

By: Hinojosa, Hegar

S.B. No. 1020

A BILL TO BE ENTITLED

AN ACT

1
2 relating to abolishing the Texas Youth Commission and the Texas
3 Juvenile Probation Commission and transferring the powers and
4 duties of those agencies to the newly created Texas Juvenile
5 Justice Department and to the functions of the independent
6 ombudsman for the Texas Youth Commission.

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

8 ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH
9 COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

10 SECTION 1.001. The Human Resources Code is amended by
11 adding Title 12 with a heading to read as follows:

12 TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

13 SECTION 1.002. Title 12, Human Resources Code, as added by
14 this Act, is amended by adding Subtitle A to read as follows:

15 SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE

16 JUSTICE DEPARTMENT

17 CHAPTER 201. GENERAL PROVISIONS

18 Sec. 201.001. DEFINITIONS. (a) In this title:

19 (1) "Board" means the Texas Juvenile Justice Board.

20 (2) "Child" means an individual 10 years of age or
21 older and under 19 years of age who is committed to a secure
22 post-adjudication facility operated by the department under
23 Subtitle C.

24 (3) "Court" means a juvenile court.

1 (4) "Department" means the Texas Juvenile Justice
2 Department.

3 (5) "Executive director" means the executive director
4 of the department.

5 (6) "Juvenile board" means a body established by law
6 to provide juvenile probation services to a county.

7 (7) "State aid" means funds allocated by the
8 department to a juvenile board to financially assist the juvenile
9 board in achieving the purposes of this title and in conforming to
10 the department's standards and policies.

11 (a-1) A reference to the department:

12 (1) in Subtitle B means the Texas Juvenile Probation
13 Commission;

14 (2) in Subtitle C means the Texas Youth Commission;
15 and

16 (3) in any law other than Subtitle B or C means the
17 Texas Juvenile Probation Commission or the Texas Youth Commission,
18 as applicable in context.

19 (a-2) This subsection and Subsection (a-1) expire September
20 1, 2010.

21 (b) Effective September 1, 2010, a reference in other law
22 to:

23 (1) the Texas Juvenile Probation Commission means the
24 department; or

25 (2) the Texas Youth Commission means the department.

CHAPTER 201A. TEMPORARY PROVISIONS

SUBCHAPTER A. TRANSITION TEAM

Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING OFFICER. (a) The juvenile justice services and facilities transition team is composed of the following 11 members appointed by the governor:

(1) a representative of the governor;

(2) the executive director of the Texas Juvenile Probation Commission;

(3) the executive commissioner of the Texas Youth Commission;

(4) a representative of the lieutenant governor, chosen from a list submitted to the governor by the lieutenant governor;

(5) a representative of the speaker of the house of representatives, chosen from a list submitted to the governor by the speaker;

(6) one member who represents the interests of a juvenile probation department that serves a county with a small population;

(7) one member who represents the interests of a juvenile probation department that serves a county with a medium population;

(8) one member who represents the interests of a juvenile probation department that serves a county with a large population;

(9) one member who represents the interests of

1 juvenile offenders or the families of juvenile offenders;

2 (10) one member who represents an organization that
3 advocates on behalf of juvenile offenders or the families of
4 juvenile offenders; and

5 (11) one member who represents an organization that
6 advocates on behalf of the victims of delinquent or criminal
7 conduct.

8 (b) The governor shall make the appointments required by
9 Subsection (a) as soon as possible after September 1, 2009.

10 (c) The transition team member who is appointed under
11 Subsection (a)(1) serves as the presiding officer of the transition
12 team.

13 (d) The transition team members appointed under Subsections
14 (a)(2) and (3) remain on the transition team after August 31, 2009,
15 regardless of the abolition of the agencies named in those
16 subdivisions.

17 Sec. 201A.002. POWERS AND DUTIES. (a) After September 1,
18 2009, and before September 1, 2010, the transition team shall
19 coordinate and oversee the transition of services and facilities
20 from the Texas Juvenile Probation Commission and the Texas Youth
21 Commission to the Texas Juvenile Justice Department.

22 (b) After August 31, 2010, and before December 31, 2010, the
23 transition team shall assist the Texas Juvenile Justice Department
24 in implementing the transition of services and facilities from the
25 Texas Juvenile Probation Commission and the Texas Youth Commission
26 to the Texas Juvenile Justice Department.

27 Sec. 201A.003. ASSISTANCE. The following state agencies

1 shall, on request, assist the transition team with the following
2 matters:

3 (1) the Legislative Budget Board and the budget,
4 planning, and policy division of the governor's office, with
5 preparation of a suggested budget for the department;

6 (2) the Department of Information Resources, with the
7 technological needs of the department;

8 (3) the office of the attorney general, with legal
9 matters concerning the transition of services and facilities from
10 the Texas Juvenile Probation Commission and the Texas Youth
11 Commission to the Texas Juvenile Justice Department;

12 (4) the comptroller of public accounts, with suggested
13 accounting practices for the department; and

14 (5) the Texas Facilities Commission, with assistance
15 in efficiently using the office space in which the administrative
16 offices of the Texas Juvenile Probation Commission and the Texas
17 Youth Commission are located and, if necessary, locating additional
18 office space for the administrative offices of the department.

19 [Sections 201A.004-201A.050 reserved for expansion]

20 SUBCHAPTER B. JUVENILE JUSTICE IMPROVEMENT PLAN

21 Sec. 201A.051. DEFINITIONS. In this subchapter:

22 (1) "Committee" means the juvenile justice
23 improvement plan committee established under Section 201A.052.

24 (2) "Plan" means the comprehensive juvenile justice
25 improvement plan developed by the committee under Section
26 201A.053(a).

27 Sec. 201A.052. COMPOSITION OF COMMITTEE; PRESIDING

1 OFFICERS. (a) The juvenile justice improvement plan committee is
2 established.

3 (b) The executive commissioner of the Texas Youth
4 Commission and the executive director of the Texas Juvenile
5 Probation Commission are co-presiding officers of the committee.

6 (c) The executive commissioner of the Texas Youth
7 Commission and the executive director of the Texas Juvenile
8 Probation Commission shall each appoint four members to the
9 committee. The executive commissioner and executive director shall
10 each appoint:

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

13 (2) one committee member who represents the interests
14 of juvenile offenders;

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

17 (4) one committee member who represents an
18 organization that advocates on behalf of juvenile offenders, the
19 families of juvenile offenders, or the victims of delinquent or
20 criminal conduct.

21 Sec. 201A.053. DEVELOPMENT OF PLAN; SUBMISSION TO
22 DEPARTMENT FOR ADOPTION. (a) Not later than June 1, 2010, the
23 committee shall:

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

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

- 1 (A) the governor;
- 2 (B) the lieutenant governor;
- 3 (C) the speaker of the house of representatives;
- 4 and
- 5 (D) the Criminal Justice Legislative Oversight
- 6 Committee.

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

10 (c) On or after September 1, 2010, as soon as possible after
11 developing the plan under Subsection (a), the committee shall
12 submit the plan to the department for adoption under Section
13 203.013.

14 Sec. 201A.054. PLAN COMPONENT: JUVENILE JUSTICE
15 FACILITIES. (a) The comprehensive juvenile justice improvement
16 plan must include a master plan for the operation of secure
17 correctional facilities under Subtitle C. The committee shall
18 evaluate state and county infrastructure to determine the number of
19 beds needed in secure correctional facilities.

20 (b) The master plan developed under Subsection (a), taking
21 into consideration the timing and cost of relocating or closing any
22 facilities operated on September 1, 2009, by the Texas Youth
23 Commission, must identify:

24 (1) which facilities, if any, operated by the Texas
25 Youth Commission under Subtitle C should be closed; and

26 (2) which areas of the state, if any, lack a sufficient
27 number of locally operated secure or nonsecure correctional

1 facilities.

2 (c) The committee shall develop the master plan to achieve
3 the following goals:

4 (1) to the maximum extent possible, reserving
5 facilities operated by or under contract with the state for higher
6 risk juveniles;

7 (2) increasing reliance on alternatives to secure
8 placement, except when secure placement is necessary to address
9 adequately a juvenile offender's treatment needs or prevent the
10 juvenile offender from reoffending;

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

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

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

17 (6) developing county centers or consortiums that
18 enhance county collaboration.

19 Sec. 201A.055. PLAN COMPONENT: DATA SHARING. The
20 comprehensive juvenile justice improvement plan must include a
21 specific process and procedures for:

22 (1) developing common data systems between the
23 department and:

24 (A) local probation departments; and

25 (B) other agencies of this state that serve
26 youth, including the Department of Family and Protective Services,
27 the Department of State Health Services, the Health and Human

1 Services Commission, and the Texas Education Agency; and

2 (2) to the maximum extent allowed by state and federal
3 law, improving access to educational and mental health records for
4 juveniles who are placed on probation or committed to the custody of
5 the state.

6 Sec. 201A.056. PLAN COMPONENT: PROGRAMS, SERVICES, AND
7 REENTRY PLANNING. The comprehensive juvenile justice improvement
8 plan must include a specific process and procedures and, if
9 appropriate, a policy for:

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

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

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

17 (B) on commitment of a juvenile to the custody of
18 the state; and

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

21 (3) ensuring that a juvenile's minimum length of stay
22 and placement in a particular facility directly address the
23 identified needs of the juvenile;

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

27 (5) providing training concerning the programs

1 described by Subdivision (4) to state and local personnel;

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

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

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

13 Sec. 201A.057. PLAN COMPONENT: PERFORMANCE MEASUREMENT.

14 (a) The comprehensive juvenile justice improvement plan must
15 include the development of a comprehensive system to measure the
16 performance of the entire juvenile justice system in this state.
17 The system must include performance measures that show the costs of
18 different levels of supervision and treatment to enable
19 identification of the most cost-effective programs.

20 (b) The committee shall consult with the Legislative Budget
21 Board and the budget, planning, and policy division of the
22 governor's office in developing the comprehensive system to measure
23 performance under Subsection (a).

24 [Sections 201A.058-201A.100 reserved for expansion]

25 SUBCHAPTER C. EXPIRATION

26 Sec. 201A.101. EXPIRATION. This chapter expires December
27 31, 2015.

1 CHAPTER 202. ADMINISTRATIVE PROVISIONS

2 Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a)

3 The board is composed of the following 13 members appointed by the
4 governor with the advice and consent of the senate:

5 (1) four members who are juvenile court judges or
6 county commissioners;

7 (2) one prosecutor in juvenile court;

8 (3) one chief juvenile probation officer of a juvenile
9 probation department serving a county with a small population;

10 (4) one chief juvenile probation officer of a juvenile
11 probation department serving a county with a medium population;

12 (5) one chief juvenile probation officer of a juvenile
13 probation department serving a county with a large population;

14 (6) one treatment professional, who may be a mental
15 health treatment professional;

16 (7) one educator, as that term is defined by Section
17 5.001, Education Code;

18 (8) one member who represents an organization that
19 advocates on behalf of juvenile offenders or victims of delinquent
20 or criminal conduct; and

21 (9) two members of the public who are not employees of
22 the criminal or juvenile justice system.

23 (b) Members serve staggered six-year terms, with the terms
24 of four or five members expiring on February 1 of each odd-numbered
25 year.

26 (c) The governor shall designate a member of the board as
27 the presiding officer of the board to serve in that capacity at the

1 pleasure of the governor.

2 (d) The governor shall make appointments to the board
3 without regard to the race, color, disability, sex, religion, age,
4 or national origin of the appointees.

5 Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND
6 DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of
7 the board if the person or the person's spouse:

8 (1) is registered, certified, or licensed by a
9 regulatory agency in the field of criminal or juvenile justice;

10 (2) is employed by or participates in the management
11 of a business entity or other organization regulated by or
12 receiving money from the department;

13 (3) owns or controls, directly or indirectly, more
14 than a 10 percent interest in a business entity or other
15 organization regulated by or receiving money from the department;
16 or

17 (4) uses or receives a substantial amount of tangible
18 goods, services, or money from the department, other than
19 compensation or reimbursement authorized by law for board
20 membership, attendance, or expenses.

21 (b) A person may not be a board member and may not be a
22 department employee employed in a "bona fide executive,
23 administrative, or professional capacity," as that phrase is used
24 for purposes of establishing an exemption to the overtime
25 provisions of the federal Fair Labor Standards Act of 1938 (29
26 U.S.C. Section 201 et seq.), if:

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of criminal or
2 juvenile justice; or

3 (2) the person's spouse is an officer, manager, or paid
4 consultant of a Texas trade association in the field of criminal or
5 juvenile justice.

6 (c) A person may not be a board member or act as the general
7 counsel to the board or the department if the person is required to
8 register as a lobbyist under Chapter 305, Government Code, because
9 of the person's activities for compensation on behalf of a
10 profession related to the operation of the department.

11 (d) In this section, "Texas trade association" means a
12 cooperative and voluntarily joined statewide association of
13 business or professional competitors in this state designed to
14 assist its members and its industry or profession in dealing with
15 mutual business or professional problems and in promoting their
16 common interest.

17 Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

18 (a) A judge's place on the board becomes vacant when the judge
19 ceases to hold a judicial office.

20 (b) A judge's service on the board is an additional duty of
21 office.

22 (c) At the time of appointment to the board, a judge must be
23 a judge of:

24 (1) a court designated as a juvenile court; or

25 (2) a court that is one of several courts that rotate
26 being the juvenile court.

27 Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground

1 for removal from the board if a member:

2 (1) does not have at the time of taking office the
3 qualifications required by Sections 202.001 and 202.003;

4 (2) does not maintain during service on the board the
5 qualifications required by Sections 202.001 and 202.003;

6 (3) is ineligible for membership under Section
7 202.002;

8 (4) cannot, because of illness or disability,
9 discharge the member's duties for a substantial part of the term;
10 or

11 (5) is absent from more than half of the regularly
12 scheduled board meetings that the member is eligible to attend
13 during a calendar year unless the absence is excused by majority
14 vote of the board.

15 (b) The validity of an action of the board is not affected by
16 the fact that the action is taken when a ground for removal of a
17 board member exists.

18 (c) If the executive director has knowledge that a potential
19 ground for removal exists, the executive director shall notify the
20 presiding officer of the board of the potential ground. The
21 presiding officer shall then notify the governor and the attorney
22 general that a potential ground for removal exists. If the
23 potential ground for removal involves the presiding officer, the
24 executive director shall notify the next highest ranking officer of
25 the board, who shall then notify the governor and the attorney
26 general that a potential ground for removal exists.

27 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile

1 probation officer who is a board member shall avoid the appearance
2 of a conflict of interest by not voting or participating in any
3 decision by the board that directly benefits or penalizes or
4 otherwise directly impacts the juvenile probation department over
5 which the chief juvenile probation officer has authority.

6 (b) The board may adopt recusal requirements in addition to
7 those described by Subsection (a), including requirements that are
8 more restrictive than those described by Subsection (a).

9 Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person who
10 is appointed to and qualifies for office as a board member may not
11 vote, deliberate, or be counted as a member in attendance at a
12 meeting of the board until the person completes a training program
13 that complies with this section.

14 (b) The training program must provide the person with
15 information regarding:

16 (1) this chapter as it relates to the creation of the
17 board and the department;

18 (2) the programs, functions, rules, and budget of the
19 department;

20 (3) the results of the most recent formal audit of the
21 department;

22 (4) the requirements of laws relating to open
23 meetings, public information, administrative procedure, and
24 conflicts of interest; and

25 (5) any applicable ethics policies adopted by the
26 department or the Texas Ethics Commission.

27 (c) A person appointed to the board is entitled to

1 reimbursement, as provided by the General Appropriations Act, for
2 travel expenses incurred in attending the training program,
3 regardless of whether attendance at the program occurs before or
4 after the person qualifies for office.

5 Sec. 202.007. REIMBURSEMENT. A board member is not
6 entitled to compensation for service on the board but is entitled to
7 reimbursement for actual and necessary expenses incurred in
8 performing official duties as a board member.

9 Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The
10 board shall hold regular quarterly meetings on dates set by the
11 board and special meetings at the call of the presiding officer.

12 (b) The board shall adopt rules regulating the board's
13 proceedings.

14 (c) The board shall keep a public record of the board's
15 decisions at the board's general office.

16 (d) The board shall develop and implement policies that
17 provide the public with a reasonable opportunity to appear before
18 the board and to speak on any issue under the jurisdiction of the
19 department.

20 Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The
21 department is subject to audit by the state auditor in accordance
22 with Chapter 321, Government Code.

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

1 under Subchapter C, Chapter 242, or share other information.

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

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

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

12 (2) prohibit the state auditor from:

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

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

19 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile
20 Justice Board and the Texas Juvenile Justice Department are subject
21 to Chapter 325, Government Code (Texas Sunset Act). Unless
22 continued in existence as provided by that chapter, the board and
23 the department are abolished September 1, 2015.

24 CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND DEPARTMENT

25 Sec. 203.001. CONTROL OVER DEPARTMENT; PRIORITIZATION OF
26 SERVICES. (a) The board is the governing body of the department
27 and is responsible for the operations of the department.

1 (b) The board shall develop and implement policies that
2 clearly separate the policymaking responsibilities of the board and
3 the management responsibilities of the executive director and the
4 staff of the department.

5 (c) A mission of the department is to achieve the goal of
6 prioritizing the use of probation services for juveniles over the
7 commitment of juveniles to state facilities. The board shall
8 develop and implement policies that prioritize the provision of:

9 (1) probation services under Subtitle B over
10 commitment under Subtitle C; and

11 (2) funding and assistance to juvenile probation
12 departments operated in accordance with Chapter 142.

13 Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:

14 (1) employ an executive director to administer the
15 department; and

16 (2) supervise the director's administration of the
17 department.

18 Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

19 (a) The department shall comply with federal and state laws related
20 to program and facility accessibility.

21 (b) The board shall prepare and maintain a written plan that
22 describes how a person who does not speak English can be provided
23 reasonable access to the department's programs and services.

24 Sec. 203.004. USE OF TECHNOLOGY. The board shall implement
25 a policy requiring the department to use appropriate technological
26 solutions to improve the department's ability to perform its
27 functions. The policy must ensure that the public is able to

1 interact with the department on the Internet.

2 Sec. 203.005. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
3 RESOLUTION. (a) The board shall develop and implement a policy to
4 encourage the use of:

5 (1) negotiated rulemaking procedures under Chapter
6 2008, Government Code, for the adoption of department rules; and

7 (2) appropriate alternative dispute resolution
8 procedures under Chapter 2009, Government Code, to assist in the
9 resolution of internal and external disputes under the department's
10 jurisdiction.

11 (b) The department's procedures relating to alternative
12 dispute resolution must conform, to the extent possible, to any
13 model guidelines issued by the State Office of Administrative
14 Hearings for the use of alternative dispute resolution by state
15 agencies.

16 (c) The board shall designate a trained person to:

17 (1) coordinate the implementation of the policy
18 adopted under Subsection (a);

19 (2) serve as a resource for any training needed to
20 implement the procedures for negotiated rulemaking or alternative
21 dispute resolution; and

22 (3) collect data concerning the effectiveness of those
23 procedures, as implemented by the department.

24 Sec. 203.006. GIFTS AND GRANTS. (a) The department may
25 apply for and accept gifts and grants from any public or private
26 source to use in maintaining and improving services provided under
27 this title.

1 (b) The department shall deposit money received under this
2 section in the state treasury. The department may use the money
3 only to make payments of state aid under Subtitle B and to
4 administer this title.

5 Sec. 203.007. MEDICAID BENEFITS. The department shall:

6 (1) identify areas in which federal Medicaid program
7 benefits could be used in a manner that is cost-effective for
8 juveniles in the juvenile justice system;

9 (2) develop a program to encourage application for and
10 receipt of Medicaid benefits;

11 (3) provide technical assistance to counties relating
12 to eligibility for Medicaid benefits; and

13 (4) monitor the extent to which counties make use of
14 Medicaid benefits.

15 Sec. 203.008. STUDIES; STATISTICAL RECORDS. (a) The
16 department may conduct or participate in studies relating to
17 corrections methods and systems and to treatment and therapy
18 programs at the governor's request or on the department's own
19 initiative.

20 (b) The department shall continuously study the problem of
21 juvenile delinquency in this state and the effectiveness of
22 services provided or regulated by the department under Subtitle B
23 or C and shall report the department's findings to the governor and
24 the legislature before each regular legislative session.

25 (c) The department shall keep records relating to juveniles
26 within the juvenile justice system that participate in research
27 programs or studies.

1 (d) The records must show, for each calendar quarter and for
2 each calendar year:

3 (1) the number of juveniles participating in research
4 programs or studies for the appropriate reporting period;

5 (2) the type of research program or study in which each
6 juvenile is participating;

7 (3) the name of the principal investigator conducting
8 the research program or study; and

9 (4) the entity sponsoring the research program or
10 study.

11 (e) The department shall submit a report that contains the
12 information in the records kept under Subsection (d) on or before
13 the 15th day after the last day of the appropriate reporting period
14 to the:

15 (1) governor;

16 (2) lieutenant governor;

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

18 (4) members of the senate and house of
19 representatives.

20 (f) A report submitted under this section is public
21 information under Chapter 552, Government Code.

22 Sec. 203.009. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH,
23 RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section,
24 "evidence" means any record, book, paper, document, data, or other
25 evidence maintained by electronic or other means.

26 (b) The department may issue a subpoena requiring the
27 attendance of a witness or the production of evidence that the

1 department considers necessary for the investigation of:

2 (1) abuse, neglect, or exploitation allegations;

3 (2) complaints;

4 (3) financial and programmatic audits of juvenile
5 probation programs, services, and facilities, including juvenile
6 justice alternative education programs; or

7 (4) any other matter under the authority of the
8 department, including a determination of treatment under Section
9 244.005.

10 (c) The department may issue a subpoena under Subsection (b)
11 only if the subpoena is signed by:

12 (1) the presiding officer of the board or, if the
13 presiding officer is unavailable, the presiding officer's
14 designee; and

15 (2) at least two other members of the board, including
16 a board member who is a judge.

17 (d) Any peace officer, department investigator, other
18 department official, or person authorized under Article 24.01, Code
19 of Criminal Procedure, may serve the subpoena in the same manner
20 that similar process in a court of record having original
21 jurisdiction of criminal actions is served.

22 (e) A subpoena under this section shall be served and
23 witness fees and mileage paid as in civil cases in the district
24 court in the county to which the witness is called, unless the
25 proceeding for which the service or payment is made is under Chapter
26 2001, Government Code, in which case the service or payment shall be
27 made as provided in that chapter. Witnesses subpoenaed at the

1 instance of the department shall be paid their fees and mileage by
2 the department out of funds appropriated for that purpose.

3 (f) On application of the department, a court of record
4 having original jurisdiction of criminal actions may compel the
5 attendance of a witness, the production of material, or the giving
6 of testimony before the department, by an attachment for contempt
7 or in the same manner as the court may otherwise compel the
8 production of evidence.

9 (g) The presiding officer or a member of the board may
10 administer an oath to a witness in attendance before the department
11 or before an authorized representative of the department.

12 (h) If a witness in attendance before the department or
13 before an authorized representative refuses without reasonable
14 cause to be examined or answer a legal or pertinent question, or to
15 produce evidence when ordered by the commission, the department may
16 apply to the district court for a rule or order returnable in not
17 less than two or in more than five days, directing the witness to
18 show cause before the judge why the witness should not be punished
19 for contempt. The department may apply to the district court of any
20 county where the witness is in attendance, on proof by affidavit of
21 the fact, unless the order of contempt is sought under Chapter 2001,
22 Government Code, in which case the department shall apply to a
23 district court of Travis County, as provided by that chapter. On
24 return of the order, the judge hearing the matter shall examine the
25 witness under oath and the witness shall be given an opportunity to
26 be heard. If the judge determines that the witness has refused,
27 without reasonable cause or legal excuse, to be examined or answer a

1 legal or pertinent question, or to produce evidence that the
2 witness was ordered to bring or produce, the judge may immediately
3 find the witness in contempt of court.

4 (i) The department shall be granted access at any reasonable
5 time to any evidence that is related to any matter the department or
6 executive director considers necessary to administer the
7 department's functions, powers, and duties.

8 Sec. 203.010. PUBLIC INTEREST INFORMATION. The department
9 shall prepare information of public interest describing the
10 functions of the department and describing the procedures by which
11 complaints are filed with and resolved by the department. The
12 department shall make the information available to the general
13 public and appropriate state agencies.

14 Sec. 203.011. DEPARTMENT COMPLAINTS. (a) The department
15 shall maintain a system to promptly and efficiently act on
16 complaints filed with the department. The department shall
17 maintain information about parties to the complaint, the subject
18 matter of the complaint, a summary of the results of the review or
19 investigation of the complaint, and the disposition of the
20 complaint.

21 (b) The department shall make information available
22 describing its procedures for complaint investigation and
23 resolution.

24 (c) The department shall periodically notify the complaint
25 parties of the status of the complaint until final disposition of
26 the complaint.

27 Sec. 203.012. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.

1 A juvenile probation department that is aggrieved by a decision of
2 the executive director may appeal the executive director's decision
3 to the board. The decision of the board is final and cannot be
4 appealed.

5 Sec. 203.013. JUVENILE JUSTICE IMPROVEMENT PLAN; ANNUAL
6 REPORT. (a) As soon as possible after September 1 of each year, the
7 department shall review, update, and adopt the juvenile justice
8 improvement plan adopted by the department in the previous fiscal
9 year.

10 (b) In updating the juvenile justice improvement plan under
11 Subsection (a), the department shall have the following goals:

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

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

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

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

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

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

27 (c) The department shall make an annual implementation

1 report to the governor, the lieutenant governor, the speaker of the
2 house of representatives, and the Criminal Justice Legislative
3 Oversight Committee concerning:

4 (1) the department's progress in implementing the
5 juvenile justice improvement plan; and

6 (2) using the comprehensive system to measure
7 performance incorporated into the juvenile justice improvement
8 plan, the overall performance of the juvenile justice system in
9 this state.

10 (d) The department shall submit the annual implementation
11 report described by Subsection (c) on the following dates for the
12 following periods:

13 (1) December 2012, for the period of September 1,
14 2011, through August 31, 2012;

15 (2) December 2013, for the period of September 1,
16 2012, through August 31, 2013;

17 (3) December 2014, for the period of September 1,
18 2013, through August 31, 2014; and

19 (4) December 2015, for the period of September 1,
20 2014, through August 31, 2015.

21 (e) As soon as possible after September 1, 2010, and not
22 later than December 31, 2010, the department shall receive, amend,
23 if necessary, and adopt the comprehensive juvenile justice
24 improvement plan developed by the juvenile justice improvement plan
25 committee under Subchapter B, Chapter 201A. This subsection
26 expires December 31, 2010.

27 (f) This section expires December 31, 2015.

1 SECTION 1.003. Title 12, Human Resources Code, as added by
2 this Act, is amended by adding Subtitle B with a heading to read as
3 follows:

4 SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

5 SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human
6 Resources Code, are transferred to Subtitle B, Title 12, Human
7 Resources Code, as added by this Act, redesignated as Chapters 221,
8 222, and 223, respectively, and amended to read as follows:

9 CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE

10 BOARDS AND JUVENILE PROBATION DEPARTMENTS

11 SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND DUTIES~~
12 ~~OF COMMISSION~~]

13 Sec. 221.001 [~~141.041~~]. PROVISION OF PROBATION AND DETENTION
14 SERVICES. (a) The department [~~commission~~] shall assist counties in
15 providing probation and juvenile detention services by encouraging
16 the continued operation of county and multi-county juvenile boards
17 or probation offices.

