1) at least once a month, attempt to contact the
22 child's parent or guardian by phone, in person while the parent or
23 guardian is visiting the facility, or, if necessary, by mail;

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

27 (3) document successful as well as unsuccessful

1 attempts to contact the child's parent or guardian.

2 (c) To the extent practicable, a caseworker or another
3 facility administrator shall attempt to communicate with a parent
4 or guardian who does not speak English in the language of choice of
5 the parent or guardian.

6 SECTION 28. Section 61.079(a), Human Resources Code, is
7 amended to read as follows:

8 (a) After a child sentenced to commitment under Section
9 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years
10 of age but before the child becomes 19 [~~21~~] years of age, the
11 commission may refer the child to the juvenile court that entered
12 the order of commitment for approval of the child's transfer to the
13 [~~institutional division of the~~] Texas Department of Criminal
14 Justice for confinement if:

- 15 (1) the child has not completed the sentence; and
16 (2) the child's conduct, regardless of whether the
17 child was released under supervision under Section 61.081,
18 indicates that the welfare of the community requires the transfer.

19 SECTION 29. Subchapter E, Chapter 61, Human Resources Code,
20 is amended by adding Section 61.0791 to read as follows:

21 Sec. 61.0791. EVALUATION OF CERTAIN CHILDREN SERVING
22 DETERMINATE SENTENCES. (a) When a child who is sentenced to
23 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
24 Family Code, becomes 18 years of age, the commission shall evaluate
25 whether the child is in need of additional services that can be
26 completed in the six-month period after the child's 18th birthday
27 to prepare the child for release from the custody of the commission

1 or transfer to the Texas Department of Criminal Justice.

2 (b) This section does not apply to a child who is released
3 from the custody of the commission or who is transferred to the
4 Texas Department of Criminal Justice before the child's 18th
5 birthday.

6 SECTION 30. Subchapter F, Chapter 61, Human Resources Code,
7 is amended by adding Sections 61.0814, 61.0815, and 61.0816 to read
8 as follows:

9 Sec. 61.0814. REENTRY AND REINTEGRATION PLAN. (a) The
10 commission shall develop a reentry and reintegration plan for each
11 child committed to the custody of the commission. The plan for a
12 child must be designed to ensure that the child receives an
13 extensive continuity of care in services from the time the child is
14 committed to the commission to the time of the child's final
15 discharge from the commission. The plan for a child must include,
16 as applicable:

17 (1) housing assistance;

18 (2) a step-down program, such as placement in a
19 halfway house;

20 (3) family counseling;

21 (4) academic and vocational mentoring;

22 (5) trauma counseling for a child who is a victim of
23 abuse while in the custody of the commission; and

24 (6) other specialized treatment services appropriate
25 for the child.

26 (b) If a program or service in the child's reentry and
27 reintegration plan is not available at the time the child is to be

1 released, the commission shall find a suitable alternative program
2 or service so that the child's release is not postponed.

3 Sec. 61.0815. COMPLETION OF MINIMUM LENGTH OF STAY. (a)
4 After a child who is committed to the commission without a
5 determinate sentence completes the minimum length of stay
6 established by the commission for the child under Section 61.062,
7 the commission shall, in the manner provided by this section:

8 (1) discharge the child from the custody of the
9 commission;

10 (2) release the child under supervision under Section
11 61.081; or

12 (3) extend the length of the child's stay in the
13 custody of the commission.

14 (b) The commission by rule shall establish a panel whose
15 function is to review and determine whether a child who has
16 completed the child's minimum length of stay should be discharged
17 from the custody of the commission as provided by Subsection
18 (a)(1), be released under supervision under Section 61.081 as
19 provided by Subsection (a)(2), or remain in the custody of the
20 commission for an additional period of time as provided by
21 Subsection (a)(3).

22 (c) The board shall determine the size of the panel and the
23 length of the members' terms of service on the panel. The panel
24 must consist of an odd number of members and the terms of the
25 panel's members must last for at least two years. The board shall
26 adopt policies that ensure the transparency, consistency, and
27 objectivity of the panel's composition, procedures, and decisions.

