

SENATE AMENDMENTS

2nd Printing

By: Turner

H.B. No. 1111

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on and reporting concerning medical, psychiatric, and other research on children committed to the Texas Youth Commission.

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

SECTION 1. Section 61.076, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) As a means of correcting the socially harmful tendencies of a child committed to it, the commission may, subject to Subsection (c):

(1) require the child to participate in moral, academic, vocational, physical, and correctional training and activities;

(2) require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public;

(3) provide any medical or psychiatric treatment that is necessary; and

(4) place physically fit children in parks-maintenance camps, forestry camps, or ranches owned by the state or the United States and require the performance of suitable conservation and maintenance work.

(c) The commission may not allow a child committed to it to

1 participate in a medical, psychiatric, or other type of research
2 program or study. This subsection does not apply to survey research
3 or retrospective studies that are based only on medical records,
4 claims data, or outcome data.

5 SECTION 2. Subchapter E, Chapter 61, Human Resources Code,
6 is amended by adding Section 61.0763 to read as follows:

7 Sec. 61.0763. REPORTING CONCERNING RESEARCH PROGRAMS OR
8 STUDIES. (a) The commission shall keep records relating to
9 children committed to it that participate in research programs or
10 studies.

11 (b) The records must show, for each calendar quarter and for
12 each calendar year:

13 (1) the number of children participating in research
14 programs or studies for the appropriate reporting period;

15 (2) the type of research program or study in which each
16 child is participating;

17 (3) the name of the principal investigator conducting
18 the research program or study; and

19 (4) the entity sponsoring the research program or
20 study.

21 (c) The commission shall submit a report that contains the
22 information in the records kept under Subsection (b) on or before
23 the 15th day after the last day of the appropriate reporting period
24 to the:

25 (1) governor;

26 (2) lieutenant governor;

27 (3) speaker of the house of representatives; and

1 (4) members of the legislature.

2 (d) A report submitted under this section is public
3 information under Chapter 552, Government Code.

4 SECTION 3. This Act applies to a child committed to the
5 Texas Youth Commission without regard to whether the child was
6 committed before, on, or after the effective date of this Act.

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

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 22 2007 BY:

Atty Gen
Secretary of the Senate

Shapleigh
(Shapleigh)

1 Amend H.B. 1111 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in the recital (page 1, line
3 13) strike "Subsection (c)" and substitute "Subsections (c) and
4 (d)".

5 (2) In SECTION 1 of the bill, in amended Section 61.076,
6 Human Resources Code (page 1, between lines 34 and 35), insert:

7 (d) Subsection (c) does not apply to a research program if
8 one of the following courts determines it is in the best
9 interest of a child for the child to participate in the research
10 program:

11 (1) a district court in Travis County;

12 (2) a district court whose jurisdiction includes the
13 county of the child's residence or placement; or

14 (3) a court with continuing jurisdiction over the
15 child's case.

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1111 by Turner (Relating to prohibitions on and reporting concerning medical, psychiatric, and other research on children committed to the Texas Youth Commission.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources Code, Section 61.076 to prohibit the Youth Commission (TYC) from allowing a youth in TYC custody from participating in medical, psychiatric, or other types of research programs except survey research or retrospective studies based only on medical records, claims data, or outcome data. The bill would require TYC to maintain records regarding research program or studies to include the number of youth participating, the type of research or study in which each youth is participating, the name of the principal investigator conducting the research or study, and the entity sponsoring the research or study. TYC would be required to submit a public report of this information to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and members of the legislature periodically.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 694 Youth Commission

LBB Staff: JOB, ES, GG, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 13, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1111 by Turner (Relating to prohibitions on and reporting concerning medical, psychiatric, and other research on children committed to the Texas Youth Commission.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources Code, Section 61.076 to prohibit the Youth Commission (TYC) from allowing a youth in TYC custody from participating in medical, psychiatric, or other types of research programs except survey research or retrospective studies based only on medical records, claims data, or outcome data. The bill would require TYC to maintain records regarding research program or studies to include the number of youth participating, the type of research or study in which each youth is participating, the name of the principal investigator conducting the research or study, and the entity sponsoring the research or study. TYC would be required to submit a public report of this information to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and members of the legislature periodically.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 694 Youth Commission

LBB Staff: JOB, ES, GG, AI

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 3, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1111 by Turner (Relating to prohibiting medical, psychiatric, and other research on children committed to the Texas Youth Commission.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill amends Human Resources Code, Section 61.076 by restricting the Texas Youth Commission (TYC) from allowing a youth committed to TYC facilities from participation in medical, psychiatric, or other types of research programs.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 694 Youth Commission

LBB Staff: JOB, ES, GG, AI

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1111 by Turner (Relating to prohibitions on and reporting concerning medical, psychiatric, and other research on children committed to the Texas Youth Commission.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 15, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1111 by Turner (Relating to prohibitions on and reporting concerning medical, psychiatric, and other research on children committed to the Texas Youth Commission.),
Committee Report 1st House, Substituted

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG



LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

February 28, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1111 by Turner (Relating to prohibiting medical, psychiatric, and other research on children committed to the Texas Youth Commission.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

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