18 (b) If a county discontinues the provision of juvenile
19 probation services, the department [~~commission~~] may directly
20 provide probation or detention services in the county.

21 Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE
22 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND
23 FACILITIES. (a) The department [~~commission~~] shall adopt reasonable
24 rules that provide:

25 (1) minimum standards for personnel, staffing, case
26 loads, programs, facilities, record keeping, equipment, and other
27 aspects of the operation of a juvenile board that are necessary to

1 provide adequate and effective probation services;

2 (2) a code of ethics for probation and detention
3 officers and for the enforcement of that code;

4 (3) appropriate educational, preservice and
5 in-service training, and certification standards for probation and
6 detention officers or court-supervised community-based program
7 personnel;

8 (4) minimum standards for public and private juvenile
9 pre-adjudication secure detention facilities, public juvenile
10 post-adjudication secure correctional facilities that are operated
11 under the authority of a juvenile board, and private juvenile
12 post-adjudication secure correctional facilities, except those
13 facilities exempt from certification by Section 42.052(g); and

14 (5) minimum standards for juvenile justice
15 alternative education programs created under Section 37.011,
16 Education Code, in collaboration and conjunction with the Texas
17 Education Agency, or its designee.

18 (b) In adopting the rules, the department [~~commission~~]
19 shall consider local information and evidence gathered through
20 public review and comment.

21 (c) The department [~~commission~~] shall operate a statewide
22 registry for all public and private juvenile pre-adjudication
23 secure detention facilities and all public and private juvenile
24 post-adjudication secure correctional facilities [~~except a~~
25 ~~facility operated or certified by the Texas Youth Commission~~].

26 (d) The rules adopted under Subsection (a) apply to all
27 correctional facilities that accept only juveniles who are on

1 probation, regardless of whether the facility is operated by or
2 under contract with a juvenile board or by a private entity
3 independent from and not under contract with a juvenile board.

4 (e) A juvenile board that does not accept state aid funding
5 from the department under Section 223.001 shall report to the
6 department each month on a form provided by the department the same
7 data as that required of counties accepting state aid funding
8 regarding juvenile justice activities under the jurisdiction of the
9 juvenile board. If the department makes available free software to
10 a juvenile board for the automation and tracking of juveniles under
11 the jurisdiction of the juvenile board, the department may require
12 the monthly report to be provided in an electronic format adopted by
13 rule by the department.

14 Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING
15 INSTRUMENT; ADMISSIBILITY OF STATEMENTS. (a) The department by
16 rule shall require juvenile [~~(e) Juvenile~~] probation departments to
17 [~~shall~~] use the mental health screening instrument selected by the
18 department [~~commission~~] for the initial screening of children under
19 the jurisdiction of probation departments who have been formally
20 referred to a juvenile probation [~~the~~] department. The department
21 [~~commission~~] shall give priority to training in the use of this
22 instrument in any preservice or in-service training that the
23 department [~~commission~~] provides for probation officers. The rules
24 adopted by the department under this subsection must allow a [~~A~~]
25 clinical assessment by a licensed mental health professional to
26 [~~may~~] be substituted for the mental health screening instrument
27 selected by the department [~~commission~~] if the clinical assessment

1 is performed in the time prescribed by the department [~~commission~~].
2 Juvenile probation departments shall report data from the use of
3 the screening instrument or the clinical assessment to the
4 department [~~commission~~] in a format and in the time prescribed by
5 the department [~~commission~~].

6 (b) [~~(g)~~] Any statement made by a child and any mental
7 health data obtained from the child during the administration of
8 the mental health screening instrument under this section is not
9 admissible against the child at any other hearing. The person
10 administering the mental health screening instrument shall inform
11 the child that any statement made by the child and any mental health
12 data obtained from the child during the administration of the
13 instrument is not admissible against the child at any other
14 hearing.

15 [~~(h) A juvenile board that does not accept state aid funding
16 from the commission under Section 141.081 shall report to the
17 commission each month on a form provided by the commission the same
18 data as that required of counties accepting state aid funding
19 regarding juvenile justice activities under the jurisdiction of the
20 board. If the commission makes available free software to the board
21 for the automation and tracking of juveniles under the jurisdiction
22 of the board, the commission may require the monthly report to be
23 provided in an electronic format adopted by rule by the
24 commission.]~~

25 Sec. 221.004 [~~141.0421~~]. STANDARDS RELATING TO LOCAL
26 PROBATION DEPARTMENTS. (a) The department [~~commission~~] shall adopt
27 rules that provide:

1 (1) standards for the collection and reporting of
2 information about juvenile offenders by local probation
3 departments;

4 (2) performance measures to determine the
5 effectiveness of probation services provided by local probation
6 departments; and

7 (3) case management standards for all probation
8 services provided by local probation departments.

9 (b) The department [~~commission~~] shall monitor local
10 probation departments for compliance with the standards and
11 measures that the department [~~commission~~] adopts.

12 (c) The department [~~commission~~] shall provide technical
13 assistance to local probation departments to aid compliance with
14 the standards and measures that the department [~~commission~~] adopts.

15 Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL
16 AUTHORITIES. The department [~~commission~~] shall provide
17 educational training and technical assistance to counties,
18 juvenile boards, and probation offices to:

19 (1) promote compliance with the standards required
20 under this chapter; and

21 (2) assist the local authorities in improving the
22 operation of probation, parole, and detention services.

23 Sec. 221.006 [~~141.0431~~]. VIOLENCE PREVENTION AND CONFLICT
24 RESOLUTION TRAINING. The department [~~commission~~] shall:

25 (1) provide training on request to juvenile probation
26 departments and juvenile boards in violence prevention and conflict
27 resolution programs that include discussion of domestic violence

1 and child abuse issues; and

2 (2) encourage the inclusion of a violence prevention
3 and conflict resolution program as a condition of probation.

4 Sec. 221.007 [~~141.044~~]. JUVENILE BOARD RECORDS AND REPORTS.
5 Each juvenile board in the state shall:

6 (1) keep the financial, programmatic, and statistical
7 records the department [~~commission~~] considers necessary; and

8 (2) submit periodic financial, programmatic, and
9 statistical reports to the department [~~commission~~] as required by
10 the department [~~commission~~] and in the format specified by the
11 department [~~commission~~], including electronic submission.

12 [~~Sec. 141.045. GIFTS AND GRANTS. (a) The commission may~~
13 ~~apply for and accept gifts and grants from any public or private~~
14 ~~source to use in maintaining and improving probation services in~~
15 ~~the state.~~

16 [~~(b) The commission shall deposit money received under this~~
17 ~~section in the state treasury. The commission may use the money only~~
18 ~~to make payments of state aid under this chapter and to administer~~
19 ~~this chapter.]~~

20 Sec. 221.008 [~~141.046~~]. INSPECTIONS AND AUDITS. (a) The
21 department [~~commission~~] may inspect and evaluate a juvenile board
22 and probation department and audit the juvenile board's [~~its~~]
23 financial, programmatic, and statistical records at reasonable
24 times to determine compliance with the department's [~~commission's~~]
25 rules.

26 (b) The department [~~commission~~] may inspect any program or
27 facility that accepts only juveniles who are on probation operated:

1 (1) on behalf of and under the authority of the
2 juvenile board by the probation department, a governmental entity,
3 or private vendor; or

4 (2) by a private entity independent from and not under
5 contract with or on behalf of the juvenile board.

6 ~~[Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER~~
7 ~~OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this~~
8 ~~section, "evidence" means any record, book, paper, document, data,~~
9 ~~or other evidence maintained by electronic or other means.~~

10 ~~[(b) The commission may issue a subpoena requiring the~~
11 ~~attendance of a witness or the production of evidence that the~~
12 ~~commission considers necessary for the investigation of:~~

13 ~~[(1) abuse, neglect, or exploitation allegations;~~

14 ~~[(2) complaints;~~

15 ~~[(3) financial and programmatic audits of juvenile~~
16 ~~probation programs services and facilities, including juvenile~~
17 ~~justice alternative education programs; or~~

18 ~~[(4) any matter under the authority of the~~
19 ~~commission.~~

20 ~~[(c) The commission may issue a subpoena under Subsection~~
21 ~~(b) only if the subpoena is signed by:~~

22 ~~[(1) the chairman of the commission or, if the~~
23 ~~chairman is unavailable, the vice-chairman of the commission, and~~

24 ~~[(2) at least two other members of the commission,~~
25 ~~including a member who is a judge.~~

26 ~~[(d) Any peace officer, commission investigator, other~~
27 ~~commission official, or person authorized under Article 24.01, Code~~

1 ~~of Criminal Procedure, may serve the subpoena in the same manner~~
2 ~~that similar process in a court of record having original~~
3 ~~jurisdiction of criminal actions is served.~~

4 ~~[(e) A subpoena under this section shall be served and~~
5 ~~witness fees and mileage paid as in civil cases in the district~~
6 ~~court in the county to which the witness is called, unless the~~
7 ~~proceeding for which the service or payment is made is under Chapter~~
8 ~~2001, Government Code, in which case the service or payment shall be~~
9 ~~made as provided in that chapter. Witnesses subpoenaed at the~~
10 ~~instance of the commission shall be paid their fees and mileage by~~
11 ~~the commission out of funds appropriated for that purpose.~~

12 ~~[(f) On application of the commission, a court of record~~
13 ~~having original jurisdiction of criminal actions may compel the~~
14 ~~attendance of a witness, the production of material, or the giving~~
15 ~~of testimony before the commission, by an attachment for contempt~~
16 ~~or in the same manner as the court may otherwise compel the~~
17 ~~production of evidence.~~

18 ~~[(g) The chairman or another member of the commission may~~
19 ~~administer an oath to a witness in attendance before the commission~~
20 ~~or before an authorized representative of the commission.~~

21 ~~[(h) If a witness in attendance before the commission or~~
22 ~~before an authorized representative refuses without reasonable~~
23 ~~cause to be examined or answer a legal or pertinent question, or to~~
24 ~~produce evidence when ordered by the commission, the commission~~
25 ~~may apply to the district court for a rule or order returnable in~~
26 ~~not less than two or in more than five days, directing the witness~~
27 ~~to show cause before the judge why the witness should not be~~

1 ~~punished for contempt. The commission may apply to the district~~
2 ~~court of any county where the witness is in attendance, on proof by~~
3 ~~affidavit of the fact, unless the order of contempt is sought under~~
4 ~~Chapter 2001, Government Code, in which case the commission shall~~
5 ~~apply to a district court of Travis County, as provided by that~~
6 ~~chapter. On return of the order, the judge hearing the matter shall~~
7 ~~examine the witness under oath and the witness shall be given an~~
8 ~~opportunity to be heard. If the judge determines that the witness~~
9 ~~has refused, without reasonable cause or legal excuse, to be~~
10 ~~examined or answer a legal or pertinent question, or to produce~~
11 ~~evidence that the witness was ordered to bring or produce, the judge~~
12 ~~may immediately find the witness in contempt of court.~~

13 ~~[(i) The commission shall be granted access at any~~
14 ~~reasonable time to any evidence that is related to any matter the~~
15 ~~commission or executive director considers necessary to administer~~
16 ~~the commission's functions, powers, and duties.]~~

17 Sec. 221.009 [~~141.047~~]. INTERAGENCY AND INTERGOVERNMENTAL
18 COOPERATION. (a) To improve probation services, the department
19 [~~commission~~] may cooperate and contract with:

- 20 (1) the federal government;
- 21 (2) governmental agencies in this state and other
22 states;
- 23 (3) political subdivisions of the state; and
- 24 (4) private agencies.

25 (b) The executive director [~~, the executive commissioner of~~
26 ~~the Texas Youth Commission,~~] and the commissioners of education,
27 mental health and mental retardation, and human services shall meet

1 in Austin at least quarterly to:

- 2 (1) discuss mutual problems;
- 3 (2) resolve conflicts in providing services to
- 4 juveniles; and
- 5 (3) make recommendations to the governor and
- 6 legislature.

7 ~~[Sec. 141.0471. COORDINATED STRATEGIC PLAN FOR JUVENILE~~
8 ~~JUSTICE SYSTEM. (a) The commission and the Texas Youth Commission~~
9 ~~shall biennially develop a coordinated strategic plan which shall~~
10 ~~guide, but not substitute for, the strategic plans developed~~
11 ~~individually by the agencies.~~

12 ~~[(b) The plan shall:~~

- 13 ~~[(1) identify short-term and long-term policy goals,~~
- 14 ~~[(2) identify time frames and strategies for meeting~~
- 15 ~~the goals identified under Subdivision (1),~~
- 16 ~~[(3) estimate population projections, including~~
- 17 ~~projections of population characteristics,~~
- 18 ~~[(4) estimate short-term and long-term capacity,~~
- 19 ~~programmatic, and funding needs,~~
- 20 ~~[(5) describe intensive service and surveillance~~
- 21 ~~parole pilot programs to be jointly developed,~~
- 22 ~~[(6) include an evaluation of aftercare services~~
- 23 ~~emphasizing concrete outcome measures, including recidivism and~~
- 24 ~~educational progress,~~
- 25 ~~[(7) identify objective criteria for the various~~
- 26 ~~decision points throughout the continuum of juvenile justice~~
- 27 ~~services and sanctions to guard against disparate treatment of~~

1 ~~minority youth; and~~

2 ~~[(8) identify cross-agency outcome measures by which~~
3 ~~to evaluate the effectiveness of the system generally.]~~

4 ~~[(c) The governing board of the Texas Juvenile Probation~~
5 ~~Commission and the executive commissioner of the Texas Youth~~
6 ~~Commission shall adopt the coordinated strategic plan on or before~~
7 ~~December 1st of each odd-numbered year, or before the adoption of~~
8 ~~the agency's individual strategic plan, whichever is earlier.]~~

9 ~~[Sec. 141.048. STUDIES. (a) The commission may conduct or~~
10 ~~participate in studies relating to corrections methods and systems~~
11 ~~and to treatment and therapy programs at the governor's request or~~
12 ~~on its own motion.]~~

13 ~~[(b) The commission shall continuously study the~~
14 ~~effectiveness of probation services and shall report its findings~~
15 ~~to the governor and the legislature before each regular legislative~~
16 ~~session.]~~

17 ~~[Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
18 ~~STUDIES. (a) The commission shall keep records relating to~~
19 ~~children within the juvenile probation system that participate in~~
20 ~~research programs or studies.]~~

21 ~~[(b) The records must show, for each calendar quarter and~~
22 ~~for each calendar year:]~~

23 ~~[(1) the number of children participating in research~~
24 ~~programs or studies for the appropriate reporting period;~~

25 ~~[(2) the type of research program or study in which~~
26 ~~each child is participating;~~

27 ~~[(3) the name of the principal investigator conducting~~

1 ~~the research program or study; and~~

2 ~~[(4) the entity sponsoring the research program or~~
3 ~~study.]~~

4 ~~[(c) The commission shall submit a report that contains the~~
5 ~~information in the records kept under Subsection (b) on or before~~
6 ~~the 15th day after the last day of the appropriate reporting period~~
7 ~~to the:~~

8 ~~[(1) governor;~~

9 ~~[(2) lieutenant governor;~~

10 ~~[(3) speaker of the house of representatives; and~~

11 ~~[(4) members of the senate and house of~~
12 ~~representatives.]~~

13 ~~[(d) A report submitted under this section is public~~
14 ~~information under Chapter 552, Government Code.]~~

15 Sec. 221.010 [~~141.049~~]. COMPLAINTS RELATING TO JUVENILE
16 BOARDS. (a) The department [~~commission~~] shall keep an information
17 file about each complaint filed with the department [~~commission~~]
18 relating to a juvenile board funded by the department [~~commission~~].
19 The department [~~commission~~] shall investigate the allegations in
20 the complaint and make a determination of whether there has been a
21 violation of the department's [~~commission's~~] rules relating to
22 juvenile probation programs, services, or facilities.

23 (b) The department shall handle and dispose of complaints
24 received under this section in the manner described by Section
25 203.011 [~~If a written complaint is filed with the commission~~
26 ~~relating to a juvenile board funded by the commission, the~~
27 ~~commission, at least quarterly and until final disposition of the~~

1 ~~complaint, shall notify the complainant and the juvenile board of~~
2 ~~the status of the complaint unless notice would jeopardize an~~
3 ~~undercover investigation].~~

4 Sec. 221.011. INVESTIGATORS. (a) The department may
5 employ and commission investigators as peace officers for the
6 purpose of investigating allegations of abuse, neglect, and
7 exploitation in juvenile justice programs and facilities under
8 Section 261.405, Family Code.

9 (b) Peace officers employed and commissioned under
10 Subsection (a) must be certified by the Commission on Law
11 Enforcement Officer Standards and Education under Chapter 1701,
12 Occupations Code.

13 Sec. 221.012. DATA COLLECTION. (a) The department shall
14 collect comprehensive data concerning the outcomes of local
15 probation programs throughout the state.

16 (b) Data collected under Subsection (a) must include:

17 (1) a description of the types of programs and
18 services offered by a juvenile probation department, including a
19 description of the components of each program or service offered;
20 and

21 (2) the rate at which juveniles who enter or complete
22 juvenile probation are later committed to the custody of the state.

23 Sec. 221.013. ANNUAL REPORT ON ABUSE, NEGLECT, AND
24 EXPLOITATION. (a) On September 1 of each year or as soon as
25 possible after that date, the department shall prepare and deliver
26 a report to the board concerning the final outcome of any complaint
27 received under Section 261.405, Family Code, that concerns the

1 abuse, neglect, or exploitation of a juvenile. The report must
2 include a summary of the actions performed by the department and any
3 applicable juvenile board or juvenile probation department in
4 resolving the complaint.

5 (b) A report prepared under Subsection (a) is public
6 information under Chapter 552, Government Code, only to the extent
7 authorized by that chapter.

8 [Sections 221.014-221.050 reserved for expansion]

9 SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

10 Sec. 221.051 [~~141.050~~]. CONTRACT STANDARDS. (a) In each
11 contract with counties for local probation services, the department
12 [~~commission~~] shall include:

13 (1) clearly defined contract goals, outputs, and
14 measurable outcomes that relate directly to program objectives;

15 (2) clearly defined sanctions or penalties for failure
16 to comply with or perform contract terms or conditions; and

17 (3) clearly specified accounting, reporting, and
18 auditing requirements applicable to money received under the
19 contract.

20 (b) The department [~~commission~~] shall require each local
21 juvenile probation department:

22 (1) to include the provisions of Subsection (a) in its
23 contracts with private service providers that involve the use of
24 state funds; and

25 (2) to use data relating to the performance of private
26 service providers in prior contracts as a factor in selecting
27 providers to receive contracts.

1 (c) On and after September 1, 2010, the department shall
2 consider the past performance of a juvenile board when contracting
3 with the juvenile board for local probation services other than
4 basic probation services. In addition to the contract standards
5 described by Subsection (a), a contract with a juvenile board for
6 probation services other than basic probation services must:

7 (1) include specific performance targets for the
8 juvenile board based on the juvenile board's historic performance
9 of the services; and

10 (2) require a juvenile board to report on the juvenile
11 board's success in meeting the performance targets described by
12 Subdivision (1).

13 (d) Not later than September 1, 2010, the Texas Juvenile
14 Probation Commission by rule shall establish the specific
15 performance targets described by Subsection (c)(1) and define the
16 types of contracts that are considered basic probation service
17 contracts to which Subsection (c) does not apply. This subsection
18 expires September 1, 2010.

19 Sec. 221.052 [~~141.051~~]. CONTRACT MONITORING. The
20 department [~~commission~~] shall establish a formal program to monitor
21 contracts under Section 221.051 [~~141.050~~] made by the department
22 [~~commission~~]. The department [~~commission~~] must:

23 (1) monitor compliance with financial and performance
24 requirements using a risk assessment methodology; and

25 (2) obtain and evaluate program cost information to
26 ensure that each cost, including an administrative cost, is
27 reasonable and necessary to achieve program objectives.

1 ~~[Sec. 141.052. MEDICAID BENEFITS. The commission shall:~~

2 ~~[(1) identify areas in which federal Medicaid program~~
3 ~~benefits could be used in a manner that is cost-effective for~~
4 ~~children in the juvenile justice system;~~

5 ~~[(2) develop a program to encourage application for~~
6 ~~and receipt of Medicaid benefits;~~

7 ~~[(3) provide technical assistance to counties~~
8 ~~relating to eligibility for Medicaid benefits; and~~

9 ~~[(4) monitor the extent to which counties make use of~~
10 ~~Medicaid benefits.~~

11 ~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES.~~

12 ~~The commission shall comply with federal and state laws relating to~~
13 ~~program and facility accessibility. The executive director shall~~
14 ~~also prepare and maintain a written plan that describes how a person~~
15 ~~who does not speak English can be provided reasonable access to the~~
16 ~~commission's programs and services.]~~

17 Sec. 221.053 [~~141.054~~]. CONTRACTS FOR OUT-OF-STATE
18 JUVENILE INMATES. (a) The only entities other than the state
19 authorized to operate a correctional facility to house in this
20 state juvenile inmates convicted of offenses committed against the
21 laws of another state of the United States are:

22 (1) a county or municipality; and

23 (2) a private vendor operating a correctional facility
24 under a contract with a county or municipality.

25 (b) The department [~~commission~~] shall develop rules,
26 procedures, and minimum standards applicable to county or private
27 correctional facilities housing out-of-state juvenile inmates. A

1 contract made under Subsection (a) [~~of this section~~] shall require
2 the county, municipality, or private vendor to operate the facility
3 in compliance with minimum standards adopted by the department
4 [~~commission~~].

5 [~~Sec. 141.055. INVESTIGATORS. (a) The commission may employ~~
6 ~~and commission investigators as peace officers for the purpose of~~
7 ~~investigating allegations of abuse, neglect, and exploitation in~~
8 ~~juvenile justice programs and facilities under Section 261.405,~~
9 ~~Family Code.~~

10 [~~(b) Peace officers employed and commissioned under~~
11 ~~Subsection (a) must be certified by the Commission on Law~~
12 ~~Enforcement Officer Standards and Education under Chapter 1701,~~
13 ~~Occupations Code.~~]

14 CHAPTER 222. STANDARDS FOR AND REGULATION OF CERTAIN [~~SUBCHAPTER~~
15 ~~D. PROVISIONS RELATING TO~~] JUVENILE [~~PROBATION~~] OFFICERS

16 SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

17 Sec. 222.001 [~~141.061~~]. MINIMUM STANDARDS FOR PROBATION
18 OFFICERS. (a) To be eligible for appointment as a probation
19 officer, a person who was not employed as a probation officer before
20 September 1, 1981, must:

- 21 (1) be of good moral character;
- 22 (2) have acquired a bachelor's degree conferred by a
23 college or university accredited by an accrediting organization
24 recognized by the Texas Higher Education Coordinating Board;
- 25 (3) have either:
 - 26 (A) one year of graduate study in criminology,
27 corrections, counseling, law, social work, psychology, sociology,

1 or other field of instruction approved by the department
2 [~~commission~~]; or

3 (B) one year of experience in full-time case
4 work, counseling, or community or group work:

5 (i) in a social service, community,
6 corrections, or juvenile agency that deals with offenders or
7 disadvantaged persons; and

8 (ii) that the department [~~commission~~]
9 determines provides the kind of experience necessary to meet this
10 requirement;

11 (4) have satisfactorily completed the course of
12 preservice training or instruction and any continuing education
13 required by the department [~~commission~~];

14 (5) have passed the tests or examinations required by
15 the department [~~commission~~]; and

16 (6) possess the level of certification required by the
17 department [~~commission~~].

18 (b) The department [~~commission~~] by rule may authorize the
19 waiver of the requirement of a year of graduate study or full-time
20 employment experience if the authority responsible for employing
21 the officer establishes to the satisfaction of the department
22 [~~commission~~] that, after a diligent search, the authority cannot
23 locate a person meeting that requirement to fill a job opening.

24 (c) The department [~~commission~~] by rule may authorize the
25 temporary employment of a person who has not completed a course of
26 preservice training, passed the examination, or attained the
27 required level of certification, contingent on the person meeting

1 those requirements within the time specified by the department
2 [~~commission~~].

3 (d) A person must possess the level of training, experience,
4 and certification required by the department [~~commission~~] to be
5 eligible for employment in a probation office in a position
6 supervising other probation officers. The department [~~commission~~]
7 may require several levels of certification to reflect increasing
8 levels of responsibility. A department [~~commission~~] rule relating
9 to levels of certification does not affect the continued employment
10 of a probation officer in a supervisory position if the person holds
11 that position on the date on which the rule takes effect.

12 (e) The department [~~commission~~] may waive any certification
13 requirement, except a fee requirement, for an applicant who has a
14 valid certification from another state that has certification
15 requirements that are substantially equivalent to the requirements
16 in this state.

17 (f) The department [~~commission~~] may waive the degree
18 accreditation requirement in Subsection (a)(2) if the applicant
19 possesses a foreign or other degree that the department
20 [~~commission~~] determines is the substantial equivalent of a
21 bachelor's degree. The department [~~commission~~] shall adopt rules
22 defining the procedures to be used to request a waiver of the
23 accreditation requirement in Subsection (a)(2).

24 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION
25 OFFICERS. To be eligible for appointment as a detention officer, a
26 person who was not employed as a detention officer before September
27 1, 2005, must:

- 1 (1) be of good moral character;
- 2 (2) be at least 21 years of age;
- 3 (3) have acquired a high school diploma or its
4 equivalent;
- 5 (4) have satisfactorily completed the course of
6 preservice training or instruction and any continuing education
7 required by the department [~~commission~~];
- 8 (5) have passed the tests or examinations required by
9 the department [~~commission~~]; and
- 10 (6) possess the level of certification required by the
11 department [~~commission~~].

12 Sec. 222.003. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF
13 NONSECURE CORRECTIONAL FACILITIES. (a) The department by rule
14 shall adopt certification standards for persons who are employed in
15 nonsecure correctional facilities that accept only juveniles who
16 are on probation, regardless of whether the facility is operated by
17 or under contract with a governmental unit or by a private entity
18 independent from and not under contract with a governmental unit.

19 (b) The certification standards adopted under Subsection
20 (a) must be substantially similar to the certification requirements
21 for detention officers under Section 222.002.

22 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF
23 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A
24 peace officer, prosecuting attorney, or other person who is
25 employed by or who reports directly to a law enforcement or
26 prosecution official may not act as a chief administrative,
27 juvenile probation, or detention officer or be made responsible for

1 supervising a juvenile on probation.

2 (b) For purposes of this section, a chief administrative
3 officer, regardless of title, is the person who is:

4 (1) hired or appointed by or under contract with the
5 juvenile board; and

6 (2) responsible for the oversight of the operations of
7 the juvenile probation department or any juvenile justice program
8 operated by or under the authority of the juvenile board.

9 Sec. 222.005. PROHIBITION ON CARRYING FIREARM. (a) A
10 juvenile probation, detention, or corrections officer may not carry
11 a firearm in the course of the person's official duties.