1 The board shall appoint persons to serve as members of the panel. A
2 person appointed to the panel must be a commission employee who
3 works at the commission's central office. A member of the panel may
4 not be involved in any supervisory decisions concerning children in
5 the custody of the commission.

6 (d) The panel may extend the length of the child's stay as
7 provided by Subsection (a)(3) only if the panel determines by
8 majority vote and on the basis of clear and convincing evidence that
9 the child is in need of additional rehabilitation from the
10 commission and that the commission will provide the most suitable
11 environment for that rehabilitation. In extending the length of a
12 child's stay, the panel must specify the additional period of time
13 that the child is to remain in the custody of the commission and
14 must conduct an additional review and determination as provided by
15 this section on the child's completion of the additional term of
16 stay. If the panel determines that the child's length of stay
17 should not be extended, the commission must discharge the child
18 from the custody of the commission as provided by Subsection (a)(1)
19 or release the child under supervision under Section 61.081 as
20 provided by Subsection (a)(2).

21 (e) The commission shall maintain statistics of the number
22 of extensions granted by the panel. The statistics must include
23 aggregated information concerning:

24 (1) the race, sex, specialized treatment needs, and
25 county of origin for each child for whom an extension order is
26 requested;

27 (2) the facility in which the child is confined; and

1 (3) if applicable, any allegations concerning the
2 abuse, mistreatment, or neglect of the child, aggregated by the
3 type of misconduct to which the child was subjected.

4 (f) To the extent authorized under law, the statistics
5 maintained under Subsection (e) are public information under
6 Chapter 552, Government Code, and the commission shall post the
7 statistics on the commission's Internet website. The commission
8 shall prepare and deliver to the standing committees of the senate
9 and house of representatives with primary jurisdiction over matters
10 concerning correctional facilities a report concerning the
11 statistics maintained under Subsection (e).

12 (g) The commission shall provide a report to the parent,
13 guardian, or designated advocate of a child whose length of stay is
14 extended under this section explaining the panel's reason for the
15 extension.

16 Sec. 61.0816. REQUEST FOR RECONSIDERATION OF EXTENSION
17 ORDER. (a) The commission by rule shall establish a process to
18 request the reconsideration of an extension order issued by the
19 panel established under Section 61.0815.

20 (b) The process to request reconsideration must provide
21 that:

22 (1) a child, a parent, guardian, or designated
23 advocate of a child, an employee of the commission, or a person who
24 provides volunteer services at a commission facility may submit a
25 request for reconsideration of an extension order;

26 (2) the person submitting the request for
27 reconsideration of an extension order must state in the request the

1 reason for the request;

2 (3) after receiving a request for reconsideration of
3 an extension order, the panel shall reconsider an extension order
4 that:

5 (A) extends the child's stay in the custody of
6 the commission by six months or more; or

7 (B) combined with previous extension orders will
8 result in an extension of the child's stay in the custody of the
9 commission by six months or more;

10 (4) the panel's reconsideration of an extension order
11 includes consideration of the information submitted in the request;
12 and

13 (5) the panel shall send a written reply to the child,
14 the parent, guardian, or designated advocate of the child, and the
15 person who made the request for reconsideration of an extension
16 order that includes an explanation of the panel's decision after
17 reconsidering the extension order, including an indication that the
18 panel has considered the information submitted in the request.

19 (c) The commission shall create a form for a request for
20 reconsideration of an extension order that is clear and easy to
21 understand. The commission shall ensure that a child may request
22 assistance in completing a request for reconsideration of an
23 extension order.

24 (d) The commission shall maintain statistics of the number
25 of requests for reconsideration of an extension order that are
26 submitted and the action taken on reconsideration of the extension
27 order. The statistics must include aggregated information

1 concerning:

2 (1) the race, sex, specialized treatment needs, and
3 county of origin for each child for whom a request for
4 reconsideration of an extension order is submitted;

5 (2) whether a request for reconsideration of an
6 extension order results in:

7 (A) a discharge or release under supervision; or

8 (B) the original extension order being upheld;

9 (3) the facility in which the child is confined; and

10 (4) if applicable, any allegations concerning the
11 abuse, mistreatment, or neglect of the child, aggregated by the
12 type of misconduct to which the child was subjected.

