

By: McClendon

H.B. No. 3687

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Texas Youth
3 Commission and the creation of the juvenile justice improvement
4 plan committee.

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

6 SECTION 1. Section 61.020, Human Resources Code, is amended
7 to read as follows:

8 Sec. 61.020. SUNSET PROVISION. The Texas Youth Commission
9 is subject to Chapter 325, Government Code (Texas Sunset Act).
10 Unless continued in existence as provided by that chapter, the
11 commission is abolished and this chapter expires September 1, 2015
12 [~~2009~~].

13 SECTION 2. Subchapter D, Chapter 61, Human Resources Code,
14 is amended by adding Section 61.067 to read as follows:

15 Sec. 61.067. INFORMATION PROVIDED TO CONVICTING COURT. (a)
16 At the request of a court that commits a child to the commission,
17 the commission shall provide the court with periodic updates on the
18 progress the child is making while committed to the commission.

19 (b) A report provided under Subsection (a) may include any
20 information the commission determines to be relevant in evaluating
21 the child's progress, including, as applicable, information
22 concerning the child's treatment, education, and health.

23 (c) A report provided under this section may not include
24 information that is protected from disclosure under state or

1 federal law.

2 SECTION 3. Subtitle A, Title 3, Human Resources Code, is
3 amended by adding Chapter 65 to read as follows:

4 CHAPTER 65. JUVENILE JUSTICE IMPROVEMENT PLAN

5 Sec. 65.001. DEFINITIONS. In this chapter:

6 (1) "Committee" means the juvenile justice
7 improvement plan committee established under Section 65.002.

8 (2) "Plan" means the comprehensive juvenile justice
9 improvement plan developed by the committee under Section
10 65.003(a).

11 Sec. 65.002. COMPOSITION OF COMMITTEE; PRESIDING OFFICERS.

12 (a) The juvenile justice improvement plan committee is
13 established.

14 (b) The executive commissioner of the Texas Youth
15 Commission and the executive director of the Texas Juvenile
16 Probation Commission are co-presiding officers of the committee.

17 (c) The executive commissioner of the Texas Youth
18 Commission and the executive director of the Texas Juvenile
19 Probation Commission shall each appoint four members to the
20 committee. The executive commissioner and executive director shall
21 each appoint:

22 (1) one committee member who represents the interests
23 of a local juvenile probation department;

24 (2) one committee member who represents the interests
25 of juvenile offenders;

26 (3) one committee member who represents the interests
27 of the families of juvenile offenders; and

1 (4) one committee member who represents an
2 organization that advocates on behalf of juvenile offenders, the
3 families of juvenile offenders, or the victims of delinquent or
4 criminal conduct.

5 Sec. 65.003. DEVELOPMENT OF PLAN. (a) Not later than June
6 1, 2010, the committee shall:

7 (1) develop a comprehensive juvenile justice
8 improvement plan for fiscal years 2011-2015; and

9 (2) deliver a copy of the plan to and accept comments
10 and review of the plan from:

11 (A) the governor;

12 (B) the lieutenant governor;

13 (C) the speaker of the house of representatives;

14 and

15 (D) the Criminal Justice Legislative Oversight
16 Committee.

17 (b) The committee is not obligated to make changes to the
18 plan as a result of receiving review and comments under Subsection
19 (a)(2).

20 (c) The committee shall annually review and update the plan.

21 Sec. 65.004. PLAN COMPONENT: JUVENILE JUSTICE FACILITIES.

22 (a) The comprehensive juvenile justice improvement plan must
23 include a master plan for the operation of secure correctional
24 facilities operated by the Texas Youth Commission. The committee
25 shall evaluate state and county infrastructure to determine the
26 number of beds needed in secure correctional facilities.