12 (b) This section does not apply to an employee of the
13 department who is exclusively employed at a facility under Subtitle
14 C.

15 Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A
16 juvenile probation officer whose jurisdiction covers only one
17 county is considered to be an employee of that county.

18 [Sections 222.007-222.050 reserved for expansion]

19 SUBCHAPTER B. CERTIFICATION AND EXAMINATION

20 Sec. 222.051 [141.062]. NOTICE OF CERTIFICATION
21 EXAMINATION RESULTS. (a) Except as provided by Subsection (b) [~~of~~
22 ~~this section~~], the department [~~commission~~] shall notify each person
23 taking a certification examination of the results of the
24 examination not later than the 30th day after the date on which the
25 examination is administered.

26 (b) The department [~~commission~~] shall notify a person
27 taking an examination graded or reviewed by a national testing

1 service of the results not later than the 14th day after the date on
2 which the department [~~commission~~] receives the results from the
3 testing service.

4 (c) If the notice of the examination results graded or
5 reviewed by a national testing service will be delayed for longer
6 than 90 days after the examination date, the department
7 [~~commission~~] shall notify the person of the reason for the delay
8 before that 90th day.

9 Sec. 222.052 [~~141.063~~]. ANALYSIS OF EXAMINATION
10 PERFORMANCE. The department [~~commission~~] shall furnish a person
11 who fails a certification test administered under this chapter with
12 an analysis of the person's performance on the examination if the
13 person requests the analysis in writing.

14 Sec. 222.053 [~~141.064~~]. REVOCATION OR SUSPENSION OF
15 CERTIFICATION. (a) The department [~~commission~~] may revoke or
16 suspend a certification, or reprimand a certified officer:

17 (1) [7] for a violation of this chapter or a department
18 [~~commission~~] rule; or

19 (2) if, under Subsection (c), a panel determines that
20 the continued certification of the person threatens juveniles in
21 the juvenile justice system.

22 (b) The department may place on probation a person whose
23 certification is suspended. If the suspension is probated, the
24 department may require the person to:

25 (1) report regularly to the department on matters that
26 are the basis of the probation; and

27 (2) continue or review professional education until

1 the person attains a degree of skill satisfactory to the department
2 in those areas that are the basis of the probation.

3 (c) The executive director may convene, in person or
4 telephonically, a panel of three board members to determine if a
5 person's continued certification threatens juveniles in the
6 juvenile justice system. If the panel determines that the person's
7 continued certification threatens juveniles in the juvenile
8 justice system, the person's license is temporarily suspended until
9 an administrative hearing is held as soon as possible under
10 Subsection (d). The executive director may convene a panel under
11 this subsection only if the danger posed by the person's continued
12 certification is imminent. The panel may hold a telephonic meeting
13 only if immediate action is required and convening the panel at one
14 location is inconvenient for any member of the panel.

15 (d) A person is entitled to a hearing before the State
16 Office of Administrative Hearings [~~commission or a hearings officer~~
17 ~~appointed by the commission]~~ if the department [~~commission]~~
18 proposes to suspend or revoke the person's certification.

19 (e) A person may appeal a ruling or order issued under this
20 section to a district court in the county in which the person
21 resides or in Travis County. The standard of review is under the
22 substantial evidence rule. [~~The commission shall prescribe~~
23 ~~procedures by which each decision to suspend or revoke is made by or~~
24 ~~is appealable to the commission.~~

25 [~~Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF~~
26 ~~ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A~~
27 ~~peace officer, prosecuting attorney, or other person who is~~

1 ~~employed by or who reports directly to a law enforcement or~~
2 ~~prosecution official may not act as a chief administrative,~~
3 ~~juvenile probation, or detention officer or be made responsible for~~
4 ~~supervising a juvenile on probation.~~

5 ~~[(b) For purposes of this section, a chief administrative~~
6 ~~officer, regardless of title, is the person who is:~~

7 ~~[(1) hired or appointed by or under contract with the~~
8 ~~juvenile board; and~~

9 ~~[(2) responsible for the oversight of the operations~~
10 ~~of the juvenile probation department or any juvenile justice~~
11 ~~program operated by or under the authority of the juvenile board.~~

12 ~~[Sec. 141.066. PROHIBITION ON CARRYING FIREARM. (a) A~~
13 ~~juvenile probation, detention, or corrections officer may not carry~~
14 ~~a firearm in the course of the person's official duties.~~

15 ~~[(b) This section does not apply to an employee of the Texas~~
16 ~~Youth Commission.~~

17 ~~[Sec. 141.067. PROBATION OFFICER: COUNTY EMPLOYEE. A~~
18 ~~juvenile probation officer whose jurisdiction covers only one~~
19 ~~county is considered to be an employee of that county.]~~

20 CHAPTER 223 [SUBCHAPTER E]. STATE AID

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 223.001 [~~141.081~~]. DETERMINATION OF AMOUNT OF STATE
23 AID. (a) The department [~~commission~~] shall annually allocate funds
24 for financial assistance to juvenile boards to provide juvenile
25 services according to current estimates of the number of juveniles
26 in each county and other factors the department [~~commission~~]
27 determines are appropriate.

1 (b) The legislature may appropriate the amount of state aid
2 necessary to supplement local funds to maintain and improve
3 statewide juvenile services that comply with department
4 [~~commission~~] standards.

5 (c) The department [~~commission~~] may set aside a portion of
6 the funds appropriated to the department [~~commission~~] for state aid
7 to fund programs designed to address special needs or projects of
8 local juvenile boards.

9 (d) The department by rule shall establish one or more basic
10 probation services funding formulas and one or more community
11 corrections funding formulas. The funding formulas established
12 under this subsection must include each grant for which the Texas
13 Juvenile Probation Commission, on or before September 1, 2009,
14 established an allocation formula.

15 Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL
16 SUPPORT. (a) To receive the full amount of state aid funds for
17 which a juvenile board may be eligible, a juvenile board must
18 demonstrate to the department's [~~commission's~~] satisfaction that
19 the amount of local or county funds budgeted for juvenile services
20 is at least equal to the amount spent, excluding construction and
21 capital outlay expenses, for those services in the 1994 county
22 fiscal year. The department [~~commission~~] may waive this requirement
23 only if the juvenile board demonstrates to the department
24 [~~commission~~] that unusual, catastrophic, or exceptional
25 circumstances existed during the relevant year to affect adversely
26 the level of county funding. If the required amount of local funding
27 is not budgeted and the department [~~commission~~] does not grant a

1 waiver, the department [~~commission~~] shall reduce the allocation of
2 state aid funds to the juvenile board by the amount equal to the
3 amount that the county funding is below the required funding.

4 (b) For purposes of Subsection (a), the [~~The~~] amount spent
5 on juvenile detention and correctional facilities is included in
6 determining the amount of local or county funds. The amount spent
7 for construction or renovation is not included.

8 (c) The department [~~commission~~] must be satisfied at the end
9 of each county fiscal year that the juvenile board actually spent
10 local or county funds for juvenile services in the amount
11 demonstrated to the department [~~commission~~] at the beginning of the
12 fiscal year.

13 (d) The department [~~commission~~] may require a rebate of
14 state aid, or [~~may~~] withhold state aid to which the juvenile board
15 would otherwise be entitled, as necessary to satisfy the
16 requirement that a juvenile board spend funds as demonstrated.

17 Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY
18 JURISDICTIONS. If necessary, the department [~~commission~~] by rule
19 may provide for:

20 (1) the payment of compensation, insurance,
21 retirement, fringe benefits, and related matters to a juvenile
22 probation officer whose jurisdiction covers more than one county;

23 (2) the centralization of administrative
24 responsibility associated with the state aid program in a county
25 included in a multi-county jurisdiction; and

26 (3) the application of Section 223.001 [~~141.081 of~~
27 ~~this code~~] to a multi-county jurisdiction.

1 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When the
2 department [~~commission~~] determines that a juvenile board complies
3 with the department's [~~commission's~~] standards, the department
4 [~~commission~~] shall submit to the comptroller a voucher for payment
5 to a juvenile board of the amount of state aid to which the board is
6 entitled.

7 (b) The juvenile board's fiscal officer shall deposit all
8 state aid received under this chapter in a special fund. The
9 juvenile board may use the funds solely to provide juvenile
10 probation services.

11 (c) A juvenile board receiving state aid under this chapter
12 is subject to audit by:

13 (1) the Legislative Budget Board;

14 (2) [] the governor's budget, policy, and planning
15 office;

16 (3) [] the state auditor; [] and

17 (4) the comptroller.

18 (d) A juvenile board receiving state aid under this chapter
19 shall submit reports as required by the department [~~commission~~].

20 Sec. 223.005 [~~141.085~~]. REFUSAL, REDUCTION, OR SUSPENSION
21 OF STATE AID. (a) The department [~~commission~~] may refuse, reduce,
22 or suspend payment of state aid to:

23 (1) a juvenile board that fails to comply with the
24 department's [~~commission's~~] rules or fails to maintain local
25 financial support; or

26 (2) a county that fails to comply with the minimum
27 standards provided under Section 221.002(a)(4) [~~141.042(a)(4)~~].

1 (b) The department [~~commission~~] shall provide for notice
2 and a hearing in a case in which the department [~~it~~] refuses,
3 reduces, or suspends state aid.

4 Sec. 223.006 [~~141.086~~]. FUNDING AND CONSTRUCTION OF
5 POST-ADJUDICATION FACILITIES. (a) The department [~~commission~~] may
6 provide state aid to a county to acquire, construct, and equip
7 post-adjudication residential or day-treatment centers from money
8 appropriated for those purposes. The facilities may be used for
9 children who are placed on probation by a juvenile court under
10 Section 54.04, Family Code, as an alternative to commitment to the
11 facilities of the department [~~Texas Youth Commission~~].

12 (b) State funds provided to counties under Subsection (a)
13 must be matched by local funds equal to at least one-fourth of the
14 state funds.

15 (c) From money appropriated for construction of the
16 facilities described by Subsection (a), the department
17 [~~commission~~] shall contract with the Texas Department of Criminal
18 Justice for construction management services, including:

19 (1) evaluation of project plans and specifications;
20 and

21 (2) review and comment on the selection of architects
22 and engineers, change orders, and sufficiency of project
23 inspection.

24 (d) On completion of the review of project plans and
25 specifications under Subsection (c), the Texas Department of
26 Criminal Justice shall issue a comprehensive report that states in
27 detail the proposed cost of the project. The department

1 ~~[commission]~~ shall use the report in making a comparative
2 evaluation of proposed projects and shall give priority to the
3 projects the department ~~[commission]~~ finds are the most effective
4 and economical.

5 (e) The department ~~[commission]~~ may not award money for a
6 capital construction project for a facility under this section
7 unless the department ~~[commission]~~ receives from the commissioners
8 court of the county intending to use the facility a written
9 commitment that the commissioners court has reviewed and accepted
10 the conditions of the award. If more than one county intends to use
11 the facility, the department ~~[commission]~~ must receive from each
12 county a written commitment that the county will agree with the
13 other counties to an interlocal contract to operate the facility in
14 accordance with the conditions of the award.

15 (f) A county receiving state aid under this section shall
16 adhere to department ~~[commission]~~ standards for the construction
17 and operation of a post-adjudication secure residential facility.

18 (g) For a facility constructed under this section, not more
19 than 25 percent of the operating costs of the facility may be
20 reimbursed by the department ~~[commission]~~.

21 (h) It is the intent of the legislature to appropriate the
22 full amount of money authorized under Subsection (g).

23 ~~(i) [The commission shall conduct an annual audit of the~~
24 ~~operating costs for a fiscal year of a facility constructed under~~
25 ~~this section for each fiscal year through fiscal year 1999. The~~
26 ~~commission shall submit a report on the results of the audit to the~~
27 ~~Legislative Budget Board and the governor not later than the 60th~~

1 ~~day after the last day of the fiscal year covered by the audit.~~

2 [~~(j)~~] In this section, "operating costs" means the
3 operating costs of a facility at an 80-percent occupancy rate.

4 [Sections 223.007-223.050 reserved for expansion]

5 SUBCHAPTER B. COMMUNITY CORRECTIONS PILOT PROGRAMS

6 Sec. 223.051. ESTABLISHMENT OF COMMUNITY CORRECTIONS PILOT
7 PROGRAMS. The department shall establish guidelines for the
8 implementation of community corrections pilot programs to provide
9 an array of rehabilitation services for juvenile offenders,
10 including juvenile delinquency prevention services and substance
11 abuse and mental health treatment services. Instead of ordering
12 commitment to the department under Section 54.04(d)(2), Family
13 Code, a juvenile court of a county that has established a community
14 corrections pilot program under this section may require a child to
15 participate in a community corrections pilot program if the child
16 was found to have engaged in delinquent conduct that:

17 (1) violates a penal law of the grade of felony under
18 Title 7, Penal Code, or Chapter 481, Health and Safety Code; and

19 (2) did not involve the use of force or the threat of
20 force against another person, including the use or exhibition of a
21 deadly weapon.

22 Sec. 223.052. GRANTS. (a) A juvenile board may apply to
23 the department for a grant to implement a community corrections
24 pilot program in the county.

25 (b) The department shall adopt rules that:

26 (1) govern the administration and operation of a
27 community corrections pilot program by a juvenile board; and

1 (2) establish a competitive process through which
2 juvenile boards may apply to the department for a grant under this
3 section.

4 (c) The rules adopted under Subsection (b)(1) must:

5 (1) require a juvenile board that applies for a grant
6 under this section to detail the manner in which the juvenile board
7 intends to use any grant money the county receives;

8 (2) establish conditions that a county must meet in
9 order to receive a grant under this section, including conditions
10 related to:

11 (A) reduced commitment targets for the county
12 that the juvenile board serves;

13 (B) specific performance measures by which a
14 community corrections pilot program will be evaluated;

15 (C) restrictions on the use of grant money; and

16 (D) any other standard condition the department
17 requires; and

18 (3) require a juvenile board that receives a grant
19 under this section and chooses to use the grant to contract for
20 services to be provided under the community corrections pilot
21 program to use a contracting process that is open to nonprofit,
22 for-profit, and faith-based organizations that:

23 (A) demonstrate experience in effectively
24 implementing juvenile delinquency prevention and juvenile
25 treatment programs;

26 (B) demonstrate the ability to quantify the
27 effectiveness of the programs; and

1 (C) provide innovative or specialized juvenile
2 justice or family programs.

3 Sec. 223.053. FUNDING TO JUVENILE BOARDS. (a) The
4 department by rule shall establish a funding formula for juvenile
5 boards implementing a community corrections pilot program. The
6 formula must take into account:

7 (1) the average daily cost to the state of committing a
8 juvenile to a facility operated by the department under Subtitle C;

9 (2) the average length of stay for a juvenile
10 committed to a facility operated by the department under Subtitle
11 C; and

12 (3) the projected yearly number of commitments for
13 each county the juvenile board receiving the grant serves.

14 (b) The funding formula established under Subsection (a)
15 may take into account any factor not described by Subsection (a)
16 that the department determines is relevant, including the historic
17 average annual number of referrals for a county and the population
18 of a county.

19 (c) Except as otherwise provided by this subsection, the
20 department shall distribute money for the community corrections
21 pilot programs under this section in the same manner as other state
22 aid is distributed under Subchapter A. Costs associated with a
23 child who is participating in the pilot program and who is committed
24 to the department shall be subtracted from the juvenile board's
25 pilot program allotment and transferred to an account in the
26 general revenue fund for the operation of secure facilities under
27 Subtitle C. The amount of money to be subtracted from a juvenile

1 board's allotment is computed on the average daily cost of
2 committing a juvenile to a facility operated by the department
3 under Subtitle C as provided by Subsection (a)(1).

4 Sec. 223.054. JUVENILE BOARD OBLIGATIONS. A juvenile board
5 that receives a grant under this subchapter:

6 (1) may not use these funds to supplant existing
7 expenditures associated with programs, services, and residential
8 placement of youth in the local juvenile probation departments;

9 (2) shall comply with all applicable department rules;
10 and

11 (3) shall report on the use and evaluate the
12 effectiveness of the program.

13 Sec. 223.055. RESERVE ACCOUNT. (a) The department shall
14 establish a reserve account through which a juvenile board
15 receiving a grant under this subchapter may receive additional
16 state aid if:

17 (1) the juvenile board encounters unforeseen
18 circumstances that cause the board to exhaust completely the grant
19 received under this subchapter; or

20 (2) other programs operated by the juvenile board are
21 jeopardized by the juvenile board's lack of funding for the
22 community corrections pilot program.

23 (b) The department shall adopt rules governing the use of
24 the reserve account established under this section.

25 Sec. 223.056. REPORTS. (a) A juvenile board that receives
26 a grant under this subchapter shall annually, and at the request of
27 the executive director, report to the department concerning the

1 implementation, cost-effectiveness, and success rate of a
2 community corrections pilot program implemented under this
3 subchapter.

4 (b) The department shall, not later than January 1 of each
5 odd-numbered year, submit a report concerning the implementation,
6 cost-effectiveness, and success rates of community corrections
7 pilot programs implemented by juvenile boards under this subchapter
8 to:

9 (1) the governor;

10 (2) the lieutenant governor;

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

12 (4) the standing committees in the senate and the
13 house of representatives that have primary jurisdiction over the
14 department.

15 (c) The report submitted under Subsection (b) must contain
16 recommendations as to whether any of the community corrections
17 pilot programs implemented by juvenile boards under this subchapter
18 should be implemented on a statewide basis.

19 Sec. 223.057. TEMPORARY PROVISIONS. (a) Notwithstanding
20 Section 201.001(a-1), in this subchapter, "department" means the
21 Texas Juvenile Probation Commission and the Texas Youth Commission.

22 (b) Not later than September 1, 2010, the Texas Juvenile
23 Probation Commission and the Texas Youth Commission jointly shall:

24 (1) establish the guidelines described by Section
25 223.051;

26 (2) adopt the rules required under Sections 223.052(b)
27 and (c); and

1 (3) establish the funding formula described by Section
2 223.053.

3 (c) The Texas Juvenile Justice Department shall begin
4 awarding grants under this subchapter as soon as practicable on or
5 after September 1, 2010.

6 (d) This section expires September 1, 2010.

7 SECTION 1.005. Title 12, Human Resources Code, as added by
8 this Act, is amended by adding Subtitle C with a heading to read as
9 follows:

10 SUBTITLE C. SECURE FACILITIES

11 SECTION 1.006. Subchapter G, Chapter 61, Human Resources
12 Code, is transferred to Subtitle C, Title 12, Human Resources Code,
13 as added by this Act, redesignated as Chapter 241, and amended to
14 read as follows:

15 CHAPTER 241. GENERAL [SUBCHAPTER G. MISCELLANEOUS] PROVISIONS

16 Sec. 241.001 [~~61.091~~]. COOPERATION OF OTHER AGENCIES. To
17 effectuate the purpose of this subtitle [~~chapter~~] and to make
18 maximum use of existing facilities and personnel, all departments
19 and agencies of the state and all officers and employees of the
20 state, when requested by the department [~~commission~~], shall
21 cooperate with the department [~~it~~] in all activities consistent
22 with their proper functions.

23 [~~Sec. 61.0911. COORDINATED STRATEGIC PLAN. The Texas~~
24 ~~Youth Commission shall biennially develop with the Texas Juvenile~~
25 ~~Probation Commission a coordinated strategic plan as required by~~
26 ~~Section 141.0471.~~]

27 Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL

1 RIGHTS. Commitment of a child to the custody of the department
2 [~~commission~~] does not disqualify the child in any future
3 examination, appointment, or application for public service under
4 the government of the state or of any political subdivision of the
5 state.

6 [~~Sec. 61.093. ESCAPE AND APPREHENSION. (a) If a child who~~
7 ~~has been committed to the commission and placed by it in any~~
8 ~~institution or facility has escaped or has been released under~~
9 ~~supervision and broken the conditions of release:~~

10 [~~(1) a sheriff, deputy sheriff, constable, or police~~
11 ~~officer may, without a warrant, arrest the child; or~~

12 [~~(2) a commission employee designated by the executive~~
13 ~~commissioner may, without a warrant or other order, take the child~~
14 ~~into the custody of the commission.~~

15 [~~(b) A child who is arrested or taken into custody under~~
16 ~~Subsection (a) may be detained in any suitable place, including an~~
17 ~~adult jail facility if the person is 17 years of age or older, until~~
18 ~~the child is returned to the custody of the commission or~~
19 ~~transported to a commission facility.~~

20 [~~(c) Notwithstanding Section 58.005, Family Code, the~~
21 ~~commission may disseminate to the public the following information~~
22 ~~relating to a child who has escaped from custody:~~

23 [~~(1) the child's name, including other names by which~~
24 ~~the child is known,~~

25 [~~(2) the child's physical description, including sex,~~
26 ~~weight, height, race, ethnicity, eye color, hair color, scars,~~
27 ~~marks, and tattoos,~~

1 ~~[(3) a photograph of the child, and~~

2 ~~[(4) if necessary to protect the welfare of the~~
3 ~~community, any other information that reveals dangerous~~
4 ~~propensities of the child or expedites the apprehension of the~~
5 ~~child.~~

6 ~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~
7 ~~commission may employ and commission apprehension specialists as~~
8 ~~peace officers for the purpose of apprehending a child under~~
9 ~~Section 61.093.~~

10 ~~[(b) Peace officers employed and commissioned under~~
11 ~~Subsection (a) must be certified by the Commission on Law~~
12 ~~Enforcement Officer Standards and Education under Chapter 415,~~
13 ~~Government Code.]~~

14 Sec. 241.003 ~~[61.094]~~. YOUTH DEVELOPMENT COUNCIL FUND. The
15 youth development council fund exists in the treasury as a special
16 fund for the purposes provided by law.

17 Sec. 241.004 ~~[61.095]~~. REQUEST FOR CERTAIN RECORDS. For
18 the purpose of offering a record as evidence in the punishment phase
19 of a criminal proceeding, a prosecuting attorney may obtain the
20 record of a defendant's adjudication that is admissible under
21 Section 3(a), Article 37.07, Code of Criminal Procedure, by
22 submitting a request for the record to the department ~~[commission]~~.
23 If the department ~~[commission]~~ has a record to which the
24 prosecuting attorney is entitled under this section, the department
25 ~~[commission]~~ shall furnish a copy of the record to the prosecuting
26 attorney. Otherwise, the department ~~[commission]~~ shall notify the
27 prosecuting attorney that the department ~~[commission]~~ does not have

1 a record to which the attorney is entitled under this section.

2 Sec. 241.005 [~~61.096~~]. LIABILITY OF VOLUNTEERS. (a) Except
3 as provided by Subsection (b), a volunteer is not liable for damages
4 arising from an act or omission that results in personal injury,
5 death, or property damage if the act or omission is:

6 (1) in the course and scope of the volunteer's duties
7 as a volunteer; and

8 (2) not intentional or grossly negligent.

9 (b) A volunteer is liable for personal injury, death, or
10 property damage proximately caused by an act or omission related to
11 the operation or use of any motor-driven equipment to the extent of
12 the greater of:

13 (1) the amount of financial responsibility required
14 for the motor-driven equipment, if any, under Chapter 601,
15 Transportation Code; or

16 (2) the amount of any liability insurance coverage
17 that applies to the act or omission.

18 (c) In this section, "volunteer" means an individual
19 rendering services for or on behalf of the department [~~commission~~]
20 who does not receive compensation in excess of reimbursement for
21 expenses incurred.

22 Sec. 241.006 [~~61.097~~]. APPLICATION OF LAW RELATING TO FREE
23 EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice
24 and Remedies Code, an ordinance, rule, order, decision, or practice
25 that applies to a person in the custody of a juvenile detention
26 facility or other correctional facility operated by or under a
27 contract with the department [~~commission~~], a county, or a juvenile

1 probation department is presumed to be in furtherance of a
2 compelling governmental interest and the least restrictive means of
3 furthering that interest. The presumption may be rebutted.

4 Sec. 241.007 [~~61.098~~]. CERTAIN CRIMES CONCERNING THE
5 DEPARTMENT [~~COMMISSION~~]. (a) In this section, "special prosecution
6 unit" means the special prosecution unit established under
7 Subchapter E, Chapter 41, Government Code.

8 (b) As appropriate, the district attorney, criminal
9 district attorney, or county attorney representing the state in
10 criminal matters before the district or inferior courts of the
11 county who would otherwise represent the state in the prosecution
12 of an offense or delinquent conduct concerning the department
13 [~~commission~~] and described by Article 104.003(a), Code of Criminal
14 Procedure, may request that the special prosecution unit prosecute
15 the offense or delinquent conduct.

16 (c) The office of inspector general operated under
17 Subchapter C, Chapter 242, shall on a quarterly basis prepare and
18 deliver to the board of directors of the special prosecution unit a
19 report concerning:

20 (1) any alleged criminal offense or delinquent conduct
21 concerning the department [~~commission~~] and described by Article
22 104.003(a), Code of Criminal Procedure, that occurred during the
23 preceding calendar quarter; and

24 (2) the disposition of any case involving a criminal
25 offense or delinquent conduct concerning the department
26 [~~commission~~] and described by Article 104.003(a), Code of Criminal
27 Procedure, that occurred during the preceding calendar quarter.

1 (d) Notwithstanding Subsection (c), the office of inspector
2 general shall immediately provide the special prosecution unit with
3 a report concerning an alleged criminal offense or delinquent
4 conduct concerning the department [~~commission~~] and described by
5 Article 104.003(a), Code of Criminal Procedure, if the chief
6 inspector general reasonably believes the offense or conduct is
7 particularly serious and egregious.

8 (e) The chief inspector general of the office of inspector
9 general, at the direction of the board of directors of the special
10 prosecution unit, shall notify the foreman of the appropriate grand
11 jury, in the manner provided by Article 20.09, Code of Criminal
12 Procedure, if:

13 (1) the chief inspector general receives credible
14 evidence of illegal or improper conduct by department [~~commission~~]
15 officers, employees, or contractors that the inspector general
16 reasonably believes jeopardizes the health, safety, and welfare of
17 children in the custody of the department [~~commission~~];

18 (2) the chief inspector general reasonably believes
19 the conduct:

20 (A) could constitute an offense under Article
21 104.003(a), Code of Criminal Procedure; and

22 (B) involves the alleged physical or sexual abuse
23 of a child in the custody of a department [~~commission~~] facility or
24 an investigation related to the alleged abuse; and

25 (3) the chief inspector general has reason to believe
26 that information concerning the conduct has not previously been
27 presented to the appropriate grand jury.

1 Sec. 241.008 [~~61.099~~]. DUTY TO FILE COMPLAINT WITH LAW
2 ENFORCEMENT AGENCY. If the executive director [~~commissioner~~] has
3 reasonable cause to believe that a child in the custody of the
4 department [~~commission~~] is the victim of a crime committed at a
5 department [~~commission~~] facility operated under this subtitle, the
6 executive director [~~commissioner~~] shall immediately file a
7 complaint with the appropriate law enforcement agency.