13 (e) To the extent authorized under law, the statistics
14 maintained under Subsection (d) are public information under
15 Chapter 552, Government Code, and the commission shall post the
16 statistics on the commission's Internet website. The commission
17 shall prepare and deliver to the standing committees of the senate
18 and house of representatives with primary jurisdiction over matters
19 concerning correctional facilities a report concerning the
20 statistics maintained under Subsection (d).

21 SECTION 31. Sections 61.084(e) and (g), Human Resources
22 Code, are amended to read as follows:

23 (e) Except as provided by Subsection [~~(f)~~ ~~or~~] (g), the
24 commission shall discharge from its custody a person not already
25 discharged on the person's 19th [~~21st~~] birthday.

26 (g) The commission shall transfer a person who has been
27 sentenced under a determinate sentence to commitment under Section

1 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been
2 returned to the commission under Section 54.11(i)(1), Family Code,
3 to the custody of the [~~pardons and paroles division of the~~] Texas
4 Department of Criminal Justice on the person's 19th [~~21st~~]
5 birthday, if the person has not already been discharged or
6 transferred, to serve the remainder of the person's sentence on
7 parole as provided by Section 508.156, Government Code.

8 SECTION 32. Section 61.0841, Human Resources Code, is
9 amended by amending Subsection (a) and adding Subsection (c) to
10 read as follows:

11 (a) Not later than the 90th day before the date the
12 commission transfers a person to the custody of [~~the pardons and~~
13 ~~paroles division of~~] the Texas Department of Criminal Justice for
14 release on parole under Section 61.081(f) or 61.084(g) [~~61.084(f)~~
15 ~~or (g)~~], the commission shall submit to the department all
16 pertinent information relating to the person, including:

- 17 (1) the juvenile court judgment;
- 18 (2) the circumstances of the person's offense;
- 19 (3) the person's previous social history and juvenile
20 court records;
- 21 (4) the person's physical and mental health record;
- 22 (5) a record of the person's conduct, employment
23 history, and attitude while committed to the commission;
- 24 (6) a record of the sentence time served by the person
25 at the commission and in a juvenile detention facility in
26 connection with the conduct for which the person was adjudicated;
27 and

1 (7) any written comments or information provided by
2 the commission, local officials, family members of the person, [or]
3 victims of the offense, or the general public.

4 (c) The Texas Department of Criminal Justice shall grant
5 credit for sentence time served by a person at the commission and in
6 a juvenile detention facility, as recorded by the commission under
7 Subsection (a)(6), in computing the person's eligibility for parole
8 and discharge from the department.

9 SECTION 33. Subchapter G, Chapter 61, Human Resources Code,
10 is amended by adding Sections 61.098 and 61.099 to read as follows:

11 Sec. 61.098. CERTAIN CRIMES CONCERNING THE COMMISSION. (a)
12 In this section, "special prosecution unit" means the special
13 prosecution unit established under Subchapter E, Chapter 41,
14 Government Code.

15 (b) As appropriate, the district attorney, criminal
16 district attorney, or county attorney representing the state in
17 criminal matters before the district or inferior courts of the
18 county who would otherwise represent the state in the prosecution
19 of an offense or delinquent conduct concerning the commission and
20 described by Article 104.003(a), Code of Criminal Procedure, may
21 request that the special prosecution unit prosecute the offense or
22 delinquent conduct.

23 (c) The office of inspector general shall on a quarterly
24 basis prepare and deliver to the board of directors of the special
25 prosecution unit a report concerning:

26 (1) any alleged criminal offense or delinquent conduct
27 concerning the commission and described by Article 104.003(a), Code

1 of Criminal Procedure, that occurred during the preceding calendar
2 quarter; and

3 (2) the disposition of any case involving a criminal
4 offense or delinquent conduct concerning the commission and
5 described by Article 104.003(a), Code of Criminal Procedure, that
6 occurred during the preceding calendar quarter.