27 (b) The master plan developed under Subsection (a), taking

1 into consideration the timing and cost of relocating or closing any
2 facilities operated on September 1, 2009, by the Texas Youth
3 Commission, must identify:

4 (1) which facilities, if any, operated by the Texas
5 Youth Commission should be closed; and

6 (2) which areas of the state, if any, lack a sufficient
7 number of locally operated secure or nonsecure correctional
8 facilities.

9 (c) The committee shall develop the master plan to achieve
10 the following goals:

11 (1) to the maximum extent possible, reserving
12 facilities operated by or under contract with the state for higher
13 risk juveniles;

14 (2) increasing reliance on alternatives to secure
15 placement, except when secure placement is necessary to address
16 adequately a juvenile offender's treatment needs or prevent the
17 juvenile offender from reoffending;

18 (3) serving juveniles in settings that are as close to
19 the juveniles' homes as possible;

20 (4) using facility and program designs proven to be
21 most effective in rehabilitating juveniles;

22 (5) locating facilities as geographically close as
23 possible to necessary workforce and other services; and

24 (6) developing county centers or consortiums that
25 enhance county collaboration.

26 Sec. 65.005. PLAN COMPONENT: DATA SHARING. The
27 comprehensive juvenile justice improvement plan must include a

1 specific process and procedures for:

2 (1) developing shared data systems for agencies of
3 this state that serve youth, including the Texas Youth Commission,
4 the Texas Juvenile Probation Commission, the Department of Family
5 and Protective Services, the Department of State Health Services,
6 the Health and Human Services Commission, and the Texas Education
7 Agency; and

8 (2) to the maximum extent allowed by state and federal
9 law, improving access by those agencies to educational and mental
10 health records for juveniles who are placed on probation or
11 committed to the custody of the state.

12 Sec. 65.006. PLAN COMPONENT: PROGRAMS, SERVICES, AND
13 REENTRY PLANNING. The comprehensive juvenile justice improvement
14 plan must include a specific process and procedures and, if
15 appropriate, a policy for:

16 (1) routinely assessing the risk and needs of
17 juveniles in this state who are placed on juvenile probation or
18 committed to the custody of the state;

19 (2) developing or improving validated risks and needs
20 assessments and policies to assess juveniles at crucial points in
21 the juvenile justice system, including:

22 (A) before adjudication of a juvenile's case;

23 (B) on commitment of a juvenile to the custody of
24 the state; and

25 (C) at release from a correctional facility or on
26 the termination of control by the state;

27 (3) ensuring that a juvenile's minimum length of stay

1 and placement in a particular facility directly address the
2 identified needs of the juvenile;

3 (4) establishing timelines to identify and implement
4 state and local programs for community supervision, local
5 placement, and state commitment that have proven to be effective;

6 (5) providing training concerning the programs
7 described by Subdivision (4) to state and local personnel;

8 (6) improving reentry into the community for juveniles
9 exiting the juvenile justice system at the state or local level;

10 (7) increasing the use of the Texas Correctional
11 Office on Offenders with Medical or Mental Impairments, community
12 resource coordination groups, and other community resources for
13 juveniles on parole or probation; and

14 (8) ensuring that youth exiting state commitment or
15 extended probation placements have the appropriate personal
16 identification and service referrals to ensure the delivery of
17 essential services, including mental health treatment, to them
18 without delay on their return to the community.

19 Sec. 65.007. PLAN COMPONENT: PERFORMANCE MEASUREMENT. (a)
20 The comprehensive juvenile justice improvement plan must include
21 the development of a comprehensive system to measure the
22 performance of the entire juvenile justice system in this state.
23 The system must include performance measures that show the costs of
24 different levels of supervision and treatment to enable
25 identification of the most cost-effective programs.

26 (b) The committee shall consult with the Legislative Budget
27 Board and the budget, planning, and policy division of the

1 governor's office in developing the comprehensive system to measure
2 performance under Subsection (a).

3 Sec. 65.008. EXPIRATION. This chapter expires December 31,
4 2015.

5 SECTION 4. This Act takes effect September 1, 2009.