8 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human
9 Resources Code, are transferred to Subtitle C, Title 12, Human
10 Resources Code, as added by this Act, redesignated as Chapters 242,
11 243, 244, and 245, respectively, and amended to read as follows:

12 CHAPTER 242. OPERATION OF SECURE FACILITIES

13 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS [~~SUBCHAPTER C.~~
14 ~~POWERS AND DUTIES~~]

15 Sec. 242.001. ACCREDITATION BY AMERICAN CORRECTIONAL
16 ASSOCIATION. The department shall adopt and implement a plan for
17 each correctional facility operated by or under contract with the
18 department under this subtitle to be accredited by the American
19 Correctional Association.

20 Sec. 242.002. STUDY OF TREATMENT METHODS; STATISTICAL
21 RECORDS. (a) The department shall conduct continuing inquiry
22 into the effectiveness of the treatment methods the department
23 employs in the reformation of children. To this end, the department
24 shall maintain a record of arrests and commitments of its wards
25 subsequent to their discharge from the jurisdiction of the
26 department and shall tabulate, analyze, and publish biennially the
27 data for use in evaluating the relative merits of treatment

1 methods.

2 (b) The department shall cooperate with courts and private
3 and public agencies in the collection of statistics and information
4 regarding juvenile delinquency, arrests made, complaints,
5 informations, and petitions filed, and the dispositions made of
6 them, and other information useful in determining the amount and
7 causes of juvenile delinquency in this state.

8 [~~Sec. 61.031. CONTINUING STUDY. The commission shall carry~~
9 ~~on a continuing study of the problem of juvenile delinquency in this~~
10 ~~state and shall seek to focus public attention on special solutions~~
11 ~~to this problem.~~]

12 Sec. 242.003 [~~61.0315~~]. EVALUATION OF TREATMENT PROGRAMS;
13 AVAILABILITY. (a) The department [~~commission~~] shall annually
14 review the effectiveness of the department's [~~commission's~~]
15 programs for the rehabilitation and reestablishment in society of
16 children committed to the department [~~commission~~], including
17 programs for sex offenders, capital offenders, children who are
18 chemically dependent, emotionally disturbed children, and females.

19 (b) On or before December 31 of each year, the department
20 [~~commission~~] shall make a report on the effectiveness of the
21 programs to the Legislative Budget Board.

22 (c) The department [~~commission~~] shall offer or make
23 available programs described by Subsection (a) in an adequate
24 manner so that a child in the custody of the department [~~commission~~]
25 receives appropriate rehabilitation services recommended for the
26 child by the court committing the child to the department
27 [~~commission~~].

1 (d) If the department [~~commission~~] is unable to offer or
2 make available programs described by Subsection (a) in the manner
3 provided by Subsection (c), the department [~~commission~~] shall, not
4 later than January 10 of each odd-numbered year, provide the
5 standing committees of the senate and house of representatives with
6 primary jurisdiction over matters concerning correctional
7 facilities with a report explaining:

8 (1) which programs are not offered or are unavailable;
9 and

10 (2) the reason the programs are not offered or are
11 unavailable.

12 (e) The department [~~commission~~] shall periodically review,
13 document, and compare the accessibility and funding of treatment
14 programs provided to female children committed to the department
15 [~~commission~~] to the accessibility and funding of treatment provided
16 to male children committed to the department [~~commission~~].

17 [~~Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The~~
18 ~~commission shall administer the training, diagnostic treatment,~~
19 ~~and supervisory facilities and services of the state for children~~
20 ~~committed to the commission and shall manage and direct all~~
21 ~~institutions and training school facilities under the authority of~~
22 ~~the commission.~~]

23 Sec. 242.004 [~~61.033~~]. ANNUAL FINANCIAL REPORT. The
24 department [~~commission~~] shall prepare annually a complete and
25 detailed written report accounting for all funds received and
26 disbursed by the department under this subtitle [~~commission~~] during
27 the preceding fiscal year. The annual report must meet the

1 reporting requirements applicable to financial reporting provided
2 in the General Appropriations Act.

3 Sec. 242.005 [~~61.0331~~]. INTERNAL AUDIT; REPORT. (a) The
4 department [~~commission~~] shall regularly conduct internal audits of
5 the department [~~commission~~], including audits of:

6 (1) correctional facilities operated by and under
7 contract with the department under this subtitle [~~commission~~]; and

8 (2) medical services provided to children in the
9 custody of the department [~~commission~~].

10 (b) The department [~~commission~~] shall on a quarterly basis
11 report the results of the audits to:

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

15 (2) the state auditor.

16 Sec. 242.006 [~~61.034~~]. POLICIES AND RULES. (a) The
17 executive director [~~commissioner~~] is responsible for the adoption
18 of all policies and shall make rules appropriate to the proper
19 accomplishment of the department's [~~commission's~~] functions.

20 (b) The executive director [~~commissioner~~] shall adopt rules
21 for the government of the schools, facilities, and programs under
22 the department's [~~commission's~~] authority under this subtitle and
23 shall see that the schools, facilities, and programs are conducted
24 according to law and to the executive director's [~~commissioner's~~]
25 rules.

26 (c) The purpose of the rules and of all education, work,
27 training, discipline, and recreation adopted under this section[7]

1 and of all other activities in the schools, facilities, and
2 programs is to restore and increase the self-respect and
3 self-reliance of the children [~~youth~~] under the authority of the
4 department [~~commission~~] and to qualify those children [~~them~~] for
5 good citizenship and honorable employment.

6 Sec. 242.007 [~~61.0345~~]. ~~MISSION STATEMENT. The commission~~
7 ~~shall develop and adopt a statement regarding the role and mission~~
8 ~~of the commission.~~

9 [~~Sec. 61.035~~]. EMPLOYEES. (a) Within the limits specified
10 by legislative appropriation, the department [~~commission~~] may
11 employ and compensate personnel necessary to carry out the
12 department's [~~its~~] duties.

13 (b) Except as otherwise provided by this subchapter
14 [~~chapter~~], an employee of the department [~~commission~~] is employed
15 on an at-will basis.

16 (c) The department [~~commission~~] shall establish procedures
17 and practices governing:

18 (1) employment-related grievances submitted by
19 department [~~commission~~] employees; and

20 (2) disciplinary actions within the department
21 [~~commission~~], including a procedure allowing a department
22 [~~commission~~] employee to elect to participate in an independent
23 dismissal mediation if the employee is recommended for dismissal.

24 Sec. 242.008 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR
25 ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director
26 [~~commissioner~~] shall provide to members of any applicable [~~the~~]
27 advisory board and to department [~~commission~~] employees, as often

1 as is necessary, information regarding qualifications [~~their~~
2 ~~qualification~~] for office or employment under this chapter and
3 [~~their~~] responsibilities under applicable laws relating to
4 standards of conduct for state officers or employees.

5 [~~Sec. 61.0352. DIVISION OF RESPONSIBILITY. The executive~~
6 ~~commissioner shall develop and implement policies that clearly~~
7 ~~separate the policymaking responsibilities of the executive~~
8 ~~commissioner and the management responsibilities of the staff of~~
9 ~~the commission.~~]

10 Sec. 242.009 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER
11 PROGRAM. The program shall require intra-agency posting of all
12 positions concurrently with any public postings.

13 Sec. 242.010 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The
14 executive director [~~commissioner~~] shall develop a system of annual
15 performance evaluations that are based on documented employee
16 performance. All merit pay for department [~~commission~~] employees
17 must be based on the system established under this section.

18 Sec. 242.011 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY
19 POLICY STATEMENT. (a) The executive director [~~commissioner~~] shall
20 prepare and maintain a written policy statement to assure
21 implementation of a program of equal employment opportunity under
22 which all personnel transactions are made without regard to race,
23 color, disability, sex, religion, age, or national origin. The
24 policy statement shall include:

25 (1) personnel policies, including policies relating
26 to recruitment, evaluation, selection, appointment, training, and
27 promotion of personnel that are in compliance with requirements of

1 Chapter 21, Labor Code;

2 (2) a comprehensive analysis of the department's
3 ~~[commission's]~~ work force that meets federal or state laws, rules,
4 and regulations and instructions promulgated directly from those
5 laws, rules, and regulations;

6 (3) procedures by which a determination can be made
7 about the extent of underuse in the department's ~~[commission's]~~
8 work force of all persons of whom federal or state laws, rules, and
9 regulations and instructions promulgated directly from those laws,
10 rules, and regulations encourage a more equitable balance; and

11 (4) reasonable methods to appropriately address those
12 areas of underuse.

13 (b) A policy statement prepared under Subsection (a) must
14 cover an annual period, be updated annually, be reviewed by the
15 Texas Workforce Commission ~~[on Human Rights]~~ for compliance with
16 Subsection (a)(1), and be filed with the governor's office.

17 (c) The governor's office shall deliver a biennial report to
18 the legislature based on the information received under Subsection
19 (b). The report may be made separately or as a part of other
20 biennial reports made to the legislature.

21 Sec. 242.012 ~~[61.0356]~~. JUVENILE CORRECTIONAL OFFICERS;
22 STAFFING. (a) In this section, "juvenile correctional officer"
23 means a department ~~[an]~~ employee whose primary duties include ~~[duty~~
24 ~~includes]~~ the custodial supervision of children in the custody of
25 the department ~~[commission]~~.

26 (b) The department ~~[commission]~~ shall provide each juvenile
27 correctional officer employed by the department ~~[commission]~~ with

1 at least 300 hours of training, which must include on-the-job
2 training, before the officer independently commences the officer's
3 duties at the facility. The training must provide the officer with
4 information and instruction related to the officer's duties,
5 including information and instruction concerning:

6 (1) the juvenile justice system of this state,
7 including the juvenile correctional facility system;

8 (2) security procedures;

9 (3) the supervision of children committed to the
10 department [~~commission~~];

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

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

16 (6) the neurological, physical, and psychological
17 development of adolescents;

18 (7) department [~~commission~~] rules and regulations,
19 including rules, regulations, and tactics concerning the use of
20 force;

21 (8) appropriate restraint techniques;

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

24 (10) the rights and responsibilities of children in
25 the custody of the department [~~commission~~];

26 (11) interpersonal relationship skills;

27 (12) the social and cultural lifestyles of children in

1 the custody of the department [~~commission~~];

2 (13) first aid and cardiopulmonary resuscitation;

3 (14) counseling techniques;

4 (15) conflict resolution and dispute mediation,
5 including de-escalation techniques;

6 (16) behavior management;

7 (17) mental health issues; and

8 (18) employee rights, employment discrimination, and
9 sexual harassment.

10 (c) The department [~~commission~~] may employ part-time
11 juvenile correctional officers. A part-time juvenile correctional
12 officer is subject to the training requirements of this section.

13 (d) In each correctional facility operated by the
14 department [~~commission~~] that has a dormitory, including an open-bay
15 dormitory, the department [~~commission~~] must maintain a ratio of not
16 less than one juvenile correctional officer performing direct
17 supervisory duties for every 12 persons committed to the facility.

18 (e) The department [~~commission~~] shall consider the age of a
19 juvenile correctional officer or other department [~~commission~~]
20 employee who performs direct supervisory duties when determining
21 the placement of the officer or employee in a department
22 [~~commission~~] facility so that, to the extent practicable, an
23 officer or employee is not supervising a child who is not more than
24 three years younger than the officer or employee or is otherwise a
25 similar age to the officer or employee.

26 (f) The department [~~commission~~] shall rotate the assignment
27 of each juvenile correctional officer at an interval determined by

1 the department [~~commission~~] so that a juvenile correctional officer
2 is not assigned to the same station for an extended period of time.

3 (g) The department [~~commission~~] shall ensure that at least
4 one juvenile correctional officer is assigned to supervise in or
5 near a classroom or other location in which children receive
6 education services or training at the time the children are
7 receiving the education services or training.

8 (h) The department [~~commission~~] shall adopt rules necessary
9 to administer this section.

10 Sec. 242.013 [~~61.0357~~]. REQUIRED BACKGROUND AND CRIMINAL
11 HISTORY CHECKS. (a) In this section, "national [+

12 [~~(1) "Department" means the Department of Public~~
13 ~~Safety.~~

14 [~~(2) "National~~] criminal history record information"
15 means criminal history record information obtained from the
16 Department of Public Safety [~~department~~] under Subchapter F,
17 Chapter 411, Government Code, and from the Federal Bureau of
18 Investigation under Section 411.087, Government Code.

19 (b) The executive director [~~commissioner~~] shall review the
20 national criminal history record information, state criminal
21 history record information maintained by the Department of Public
22 Safety [~~department~~], and previous and current employment
23 references of each person who:

24 (1) is an employee, contractor, volunteer, ombudsman,
25 or advocate working for the department [~~commission~~] or working in a
26 department [~~commission~~] facility or a facility under contract with
27 the department [~~commission~~];

1 (2) provides direct delivery of services to children
2 in the custody of the department [~~commission~~]; or

3 (3) has access to records in department [~~commission~~]
4 facilities or offices.

5 (c) To enable the executive director [~~commissioner~~] to
6 conduct the review, the department [~~commission~~] shall adopt rules
7 requiring a person described by Subsection (b) to electronically
8 provide the Department of Public Safety [~~department~~] with a
9 complete set of the person's fingerprints in a form and of a quality
10 acceptable to the Department of Public Safety [~~department~~] and the
11 Federal Bureau of Investigation.

12 (d) For each person described by Subsection (b), the
13 executive director [~~commissioner~~] shall review on an annual basis
14 the person's national criminal history record information.

15 (e) The department [~~commission~~] shall ensure that the
16 system used to check state criminal history record information
17 maintained by the Department of Public Safety [~~department~~] is
18 capable of providing real time arrest information.

19 (f) The department [~~commission~~] by rule may require a person
20 described by Subsection (b) to pay a fee related to the first
21 national criminal history record information review conducted
22 under this section. The amount of the fee may not exceed the
23 administrative costs incurred by the department [~~commission~~] in
24 conducting the initial review, including the costs of obtaining the
25 person's fingerprints.

26 (g) The department [~~commission~~] shall adopt rules necessary
27 to administer this section.

1 Sec. 242.014 [~~61.036~~]. COOPERATION WITH OTHER AGENCIES.

2 (a) The department [~~commission~~] shall cooperate with all existing
3 agencies and encourage the establishment of new programs, both
4 local and statewide, the object of which is services to delinquent
5 and predelinquent youth of this state.

6 (b) The department [~~commission~~] may assist in developing,
7 strengthening, and coordinating educational, welfare, health,
8 recreational, and law-enforcement programs which have as their
9 object the prevention of juvenile delinquency and crime.

10 Sec. 242.015. COMPLAINTS REGARDING FACILITIES OR SERVICES.

11 (a) The department shall keep a file about each written complaint
12 that is filed with the department that relates to a facility
13 operated or a service provided under this subtitle.

14 (b) The department shall keep a file about a complaint under
15 Subsection (a), regardless of whether the person filing the
16 complaint is:

17 (1) a child committed to or receiving services from
18 the department;

19 (2) the parent or guardian of a child described by
20 Subdivision (1); or

21 (3) a person other than a child described by
22 Subdivision (1) or a parent or guardian described by Subdivision
23 (2).

24 (c) The department shall handle and dispose of complaints
25 received under Subsection (a) in the manner described by Section
26 203.011.

27 Sec. 242.016. BIENNIAL BUDGET. The executive director

1 shall prepare a biennial budget of all funds necessary to be
2 appropriated by the legislature to the department to carry out the
3 purposes of this subtitle. The budget shall be submitted and filed
4 by the executive director in the form and manner and within the time
5 prescribed by law.

6 [Sections 242.017-242.050 reserved for expansion]

7 SUBCHAPTER B. SECURE FACILITIES; SERVICES

8 Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF
9 CHILDREN. (a) The department shall:

10 (1) administer the training, diagnostic treatment,
11 and supervisory facilities and services of the state for children
12 committed to the department; and

13 (2) manage and direct all institutions and training
14 school facilities under the authority of the department.

15 (b) The department shall have general charge of and be
16 responsible for the welfare, custody, and rehabilitation of the
17 children in a school, facility, or program operated or funded by the
18 department. The department shall seek to establish relationships
19 and to organize a way of life that will meet the spiritual, moral,
20 physical, emotional, intellectual, and social needs of the children
21 under the department's care as those needs would be met in an
22 adequate home.

23 (c) The department shall see that the buildings and premises
24 are kept in good sanitary condition.

25 Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The
26 department may design, construct, equip, furnish, and maintain
27 buildings and improvements at facilities under the department's

1 jurisdiction.

2 (b) The department may employ architects or engineers, or
3 both, to prepare plans and specifications and to supervise the
4 construction and improvements described by Subsection (a).

5 (c) The department shall promulgate rules relating to the
6 award of contracts for the construction of buildings and
7 improvements. The rules shall provide for the award of contracts
8 for the construction of buildings and improvements to the qualified
9 bidder making the lowest and best bid. A construction contract may
10 not be awarded for a sum in excess of the amount of funds available
11 for the project. The department may reject any and all bids
12 submitted.

13 (d) If a project is financed wholly or partly by federal
14 funds, any standards required by the enabling federal statute or
15 required by the rules of the administering federal agency control
16 over this section.

17 (e) The department may employ professional, technical, and
18 clerical personnel to carry out the design and construction
19 functions required by this section.

20 Sec. 242.053 [~~61.037~~]. USE OF EXISTING INSTITUTIONS AND
21 AGENCIES. (a) In carrying out the department's [~~its~~] duties, the
22 department [~~commission~~] may make use of law-enforcement,
23 detention, supervisory, medical, educational, correctional, and
24 other facilities, institutions, and agencies in the state. This
25 section does not authorize the department [~~commission~~] to assume
26 control of any other agency, institution, or facility in the state,
27 or to require any agency, institution, or facility to serve the

1 department [~~commission~~] in a manner inconsistent with the [~~its~~]
2 authority or function of the agency, institution, or facility or
3 with any law or regulation governing the [~~its~~] activity of the
4 agency, institution, or facility.

5 (b) When funds are available for the purpose, the department
6 [~~commission~~] may enter into agreements with appropriate public or
7 private agencies for the separate care and treatment of persons
8 subject to the control of the department [~~commission~~]. The
9 department [~~commission~~] may not make use of any private institution
10 or agency without its consent. The department [~~commission~~] shall
11 make reasonable efforts to ensure that the expenditure of
12 appropriations for the purchase of contract residential care for
13 children, not including the purchase of care in foster family
14 homes, be allocated to providers on a fixed monthly basis if that
15 allocation [~~it~~] is cost-effective and the number, type, needs, and
16 conditions of the children to be served is reasonably constant.

17 (c) The department [~~commission~~] shall periodically inspect
18 all public and private institutions and agencies whose facilities
19 the department [~~it~~] is using. Every public and private institution
20 and agency shall allow [~~afford to~~] the department [~~commission~~]
21 reasonable opportunity to examine and consult with children who
22 have been committed to the department [~~commission~~] and who are in
23 the custody of the institution or agency.

24 (d) Placement of a child in, or the release of a child by,
25 any institution not operated by the department [~~commission~~] does
26 not terminate the authority of the department [~~commission~~] over the
27 child. No child placed in an institution or under an agency by the

1 department [~~commission~~] may be released by the institution or
2 agency without the approval of the department [~~commission~~].

3 Sec. 242.054 [~~61.038~~]. HALFWAY HOUSE PROGRAM. (a) The
4 department [~~commission~~] may not develop a halfway house to be
5 operated by the department [~~commission~~] if an appropriate private
6 halfway house program is contractually available and the costs
7 under the contract are less than the costs would be if the
8 department [~~commission~~] provided the services.

9 (b) Before the department [~~commission~~] contracts for the
10 development of a halfway house program, the department [~~commission~~]
11 shall send prospective service providers a request for a proposal
12 that identifies the program services desired, the population to be
13 served, and potential locations for the program. The department
14 [~~commission~~] shall select the service provider that submits the
15 proposal that best meets the department's [~~commission's~~] needs
16 according to standards established by the department [~~commission~~].
17 If the department [~~commission~~] does not receive a proposal that
18 meets its needs, the department [~~commission~~] may request funds from
19 the legislature for the development of a halfway house to be
20 operated by the department [~~commission~~].

21 (c) This section does not apply to halfway houses operated
22 by the department [~~commission~~] on September 1, 1987.

23 Sec. 242.055 [~~61.0385~~]. CRISIS INTERVENTION AND
24 ASSESSMENT CENTERS. The department [~~commission~~] may establish a
25 children's crisis intervention and assessment center at a facility
26 owned or operated by the department [~~commission~~]. The department
27 [~~commission~~] may contract with another entity for the provision or

1 use of services at the center.

2 Sec. 242.056 [~~61.0386~~]. ADVOCACY AND SUPPORT GROUPS. (a)
3 The department [~~commission~~] shall allow advocacy and support groups
4 whose primary functions are to benefit children, inmates, girls and
5 women, the mentally ill, or [~~and~~] victims of sexual assault to
6 provide on-site information, support, and other services for
7 children confined in department [~~commission~~] facilities.

8 (b) The department [~~commission~~] shall adopt security and
9 privacy procedures for advocacy and support groups that provide
10 on-site information, support, and other services under this
11 section. The security and privacy procedures may not be designed
12 to deny an advocacy or support group access to children confined in
13 department [~~commission~~] facilities.

14 (c) The department [~~commission~~] shall adopt standards
15 consistent with standards adopted by the Texas Department of
16 Criminal Justice regarding the confidential correspondence of
17 children confined in department [~~commission~~] facilities with
18 external entities, including advocacy and support groups.

19 Sec. 242.057 [~~61.039~~]. DEPARTMENT [~~COMMISSION~~] PROGRAMS.

20 (a) The department [~~commission~~] shall develop and use standards
21 based on performance to evaluate and compare programs operated by
22 the department [~~commission~~].

23 (b) When practicable and feasible, the department
24 [~~commission~~] shall provide specific performance standards for a
25 program serving 10 or more children through an agreement entered
26 into under Section 242.053 [~~61.037 of this chapter~~]. In the
27 performance standards, the department [~~commission~~] shall include

1 outcome measures for evaluating the quality of services provided
2 under the agreement.

3 (c) For the purposes of comparison, the department
4 [~~commission~~] shall use performance standards that are as consistent
5 as practicable with those used to evaluate and compare programs
6 operated by the department [~~commission~~], that measure the benefits
7 and cost-effectiveness of the respective programs, and that measure
8 the average length of stay and rate of recidivism of the children in
9 the program.

10 Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT
11 COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department
12 [~~commission~~] may provide services to a child not committed to the
13 department [~~commission~~] if the department [~~commission~~] contracts
14 with a local juvenile probation department, the Health and [~~Texas~~
15 ~~Department of~~] Human Services Commission, or the Department of
16 Family and Protective [~~and Regulatory~~] Services to provide services
17 to the child.

18 Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE
19 SUPERVISION. When funds are available, the department
20 [~~commission~~] may:

21 (1) establish and operate places for detention and
22 diagnosis of children committed to it;

23 (2) establish and operate additional treatment and
24 training facilities, including forestry or parks-maintenance camps
25 and ranches, necessary to classify and treat children committed to
26 the department [~~commission~~] according to their needs;

27 (3) establish active parole supervision to aid

1 children given conditional release to find homes and employment and
2 to become reestablished in the community; and

3 (4) assist in establishing training facilities and
4 programs owned and operated by private individuals or organizations
5 which agree to provide services to children committed to the
6 department [~~commission~~], including programs for children needing
7 long-term residential care.

8 Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF
9 FACILITY. In computing the daily costs of a residential facility
10 operated by the department [~~commission~~], the department
11 [~~commission~~] shall use a standard method that is:

12 (1) consistent with methods used by other state
13 agencies; and

14 (2) [~~that is~~] designed to reflect the actual cost to
15 the state of operating the facility.

16 Sec. 242.061 [~~61.041~~]. ~~STUDY OF TREATMENT METHODS;~~
17 ~~STATISTICAL RECORDS.~~ (a) ~~The commission shall conduct continuing~~
18 ~~inquiry into the effectiveness of the treatment methods it employs~~
19 ~~in the reformation of children. To this end, the commission shall~~
20 ~~maintain a record of arrests and commitments of its wards~~
21 ~~subsequent to their discharge from the jurisdiction of the~~
22 ~~commission and shall tabulate, analyze, and publish biennially~~
23 ~~these data for use in evaluating the relative merits of treatment~~
24 ~~methods.~~

25 [~~(b) The commission shall cooperate with courts and private~~
26 ~~and public agencies in the collection of statistics and information~~
27 ~~regarding juvenile delinquency, arrests made, complaints,~~

1 ~~informations, and petitions filed, and the dispositions made of~~
2 ~~them, and other information useful in determining the amount and~~
3 ~~causes of juvenile delinquency in this state.~~

4 ~~[Sec. 61.042]. REFERRALS FROM FEDERAL COURT. The~~
5 ~~department [commission] may enter into agreements with the federal~~
6 ~~government to accept children from the federal court for an agreed~~
7 ~~compensation.~~

8 ~~Sec. 242.062 [61.0421. PUBLIC INTEREST INFORMATION. The~~
9 ~~commission shall prepare information of public interest describing~~
10 ~~the functions of the commission and describing the procedures by~~
11 ~~which complaints are filed with and resolved by the commission. The~~
12 ~~commission shall make the information available to the general~~
13 ~~public and appropriate state agencies.~~

14 ~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The~~
15 ~~commission shall keep a file about each written complaint filed~~
16 ~~with the commission by a person, other than a child receiving~~
17 ~~services from the commission or the child's parent or guardian,~~
18 ~~that the commission has authority to resolve. The commission shall~~
19 ~~provide to the person filing the complaint and the persons or~~
20 ~~entities complained about the commission's policies and procedures~~
21 ~~pertaining to complaint investigation and resolution. The~~
22 ~~commission, at least quarterly and until final disposition of the~~
23 ~~complaint, shall notify the person filing the complaint and the~~
24 ~~persons or entities complained about of the status of the complaint~~
25 ~~unless the notice would jeopardize an undercover investigation.~~

26 ~~[(b) The commission shall keep information about each file~~
27 ~~required by Subsection (a). The information must include:~~

- 1 ~~[(1) the date the complaint is received,~~
2 ~~[(2) the name of the complainant,~~
3 ~~[(3) the subject matter of the complaint,~~
4 ~~[(4) a record of all persons contacted in relation to~~
5 ~~the complaint,~~
6 ~~[(5) a summary of the results of the review or~~
7 ~~investigation of the complaint, and~~
8 ~~[(6) for complaints for which the commission took no~~
9 ~~action, an explanation of the reason the complaint was closed~~
10 ~~without action.~~

11 ~~[(c) The commission shall keep information about each~~
12 ~~written complaint filed with the commission by a child receiving~~
13 ~~services from the commission or the child's parent or guardian. The~~
14 ~~information must include:~~

- 15 ~~[(1) the subject matter of the complaint,~~
16 ~~[(2) a summary of the results of the review or~~
17 ~~investigation of the complaint, and~~
18 ~~[(3) the period of time between the date the complaint~~
19 ~~is received and the date the complaint is closed.~~

20 ~~[Sec. 61.0423. PUBLIC HEARINGS. (a) The executive~~
21 ~~commissioner shall develop and implement policies that provide the~~
22 ~~public with a reasonable opportunity to appear before the executive~~
23 ~~commissioner or the executive commissioner's designee and to speak~~
24 ~~on any issue under the jurisdiction of the commission.~~

25 ~~[(b) The executive commissioner shall ensure that the~~
26 ~~location of public hearings held in accordance with this section is~~
27 ~~rotated between municipalities in which a commission facility is~~

1 ~~located or that are in proximity to a commission facility.~~

2 ~~[Sec. 61.043. GIFTS, GRANTS. The commission may accept~~
3 ~~gifts, grants, or donations of money or property from private~~
4 ~~sources to effectuate the purpose of this chapter. Donated funds~~
5 ~~shall be placed in the state treasury in a special fund called the~~
6 ~~Texas Youth Commission Fund and expended as other state money is~~
7 ~~expended, on warrants drawn by the comptroller on the order of the~~
8 ~~commission. At the end of each state fiscal year, any unexpended~~
9 ~~balance in the fund shall be carried over in the same fund.~~

10 ~~[Sec. 61.0431].~~ SPECIAL ACCOUNTS. (a) Proceeds from the
11 operation of canteens and vending machines at facilities under the
12 jurisdiction of the department ~~[commission]~~ shall be deposited to
13 the credit of a special account in the General Revenue Fund called
14 the canteen revolving fund. The proceeds shall be used to pay the
15 actual expenses of maintaining and operating the canteens and
16 vending machines.