7 (d) Notwithstanding Subsection (c), the office of inspector
8 general shall immediately provide the special prosecution unit with
9 a report concerning an alleged criminal offense or delinquent
10 conduct concerning the commission and described by Article
11 104.003(a), Code of Criminal Procedure, if the chief inspector
12 general reasonably believes the offense or conduct is particularly
13 serious and egregious.

14 (e) The chief inspector general of the office of inspector
15 general, at the direction of the board of directors of the special
16 prosecution unit, shall notify the foreman of the appropriate grand
17 jury, in the manner provided by Article 20.09, Code of Criminal
18 Procedure, if:

19 (1) the chief inspector general receives credible
20 evidence of illegal or improper conduct by commission officers,
21 employees, or contractors that the inspector general reasonably
22 believes jeopardizes the health, safety, and welfare of children in
23 the custody of the commission;

24 (2) the chief inspector general reasonably believes
25 the conduct:

26 (A) could constitute an offense under Article
27 104.003(a), Code of Criminal Procedure; and

1 children committed to the commission, including a child released
2 under supervision before final discharge.

3 Sec. 64.003. INDEPENDENCE. (a) The independent ombudsman
4 in the performance of its duties and powers under this chapter acts
5 independently of the commission.

6 (b) Funding for the independent ombudsman is appropriated
7 separately from funding for the commission.

8 [Sections 64.004-64.050 reserved for expansion]

9 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

10 Sec. 64.051. APPOINTMENT BY GOVERNOR. (a) The governor
11 shall appoint the independent ombudsman with the advice and consent
12 of the senate for a term of two years, expiring February 1 of
13 odd-numbered years.

14 (b) A person appointed as independent ombudsman is eligible
15 for reappointment but may not serve more than three terms in that
16 capacity.

17 Sec. 64.052. ASSISTANTS. The independent ombudsman may
18 hire assistants to perform, under the direction of the independent
19 ombudsman, the same duties and exercise the same powers as the
20 independent ombudsman.

21 Sec. 64.053. CONFLICT OF INTEREST. (a) A person may not
22 serve as independent ombudsman or as an assistant to the
23 independent ombudsman if the person or the person's spouse:

24 (1) is employed by or participates in the management
25 of a business entity or other organization receiving funds from the
26 commission;

27 (2) owns or controls, directly or indirectly, any

1 interest in a business entity or other organization receiving funds
2 from the commission; or

3 (3) uses or receives any amount of tangible goods,
4 services, or funds from the commission.

5 (b) A person may not serve as independent ombudsman or as an
6 assistant to the independent ombudsman if the person or the
7 person's spouse is required to register as a lobbyist under Chapter
8 305, Government Code, because of the person's activities for
9 compensation on behalf of a profession related to the operation of
10 the commission.

11 (c) A person may not serve as independent ombudsman or as an
12 assistant to the independent ombudsman if the person or the
13 person's spouse is an officer, employee, manager, or paid
14 consultant of a Texas trade association in the field of criminal or
15 juvenile justice.

16 (d) For the purposes of this section, a Texas trade
17 association is a nonprofit, cooperative, and voluntarily joined
18 association of business or professional competitors in this state
19 designed to assist its members and its industry or profession in
20 dealing with mutual business or professional problems and in
21 promoting their common interest.

22 Sec. 64.054. SUNSET PROVISION. The office is subject to
23 review under Chapter 325, Government Code (Texas Sunset Act), but
24 is not abolished under that chapter. The office shall be reviewed
25 during the periods in which state agencies abolished in 2009 and
26 every 12th year after 2009 are reviewed.

27 Sec. 64.055. REPORT. (a) The independent ombudsman shall

1 submit on a quarterly basis to the governor, the lieutenant
2 governor, and each member of the legislature a report that is both
3 aggregated and disaggregated by individual facility and describes:

4 (1) the work of the independent ombudsman;

5 (2) the results of any review or investigation
6 undertaken by the independent ombudsman, including reviews or
7 investigation of services contracted by the commission; and

8 (3) any recommendations that the independent
9 ombudsman has in relation to the duties of the independent
10 ombudsman.

