

## **BILL ANALYSIS**

C.S.H.B. 2810  
By: Bonnen  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, a juvenile board member is not liable for damages arising from an act or omission committed while performing duties as a board member.

C.S.H.B. 2810 requires the Brazoria County juvenile board to employ a chief juvenile probation officer who is responsible for employing all necessary personnel for the juvenile probation department. The bill clarifies the immunity of a member of the juvenile board and makes explicit a board member's immunity from suit and liability arising from any act or omission of the chief juvenile probation officer or an employee of the juvenile probation department.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2810 amends the Human Resources Code to require the Brazoria County juvenile board to employ a chief juvenile probation officer for the juvenile probation department who meets the standards set by the Texas Juvenile Probation Commission. The bill requires the chief juvenile probation officer to employ the juvenile probation department personnel necessary to provide juvenile probation services according to the standards established by the commission. The bill specifies that a person employed by the juvenile probation officer is an employee of the juvenile probation department and not of the juvenile board or of a juvenile board member. The bill prohibits the juvenile board or a juvenile board member from making any personnel decisions relating to the juvenile probation department except for employing the chief juvenile probation officer.

C.S.H.B. 2810 requires the chief juvenile probation officer to prepare a budget for the juvenile probation department, requires the juvenile board to approve the budget and to submit the budget to the county commissioners court for final approval in the same manner prescribed by law for the other county agencies and departments, and limits the responsibility of a board member for budgetary decisions relating to the juvenile probation department to approving the department's budget.

C.S.H.B. 2810 requires the juvenile board to prepare or approve reports that the board is required by law to prepare or approve. The bill specifies that in addition to immunity from liability for damages arising from an act or omission committed while performing duties as a board member, a juvenile board member has judicial immunity from suit and liability arising from an action taken under state law regarding the Brazoria County juvenile board, under the Juvenile Justice Code, including monitoring a child placed on probation or modifying the conditions of a child's probation, and under any other law that imposes a duty on the juvenile board or a juvenile board member, and from an act performed by, or the failure to act of, the chief juvenile probation officer or an employee of the juvenile probation department.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2810 differs from the original by making a nonsubstantive technical correction to require the Brazoria County juvenile board, rather than a juvenile board of Brazoria County to employ a chief juvenile probation officer for the juvenile probation department who meets the standards set by the Texas Juvenile Probation Commission.