17 (b) Proceeds in excess of the amount required for the
18 ~~[those]~~ expenses described by Subsection (a), donations for student
19 activities, and proceeds from children's fundraising projects
20 shall be deposited to the credit of a special account in the General
21 Revenue Fund called the student benefit fund and may be used only
22 to:

23 (1) provide education, recreation, and entertainment
24 to children committed to the department ~~[commission]~~; or

25 (2) reimburse children committed to the department
26 ~~[commission]~~ for personal property lost or damaged as a result of
27 negligence by the staff of the department ~~[commission]~~.

1 (c) [~~(b)~~] Proceeds from shop projects at the facilities
2 under the department's [~~commission's~~] jurisdiction shall be
3 deposited to the credit of a special account in the General Revenue
4 Fund called the vocational shop fund and may be used only to:

5 (1) purchase and maintain parts, tools, and other
6 supplies necessary for the shop projects; and

7 (2) [~~to~~] compensate the students who participate in
8 the projects.

9 (d) [~~(c)~~] Registration fees from seminars and conferences
10 conducted by the department [~~commission~~] shall be deposited to the
11 credit of a special account in the General Revenue Fund called the
12 conference account and may be used only to pay the costs of
13 conducting seminars and conferences.

14 (e) [~~(d)~~] Money in the special accounts described by this
15 section is appropriated for the purposes indicated in this section
16 and shall be expended on warrants drawn by the comptroller on the
17 order of the department [~~commission~~].

18 Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND
19 MONEY. (a) Except as provided by Subsection (b), money belonging
20 to a child committed to the department [~~commission~~] in excess of the
21 amount the department [~~commission~~] allows in a child's possession
22 shall be deposited in a trust fund established by the facility
23 operated by the department [~~commission~~] to which the child is
24 assigned. The department [~~commission~~] shall adopt rules governing
25 the administration of the trust fund.

26 (b) Money possessed by a child committed to the department
27 [~~commission~~] that is determined to be contraband money as defined

1 by department [~~commission~~] rule shall be deposited in the student
2 benefit fund described by Section 242.062(b) [~~61.0431~~]. The
3 department [~~commission~~] shall notify each child committed to the
4 department [~~commission~~] that the possession of contraband money is
5 subject to confiscation by the department [~~commission~~] under this
6 subsection.

7 Sec. 242.064 [~~61.0433~~]. DEBIT CARD SUSPENSE ACCOUNTS. (a)
8 The department [~~commission~~] may establish debit card suspense
9 accounts necessary to operate magnetic debit card systems at
10 facilities under the jurisdiction of the department [~~commission~~] to
11 enable the students, employees, and visitors to make purchases of:

12 (1) merchandise from vending machines or canteens
13 within the facilities;

14 (2) meals from cafeterias within the facilities; and

15 (3) services that the facilities are authorized to
16 provide.

17 (b) Cash received from cash-to-card machines and amounts
18 electronically transferred for card use from the students' trust
19 fund accounts shall be deposited to debit card suspense accounts in
20 local depositories and held pending card purchases.

21 (c) Transfers of cash based on card use for purchases of
22 merchandise or services shall be made from the debit card suspense
23 accounts to the appropriate vendors and to accounts in the state
24 treasury in accordance with laws governing receipt of state
25 revenues.

26 (d) Unused debit card balances shall be refunded to the card
27 holders from the debit card suspense accounts.

1 Sec. 242.065 [~~61.044. BIENNIAL BUDGET. The executive~~
2 ~~commissioner shall prepare a biennial budget of all funds necessary~~
3 ~~to be appropriated by the legislature to the commission to carry out~~
4 ~~the purposes of this chapter. The budget shall be submitted and~~
5 ~~filed by the executive commissioner in the form and manner and~~
6 ~~within the time prescribed by law.~~

7 [~~Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES. (a)~~
8 ~~The commission shall have general charge of and be responsible for~~
9 ~~the welfare, custody, and rehabilitation of the children in a~~
10 ~~school, facility, or program operated or funded by the commission.~~
11 ~~The commission shall seek to establish relationships and to~~
12 ~~organize a way of life that will meet the spiritual, moral,~~
13 ~~physical, emotional, intellectual, and social needs of the children~~
14 ~~under its care as those needs would be met in an adequate home.~~

15 [~~(b) The commission shall see that the buildings and~~
16 ~~premises are kept in good sanitary order.~~

17 [~~Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office~~
18 ~~of inspector general is established at the commission for the~~
19 ~~purpose of investigating:~~

20 [~~(1) crimes committed by commission employees,~~
21 ~~including parole officers employed by or under a contract with the~~
22 ~~commission; and~~

23 [~~(2) crimes and delinquent conduct committed at a~~
24 ~~facility operated by the commission or at a residential facility~~
25 ~~operated by another entity under a contract with the commission.~~

26 [~~(b) The office of inspector general shall prepare and~~
27 ~~deliver a report concerning the results of any investigation~~

1 ~~conducted under this section to:~~

2 ~~[(1) the executive commissioner,~~

3 ~~[(2) the advisory board,~~

4 ~~[(3) the governor,~~

5 ~~[(4) the lieutenant governor,~~

6 ~~[(5) the speaker of the house of representatives,~~

7 ~~[(6) the standing committees of the senate and house~~

8 ~~of representatives with primary jurisdiction over matters~~

9 ~~concerning correctional facilities,~~

10 ~~[(7) the special prosecution unit,~~

11 ~~[(8) the state auditor, and~~

12 ~~[(9) any other appropriate state agency responsible~~

13 ~~for licensing or certifying commission employees or facilities.~~

14 ~~[(c) The report prepared under Subsection (b) must include a~~

15 ~~summary of the actions performed by the office of inspector general~~

16 ~~in conducting the investigation, a statement of whether the~~

17 ~~investigation resulted in a finding that a criminal offense or~~

18 ~~delinquent conduct occurred, and a description of the finding. The~~

19 ~~report is public information under Chapter 552, Government Code,~~

20 ~~only to the extent authorized under that chapter and other law.~~

21 ~~[(d) The office of inspector general may employ and~~

22 ~~commission inspectors general as peace officers for the purpose of~~

23 ~~carrying out the duties described by this section. An inspector~~

24 ~~general shall have all of the powers and duties given to peace~~

25 ~~officers under Article 2.13, Code of Criminal Procedure.~~

26 ~~[(e) Peace officers employed and commissioned under~~

27 ~~Subsection (d) must:~~

1 ~~[(1) be certified by the Commission on Law Enforcement~~
2 ~~Officer Standards and Education under Chapter 1701, Occupations~~
3 ~~Code; and~~

4 ~~[(2) complete advanced courses relating to the duties~~
5 ~~of peace officers employed and commissioned under Subsection (d) as~~
6 ~~part of any continuing education requirements for the peace~~
7 ~~officers.~~

8 ~~[(f) The executive commissioner shall select a commissioned~~
9 ~~peace officer as chief inspector general. The chief inspector~~
10 ~~general is subject to the requirements of this section and may only~~
11 ~~be discharged for cause.~~

12 ~~[(g) The chief inspector general shall on a quarterly basis~~
13 ~~prepare and deliver a report concerning the operations of the~~
14 ~~office of inspector general to:~~

15 ~~[(1) the executive commissioner;~~

16 ~~[(2) the advisory board;~~

17 ~~[(3) the governor;~~

18 ~~[(4) the lieutenant governor;~~

19 ~~[(5) the speaker of the house of representatives;~~

20 ~~[(6) the standing committees of the senate and house~~
21 ~~of representatives with primary jurisdiction over correctional~~
22 ~~facilities;~~

23 ~~[(7) the state auditor; and~~

24 ~~[(8) the comptroller.~~

25 ~~[(h) A report prepared under Subsection (g) is public~~
26 ~~information under Chapter 552, Government Code, to the extent~~
27 ~~authorized under that chapter and other law, and the commission~~

1 ~~shall publish the report on the commission's Internet website. A~~
2 ~~report must be both aggregated and disaggregated by individual~~
3 ~~facility and include information relating to:~~

4 ~~[(1) the types of investigations conducted by the~~
5 ~~office of inspector general, such as whether an investigation~~
6 ~~concerned narcotics or an alleged incident of sexual abuse;~~

7 ~~[(2) the relationship of a victim to a perpetrator, if~~
8 ~~applicable; and~~

9 ~~[(3) the number of investigations conducted~~
10 ~~concerning suicides, deaths, and hospitalizations of children in~~
11 ~~the custody of the commission.~~

12 ~~[(i) The office of inspector general shall immediately~~
13 ~~report to the executive commissioner, the advisory board, the~~
14 ~~governor's general counsel, and the state auditor any particularly~~
15 ~~serious or flagrant problem concerning the administration of a~~
16 ~~commission program or operation or any interference by the~~
17 ~~executive commissioner or an employee of the commission with an~~
18 ~~investigation conducted by the office.~~

19 ~~[Sec. 61.0452. TOLL-FREE NUMBER. (a) The commission shall~~
20 ~~establish a permanent, toll-free number for the purpose of~~
21 ~~receiving any information concerning the abuse, neglect, or~~
22 ~~exploitation of children in the custody of the commission.~~

23 ~~[(b) The office of inspector general shall ensure that:~~

24 ~~[(1) the toll-free number is prominently displayed in~~
25 ~~each commission facility; and~~

26 ~~[(2) children in the custody of the commission and~~
27 ~~commission employees have confidential access to telephones for the~~

1 ~~purpose of calling the toll-free number.~~

2 ~~[Sec. 61.046]~~. RELIGIOUS TRAINING. The department
3 ~~[commission]~~ shall provide for the religious and spiritual training
4 of children in its custody according to the children's individual
5 choices.

6 Sec. 242.066 ~~[61.0461]~~. EMPLOYMENT OR DESIGNATION OF
7 CHAPLAIN AT CERTAIN DEPARTMENT ~~[COMMISSION]~~ FACILITIES. The
8 department ~~[commission]~~ shall ensure that a chaplain is employed or
9 formally designated for each department ~~[commission]~~ correctional
10 facility that is an institution.

11 Sec. 242.067 ~~[61.047]~~. VIOLENCE PREVENTION AND CONFLICT
12 RESOLUTION EDUCATION. The department ~~[commission]~~ shall provide
13 education in violence prevention and conflict resolution that
14 includes discussion of domestic violence and child abuse issues to
15 all children in its custody.

16 Sec. 242.068 ~~[61.048. BUILDINGS AND IMPROVEMENTS. (a) The~~
17 ~~commission may design, construct, equip, furnish, and maintain~~
18 ~~buildings and improvements at facilities under its jurisdiction.~~
19 ~~The commission may employ architects or engineers, or both, to~~
20 ~~prepare plans and specifications and to supervise the construction~~
21 ~~and improvements. The commission shall promulgate rules relating~~
22 ~~to the award of contracts for the construction of buildings and~~
23 ~~improvements. The rules shall provide for the award of contracts~~
24 ~~for the construction of buildings and improvements to the qualified~~
25 ~~bidder making the lowest and best bid. A construction contract may~~
26 ~~not be awarded for a sum in excess of the amount of funds available~~
27 ~~for the project. The commission may reject any and all bids~~

1 ~~submitted.~~

2 ~~[(b) If a project is financed in whole or in part by federal~~
3 ~~funds, any standards required by the enabling federal statute or~~
4 ~~required by the rules of the administering federal agency control~~
5 ~~over this section.~~

6 ~~[(c) The commission may employ professional, technical, and~~
7 ~~clerical personnel to carry out the design and construction~~
8 ~~functions required by this section.~~

9 ~~[Sec. 61.050].~~ FIRE PROTECTION ACTIVITIES. (a) The
10 department ~~[commission]~~ may perform fire protection, fire
11 prevention, and fire suppression activities at department
12 ~~[commission]~~ facilities.

13 (b) The department ~~[commission]~~ may prescribe circumstances
14 under which, for the benefit of the public safety and welfare,
15 department ~~[commission]~~ employees using department ~~[commission]~~
16 equipment may assist municipal or volunteer fire departments in the
17 performance of fire protection, fire prevention, or fire
18 suppression activities near department ~~[commission]~~ facilities.

19 Sec. 242.069 ~~[61.051]~~. CLIENT SERVICE CONTRACT STANDARDS.
20 In each contract for the purchase of residential program-related
21 client services, the department ~~[commission]~~ shall include:

22 (1) clearly defined contract goals, outputs, and
23 measurable outcomes that relate directly to program objectives;

24 (2) clearly defined sanctions or penalties for failure
25 to comply with or perform contract terms or conditions; and

26 (3) clearly specified accounting, reporting, and
27 auditing requirements applicable to money received under the

1 contract.

2 Sec. 242.070 [~~61.052~~]. CONTRACT MONITORING. The
3 department [~~commission~~] shall establish a formal program to monitor
4 residential program-related client services contracts made by the
5 department [~~commission~~]. The department [~~commission~~] must:

6 (1) monitor compliance with financial and performance
7 requirements using a risk assessment methodology; and

8 (2) obtain and evaluate program cost information to
9 ensure that each cost, including an administrative cost, is
10 reasonable and necessary to achieve program objectives.

11 Sec. 242.071 [~~61.053. MEDICAID BENEFITS. The commission~~
12 ~~shall apply for benefits under the federal Medicaid program if~~
13 ~~application is cost effective in reducing health care costs~~
14 ~~incurred by the commission.~~

15 [~~Sec. 61.054~~]. SALE OR LICENSE OF TREATMENT PROGRAMS. (a)
16 The department [~~commission~~] may sell or license to an individual or
17 a private or public entity the right to use a treatment program
18 developed by the department [~~commission~~].

19 (b) Proceeds from the sale or license of a treatment program
20 shall be deposited to the credit of the fund that provided the money
21 to finance the development of the treatment program.

22 (c) At the end of each fiscal year, any unexpended proceeds
23 from the sale or license of a treatment program shall be carried
24 over to the next fiscal year to the credit of the fund that provided
25 the money to finance the development of the treatment program.

26 [Sections 242.072-242.100 reserved for expansion]

1 SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT

2 FACILITIES OR BY DEPARTMENT EMPLOYEES

3 Sec. 242.101 [~~61.055~~]. ZERO-TOLERANCE POLICY. (a) The
4 department [~~commission~~] shall adopt and enforce a zero-tolerance
5 policy concerning the detection, prevention, and punishment of the
6 sexual abuse, including consensual sexual contact, of children in
7 the custody of the department [~~commission~~].

8 (b) The department [~~commission~~] shall establish standards
9 for reporting and collecting data on the sexual abuse of children in
10 the custody of the department [~~commission~~].

11 (c) The department [~~commission~~] shall establish a procedure
12 for children in the custody of the department [~~commission~~] and
13 department [~~commission~~] employees to report incidents of sexual
14 abuse involving a child in the custody of the department
15 [~~commission~~]. The procedure must designate a person employed at
16 the department [~~commission~~] facility in which the abuse is alleged
17 to have occurred as well as a person who is employed at the
18 department's [~~commission's~~] headquarters to whom a person may
19 report an incident of sexual abuse.

20 (d) The department [~~commission~~] shall prominently display
21 the following notice in the office of the chief administrator of
22 each department [~~commission~~] facility, the employees' break room of
23 each department [~~commission~~] facility, the cafeteria of each
24 department [~~commission~~] facility, and at least six additional
25 locations in each department [~~commission~~] facility:

26 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY
27 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF

1 A CHILD IN THE CUSTODY OF THE DEPARTMENT [~~COMMISSION~~]. ANY SUCH
2 VIOLATION MUST BE REPORTED TO _____.

3 Sec. 242.102. OFFICE OF INSPECTOR GENERAL ESTABLISHED. The
4 office of inspector general is established at the department for
5 the purpose of investigating:

6 (1) crimes committed by department employees,
7 including parole officers employed by or under a contract with the
8 department; and

9 (2) crimes and delinquent conduct committed at a
10 facility operated by the department or at a residential facility
11 operated by another entity under a contract with the department.

12 Sec. 242.103. CERTAIN REPORTS REQUIRED. (a) The office of
13 inspector general shall prepare and deliver a report concerning the
14 results of any investigation conducted under this subchapter to:

15 (1) the executive director;

16 (2) any applicable advisory board to the department;

17 (3) the governor;

18 (4) the lieutenant governor;

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

20 (6) the standing committees of the senate and house of
21 representatives with primary jurisdiction over matters concerning
22 correctional facilities;

23 (7) the special prosecution unit;

24 (8) the state auditor; and

25 (9) any other appropriate state agency responsible for
26 licensing or certifying department employees or facilities.

27 (b) The report prepared under Subsection (a) must include a

1 summary of the actions performed by the office of inspector general
2 in conducting the investigation, a statement of whether the
3 investigation resulted in a finding that a criminal offense or
4 delinquent conduct occurred, and a description of the finding.

5 (c) A report prepared under Subsection (a) is public
6 information under Chapter 552, Government Code, only to the extent
7 authorized under that chapter and other law.

8 Sec. 242.104. EMPLOYMENT OF PEACE OFFICERS BY OFFICE OF
9 INSPECTOR GENERAL. (a) The office of inspector general may employ
10 and commission inspectors general as peace officers for the purpose
11 of carrying out the duties described by this section. An inspector
12 general shall have all of the powers and duties given to peace
13 officers under Article 2.13, Code of Criminal Procedure.

14 (b) Peace officers employed and commissioned under
15 Subsection (a) must:

16 (1) be certified by the Department on Law Enforcement
17 Officer Standards and Education under Chapter 1701, Occupations
18 Code; and

19 (2) complete advanced courses relating to the duties
20 of peace officers employed and commissioned under Subsection (a) as
21 part of any continuing education requirements for the peace
22 officers.

23 Sec. 242.105. CHIEF INSPECTOR GENERAL; SELECTION AND
24 DUTIES. (a) The executive director shall select a commissioned
25 peace officer as chief inspector general. The chief inspector
26 general is subject to the requirements of Section 242.104 and may
27 only be discharged for cause.

1 (b) The chief inspector general shall on a quarterly basis
2 prepare and deliver a report concerning the operations of the
3 office of inspector general to:

4 (1) the executive director;

5 (2) any applicable advisory board to the department;

6 (3) the governor;

7 (4) the lieutenant governor;

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

9 (6) the standing committees of the senate and house of
10 representatives with primary jurisdiction over correctional
11 facilities;

12 (7) the state auditor; and

13 (8) the comptroller.

14 (c) A report prepared under Subsection (b) is public
15 information under Chapter 552, Government Code, to the extent
16 authorized under that chapter and other law, and the department
17 shall publish the report on the department's Internet website.

18 (d) A report prepared under Subsection (b) must be both
19 aggregated and disaggregated by individual facility and include
20 information relating to:

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

24 (2) the relationship of a victim to a perpetrator, if
25 applicable; and

26 (3) the number of investigations conducted concerning
27 suicides, deaths, and hospitalizations of children in the custody

1 of the department.

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

9 Sec. 242.106. TOLL-FREE NUMBER. (a) The department shall
10 establish a permanent, toll-free number for the purpose of
11 receiving any information concerning the abuse, neglect, or
12 exploitation of children in the custody of the department.

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

14 (1) the toll-free number is prominently displayed in
15 each department facility; and

16 (2) children in the custody of the department and
17 department employees have confidential access to telephones for the
18 purpose of calling the toll-free number.

19 CHAPTER 243 [SUBCHAPTER D]. ADMISSION AND COMMITMENT; ESCAPE

20 SUBCHAPTER A. ADMISSION AND COMMITMENT

21 Sec. 243.001 [61.061]. PLACEMENT IN DEPARTMENT
22 [COMMISSION] FACILITIES. (a) The department [commission] may not
23 assign a child younger than 15 years of age to the same correctional
24 facility dormitory as a person who is at least 17 years of age
25 unless the department [commission] determines that the placement is
26 necessary to ensure the safety of children in the custody of the
27 department [commission]. This subsection does not apply to a

1 dormitory that is used exclusively for short-term assessment and
2 orientation purposes.

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

9 (c) The department [~~commission~~] shall consider the
10 proximity of the residence of a child's family in determining the
11 appropriate department [~~commission~~] facility in which to place a
12 child.

13 Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF
14 STAY. (a) The department [~~commission~~] shall establish a minimum
15 length of stay for each child committed to the department
16 [~~commission~~] without a determinate sentence.

17 (b) In establishing a minimum length of stay for a child,
18 the department [~~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. 243.003 [~~61.064~~]. CONVEYANCE OF CHILD TO DEPARTMENT
23 [~~COMMISSION~~]. (a) When a child is to be conveyed to a facility
24 designated by the department [~~commission~~], the juvenile court shall
25 assign an officer or other suitable person to accompany the child.
26 The person assigned to accompany a female must be a woman.

27 (b) The cost of conveying the child shall be paid by the

1 county from which the child is committed, except that [~~. However,~~]
2 no compensation shall be allowed other than [~~except~~] for the actual
3 and necessary expenses of the child and the person accompanying the
4 child.

5 Sec. 243.004 [~~61.065~~]. NOTIFICATION AND DUTY TO FURNISH
6 INFORMATION. (a) When a juvenile court commits a child to the
7 department [~~commission~~], the court shall forward to the department
8 [~~commission~~] a certified copy of the order of commitment.

9 (b) The court, the probation officer, the prosecuting and
10 police authorities, the school authorities, and other public
11 officials shall make available to the department [~~commission~~] all
12 pertinent information in their possession regarding the case.

13 (c) If requested by the department [~~commission~~], the
14 reports required by this section shall be made on forms furnished by
15 the department [~~commission~~] or according to an outline furnished by
16 the department [~~commission~~].

17 Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING
18 COURT. In addition to the information provided under Section
19 243.004 [~~61.065~~], a court that commits a child to the department
20 [~~commission~~] shall provide the department [~~commission~~] with a copy
21 of the following documents:

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

24 (2) if the commitment is a result of revocation of
25 probation, a copy of the conditions of probation and the revocation
26 order;

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

- 1 (4) any psychological or psychiatric reports
2 concerning the child;
- 3 (5) the contact information sheet for the child's
4 parents or guardian;
- 5 (6) any law enforcement incident reports concerning
6 the offense for which the child is committed;
- 7 (7) any sex offender registration information
8 concerning the child;
- 9 (8) any juvenile probation department progress
10 reports concerning the child;
- 11 (9) any assessment documents concerning the child;
- 12 (10) the computerized referral and case history for
13 the child, including case disposition;
- 14 (11) the child's birth certificate;
- 15 (12) the child's social security number or social
16 security card, if available;
- 17 (13) the name, address, and telephone number of the
18 court administrator in the committing county;
- 19 (14) Title IV-E eligibility screening information for
20 the child, if available;
- 21 (15) the address in the committing county for
22 forwarding funds collected to which the committing county is
23 entitled;
- 24 (16) any of the child's school or immunization records
25 that the committing county possesses;
- 26 (17) any victim information concerning the case for
27 which the child is committed; and

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

3 Sec. 243.006. INFORMATION PROVIDED TO CONVICTING
4 COURT. (a) At the request of a court that commits a child to the
5 department, the department shall provide the court with periodic
6 updates on the progress the child is making while committed to the
7 department.

8 (b) A report provided under Subsection (a) may include any
9 information the department determines to be relevant in evaluating
10 the child's progress, including, as applicable, information
11 concerning the child's treatment, education, and health.

12 (c) A report provided under this section may not include
13 information that is protected from disclosure under state or
14 federal law.

15 Sec. 243.007 [61.066]. COMMITMENT RECORDS. A commitment
16 to the department [commission] may not be received in evidence or
17 used in any way in any proceedings in any court except in:

18 (1) subsequent proceedings under Title 3 of the Family
19 Code against the same child;

20 (2) imposing sentence in any criminal proceedings
21 against the same person; or

22 (3) subsequent civil commitment proceedings under
23 Chapter 841, Health and Safety Code, regarding the same person.

24 [Sections 243.008-243.050 reserved for expansion]

25 SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

26 Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF
27 RELEASE CONDITIONS. (a) If a child who has been committed to the

1 department and placed by the department in any institution or
2 facility has escaped or has been released under supervision and
3 broken the conditions of release:

4 (1) a sheriff, deputy sheriff, constable, or police
5 officer may, without a warrant, arrest the child; or

6 (2) a department employee designated by the executive
7 director may, without a warrant or other order, take the child into
8 the custody of the department.

9 (b) A child who is arrested or taken into custody under
10 Subsection (a) may be detained in any suitable place, including an
11 adult jail facility if the person is 17 years of age or older, until
12 the child is returned to the custody of the department or
13 transported to a department facility.

14 (c) Notwithstanding Section 58.005, Family Code, the
15 department may disseminate to the public the following information
16 relating to a child who has escaped from custody:

17 (1) the child's name, including other names by which
18 the child is known;

19 (2) the child's physical description, including sex,
20 weight, height, race, ethnicity, eye color, hair color, scars,
21 marks, and tattoos;

22 (3) a photograph of the child; and

23 (4) if necessary to protect the welfare of the
24 community, any other information that reveals dangerous
25 propensities of the child or expedites the apprehension of the
26 child.

27 Sec. 243.052. APPREHENSION SPECIALISTS. (a) The

1 department may employ and commission apprehension specialists as
2 peace officers for the purpose of apprehending a child under
3 Section 243.051.

4 (b) Peace officers employed and commissioned under
5 Subsection (a) must be certified by the Texas Commission on Law
6 Enforcement Officer Standards and Education under Chapter 1701,
7 Occupations Code.

8 CHAPTER 244 [~~SUBCHAPTER E~~]. CARE AND TREATMENT OF CHILDREN

9 SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

10 Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The
11 department [~~commission~~] shall examine and make a study of each
12 child committed to it as soon as possible after commitment. The
13 study shall be made according to rules established by the
14 department [~~commission~~] and shall include:

- 15 (1) long-term planning for the child; and
16 (2) consideration of the child's medical, substance
17 abuse, and treatment history, including the child's psychiatric
18 history and substance abuse history.

19 (b) For a child for whom a minimum length of stay is
20 established under Section 243.002 [~~61.062~~] of one year or longer,
21 the initial examination must include a comprehensive psychiatric
22 evaluation.