11 (b) The independent ombudsman shall immediately report to
12 the governor, the lieutenant governor, the speaker of the house of
13 representatives, the state auditor, and the office of the inspector
14 general of the commission any particularly serious or flagrant:

15 (1) case of abuse or injury of a child committed to the
16 commission;

17 (2) problem concerning the administration of a
18 commission program or operation;

19 (3) problem concerning the delivery of services in a
20 facility operated by or under contract with the commission; or

21 (4) interference by the commission with an
22 investigation conducted by the office.

23 Sec. 64.056. COMMUNICATION AND CONFIDENTIALITY. (a) The
24 commission shall allow any child committed to the commission to
25 communicate with the independent ombudsman or an assistant to the
26 ombudsman. The communication:

27 (1) may be in person, by mail, or by any other means;

1 and

2 (2) is confidential and privileged.

3 (b) The records of the independent ombudsman are
4 confidential, except that the independent ombudsman shall:

5 (1) share with the office of inspector general of the
6 commission a communication with a child that may involve the abuse
7 or neglect of the child; and

8 (2) disclose its nonprivileged records if required by
9 a court order on a showing of good cause.

10 (c) The independent ombudsman may make reports relating to
11 an investigation public after the investigation is complete but
12 only if the names of all children, parents, and employees are
13 redacted from the report and remain confidential.

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

25 (1) in the general public interest;

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

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

3 Sec. 64.057. PROMOTION OF AWARENESS OF OFFICE. The
4 independent ombudsman shall promote awareness among the public and
5 the children committed to the commission of:

6 (1) how the office may be contacted;

7 (2) the purpose of the office; and

8 (3) the services the office provides.

9 Sec. 64.058. RULEMAKING AUTHORITY. The office by rule
10 shall establish policies and procedures for the operations of the
11 office of independent ombudsman.

12 Sec. 64.059. AUTHORITY OF STATE AUDITOR. The office is
13 subject to audit by the state auditor in accordance with Chapter
14 321, Government Code.

15 [Sections 64.060-64.100 reserved for expansion]

16 SUBCHAPTER C. DUTIES AND POWERS

17 Sec. 64.101. DUTIES AND POWERS. (a) The independent
18 ombudsman shall:

19 (1) review the procedures established by the
20 commission and evaluate the delivery of services to children to
21 ensure that the rights of children are fully observed;

22 (2) review complaints filed with the independent
23 ombudsman concerning the actions of the commission and investigate
24 each complaint in which it appears that a child may be in need of
25 assistance from the independent ombudsman;

26 (3) conduct investigations of complaints, other than
27 complaints alleging criminal behavior, if the office determines

1 that:

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

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

6 (4) review or inspect periodically the facilities and
7 procedures of any institution or residence in which a child has been
8 placed by the commission, whether public or private, to ensure that
9 the rights of children are fully observed;

10 (5) provide assistance to a child or family who the
11 independent ombudsman determines is in need of assistance,
12 including advocating with an agency, provider, or other person in
13 the best interests of the child;

14 (6) review court orders as necessary to fulfill its
15 duties;

16 (7) recommend changes in any procedure relating to the
17 treatment of children committed to the commission;

18 (8) make appropriate referrals under any of the duties
19 and powers listed in this subsection; and

20 (9) supervise assistants who are serving as advocates
21 in their representation of children committed to the commission in
22 internal administrative and disciplinary hearings.

23 (b) The independent ombudsman may apprise persons who are
24 interested in a child's welfare of the rights of the child.

25 (c) To assess if a child's rights have been violated, the
26 independent ombudsman may, in any matter that does not involve
27 alleged criminal behavior, contact or consult with an

1 administrator, employee, child, parent, expert, or any other
2 individual in the course of its investigation or to secure
3 information.

4 (d) Notwithstanding any other provision of this chapter,
5 the independent ombudsman may not investigate alleged criminal
6 behavior.

