

By: Bonnen

H.B. No. 2810

Substitute the following for H.B. No. 2810:

By: McReynolds

C.S.H.B. No. 2810

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Brazoria County juvenile board and juvenile
3 probation department.

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

5 SECTION 1. Section 152.0261, Human Resources Code, is
6 amended by adding Subsections (d), (e), (f), (g), (h), and (i) to
7 read as follows:

8 (d) The juvenile board shall employ a chief juvenile
9 probation officer for the juvenile probation department who meets
10 the standards set by the Texas Juvenile Probation Commission.

11 (e) Notwithstanding any other law, including Section
12 142.002, the chief juvenile probation officer, according to the
13 standards established by the Texas Juvenile Probation Commission
14 and the local need as determined by the juvenile board, shall employ
15 the juvenile probation department personnel necessary to provide
16 juvenile probation services as defined by Section 142.001. A
17 person employed as provided by this subsection is an employee of the
18 juvenile probation department and not of:

19 (1) the juvenile board; or

20 (2) a juvenile board member.

21 (f) Except for employing the chief juvenile probation
22 officer, the juvenile board or a juvenile board member may not make
23 any personnel decisions relating to the juvenile probation
24 department.

1 (g) The chief juvenile probation officer shall prepare a
2 budget for the juvenile probation department. The juvenile board
3 shall approve the budget and submit the budget to the commissioners
4 court for final approval in the same manner prescribed by law for
5 the other county agencies and departments. The responsibility of a
6 board member for budgetary decisions relating to the juvenile
7 probation department is limited to approving the department's
8 budget.

9 (h) The juvenile board shall prepare or approve reports that
10 the board is required by law to prepare or approve.

11 (i) In addition to the immunity from liability provided by
12 Section 152.0013, a juvenile board member has judicial immunity
13 from suit and liability arising from the following acts:

14 (1) an action taken under:

15 (A) this section;

16 (B) Title 3, Family Code, including monitoring a
17 child placed on probation or modifying the conditions of a child's
18 probation; or

19 (C) any other law that imposes a duty on the
20 juvenile board or a juvenile board member; and

21 (2) an act performed by, or the failure to act of, the
22 chief juvenile probation officer or an employee of the juvenile
23 probation department.

24 SECTION 2. Section 152.0261(i), Human Resources Code, as
25 added by this Act, applies to conduct occurring on or after the
26 effective date of this Act. Conduct that occurs before the
27 effective date of this Act is governed by the law as it existed

1 immediately before the effective date of this Act, and that law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.