23 (c) The department [~~commission~~] shall administer
24 comprehensive psychological assessments to a child as part of the
25 child's initial examination, including assessments designed to
26 identify whether a child is in need of a psychiatric
27 evaluation. If the results of a child's psychological assessments

1 indicate that the child is in need of a psychiatric evaluation, the
2 department [~~commission~~] shall as soon as practicable conduct a
3 psychiatric evaluation of the child.

4 Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~] (a)
5 ~~In providing medical care, behavioral health care, or~~
6 ~~rehabilitation services, the commission shall integrate the~~
7 ~~provision of those services in an integrated comprehensive delivery~~
8 ~~system.~~

9 ~~[(b) The delivery system may be used to deliver any medical,~~
10 ~~behavioral health, or rehabilitation services provided to a child~~
11 ~~in the custody of the commission, including:~~

- 12 ~~[(1) health care,~~
- 13 ~~[(2) dental care,~~
- 14 ~~[(3) behavioral health care,~~
- 15 ~~[(4) substance abuse treatment,~~
- 16 ~~[(5) nutrition,~~
- 17 ~~[(6) programming,~~
- 18 ~~[(7) case management, and~~
- 19 ~~[(8) general rehabilitation services, including~~
20 ~~educational, spiritual, daily living, recreational, and security~~
21 ~~services.~~

22 ~~[Sec. 61.072]. REEXAMINATION.~~ (a) The department
23 [~~commission~~] shall periodically reexamine each child under its
24 control, except those on release under supervision or in foster
25 homes, for the purpose of determining whether a rehabilitation plan
26 made by the department [~~commission~~] concerning the child should be
27 modified or continued.

1 **(b)** The reexamination [~~examination~~] must include a study of
2 all current circumstances of a child's personal and family
3 situation and an evaluation of the progress made by the child since
4 the child's last examination.

5 **(c)** The reexamination [~~examination~~] of a child may be made
6 as frequently as the department [~~commission~~] considers necessary,
7 but shall be made at intervals not exceeding six months.

8 Sec. 244.003 [~~61.073~~]. RECORDS OF EXAMINATIONS AND
9 TREATMENT. **(a)** The department [~~commission~~] shall keep written
10 records of all examinations and conclusions based on them and of all
11 orders concerning the disposition or treatment of each child
12 subject to its control.

13 **(b)** Except as provided by Section 243.051(c) [~~61.093(c)~~],
14 these records and all other information concerning a child,
15 including personally identifiable information, are not public and
16 are available only according to the provisions of Section 58.005,
17 Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and
18 Chapter 61, Code of Criminal Procedure.

19 Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN,~~
20 ~~PARENTS, AND OTHERS.~~ **(a)** ~~In the interest of achieving the purpose~~
21 ~~of the commission and protecting the public, the commission may~~
22 ~~disclose records and other information concerning a child to the~~
23 ~~child and the child's parent or guardian only if disclosure would~~
24 ~~not materially harm the treatment and rehabilitation of the child~~
25 ~~and would not substantially decrease the likelihood of the~~
26 ~~commission receiving information from the same or similar sources~~
27 ~~in the future. Information concerning a person who is age 18 or~~

1 ~~elder may not be disclosed to the person's parent or guardian~~
2 ~~without the person's consent.~~

3 ~~[(b) The commission may disclose information regarding a~~
4 ~~child's location and committing court to a person having a~~
5 ~~legitimate need for the information.~~

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 ~~[Sec. 61.074]. FAILURE TO EXAMINE OR REEXAMINE. (a)~~
14 ~~Failure of the department [~~commission~~] to examine or reexamine a~~
15 ~~child as required by this subchapter [~~chapter~~] does not entitle the~~
16 ~~child to be discharged from the control of the department~~
17 ~~[~~commission~~], but the child may petition the committing court for~~
18 ~~discharge.~~

19 ~~(b) After due notice to the department [~~commission~~], the~~
20 ~~committing court shall discharge the child from the control of the~~
21 ~~department [~~commission~~] unless the department [~~commission~~]~~
22 ~~satisfies the court that further control is necessary.~~

23 ~~Sec. 244.005 [61.075]. DETERMINATION OF TREATMENT. When~~
24 ~~a child has been committed to the department [~~commission~~], the~~
25 ~~department [~~commission~~] may:~~

26 ~~(1) permit the child liberty under supervision and on~~
27 ~~conditions the department [~~it~~] believes conducive to acceptable~~

1 behavior;

2 (2) order the child's confinement under conditions the
3 department [~~it~~] believes best designed for the child's welfare and
4 the interests of the public;

5 (3) order reconfinement or renewed release as often as
6 conditions indicate to be desirable;

7 (4) revoke or modify any order of the department
8 [~~commission~~] affecting a child, except an order of final discharge,
9 as often as conditions indicate; or

10 (5) discharge the child from control when the
11 department [~~it~~] is satisfied that discharge will best serve the
12 child's welfare and the protection of the public.

13 Sec. 244.006 [~~61.0751. SUBPOENAS.~~ (a) A ~~hearings~~
14 ~~examiner appointed by the commission may issue a subpoena requiring~~
15 ~~the attendance of a witness or the production of any record, book,~~
16 ~~paper, or document the hearings examiner considers necessary for a~~
17 ~~determination of treatment under Section 61.075.~~

18 [~~(b) The hearings examiner may sign a subpoena and~~
19 ~~administer an oath.~~

20 [~~(c) A peace officer, apprehension specialist, parole~~
21 ~~officer, or other commission official may serve the subpoena in the~~
22 ~~same manner as similar process in a court of record having original~~
23 ~~jurisdiction of criminal actions is served.~~

24 [~~(d) A person who testifies falsely, fails to appear when~~
25 ~~subpoenaed, or fails or refuses to produce material under the~~
26 ~~subpoena is subject to the same orders and penalties to which a~~
27 ~~person taking those actions before a court is subject.~~

1 ~~[(c) On application of the commission, a court of record~~
2 ~~having original jurisdiction of criminal actions may compel the~~
3 ~~attendance of a witness, the production of material, or the giving~~
4 ~~of testimony before the hearings examiner, by an attachment for~~
5 ~~contempt or in the same manner as the court may otherwise compel the~~
6 ~~production of evidence.~~

7 ~~[Sec. 61.076]~~. TYPE OF TREATMENT PERMITTED. (a) As a
8 means of correcting the socially harmful tendencies of a child
9 committed to the department ~~[it]~~, the department ~~[commission]~~ may:

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

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

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

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

22 (b) The dominant purpose of placing children in camps is to
23 benefit and rehabilitate the children rather than to make the camps
24 self-sustaining. Children placed in camps may not be exploited.

25 Sec. 244.007 ~~[61.0761]~~. FAMILY PROGRAMS. The department
26 ~~[commission]~~ shall develop programs that encourage family
27 involvement in the rehabilitation of the child.

1 Sec. 244.008 [~~61.0762~~]. INFANT CARE AND PARENTING
2 PROGRAM. (a) In this section, "child" means the child of a person
3 who is committed to the department [~~commission~~].

4 (b) The department [~~commission~~] may establish child care
5 and parenting programs for persons committed to the department
6 [~~commission~~] who are parents.

7 (c) The department [~~commission~~] may permit a mother to have
8 possession of her child in a residential program that has an infant
9 care and parenting program or to have possession of her child in a
10 department-funded [~~commission-funded~~] independent living
11 residence for up to six months if:

12 (1) the child's father or another relative or guardian
13 of the child agrees in advance of the child's placement with the
14 child's mother to assume possession of the child immediately upon
15 notice by the department [~~commission~~] to do so;

16 (2) the child's parents and any other person having a
17 duty of support acknowledge that by permitting the mother to have
18 possession of the child while the mother is confined in a
19 residential facility or placed in an independent living residence,
20 the department [~~commission~~] assumes no responsibility for the
21 child's care beyond the responsibility of care that is ordinarily
22 due the child's mother and the reasonable accommodations that are
23 necessary for the mother's care of her child;

24 (3) the child's parents and any other person having a
25 duty of support agree to indemnify and hold the department
26 [~~commission~~] harmless from any claims that may be made against the
27 department [~~commission~~] for the child's support, including medical

1 support; and

2 (4) the department [~~commission~~] determines that the
3 placement is in the best interest of both the mother and her child.

4 Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In
5 providing medical care, behavioral health care, or rehabilitation
6 services, the department shall integrate the provision of those
7 services in an integrated comprehensive delivery system.

8 (b) The delivery system may be used to deliver any medical,
9 behavioral health, or rehabilitation services provided to a child
10 in the custody of the department, including:

11 (1) health care;

12 (2) dental care;

13 (3) behavioral health care;

14 (4) substance abuse treatment;

15 (5) nutrition;

16 (6) programming;

17 (7) case management; and

18 (8) general rehabilitation services, including
19 educational, spiritual, daily living, recreational, and security
20 services.

21 Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The
22 commission, in consultation with advocacy and support groups such
23 as those described in Section 61.0386(a), shall develop a parent's
24 bill of rights for distribution to the parent or guardian of a child
25 who is under 18 years of age and committed to the commission. The
26 parent's bill of rights must include:

27 [(1) a description of the commission's grievance

~~1 policies and procedures, including contact information for the
2 office of inspector general and the office of the independent
3 ombudsman established under Chapter 64;~~

~~4 [(2) a list of possible incidents that require
5 parental notification;~~

~~6 [(3) policies concerning visits and telephone
7 conversations with a child committed to the commission;~~

~~8 [(4) a description of commission caseworker
9 responsibilities;~~

~~10 [(5) a statement that the commission caseworker
11 assigned to a child may assist the child's parent or guardian in
12 obtaining information and services from the commission and other
13 resources concerning:~~

~~14 [(A) counseling, including substance abuse and
15 mental health counseling;~~

~~16 [(B) assistance programs, including financial
17 and travel assistance programs for visiting a child committed to
18 the commission;~~

~~19 [(C) workforce preparedness programs;~~

~~20 [(D) parenting programs; and~~

~~21 [(E) commission seminars; and~~

~~22 [(6) information concerning the indeterminate
23 sentencing structure at the commission, an explanation of reasons
24 that a child's commitment at the commission could be extended, and
25 an explanation of the review process under Sections 61.0815 and
26 61.0816 for a child committed to the commission without a
27 determinate sentence.~~

1 ~~[(b) Not later than 48 hours after the time a child is~~
2 ~~admitted to a commission facility, the commission shall mail to the~~
3 ~~child's parent or guardian at the last known address of the parent~~
4 ~~or guardian.~~

5 ~~[(1) the parent's bill of rights, and~~

6 ~~[(2) the contact information of the commission~~
7 ~~caseworker assigned to the child.~~

8 ~~[(c) The commission shall on a quarterly basis provide to~~
9 ~~the parent, guardian, or designated advocate of a child who is in~~
10 ~~the custody of the commission a report concerning the progress of~~
11 ~~the child at the commission, including:~~

12 ~~[(1) the academic and behavioral progress of the~~
13 ~~child; and~~

14 ~~[(2) the results of any reexamination of the child~~
15 ~~conducted under Section 61.072.~~

16 ~~[(d) The commission shall ensure that written information~~
17 ~~provided to a parent or guardian regarding the rights of a child in~~
18 ~~the custody of the commission or the rights of a child's parent or~~
19 ~~guardian, including the parent's bill of rights, is clear and easy~~
20 ~~to understand.~~

21 ~~[Sec. 61.0763. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
22 ~~STUDIES. (a) The commission shall keep records relating to~~
23 ~~children committed to it that participate in research programs or~~
24 ~~studies.~~

25 ~~[(b) The records must show, for each calendar quarter and~~
26 ~~for each calendar year:~~

27 ~~[(1) the number of children participating in research~~

1 ~~programs or studies for the appropriate reporting period;~~
2 ~~[(2) the type of research program or study in which~~
3 ~~each child is participating;~~
4 ~~[(3) the name of the principal investigator conducting~~
5 ~~the research program or study; and~~
6 ~~[(4) the entity sponsoring the research program or~~
7 ~~study.~~

8 ~~[(c) The commission shall submit a report that contains the~~
9 ~~information in the records kept under Subsection (b) on or before~~
10 ~~the 15th day after the last day of the appropriate reporting period~~
11 ~~to the:~~

- 12 ~~[(1) governor;~~
- 13 ~~[(2) lieutenant governor;~~
- 14 ~~[(3) speaker of the house of representatives; and~~
- 15 ~~[(4) members of the legislature.~~

16 ~~[(d) A report submitted under this section is public~~
17 ~~information under Chapter 552, Government Code.~~

18 ~~[Sec. 61.0764].~~ DEPARTMENT ~~[COMMISSION]~~ CASEWORKERS. (a)
19 The department ~~[commission]~~ shall assign a caseworker to a child
20 committed to the department ~~[commission]~~. A department
21 ~~[commission]~~ caseworker shall:

22 (1) explore family issues and needs with the parent or
23 guardian of a child committed to the department ~~[commission]~~;

24 (2) as needed, provide the parent or guardian of a
25 child committed to the department ~~[commission]~~ with information
26 concerning programs and services provided by the department
27 ~~[commission]~~ or another resource; and

1 (3) perform other duties required by the department
2 [~~commission~~].

3 (b) A department [~~commission~~] caseworker shall:

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

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

10 (3) document successful as well as unsuccessful
11 attempts to contact the child's parent or guardian.

12 (c) To the extent practicable, a caseworker or another
13 facility administrator shall attempt to communicate with a parent
14 or guardian who does not speak English in the language of choice of
15 the parent or guardian.

16 Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR
17 MENTAL RETARDATION. (a) The department [~~commission~~] shall accept
18 a child committed to the department [~~commission~~] who is mentally
19 ill or mentally retarded.

20 (b) Unless a child is committed to the department
21 [~~commission~~] under a determinate sentence under Section
22 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department
23 [~~commission~~] shall discharge a child who is mentally ill or
24 mentally retarded from its custody if:

25 (1) the child has completed the minimum length of stay
26 for the child's committing offense; and

27 (2) the department [~~commission~~] determines that the

1 child is unable to progress in the department's [~~commission's~~]
2 rehabilitation programs because of the child's mental illness or
3 mental retardation.

4 (c) If a child who is discharged from the department
5 [~~commission~~] under Subsection (b) as a result of mental illness is
6 not receiving court-ordered mental health services, the child's
7 discharge is effective on the earlier of:

8 (1) the date the court enters an order regarding an
9 application for mental health services filed under Section
10 244.012(b) [~~61.0772(b)~~]; or

11 (2) the 30th day after the date the application is
12 filed.

13 (d) If a child who is discharged from the department
14 [~~commission~~] under Subsection (b) as a result of mental illness is
15 receiving court-ordered mental health services, the child's
16 discharge from the department [~~commission~~] is effective
17 immediately. If the child is receiving mental health services
18 outside the child's home county, the department [~~commission~~] shall
19 notify the mental health authority located in that county of the
20 discharge not later than the 30th day after the date that the
21 child's discharge is effective.

22 (e) If a child who is discharged from the department
23 [~~commission~~] under Subsection (b) as a result of mental retardation
24 is not receiving mental retardation services, the child's discharge
25 is effective on the earlier of:

26 (1) the date the court enters an order regarding an
27 application for mental retardation services filed under Section

1 244.012(c) [~~61.0772(e)~~]; or

2 (2) the 30th day after the date that the application is
3 filed.

4 (f) If a child who is discharged from the department
5 [~~commission~~] under Subsection (b) as a result of mental retardation
6 is receiving mental retardation services, the child's discharge
7 from the department [~~commission~~] is effective immediately.

8 Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE.

9 (a) The department [~~commission~~] shall establish a system that
10 identifies children in the department's [~~commission's~~] custody who
11 are mentally ill or mentally retarded.

12 (b) Before a child who is identified as mentally ill is
13 discharged from the department's [~~commission's~~] custody under
14 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]
15 psychiatrist shall examine the child. The department [~~commission~~]
16 shall refer a child requiring outpatient psychiatric treatment to
17 the appropriate mental health authority. For a child requiring
18 inpatient psychiatric treatment, the department [~~commission~~] shall
19 file a sworn application for court-ordered mental health services,
20 as provided in Subchapter C, Chapter 574, Health and Safety Code,
21 if:

22 (1) the child is not receiving court-ordered mental
23 health services; and

24 (2) the psychiatrist who examined the child determines
25 that the child is mentally ill and the child meets at least one of
26 the criteria listed in Section 574.034, Health and Safety Code.

27 (c) Before a child who is identified as mentally retarded

1 under Chapter 593, Health and Safety Code, is discharged from the
2 department's [~~commission's~~] custody under Section 244.011(b)
3 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for
4 mental retardation services if the child is not receiving mental
5 retardation services.

6 Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As
7 soon as practicable after the department [~~commission~~] makes a
8 decision to discharge a child or authorize the child's absence from
9 the department's [~~its~~] custody, the department [~~commission~~] shall
10 give notice of the department's [~~its~~] decision to the juvenile
11 court and the office of the prosecuting attorney of the county in
12 which the adjudication that the child engaged in delinquent conduct
13 was made.

14 Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL
15 OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment
16 under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,
17 becomes 16 years of age but before the child becomes 19 years of
18 age, the department [~~commission~~] may refer the child to the
19 juvenile court that entered the order of commitment for approval of
20 the child's transfer to the Texas Department of Criminal Justice
21 for confinement if:

22 (1) the child has not completed the sentence; and
23 (2) the child's conduct, regardless of whether the
24 child was released under supervision under Section 245.051
25 [~~61.081~~], indicates that the welfare of the community requires the
26 transfer.

27 (b) The department [~~commission~~] shall cooperate with the

1 court on any proceeding on the transfer of the child.

2 (c) If a child is released under supervision, a juvenile
3 court adjudication that the child engaged in delinquent conduct
4 constituting a felony offense, a criminal court conviction of the
5 child for a felony offense, or a determination under Section
6 244.005(4) [~~61.075(4)~~] revoking the child's release under
7 supervision is required before referral of the child to the
8 juvenile court under Subsection (a).

9 Sec. 244.015 [~~61.0791~~]. EVALUATION OF CERTAIN CHILDREN
10 SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced
11 to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
12 Family Code, becomes 18 years of age, the department [~~commission~~]
13 shall evaluate whether the child is in need of additional services
14 that can be completed in the six-month period after the child's 18th
15 birthday to prepare the child for release from the custody of the
16 department [~~commission~~] or transfer to the Texas Department of
17 Criminal Justice.

18 (b) This section does not apply to a child who is released
19 from the custody of the department [~~commission~~] or who is
20 transferred to the Texas Department of Criminal Justice before the
21 child's 18th birthday.

22 [Sections 244.016-244.050 reserved for expansion]

23 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

24 Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,
25 AND OTHERS. (a) In the interest of achieving the purpose of the
26 department and protecting the public, the department may disclose
27 records and other information concerning a child to the child and

1 the child's parent or guardian only if disclosure would not
2 materially harm the treatment and rehabilitation of the child and
3 would not substantially decrease the likelihood of the department
4 receiving information from the same or similar sources in the
5 future. Information concerning a person who is 18 years of age or
6 older may not be disclosed to the person's parent or guardian
7 without the person's consent.

8 (b) The department may disclose information regarding a
9 child's location and committing court to a person having a
10 legitimate need for the information.

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

18 Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in
19 consultation with advocacy and support groups such as those
20 described in Section 242.056(a), shall develop a parent's bill of
21 rights for distribution to the parent or guardian of a child who is
22 under 18 years of age and committed to the department. The parent's
23 bill of rights must include:

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

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

3 (3) policies concerning visits and telephone
4 conversations with a child committed to the department;

5 (4) a description of department caseworker
6 responsibilities;

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

11 (A) counseling, including substance abuse and
12 mental health counseling;

13 (B) assistance programs, including financial and
14 travel assistance programs for visiting a child committed to the
15 department;

16 (C) workforce preparedness programs;

17 (D) parenting programs; and

18 (E) department seminars; and

19 (6) information concerning the indeterminate
20 sentencing structure at the department, an explanation of reasons
21 that a child's commitment at the department could be extended, and
22 an explanation of the review process under Sections 245.101 and
23 245.104 for a child committed to the department without a
24 determinate sentence.

25 (b) Not later than 48 hours after the time a child is
26 admitted to a department facility, the department shall mail to the
27 child's parent or guardian at the last known address of the parent

1 or guardian:

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

3 (2) the contact information of the department
4 caseworker assigned to the child.

5 (c) The department shall on a quarterly basis provide to the
6 parent, guardian, or designated advocate of a child who is in the
7 custody of the department a report concerning the progress of the
8 child at the department, including:

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

11 (2) the results of any reexamination of the child
12 conducted under Section 244.002.

13 (d) The department shall ensure that written information
14 provided to a parent or guardian regarding the rights of a child in
15 the custody of the department or the rights of a child's parent or
16 guardian, including the parent's bill of rights, is clear and easy
17 to understand.

18 CHAPTER 245 [SUBCHAPTER F]. RELEASE

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The
21 department may employ parole officers to investigate, place,
22 supervise, and direct the activities of a parolee to ensure the
23 parolee's adjustment to society in accordance with the rules
24 adopted by the department.

25 (b) Parole officers may work with local organizations,
26 clubs, and agencies to formulate plans and procedures for the
27 prevention of juvenile delinquency.

1 (c) The department shall develop a management system for
2 parole services that objectively measures and provides for:

3 (1) the systematic examination of children's needs and
4 the development of treatment plans to address those needs;

5 (2) the evaluation of homes, foster homes, and public
6 and private institutions as constructive parole placements;

7 (3) the classification of children based on the level
8 of children's needs and the degree of risk presented to the public;

9 (4) the objective measurement of parole officer
10 workloads; and

11 (5) the gathering and analysis of information related
12 to the effectiveness of parole services and to future parole
13 requirements.

14 Sec. 245.002. REENTRY AND REINTEGRATION PLAN. (a) The
15 department shall develop a reentry and reintegration plan for each
16 child committed to the custody of the department. The plan for a
17 child must be designed to ensure that the child receives an
18 extensive continuity of care in services from the time the child is
19 committed to the department to the time of the child's final
20 discharge from the department. The plan for a child must include,
21 as applicable:

22 (1) housing assistance;

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

25 (3) family counseling;

26 (4) academic and vocational mentoring;

27 (5) trauma counseling for a child who is a victim of

1 abuse while in the custody of the department; and

2 (6) other specialized treatment services appropriate
3 for the child.

4 (b) If a program or service in the child's reentry and
5 reintegration plan is not available at the time the child is to be
6 released, the department shall find a suitable alternative program
7 or service so that the child's release is not postponed.

8 Sec. 245.003. CONTRACTS WITH COUNTIES. (a) The department
9 may make a contract with a county to use the services of the
10 county's juvenile probation department for the supervision of
11 children within the county who are on furlough from a department
12 facility or who are released under supervision from a department
13 facility.

14 (b) Payments under a contract described by Subsection (a)
15 shall be made to the county treasurer on a quarterly schedule.

16 (c) The department may not pay a county for supervision of a
17 child for any time after the child:

18 (1) is discharged from the department's custody;

19 (2) is returned to a department facility; or

20 (3) transfers the child's residence to another county
21 or state.

22 (d) A county that has a contract with the department must
23 report to the department on the status and progress of each child
24 for whom the county is receiving payments. The reports shall be
25 made at the time and in the manner specified by the contract.

26 [Sections 245.004-245.050 reserved for expansion]

27 SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

1 Sec. 245.051 [~~61.081~~]. RELEASE UNDER SUPERVISION. (a) The
2 department [~~commission~~] may release under supervision any child in
3 the department's [~~its~~] custody and place the child in the child's
4 [~~his or her~~] home or in any situation or family approved by the
5 department [~~commission~~]. Prior to placing a child in the child's
6 [~~his or her~~] home, the department [~~commission~~] shall evaluate the
7 home setting to determine the level of supervision and quality of
8 care that is available in the home.

9 (b) [~~Subject to legislative appropriation, the commission~~
10 ~~may employ parole officers to investigate, place, supervise, and~~
11 ~~direct the activities of a parolee to ensure the parolee's~~
12 ~~adjustment to society in accordance with the rules adopted by the~~
13 ~~commission.~~

14 [~~(c) Parole officers may work with local organizations,~~
15 ~~clubs, and agencies to formulate plans and procedures for the~~
16 ~~prevention of juvenile delinquency.~~

17 [~~(d) The commission may resume the care and custody of any~~
18 ~~child released under supervision at any time before the final~~
19 ~~discharge of the child.~~

20 [~~(e)~~] Not later than 10 days before the day the department
21 [~~commission~~] releases a child under this section, the department
22 [~~commission~~] shall give notice of the release to the juvenile court
23 and the office of the prosecuting attorney of the county in which
24 the adjudication that the child engaged in delinquent conduct was
25 made.

26 (c) [~~(f)~~] If a child is committed to the department
27 [~~commission~~] under a determinate sentence under Section

1 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
2 the department [~~commission~~] may not release the child under
3 supervision without approval of the juvenile court that entered the
4 order of commitment unless the child has served at least:

5 (1) 10 years, if the child was sentenced to commitment
6 for conduct constituting capital murder;

7 (2) 3 years, if the child was sentenced to commitment
8 for conduct constituting an aggravated controlled substance felony
9 or a felony of the first degree;

10 (3) 2 years, if the child was sentenced to commitment
11 for conduct constituting a felony of the second degree; or

12 (4) 1 year, if the child was sentenced to commitment
13 for conduct constituting a felony of the third degree.

14 (d) [~~(g)~~] The department [~~commission~~] may request the
15 approval of the court under this section at any time.

16 (e) The department may resume the care and custody of any
17 child released under supervision at any time before the final
18 discharge of the child.

19 (f) [~~(h)~~] If the department [~~commission~~] finds that a child
20 has violated an order under which the child is released under
21 supervision, on notice by any reasonable method to all persons
22 affected, the department [~~commission~~] may order the child:

23 (1) to return to an institution;

24 (2) if the violation resulted in property damage or
25 personal injury:

26 (A) to make full or partial restitution to the
27 victim of the offense; or

1 (B) if the child is financially unable to make
2 full or partial restitution, to perform services for a charitable
3 or educational institution; or

4 (3) to comply with any other conditions the department
5 [~~commission~~] considers appropriate.

6 (g) [~~(i)~~] Notwithstanding Subsection (c) [~~(f)~~], if a child
7 is committed to the department [~~commission~~] under a determinate
8 sentence under Section 54.04(d)(3), Section 54.04(m), or Section
9 54.05(f), Family Code, the department [~~commission~~] may release the
10 child under supervision without approval of the juvenile court that
11 entered the order of commitment if not more than nine months remain
12 before the child's discharge under Section 245.151(b) [~~61.084(b)~~].

13 Sec. 245.052 [~~61.0811. PAROLE MANAGEMENT. The commission~~
14 ~~shall develop a management system for parole services that~~
15 ~~objectively measures and provides for:~~

16 [~~(1) the systematic examination of children's needs~~
17 ~~and the development of treatment plans to address those needs,~~

18 [~~(2) the evaluation of homes, foster homes, and public~~
19 ~~and private institutions as constructive parole placements,~~

20 [~~(3) the classification of children based on the level~~
21 ~~of children's needs and the degree of risk presented to the public,~~

22 [~~(4) the objective measurement of parole officer~~
23 ~~workloads, and~~

24 [~~(5) the gathering and analysis of information related~~
25 ~~to the effectiveness of parole services and to future parole~~
26 ~~requirements.~~

27 [~~Sec. 61.0812~~]. SUBSTANCE ABUSE TREATMENT [~~FOR SUBSTANCE~~

1 ~~ABUSE~~]. Subject to an express appropriation to fund the treatment
2 programs required by this section, the department [~~commission~~] may
3 not release a child under supervision or parole a child if:

4 (1) the child has a substance abuse problem, including
5 the use of a controlled substance, hazardous inhalable substances,
6 or alcohol habitually; and

7 (2) the child has not completed a treatment program
8 for the problem.