7 Sec. 64.102. TREATMENT OF COMMISSION EMPLOYEES WHO
8 COOPERATE WITH INDEPENDENT OMBUDSMAN. The commission may not
9 discharge or in any manner discriminate or retaliate against an
10 employee who in good faith makes a complaint to the office of
11 independent ombudsman or cooperates with the office in an
12 investigation.

13 Sec. 64.103. TRAINING. The independent ombudsman shall
14 attend annual sessions, including the training curriculum for
15 juvenile correctional officers required under Section 61.0356, and
16 may participate in other appropriate professional training.

17 [Sections 64.104-64.150 reserved for expansion]

18 SUBCHAPTER D. ACCESS TO INFORMATION

19 Sec. 64.151. ACCESS TO INFORMATION OF GOVERNMENTAL
20 ENTITIES. (a) The commission shall allow the independent
21 ombudsman access to its records relating to the children committed
22 to the commission.

23 (b) The Department of Public Safety shall allow the
24 independent ombudsman access to the juvenile justice information
25 system established under Subchapter B, Chapter 58, Family Code.

26 (c) A local law enforcement agency shall allow the
27 independent ombudsman access to its records relating to any child

1 in the care or custody of the commission.

2 Sec. 64.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.

3 The independent ombudsman shall have access to the records of a
4 private entity that relate to a child committed to the commission.

5 SECTION 35. Section 110.302(c), Occupations Code, is
6 amended to read as follows:

7 (c) The Texas Board of Criminal Justice [~~or the governing~~
8 ~~board of the Texas Youth Commission~~] may vote to exempt employees of
9 the Texas Department of Criminal Justice [~~or the Texas Youth~~
10 ~~Commission, as appropriate,~~] from a specific licensing requirement
11 imposed under this section if the board determines that the
12 requirement causes financial or operational hardship on the agency.
13 The Texas Youth Commission may not exempt any employee of the
14 commission from a licensing requirement imposed by this section for
15 any reason.

16 SECTION 36. Sections 39.04(a) and (b), Penal Code, are
17 amended to read as follows:

18 (a) An official of a correctional facility, an employee of a
19 correctional facility, a person other than an employee who works
20 for compensation at a correctional facility, a volunteer at a
21 correctional facility, or a peace officer commits an offense if the
22 person intentionally:

23 (1) denies or impedes a person in custody in the
24 exercise or enjoyment of any right, privilege, or immunity knowing
25 his conduct is unlawful; or

26 (2) engages in sexual contact, sexual intercourse, or
27 deviate sexual intercourse with an individual in custody or, in the

1 case of an individual in the custody of the Texas Youth Commission,
2 employs, authorizes, or induces the individual to engage in sexual
3 conduct or a sexual performance.

4 (b) An offense under Subsection (a)(1) is a Class A
5 misdemeanor. An offense under Subsection (a)(2) is a state jail
6 felony, except that an offense under Subsection (a)(2) is a felony
7 of the second degree if the individual is in the custody of the
8 Texas Youth Commission.

9 SECTION 37. Section 39.04(e), Penal Code, is amended by
10 adding Subdivisions (4) and (5) to read as follows:

11 (4) "Sexual conduct" and "performance" have the
12 meanings assigned by Section 43.25.

13 (5) "Sexual performance" means any performance or part
14 thereof that includes sexual conduct by an individual.

15 SECTION 38. The following laws are repealed:

16 (1) Sections 54.04(s) and (t), Family Code;

17 (2) Section 54.05(k), Family Code; and

18 (3) Section 61.084(f), Human Resources Code.

19 SECTION 39. A person committed to the Texas Youth
20 Commission on the basis of conduct constituting the commission of
21 an offense of the grade of misdemeanor under Section 54.04(d)(2),
22 Family Code, as it existed before the effective date of this Act,
23 must be discharged from the custody of the Texas Youth Commission
24 not later than the person's 19th birthday.