9 Sec. 245.053 [~~61.0813~~]. SEX OFFENDER COUNSELING AND
10 TREATMENT. (a) Before releasing a child described by Subsection
11 (b) under supervision, the department [~~commission~~]:

12 (1) may require as a condition of release that the
13 child:

14 (A) attend psychological counseling sessions for
15 sex offenders as provided by Subsection (e); and

16 (B) submit to a polygraph examination as provided
17 by Subsection (f) for purposes of evaluating the child's treatment
18 progress; and

19 (2) shall require as a condition of release that the
20 child:

21 (A) register under Chapter 62, Code of Criminal
22 Procedure; and

23 (B) submit a blood sample or other specimen to
24 the Department of Public Safety under Subchapter G, Chapter 411,
25 Government Code, for the purpose of creating a DNA record of the
26 child, unless the child has already submitted the required specimen
27 under other state law.

1 (b) This section applies to a child adjudicated for engaging
2 in delinquent conduct constituting an offense for which the child
3 is required to register as a sex offender under Chapter 62, Code of
4 Criminal Procedure.

5 (c) Psychological counseling required as a condition of
6 release under Subsection (a) must be with an individual or
7 organization that:

8 (1) provides sex offender treatment or counseling;

9 (2) is specified by the department [~~commission~~]; and

10 (3) meets minimum standards of counseling established
11 by the department [~~commission~~].

12 (d) A polygraph examination required as a condition of
13 release under Subsection (a) must be administered by an individual
14 who is:

15 (1) specified by the department [~~commission~~]; and

16 (2) licensed as a polygraph examiner under Chapter
17 1703, Occupations Code.

18 (e) In addition to specifying a sex offender treatment
19 provider to provide counseling to a child described by Subsection
20 (b), the department [~~commission~~] shall:

21 (1) establish with the cooperation of the treatment
22 provider the date, time, and place of the first counseling session
23 between the child and the treatment provider;

24 (2) notify the child and the treatment provider before
25 the release of the child of the date, time, and place of the first
26 counseling session between the child and the treatment provider;

27 and

1 (3) require the treatment provider to notify the
2 department [~~commission~~] immediately if the child fails to attend
3 any scheduled counseling session.

4 (f) If the department [~~commission~~] specifies a polygraph
5 examiner under Subsection (d) to administer a polygraph examination
6 to a child, the department [~~commission~~] shall arrange for a
7 polygraph examination to be administered to the child:

8 (1) not later than the 60th day after the date the
9 child attends the first counseling session established under
10 Subsection (e); and

11 (2) after the initial polygraph examination, as
12 required by Subdivision (1), on the request of the treatment
13 provider specified under Subsection (c).

14 (g) If the department [~~commission~~] requires as a condition
15 of release that a child attend psychological counseling under
16 Subsection (a), the department [~~commission~~] shall notify the court
17 that committed the child to the department [~~commission~~]. After
18 receiving notification from the department [~~commission~~] under this
19 subsection, the court may order the parent or guardian of the child
20 to:

21 (1) attend four sessions of instruction with an
22 individual or organization specified by the department
23 [~~commission~~] relating to:

- 24 (A) sexual offenses;
- 25 (B) family communication skills;
- 26 (C) sex offender treatment;
- 27 (D) victims' rights;

1 (E) parental supervision; and

2 (F) appropriate sexual behavior; and

3 (2) during the time the child attends psychological
4 counseling, participate in monthly treatment groups conducted by
5 the child's treatment provider relating to the child's
6 psychological counseling.

7 (h) A court that orders a parent or guardian of a child to
8 attend instructional sessions and participate in treatment groups
9 under Subsection (g) shall require:

10 (1) the individual or organization specified by the
11 department [~~commission~~] under Subsection (g) to notify the court
12 immediately if the parent or guardian fails to attend any scheduled
13 instructional session; and

14 (2) the child's treatment provider specified under
15 Subsection (c) to notify the court immediately if the parent or
16 guardian fails to attend a session in which the parent or guardian
17 is required to participate in a scheduled treatment group.

18 (i) If the department [~~commission~~] requires as a condition
19 of release that a child attend psychological counseling under
20 Subsection (a), the department [~~commission~~] may, before the date
21 the period of release ends, petition the appropriate court to
22 request the court to extend the period of release for an additional
23 period necessary to complete the required counseling as determined
24 by the treatment provider, except that the release period may not be
25 extended to a date after the date of the child's 18th birthday.

26 Sec. 245.054. INFORMATION PROVIDED TO COURT BEFORE RELEASE.

27 (a) In addition to providing the court with notice of release of a

1 child under Section 245.051(b), not later than the 90th day before
2 the date the department releases the child, the department shall
3 provide the court that committed the child to the department:

4 (1) a copy of the child's reentry and reintegration
5 plan developed under Section 245.002; and

6 (2) a report concerning the progress the child has
7 made while committed to the department.

8 (b) If, on release, the department places a child in a
9 county other than the county served by the court that committed the
10 child to the department, the department shall provide the
11 information described by Subsection (a) to both the committing
12 court and the juvenile court in the county where the child is placed
13 after release.

14 [Sections 245.055-245.100 reserved for expansion]

15 SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

16 Sec. 245.101 [61.0814. REENTRY AND REINTEGRATION PLAN. (a)
17 The commission shall develop a reentry and reintegration plan for
18 each child committed to the custody of the commission. The plan for
19 a child must be designed to ensure that the child receives an
20 extensive continuity of care in services from the time the child is
21 committed to the commission to the time of the child's final
22 discharge from the commission. The plan for a child must include,
23 as applicable:

24 [(1) housing assistance,

25 [(2) a step-down program, such as placement in a
26 halfway house,

27 [(3) family counseling,

1 ~~[(4) academic and vocational mentoring;~~
2 ~~[(5) trauma counseling for a child who is a victim of~~
3 ~~abuse while in the custody of the commission; and~~
4 ~~[(6) other specialized treatment services appropriate~~
5 ~~for the child.~~

6 ~~[(b) If a program or service in the child's reentry and~~
7 ~~reintegration plan is not available at the time the child is to be~~
8 ~~released, the commission shall find a suitable alternative program~~
9 ~~or service so that the child's release is not postponed.~~

10 ~~[Sec. 61.0815].~~ COMPLETION OF MINIMUM LENGTH OF STAY;
11 PANEL. (a) After a child who is committed to the department
12 ~~[commission]~~ without a determinate sentence completes the minimum
13 length of stay established by the department ~~[commission]~~ for the
14 child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~
15 shall, in the manner provided by this section:

16 (1) discharge the child from the custody of the
17 department ~~[commission]~~;

18 (2) release the child under supervision under Section
19 245.051 ~~[61.081]~~; or

20 (3) extend the length of the child's stay in the
21 custody of the department ~~[commission]~~.

22 (b) The department ~~[commission]~~ by rule shall establish a
23 panel whose function is to review and determine whether a child who
24 has completed the child's minimum length of stay should be
25 discharged from the custody of the department ~~[commission]~~ as
26 provided by Subsection (a)(1), be released under supervision under
27 Section 245.051 ~~[61.081]~~ as provided by Subsection (a)(2), or

1 remain in the custody of the department [~~commission~~] for an
2 additional period of time as provided by Subsection (a)(3).

3 (c) The executive director [~~commissioner~~] shall determine
4 the size of the panel described by Subsection (b) and the length of
5 the members' terms of service on the panel. The panel must consist
6 of an odd number of members and the terms of the panel's members
7 must last for at least two years. The executive director
8 [~~commissioner~~] shall adopt policies that ensure the transparency,
9 consistency, and objectivity of the panel's composition,
10 procedures, and decisions. The executive director [~~commissioner~~]
11 shall appoint persons to serve as members of the panel. A person
12 appointed to the panel must be a department [~~commission~~] employee
13 who works at the department's [~~commission's~~] central office. A
14 member of the panel may not be involved in any supervisory decisions
15 concerning children in the custody of the department [~~commission~~].

16 Sec. 245.102. EXTENSION ORDER. (a) A [~~(d)~~—The] panel may
17 extend the length of the child's stay as provided by Section
18 245.101(a)(3) [~~Subsection (a)(3)~~] only if the panel determines by
19 majority vote and on the basis of clear and convincing evidence
20 that:

21 (1) the child is in need of additional rehabilitation
22 from the department; [~~commission~~] and

23 (2) [~~that~~] the department [~~commission~~] will provide
24 the most suitable environment for that rehabilitation.

25 (b) In extending the length of a child's stay, the panel
26 must specify the additional period of time that the child is to
27 remain in the custody of the department [~~commission~~] and must

1 conduct an additional review and determination as provided by this
2 section on the child's completion of the additional term of stay.

3 (c) If the panel determines that the child's length of stay
4 should not be extended, the department [~~commission~~] must discharge
5 the child from the custody of the department [~~commission~~] as
6 provided by Section 245.101(a)(1) [~~Subsection (a)(1)~~] or release
7 the child under supervision under Section 245.051 [~~Section 61.081~~]
8 as provided by Section 245.101(a)(2) [~~Subsection (a)(2)~~].

9 Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION
10 ORDERS. (a) [~~(e)~~] The department [~~commission~~] shall maintain
11 statistics of the number of extensions granted by a [~~the~~] panel
12 under Section 245.102. The statistics must include aggregated
13 information concerning:

14 (1) the race, age, sex, specialized treatment needs,
15 and county of origin for each child for whom an extension order is
16 requested;

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

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

21 (b) [~~(f)~~] To the extent authorized under law, the
22 statistics maintained under Subsection (a) [~~(e)~~] are public
23 information under Chapter 552, Government Code, and the department
24 [~~commission~~] shall post the statistics on the department's
25 [~~commission's~~] Internet website.

26 (c) The department [~~commission~~] shall prepare and deliver
27 to the standing committees of the senate and house of

1 representatives with primary jurisdiction over matters concerning
2 correctional facilities a report concerning the statistics
3 maintained under Subsection (a) [~~(e)~~].

4 (d) [~~(g)~~] The department [~~commission~~] shall provide a
5 report to the parent, guardian, or designated advocate of a child
6 whose length of stay is extended under this section explaining the
7 panel's reason for the extension.

8 Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF
9 EXTENSION ORDER. (a) The department [~~commission~~] by rule shall
10 establish a process to request the reconsideration of an extension
11 order issued by a [~~the~~] panel [~~established~~] under Section 245.102
12 [~~61.0815~~].

13 (b) The process to request reconsideration must provide
14 that:

15 (1) a child, a parent, guardian, or designated
16 advocate of a child, an employee of the department [~~commission~~], or
17 a person who provides volunteer services at a department
18 [~~commission~~] facility may submit a request for reconsideration of
19 an extension order;

20 (2) the person submitting the request for
21 reconsideration of an extension order must state in the request the
22 reason for the request;

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

26 (A) extends the child's stay in the custody of
27 the department [~~commission~~] by six months or more; or

1 (B) combined with previous extension orders will
2 result in an extension of the child's stay in the custody of the
3 department [~~commission~~] by six months or more;

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

7 (5) the panel shall send a written reply to the child,
8 the parent, guardian, or designated advocate of the child, and the
9 person who made the request for reconsideration of an extension
10 order that includes an explanation of the panel's decision after
11 reconsidering the extension order, including an indication that the
12 panel has considered the information submitted in the request.

13 (c) The department [~~commission~~] shall create a form for a
14 request for reconsideration of an extension order that is clear and
15 easy to understand. The department [~~commission~~] shall ensure that
16 a child may request assistance in completing a request for
17 reconsideration of an extension order.

18 Sec. 245.105. STATISTICS AND REPORTS CONCERNING
19 RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department
20 [~~commission~~] shall maintain statistics of the number of requests
21 for reconsideration of an extension order that are submitted under
22 Section 245.104 and the action taken on reconsideration of the
23 extension order. The statistics must include aggregated
24 information concerning:

25 (1) the race, age, sex, specialized treatment needs,
26 and county of origin for each child for whom a request for
27 reconsideration of an extension order is submitted;

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

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

4 (B) the original extension order being upheld;

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

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

9 **(b)** [~~(e)~~] To the extent authorized under law, the
10 statistics maintained under Subsection **(a)** [~~(d)~~] are public
11 information under Chapter 552, Government Code, and the department
12 [~~commission~~] shall post the statistics on the department's
13 [~~commission's~~] Internet website.

14 **(c)** The department [~~commission~~] shall prepare and deliver
15 to the standing committees of the senate and house of
16 representatives with primary jurisdiction over matters concerning
17 correctional facilities a report concerning the statistics
18 maintained under Subsection **(a)** [~~(d)~~].

19 Sec. 245.106 [~~61.082~~]. TRANSPORTATION, CLOTHING, MONEY.
20 The department [~~commission~~] shall ensure that each child it
21 releases under supervision has:

22 **(1)** suitable clothing;

23 **(2)** [~~7~~] transportation to his or her home or to the
24 county in which a suitable home or employment has been found; [~~7~~]
25 and

26 **(3)** money in an amount authorized by the rules of the
27 department [~~commission~~].

1 [Sections 245.107-245.150 reserved for expansion]

2 SUBCHAPTER D. TERMINATION OF CONTROL

3 Sec. 245.151 [~~61.083. CONTRACTS WITH COUNTIES.~~ (a) ~~The~~
4 ~~commission may make a contract with a county to use the services of~~
5 ~~the county's juvenile probation department for the supervision of~~
6 ~~children within the county who are on furlough from a commission~~
7 ~~facility or who are released under supervision from a commission~~
8 ~~facility.~~

9 [~~(b) The payments shall be made to the county treasurer on a~~
10 ~~quarterly schedule.~~

11 [~~(c) The commission may not pay a county for supervision of~~
12 ~~a child for any time after the child:~~

13 [~~(1) is discharged from the commission's custody,~~

14 [~~(2) is returned to a commission facility; or~~

15 [~~(3) transfers his or her residence to another county~~
16 ~~or state.~~

17 [~~(d) A county that has a contract with the commission must~~
18 ~~report to the commission on the status and progress of each child~~
19 ~~for whom the county is receiving payments. The reports shall be~~
20 ~~made at the time and in the manner specified by the contract.~~

21 [~~Sec. 61.084~~]. TERMINATION OF CONTROL. (a) Except as
22 provided by Subsections (b) and (c), if a person is committed to the
23 department [~~commission~~] under a determinate sentence under Section
24 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
25 the department [~~commission~~] may not discharge the person from its
26 custody.

27 (b) The department [~~commission~~] shall discharge without a

1 court hearing a person committed to the department [~~it~~] for a
2 determinate sentence under Section 54.04(d)(3), Section 54.04(m),
3 or Section 54.05(f), Family Code, who has not been transferred to
4 the [~~institutional division of the~~] Texas Department of Criminal
5 Justice under a court order on the date that the time spent by the
6 person in detention in connection with the committing case plus the
7 time spent at the department [~~Texas Youth Commission~~] under the
8 order of commitment equals the period of the sentence.

9 (c) The department [~~commission~~] shall transfer to the
10 [~~institutional division of the~~] Texas Department of Criminal
11 Justice a person who is the subject of an order under Section
12 54.11(i)(2), Family Code, transferring the person to the custody of
13 [~~the institutional division of~~] the Texas Department of Criminal
14 Justice for the completion of the person's sentence.

15 (d) [~~(e)~~] Except as provided by Subsection (e) [~~(g)~~], the
16 department [~~commission~~] shall discharge from its custody a person
17 not already discharged on the person's 19th birthday.

18 (e) [~~(g)~~] The department [~~commission~~] shall transfer a
19 person who has been sentenced under a determinate sentence to
20 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
21 Family Code, or who has been returned to the department
22 [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody
23 of the Texas Department of Criminal Justice on the person's 19th
24 birthday, if the person has not already been discharged or
25 transferred, to serve the remainder of the person's sentence on
26 parole as provided by Section 508.156, Government Code.

27 Sec. 245.152 [~~61.0841~~]. DETERMINATE SENTENCE PAROLE. (a)

1 Not later than the 90th day before the date the department
2 [~~commission~~] transfers a person to the custody of the Texas
3 Department of Criminal Justice for release on parole under Section
4 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department
5 [~~commission~~] shall submit to the Texas Department of Criminal
6 Justice [~~department~~] all pertinent information relating to the
7 person, including:

- 8 (1) the juvenile court judgment;
- 9 (2) the circumstances of the person's offense;
- 10 (3) the person's previous social history and juvenile
11 court records;
- 12 (4) the person's physical and mental health record;
- 13 (5) a record of the person's conduct, employment
14 history, and attitude while committed to the department
15 [~~commission~~];
- 16 (6) a record of the sentence time served by the person
17 at the department [~~commission~~] and in a juvenile detention facility
18 in connection with the conduct for which the person was
19 adjudicated; and
- 20 (7) any written comments or information provided by
21 the department [~~commission~~], local officials, family members of the
22 person, victims of the offense, or the general public.

23 (b) The department [~~commission~~] shall provide instruction
24 for parole officers of the parole [~~pardons and paroles~~] division
25 relating to juvenile programs at the department [~~commission~~]. The
26 department [~~commission~~] and the pardons and paroles division shall
27 enter into a memorandum of understanding relating to the

1 administration of this subsection.

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

8 SECTION 1.008. Subchapters H and I, Chapter 61, Human
9 Resources Code, are transferred to Subtitle C, Title 12, Human
10 Resources Code, as added by this Act, redesignated as Chapter 246,
11 and amended to read as follows:

12 CHAPTER 246. MISCELLANEOUS PROGRAMS

13 SUBCHAPTER A [H]. YOUTH BOOT CAMP PROGRAMS

14 Sec. 246.001 [~~61.101~~]. YOUTH BOOT CAMP PROGRAMS. (a) The
15 department [~~commission~~] may establish a youth boot camp program and
16 may employ necessary personnel to operate the youth boot camps.

17 (b) The department [~~commission, in consultation with the~~
18 ~~Texas Juvenile Probation Commission,~~] shall develop guidelines for
19 a program of physical and correctional training and military-style
20 discipline for children placed in youth boot camps operated by
21 local probation departments for violating the conditions of release
22 under supervision or parole under Chapter 245 [~~Section 61.081~~].

23 (c) The department [~~commission~~] shall develop a program of
24 physical and correctional training and military-style discipline
25 for children committed to the department [~~commission~~] who are
26 placed in youth boot camps or other department [~~commission~~]
27 facilities.

1 (d) The department [~~commission~~] shall adopt rules of
2 conduct for children participating in the program under this
3 section.

4 SUBCHAPTER B [~~I~~]. INDUSTRIES PROGRAM

5 Sec. 246.051 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The
6 purposes of the department [~~commission~~] industries program are:

7 (1) to provide adequate employment and vocational
8 training for children; and

9 (2) to develop and expand public and private
10 department [~~commission~~] industries.

11 Sec. 246.052 [~~61.122~~]. ADVISORY COMMITTEE. (a) A
12 department [~~commission~~] industries advisory committee is created
13 consisting of nine members appointed by the department
14 [~~commission~~].

15 (b) Members serve staggered three-year terms, with the
16 terms of three members expiring February 1 of each odd-numbered
17 year.

18 (c) In making appointments under this section, the
19 department [~~commission~~] shall endeavor to include representatives
20 of industries appropriate for hiring children committed to the
21 department [~~commission~~].

22 Sec. 246.053 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The
23 department [~~commission~~] shall apportion wages earned by a child
24 working under the industries program in amounts determined at the
25 discretion of the department [~~commission~~], in the following
26 priority:

27 (1) a person to whom the child has been ordered by a

1 court or to whom the child has agreed to pay restitution;

2 (2) a person to whom the child has been ordered by a
3 court to pay child support;

4 (3) the compensation to victims of crime fund or the
5 compensation to victims of crime auxiliary fund; and

6 (4) the child's student account.

7 Sec. 246.054 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas
8 Juvenile Justice Department [~~Youth Commission~~] industries program
9 fund is created in the state treasury.

10 (b) Proceeds from the operation of the industries program
11 shall be deposited in the fund.

12 (c) Money from the fund may be appropriated only for use by
13 the department [~~commission~~] for the administration of this
14 subchapter.

15 [~~(d) Sections 403.094 and 403.095, Government Code, do not~~
16 ~~apply to the fund.~~]

17 Sec. 246.055 [~~61.125~~]. CONTRACTS. To encourage the
18 development and expansion of the industries program, the department
19 [~~commission~~] may enter into necessary contracts related to the
20 program.

21 Sec. 246.056 [~~61.126~~]. DONATIONS. The industries program
22 may be financed through contributions donated for this purpose by
23 private businesses contracting with the department [~~commission~~].

24 Sec. 246.057 [~~61.127~~]. GRANTS. (a) The department
25 [~~commission~~] may accept a grant for the vocational rehabilitation
26 of children.

27 (b) The department [~~commission~~] shall maintain a record of

1 the receipt and disbursement of a grant and shall annually report to
2 the lieutenant governor and the speaker of the house of
3 representatives on the administration of grant funds.

4 Sec. 246.058 [~~61.128~~]. LEASE OF LAND. (a) The department
5 [~~commission~~] may lease land owned by the department [~~commission~~] to
6 a private business to expand and develop the industries program.

7 (b) The term of the lease may not exceed 20 years.

8 (c) The business must lease the land at fair market value.

9 (d) The business may construct a new facility on the land or
10 convert an existing facility.

11 Sec. 246.059 [~~Sec. 61.129. CERTIFICATION FOR FRANCHISE~~
12 ~~CREDIT. The commission shall prepare and issue a certification~~
13 ~~that a corporation requires for the franchise tax credit for wages~~
14 ~~paid as provided by Subchapter M, Chapter 171, Tax Code.~~

15 [~~Sec. 61.130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A
16 business contracting with the department [~~commission~~] may enter
17 into an ad valorem tax abatement agreement under Subchapters B and
18 C, Chapter 312, Tax Code, with the governing body of the
19 municipality and county in which the business is located.

20 (b) If an area in which businesses contracting with the
21 department [~~commission~~] under this subchapter is designated as a
22 reinvestment zone under Chapter 312, Tax Code, the area satisfies
23 Section 312.202(a)(6), Tax Code, in that the area would be
24 reasonably likely as a result of the designation to contribute to
25 the retention or expansion of primary employment or to attract
26 major investment in the zone that would be a benefit to the property
27 and that would contribute to the economic development of the entity

1 designating the area as a reinvestment zone.

2 SECTION 1.009. Title 12, Human Resources Code, as added by
3 this Act, is amended by adding Subtitle D with a heading to read as
4 follows:

5 SUBTITLE D. INDEPENDENT OMBUDSMAN

6 SECTION 1.010. Chapter 64, Human Resources Code, is
7 transferred to Subtitle D, Title 12, Human Resources Code, as added
8 by this Act, redesignated as Chapter 261, and amended to read as
9 follows:

10 CHAPTER 261 [~~64~~]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN

11 [~~OF THE TEXAS YOUTH COMMISSION~~]

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

14 (1) [~~"Commission" means the Texas Youth Commission.~~

15 [~~(2)~~] "Independent ombudsman" means the individual
16 who has been appointed under this chapter to the office of
17 independent ombudsman.

18 (2) [~~(3)~~] "Office" means the office of independent
19 ombudsman created under this chapter.

20 Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office
21 of independent ombudsman is a state agency established for the
22 purpose of investigating, evaluating, and securing the rights of
23 the children committed to the department [~~commission~~], including a
24 child released under supervision before final discharge.

25 Sec. 261.003 [~~64.003~~]. INDEPENDENCE. (a) The independent
26 ombudsman in the performance of its duties and powers under this
27 chapter acts independently of the department [~~commission~~].

1 (b) Funding for the independent ombudsman is appropriated
2 separately from funding for the department [~~commission~~].

3 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

4 Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT
5 OMBUDSMAN. (a) The governor shall appoint the independent
6 ombudsman with the advice and consent of the senate for a term of
7 two years, expiring February 1 of odd-numbered years.

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

11 Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent
12 ombudsman may hire assistants to perform, under the direction of
13 the independent ombudsman, the same duties and exercise the same
14 powers as the independent ombudsman.

15 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person
16 may not serve as independent ombudsman or as an assistant to the
17 independent ombudsman if the person or the person's spouse:

18 (1) is employed by or participates in the management
19 of a business entity or other organization receiving funds from the
20 department [~~commission~~];

21 (2) owns or controls, directly or indirectly, any
22 interest in a business entity or other organization receiving funds
23 from the department [~~commission~~]; or

24 (3) uses or receives any amount of tangible goods,
25 services, or funds from the department [~~commission~~].

26 (b) A person may not serve as independent ombudsman or as an
27 assistant to the independent ombudsman if the person or the

1 person's spouse is required to register as a lobbyist under Chapter
2 305, Government Code, because of the person's activities for
3 compensation on behalf of a profession related to the operation of
4 the department [~~commission~~].

5 (c) 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 an officer, employee, manager, or paid
8 consultant of a Texas trade association in the field of criminal or
9 juvenile justice.

10 (d) For the purposes of this section, a Texas trade
11 association is a nonprofit, cooperative, and voluntarily joined
12 association of business or professional competitors in this state
13 designed to assist its members and its industry or profession in
14 dealing with mutual business or professional problems and in
15 promoting their common interest.

16 Sec. 261.054 [~~64.054~~]. SUNSET PROVISION. The office is
17 subject to review under Chapter 325, Government Code (Texas Sunset
18 Act), but is not abolished under that chapter. The office shall be
19 reviewed during the periods in which the Texas Juvenile Justice
20 Department or its successor agency is [~~state agencies abolished in~~
21 ~~2009 and every 12th year after 2009 are~~] reviewed.

22 Sec. 261.055 [~~64.055~~]. REPORT. (a) The independent
23 ombudsman shall submit on a quarterly basis to the governor, the
24 lieutenant governor, the state auditor, and each member of the
25 legislature a report that is both aggregated and disaggregated by
26 individual facility and describes:

27 (1) the work of the independent ombudsman;

1 (2) the results of any review or investigation
2 undertaken by the independent ombudsman, including reviews or
3 investigation of services contracted by the department
4 [~~commission~~]; and

5 (3) any recommendations that the independent
6 ombudsman has in relation to the duties of the independent
7 ombudsman.

8 (b) The independent ombudsman shall immediately report to
9 the governor, the lieutenant governor, the speaker of the house of
10 representatives, the state auditor, and the office of the inspector
11 general of the department [~~commission~~] any particularly serious or
12 flagrant:

13 (1) case of abuse or injury of a child committed to the
14 department [~~commission~~];

15 (2) problem concerning the administration of a
16 department [~~commission~~] program or operation;

17 (3) problem concerning the delivery of services in a
18 facility operated by or under contract with the department
19 [~~commission~~]; or

20 (4) interference by the department [~~commission~~] with
21 an investigation conducted by the office.