25 SECTION 40. The change in law made by Section 54.052, Family
26 Code, as added by this Act, and Section 61.0841(c), Human Resources
27 Code, as added by this Act, applies only to conduct for which a

1 child is adjudicated on or after the effective date of this Act. A
2 child who is adjudicated before the effective date of this Act is
3 governed by the law in effect when the child was adjudicated, and
4 the former law is continued in effect for that purpose.

5 SECTION 41. The change in law made by this Act to Section
6 39.04, Penal Code, applies only to an offense committed on or after
7 September 1, 2007. An offense committed before September 1, 2007,
8 is governed by the law in effect when the offense was committed, and
9 the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before September
11 1, 2007, if any element of the offense occurred before that date.

12 SECTION 42. The Texas Youth Commission shall develop and
13 adopt a mission statement, as required by Section 61.0345, Human
14 Resources Code, as added by this Act, on or before October 1, 2007.

15 SECTION 43. (a) Section 61.0356(b), Human Resources Code,
16 as added by this Act, applies only to a juvenile correctional
17 officer hired by the Texas Youth Commission on or after the
18 effective date of this Act. As soon as practicable but not later
19 than six months after the effective date of this Act, the Texas
20 Youth Commission shall complete providing the training to juvenile
21 correctional officers hired before the effective date of this Act
22 that is necessary to conform to the requirements of Section
23 61.0356(b), Human Resources Code, as added by this Act.

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

26 (1) each correctional facility operated by the
27 commission that has a dormitory, including an open-bay dormitory,

1 has a ratio of not less than one juvenile correctional officer
2 performing direct supervisory duties for every 12 children
3 committed to the facility, as required by Section 61.0356(d), Human
4 Resources Code, as added by this Act; and

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

9 SECTION 44. As soon as practicable after the effective date
10 of this Act, the governor shall appoint the independent ombudsman
11 of the Texas Youth Commission, as required by Section 64.051, Human
12 Resources Code, as added by this Act, with a term of office expiring
13 February 1, 2009.

14 SECTION 45. Before October 1, 2007, the Texas Youth
15 Commission shall certify to the Employees Retirement System of
16 Texas, in the manner prescribed by the retirement system, the name
17 of each person employed by the office of inspector general at the
18 Texas Youth Commission as a law enforcement officer, as defined by
19 Section 811.001, Government Code, as amended by this Act, and any
20 other information the system determines is necessary for the
21 crediting of service and financing of benefits under Subtitle B,
22 Title 8, Government Code.

23 SECTION 46. As soon as practicable after the effective date
24 of this Act, the Texas Youth Commission shall, in the manner
25 prescribed by Section 61.0357, Human Resources Code, as added by
26 this Act, begin obtaining national criminal history record
27 information for each person who is described by Section 61.0357(b),

1 Human Resources Code, as added by this Act.

2 SECTION 47. (a) Not later than September 30, 2007, the
3 board of directors of the special prosecution unit established by
4 Subchapter E, Chapter 41, Government Code, as added by this Act,
5 shall elect the initial members of the executive board of the board
6 of directors as required by Section 41.304, Government Code, as
7 added by this Act. In electing those members, the board of
8 directors shall specify:

9 (1) which members serve terms expiring in
10 even-numbered years and which serve terms expiring in odd-numbered
11 years; and

12 (2) the beginning and end dates of the terms served by
13 the members of the executive board.

14 (b) Not later than September 30, 2007, the board of
15 directors of the special prosecution unit established by Subchapter
16 E, Chapter 41, Government Code, as added by this Act, shall elect
17 the presiding officer and the assistant presiding officer of the
18 board of directors and the executive board of the board of directors
19 as required by Section 41.305, Government Code, as added by this
20 Act. In electing those officers, the board of directors shall
21 specify the beginning and end dates of the terms served by the
22 officers.

23 (c) As soon as possible after the effective date of this
24 Act, the executive board of the board of directors of the special
25 prosecution unit established by Subchapter E, Chapter 41,
26 Government Code, as added by this Act, shall elect the counsellor as
27 required by Section 41.309, Government Code, as added by this Act.

1 SECTION 48. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2007.