22 Sec. 261.056 [~~64.056~~]. COMMUNICATION AND CONFIDENTIALITY.

23 (a) The department [~~commission~~] shall allow any child committed to
24 the department [~~commission~~] to communicate with the independent
25 ombudsman or an assistant to the ombudsman. The communication:

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

27 and

1 (2) is confidential and privileged.

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

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

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

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

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

24 (1) in the general public interest;

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

27 (3) necessary to identify, prevent, or treat the abuse

1 or neglect of a child.

2 Sec. 261.057 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.

3 The independent ombudsman shall promote awareness among the public
4 and the children committed to the department [~~commission~~] of:

- 5 (1) how the office may be contacted;
6 (2) the purpose of the office; and
7 (3) the services the office provides.

8 Sec. 261.058 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The
9 office by rule shall establish policies and procedures for the
10 operations of the office of independent ombudsman.

11 (b) The office and the department shall adopt rules
12 necessary to implement Section 261.060, including rules that:

- 13 (1) identify which reports of the office are subject
14 to review and comment by the department before publication; and
15 (2) establish procedures for the department to review
16 and comment on the reports, including procedures for the department
17 to expedite or eliminate review of and comment on a report due to an
18 emergency or a serious or flagrant circumstance described by
19 Section 261.055(b).

20 (c) Notwithstanding Section 201.001(a-1), the Texas Youth
21 Commission and the office shall jointly adopt the rules required
22 under Subsection (b) not later than March 1, 2010. This subsection
23 expires September 1, 2010.

24 Sec. 261.059 [~~64.059~~]. AUTHORITY OF STATE AUDITOR. The
25 office is subject to audit by the state auditor in accordance with
26 Chapter 321, Government Code.

27 Sec. 261.060. REVIEW AND FORMAT OF REPORTS. (a) The office

1 shall accept, both before and after publication, comments from the
2 department concerning the following types of reports published by
3 the office under this chapter:

4 (1) the office's quarterly report under Section
5 261.055(a);

6 (2) reports concerning serious or flagrant
7 circumstances under Section 261.055(b); and

8 (3) any other formal reports containing findings and
9 making recommendations concerning systemic issues that affect the
10 department.

11 (b) The department may not submit comments under Subsection
12 (a) after the 30th day after the date the report on which the
13 department is commenting is published.

14 (c) The office shall ensure that reports described by
15 Subsection (a) are in a format to which the department can easily
16 respond.

17 (d) After receipt of comments under this section, the office
18 is not obligated to change any report or change the manner in which
19 the office performs the duties of the office.

20 Sec. 261.061. COMPLAINTS. (a) The office shall maintain a
21 system to promptly and efficiently act on complaints filed with the
22 office that relate to the operations or staff of the office. The
23 office shall maintain information about parties to the complaint,
24 the subject matter of the complaint, a summary of the results of the
25 review or investigation of the complaint, and its disposition.

26 (b) The office shall make information available describing
27 its procedures for complaint investigation and resolution.

1 the best interests of the child;

2 (6) review court orders as necessary to fulfill its
3 duties;

4 (7) recommend changes in any procedure relating to the
5 treatment of children committed to the department [~~commission~~];

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

8 (9) supervise assistants who are serving as advocates
9 in their representation of children committed to the department
10 [~~commission~~] in internal administrative and disciplinary hearings.

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

13 (c) To assess if a child's rights have been violated, the
14 independent ombudsman may, in any matter that does not involve
15 alleged criminal behavior, contact or consult with an
16 administrator, employee, child, parent, expert, or any other
17 individual in the course of its investigation or to secure
18 information.

19 (d) Notwithstanding any other provision of this chapter,
20 the independent ombudsman may not investigate alleged criminal
21 behavior.

22 (e) Notwithstanding any other provision of this chapter,
23 the powers of the office are limited to facilities operated and
24 services provided by the department under Subtitle C.

25 Sec. 261.102 [~~64.102~~]. TREATMENT OF DEPARTMENT
26 [~~COMMISSION~~] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.
27 The department [~~commission~~] may not discharge or in any manner

1 discriminate or retaliate against an employee who in good faith
2 makes a complaint to the office of independent ombudsman or
3 cooperates with the office in an investigation.

4 Sec. 261.103 [~~64.103~~]. TRAINING. The independent
5 ombudsman shall attend annual sessions, including the training
6 curriculum for juvenile correctional officers required under
7 Section 242.012 [~~61.0356~~], and may participate in other appropriate
8 professional training.

9 Sec. 261.104. MEMORANDUM OF UNDERSTANDING. (a) The office
10 and the department shall enter into a memorandum of understanding
11 concerning:

12 (1) the most efficient manner in which to share
13 information with one another; and

14 (2) the procedures for handling overlapping
15 monitoring duties and activities performed by the office and the
16 department.

17 (b) The memorandum of understanding entered into under
18 Subsection (a), at a minimum, must:

19 (1) address the interaction of the office with that
20 portion of the department that conducts an internal audit under
21 Section 242.005;

22 (2) address communication between the office and the
23 department concerning individual situations involving children
24 committed to the department and how those situations will be
25 documented and handled;

26 (3) contain guidelines on the office's role in
27 relevant working groups and policy development decisions at the

1 department;

2 (4) ensure opportunities for sharing information
3 between the office and the department for the purposes of assuring
4 quality and improving programming within the department; and

5 (5) recognize the independence of the office and the
6 office's right to withhold confidential information from the
7 department.

8 (c) Notwithstanding Section 201.001(a-1), the Texas Youth
9 Commission and the office shall adopt the memorandum of
10 understanding required by this section not later than March 1,
11 2010. This subsection expires September 1, 2010.

12 SUBCHAPTER D. ACCESS TO INFORMATION

13 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF
14 GOVERNMENTAL ENTITIES. (a) The department [~~commission~~] shall
15 allow the independent ombudsman access to its records relating to
16 the children committed to the department [~~commission~~].

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

20 (c) A local law enforcement agency shall allow the
21 independent ombudsman access to its records relating to any child
22 in the care or custody of the department [~~commission~~].

23 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE
24 ENTITIES. The independent ombudsman shall have access to the
25 records of a private entity that relate to a child committed to the
26 department [~~commission~~].

27 SECTION 1.011. Section 61.012(e), Human Resources Code, is

1 amended to read as follows:

2 (e) This section expires September 1, 2010 [~~2009~~].

3 SECTION 1.012. Section 61.0121(f), Human Resources Code, is
4 amended to read as follows:

5 (f) This section expires September 1, 2010 [~~2009~~].

6 SECTION 1.013. Section 61.0123(d), Human Resources Code, is
7 amended to read as follows:

8 (d) This section expires September 1, 2010 [~~2009~~].

9 SECTION 1.014. Section 61.013(h), Human Resources Code, is
10 amended to read as follows:

11 (h) This section expires September 1, 2010 [~~2009~~].

12 SECTION 1.015. Section 61.019(c), Human Resources Code, is
13 amended to read as follows:

14 (c) This section expires September 1, 2010 [~~2009~~].

15 SECTION 1.016. Section 61.020, Human Resources Code, is
16 amended to read as follows:

17 Sec. 61.020. SUNSET PROVISION. The Texas Youth Commission
18 [~~is subject to Chapter 325, Government Code (Texas Sunset Act).~~
19 ~~Unless continued in existence as provided by that chapter, the~~
20 ~~commission~~] is abolished on September 1, 2010, and this section
21 [~~chapter~~] expires September 1, 2010 [~~2009~~].

22 SECTION 1.017. Section 141.012, Human Resources Code, is
23 amended to read as follows:

24 Sec. 141.012. SUNSET PROVISION. The Texas Juvenile
25 Probation Commission [~~is subject to Chapter 325, Government Code~~
26 ~~(Texas Sunset Act). Unless continued in existence as provided by~~
27 ~~that chapter, the commission~~] is abolished on September 1, 2010,

1 and this section [~~chapter~~] expires September 1, 2010 [~~2009~~].

2 SECTION 1.018. Section 61.024, Human Resources Code, is
3 repealed.

4 ARTICLE 2. MISCELLANEOUS PROVISIONS

5 SECTION 2.001. Section 51.02, Family Code, is amended by
6 adding Subdivision (8-a) to read as follows:

7 (8-a) "Nonsecure correctional facility" means a
8 facility, other than a secure correctional facility, that accepts
9 only juveniles who are on probation, regardless of whether the
10 facility is operated by or under contract with a governmental unit,
11 as defined by Section 101.001, Civil Practice and Remedies Code, or
12 independently from and not under contract with a governmental unit.

13 SECTION 2.002. Chapter 51, Family Code, is amended by
14 adding Section 51.126 to read as follows:

15 Sec. 51.126. NONSECURE CORRECTIONAL FACILITIES. (a) In
16 each county, each judge of the juvenile court and a majority of the
17 members of the juvenile board shall personally inspect, at least
18 annually, all nonsecure correctional facilities that are not
19 operated by the Texas Juvenile Justice Department and that are
20 located in the county and shall certify in writing to the
21 authorities responsible for operating and giving financial support
22 to the facilities and to the Texas Juvenile Justice Department that
23 the facility or facilities are suitable or unsuitable for the
24 confinement of children. In determining whether a facility is
25 suitable or unsuitable for the confinement of children, the
26 juvenile court judges and juvenile board members shall consider:

27 (1) current monitoring and inspection reports and any

1 noncompliance citation reports issued by the Texas Juvenile Justice
2 Department, including the report provided under Subsection (b), and
3 the status of any required corrective actions; and

4 (2) the other factors described under Sections
5 51.12(c)(2)-(7).

6 (b) The Texas Juvenile Justice Department shall annually
7 inspect each nonsecure correctional facility that is not operated
8 by that department. The Texas Juvenile Justice Department shall
9 provide a report to each juvenile court judge presiding in the same
10 county as an inspected facility indicating whether the facility is
11 suitable or unsuitable for the confinement of children in
12 accordance with minimum professional standards for the confinement
13 of children in nonsecure confinement promulgated by the Texas
14 Juvenile Justice Department or, at the election of the juvenile
15 board of the county in which the facility is located, the current
16 standards promulgated by the American Correctional Association.

17 (c) A governmental unit or private entity that operates or
18 contracts for the operation of a juvenile nonsecure correctional
19 facility in this state under Subsection (a), except for a facility
20 operated by or under contract with the Texas Juvenile Justice
21 Department, shall:

22 (1) register the facility annually with the Texas
23 Juvenile Justice Department; and

24 (2) adhere to all applicable minimum standards for the
25 facility.

26 (d) The Texas Juvenile Justice Department may deny,
27 suspend, or revoke the registration of any facility required to

1 register under Subsection (c) if the facility fails to:

2 (1) adhere to all applicable minimum standards for the
3 facility; or

4 (2) timely correct any notice of noncompliance with
5 minimum standards.

6 (e) In this section, "Texas Juvenile Justice Department"
7 means the Texas Juvenile Probation Commission. This subsection
8 expires September 1, 2010.

9 SECTION 2.003. Chapter 614, Health and Safety Code, is
10 amended by adding Section 614.018 to read as follows:

11 Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL
12 IMPAIRMENTS. (a) The Texas Juvenile Justice Department, the
13 Department of Public Safety, the Department of State Health
14 Services, the Department of Aging and Disability Services, the
15 Department of Family and Protective Services, the Texas Education
16 Agency, and local juvenile probation departments shall adopt a
17 memorandum of understanding that establishes their respective
18 responsibilities to institute a continuity of care and service
19 program for juveniles with mental impairments in the juvenile
20 justice system. The office shall coordinate and monitor the
21 development and implementation of the memorandum of understanding.

22 (b) The memorandum of understanding must establish methods
23 for:

24 (1) identifying juveniles with mental impairments in
25 the juvenile justice system and collecting and reporting relevant
26 data to the office;

27 (2) developing interagency rules, policies, and

1 procedures for the coordination of care of and the exchange of
2 information on juveniles with mental impairments who are committed
3 to or treated, served, or supervised by the Texas Juvenile Justice
4 Department, the Department of Public Safety, the Department of
5 State Health Services, the Department of Family and Protective
6 Services, the Department of Aging and Disability Services, the
7 Texas Education Agency, local juvenile probation departments,
8 local mental health or mental retardation authorities, and
9 independent school districts; and

10 (3) identifying the services needed by juveniles with
11 mental impairments in the juvenile justice system.

12 (c) For purposes of this section, "continuity of care and
13 service program" includes:

14 (1) identifying the medical, psychiatric, or
15 psychological care or treatment needs and educational or
16 rehabilitative service needs of a juvenile with mental impairments
17 in the juvenile justice system;

18 (2) developing a plan for meeting the needs identified
19 under Subdivision (1); and

20 (3) coordinating the provision of continual
21 treatment, care, and services throughout the juvenile justice
22 system to juveniles with mental impairments.

23 SECTION 2.004. Sections 614.017(a) and (b), Health and
24 Safety Code, are amended to read as follows:

25 (a) An agency shall:

26 (1) accept information relating to a special needs
27 offender or a juvenile with a mental impairment that is sent to the

1 agency to serve the purposes of continuity of care and services
2 regardless of whether other state law makes that information
3 confidential; and

4 (2) disclose information relating to a special needs
5 offender or a juvenile with a mental impairment, including
6 information about the offender's or juvenile's identity, needs,
7 treatment, social, criminal, and vocational history, supervision
8 status and compliance with conditions of supervision, and medical
9 and mental health history, if the disclosure serves the purposes of
10 continuity of care and services.

11 (b) Information obtained under this section may not be used
12 as evidence in any juvenile or criminal proceeding, unless obtained
13 and introduced by other lawful evidentiary means.

14 SECTION 2.005. Section 614.017(c), Health and Safety Code,
15 is amended by amending Subdivision (1) and adding Subdivision (3)
16 to read as follows:

17 (1) "Agency" includes any of the following entities
18 and individuals, a person with an agency relationship with one of
19 the following entities or individuals, and a person who contracts
20 with one or more of the following entities or individuals:

21 (A) the Texas Department of Criminal Justice and
22 the Correctional Managed Health Care Committee;

23 (B) the Board of Pardons and Paroles;

24 (C) the Department of State Health Services;

25 (D) the Texas Juvenile Justice Department
26 [~~Probation Commission~~];

27 [~~(E) the Texas Youth Commission,~~]

1 (E) [~~(F)~~] the Department of Assistive and
2 Rehabilitative Services;
3 (F) [~~(G)~~] the Texas Education Agency;
4 (G) [~~(H)~~] the Commission on Jail Standards;
5 (H) [~~(I)~~] the Department of Aging and Disability
6 Services;
7 (I) [~~(J)~~] the Texas School for the Blind and
8 Visually Impaired;
9 (J) [~~(K)~~] community supervision and corrections
10 departments and local juvenile probation departments;
11 (K) [~~(L)~~] personal bond pretrial release offices
12 established under Article 17.42, Code of Criminal Procedure;
13 (L) [~~(M)~~] local jails regulated by the
14 Commission on Jail Standards;
15 (M) [~~(N)~~] a municipal or county health
16 department;
17 (N) [~~(O)~~] a hospital district;
18 (O) [~~(P)~~] a judge of this state with jurisdiction
19 over juvenile or criminal cases;
20 (P) [~~(Q)~~] an attorney who is appointed or
21 retained to represent a special needs offender or a juvenile with a
22 mental impairment;
23 (Q) [~~(R)~~] the Health and Human Services
24 Commission;
25 (R) [~~(S)~~] the Department of Information
26 Resources; [~~and~~]
27 (S) [~~(T)~~] the bureau of identification and

1 records of the Department of Public Safety, for the sole purpose of
2 providing real-time, contemporaneous identification of individuals
3 in the Department of State Health Services client data base; and

4 (T) the Department of Family and Protective
5 Services.

6 (3) "Juvenile with a mental impairment" means a
7 juvenile with a mental impairment in the juvenile justice system.

8 SECTION 2.006. Section 614.009, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 614.009. BIENNIAL REPORT. Not later than February 1
11 of each odd-numbered year, the office shall present to the board and
12 file with the governor, lieutenant governor, and speaker of the
13 house of representatives a report giving the details of the
14 office's activities during the preceding biennium. The report must
15 include:

16 (1) an evaluation of any demonstration project
17 undertaken by the office;

18 (2) an evaluation of the progress made by the office
19 toward developing a plan for meeting the treatment, rehabilitative,
20 and educational needs of offenders with special needs;

21 (3) recommendations of the office made in accordance
22 with Section 614.007(5);

23 (4) an evaluation of the development and
24 implementation of the continuity of care and service programs
25 established under Sections 614.013, 614.014, 614.015, [~~and~~
26 614.016, and 614.018, changes in rules, policies, or procedures
27 relating to the programs, future plans for the programs, and any

1 recommendations for legislation; and

2 (5) any other recommendations that the office
3 considers appropriate.

4 ARTICLE 3. CONFORMING AMENDMENTS

5 SECTION 3.001. Article 2.12, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
8 officers:

9 (1) sheriffs, their deputies, and those reserve
10 deputies who hold a permanent peace officer license issued under
11 Chapter 1701, Occupations Code;

12 (2) constables, deputy constables, and those reserve
13 deputy constables who hold a permanent peace officer license issued
14 under Chapter 1701, Occupations Code;

15 (3) marshals or police officers of an incorporated
16 city, town, or village, and those reserve municipal police officers
17 who hold a permanent peace officer license issued under Chapter
18 1701, Occupations Code;

19 (4) rangers and officers commissioned by the Public
20 Safety Commission and the Director of the Department of Public
21 Safety;

22 (5) investigators of the district attorneys', criminal
23 district attorneys', and county attorneys' offices;

24 (6) law enforcement agents of the Texas Alcoholic
25 Beverage Commission;

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

- 1 (8) officers commissioned under Section 37.081,
2 Education Code, or Subchapter E, Chapter 51, Education Code;
- 3 (9) officers commissioned by the General Services
4 Commission;
- 5 (10) law enforcement officers commissioned by the
6 Parks and Wildlife Commission;
- 7 (11) airport police officers commissioned by a city
8 with a population of more than 1.18 million that operates an airport
9 that serves commercial air carriers;
- 10 (12) airport security personnel commissioned as peace
11 officers by the governing body of any political subdivision of this
12 state, other than a city described by Subdivision (11), that
13 operates an airport that serves commercial air carriers;
- 14 (13) municipal park and recreational patrolmen and
15 security officers;
- 16 (14) security officers and investigators commissioned
17 as peace officers by the comptroller;
- 18 (15) officers commissioned by a water control and
19 improvement district under Section 49.216, Water Code;
- 20 (16) officers commissioned by a board of trustees
21 under Chapter 54, Transportation Code;
- 22 (17) investigators commissioned by the Texas Medical
23 Board;
- 24 (18) officers commissioned by the board of managers of
25 the Dallas County Hospital District, the Tarrant County Hospital
26 District, or the Bexar County Hospital District under Section
27 281.057, Health and Safety Code;

- 1 (19) county park rangers commissioned under
2 Subchapter E, Chapter 351, Local Government Code;
- 3 (20) investigators employed by the Texas Racing
4 Commission;
- 5 (21) officers commissioned under Chapter 554,
6 Occupations Code;
- 7 (22) officers commissioned by the governing body of a
8 metropolitan rapid transit authority under Section 451.108,
9 Transportation Code, or by a regional transportation authority
10 under Section 452.110, Transportation Code;
- 11 (23) investigators commissioned by the attorney
12 general under Section 402.009, Government Code;
- 13 (24) security officers and investigators commissioned
14 as peace officers under Chapter 466, Government Code;
- 15 (25) an officer employed by the Department of State
16 Health Services under Section 431.2471, Health and Safety Code;
- 17 (26) officers appointed by an appellate court under
18 Subchapter F, Chapter 53, Government Code;
- 19 (27) officers commissioned by the state fire marshal
20 under Chapter 417, Government Code;
- 21 (28) an investigator commissioned by the commissioner
22 of insurance under Section 701.104, Insurance Code;
- 23 (29) apprehension specialists and inspectors general
24 commissioned by the Texas Juvenile Justice Department [~~Texas Youth~~
25 ~~Commission~~] as officers under Sections 242.104 and 243.052 [~~61.0451~~
26 ~~and 61.0931~~], Human Resources Code;
- 27 (30) officers appointed by the inspector general of

1 the Texas Department of Criminal Justice under Section 493.019,
2 Government Code;

3 (31) investigators commissioned by the Commission on
4 Law Enforcement Officer Standards and Education under Section
5 1701.160, Occupations Code;

6 (32) commission investigators commissioned by the
7 Texas Private Security Board under Section 1702.061(f),
8 Occupations Code;

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

12 (34) officers commissioned by the State Board of
13 Dental Examiners under Section 254.013, Occupations Code, subject
14 to the limitations imposed by that section; and

15 (35) investigators commissioned by the Texas Juvenile
16 Justice Department [~~Probation Commission~~] as officers under
17 Section 221.011 [~~141.055~~], Human Resources Code.

18 SECTION 3.002. Section 51.13(c), Family Code, is amended to
19 read as follows:

20 (c) A child may not be committed or transferred to a penal
21 institution or other facility used primarily for the execution of
22 sentences of persons convicted of crime, except:

23 (1) for temporary detention in a jail or lockup
24 pending juvenile court hearing or disposition under conditions
25 meeting the requirements of Section 51.12 of this code;

26 (2) after transfer for prosecution in criminal court
27 under Section 54.02 of this code; or

1 (3) after transfer from the Texas Juvenile Justice
2 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],
3 Human Resources Code.

4 SECTION 3.003. Section 51.21(a), Family Code, is amended to
5 read as follows:

6 (a) A probation department that administers the mental
7 health screening instrument or clinical assessment required by
8 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the
9 child to the local mental health authority for assessment and
10 evaluation if:

11 (1) the child's scores on the screening instrument or
12 clinical assessment indicate a need for further mental health
13 assessment and evaluation; and

14 (2) the department and child do not have access to an
15 internal, contract, or private mental health professional.

16 SECTION 3.004. Section 53.045(d), Family Code, is amended
17 to read as follows:

18 (d) If the grand jury approves of the petition, the fact of
19 approval shall be certified to the juvenile court, and the
20 certification shall be entered in the record of the case. For the
21 purpose of the transfer of a child to the Texas Department of
22 Criminal Justice as provided by Section 245.151(c) [~~61.084(c)~~],
23 Human Resources Code, a juvenile court petition approved by a grand
24 jury under this section is an indictment presented by the grand
25 jury.

26 SECTION 3.005. Sections 54.11(a), (h), (i), and (j), Family
27 Code, are amended to read as follows:

1 (a) On receipt of a referral under Section 244.014(a)
2 [~~61.079(a)~~], Human Resources Code, for the transfer to the
3 [~~institutional division of the~~] Texas Department of Criminal
4 Justice of a person committed to the Texas Juvenile Justice
5 Department [~~Youth Commission~~] under Section 54.04(d)(3), 54.04(m),
6 or 54.05(f), or on receipt of a request by the Texas Juvenile
7 Justice Department [~~commission~~] under Section 245.051(d)
8 [~~61.081(g)~~], Human Resources Code, for approval of the release
9 under supervision of a person committed to the Texas Juvenile
10 Justice Department [~~commission~~] under Section 54.04(d)(3),
11 54.04(m), or 54.05(f), the court shall set a time and place for a
12 hearing on the release of the person.

13 (h) The hearing on a person who is referred for transfer
14 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall
15 be held not later than the 60th day after the date the court
16 receives the referral.

17 (i) On conclusion of the hearing on a person who is referred
18 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources
19 Code, the court may order:

20 (1) the return of the person to the Texas Juvenile
21 Justice Department [~~Youth Commission~~]; or

22 (2) the transfer of the person to the custody of the
23 [~~institutional division of the~~] Texas Department of Criminal
24 Justice for the completion of the person's sentence.

25 (j) On conclusion of the hearing on a person who is referred
26 for release under supervision under Section 245.051(c)
27 [~~61.081(f)~~], Human Resources Code, the court may order the return

1 of the person to the Texas Juvenile Justice Department [~~Youth~~
2 ~~Commission~~]:

3 (1) with approval for the release of the person under
4 supervision; or

5 (2) without approval for the release of the person
6 under supervision.

7 SECTION 3.006. Section 58.003(g-1), Family Code, is amended
8 to read as follows:

9 (g-1) Any records collected or maintained by the Texas
10 Juvenile Justice Department [~~Probation Commission~~], including
11 statistical data submitted under Section 221.007 [~~141.044~~], Human
12 Resources Code, are not subject to a sealing order issued under this
13 section.

14 SECTION 3.007. Section 58.0072(b), Family Code, is amended
15 to read as follows:

16 (b) Juvenile justice information consists of information of
17 the type described by Section 58.104, including statistical data in
18 any form or medium collected, maintained, or submitted to the Texas
19 Juvenile Justice Department [~~Probation Commission~~] under Section
20 221.007 [~~141.044~~], Human Resources Code.

21 SECTION 3.008. Section 41.310(b), Government Code, is
22 amended to read as follows:

23 (b) In addition to the duties prescribed by Subsection (a),
24 the counsellor shall on a quarterly basis provide the board of
25 directors and the standing committees of the senate and house of
26 representatives with primary jurisdiction over matters concerning
27 correctional facilities with a report concerning offenses or

1 delinquent conduct prosecuted by the unit on receiving a request
2 for assistance under Section 241.007 [~~61.098~~], Human Resources
3 Code, or a request for assistance otherwise from a prosecuting
4 attorney. A report under this subsection is public information
5 under Chapter 552, Government Code, and the board of directors
6 shall request that the commission publish the report on the
7 commission's Internet website. A report must be both aggregated
8 and disaggregated by individual facility and include information
9 relating to:

10 (1) the number of requests for assistance received
11 under Section 241.007 [~~61.098~~], Human Resources Code, and requests
12 for assistance otherwise received from prosecuting attorneys;

13 (2) the number of cases investigated and the number of
14 cases prosecuted;

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

18 (4) the relationship of a victim to a perpetrator, if
19 applicable.

20 SECTION 3.009. Section 411.1141(a), Government Code, is
21 amended to read as follows:

22 (a) The Texas Juvenile Justice Department [~~Youth~~
23 ~~Commission~~] is entitled to obtain from the department criminal
24 history record information maintained by the department that
25 relates to a person described by Section 242.013(b) [~~61.0357(b)~~],
26 Human Resources Code.

27 SECTION 3.010. Section 493.017(d), Government Code, is

1 amended to read as follows:

2 (d) A sex offender correction program that provides
3 counseling sessions for a child who is released under supervision
4 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report
5 to the Texas Juvenile Justice Department [~~Youth Commission~~], not
6 later than the 15th day of each month, the following information
7 about the child:

8 (1) the total number of counseling sessions attended
9 by the child during the preceding month; and

10 (2) if during the preceding month the child terminates
11 participation in the program before completing counseling, the
12 reason for the child's termination of counseling or that the reason
13 for the termination of counseling is unknown.

14 SECTION 3.011. Section 499.053, Government Code, is amended
15 to read as follows:

16 Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE
17 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional~~
18 ~~division~~] shall accept persons transferred to the department
19 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
20 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

21 (b) A person transferred to the department [~~institutional~~
22 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
23 ~~Commission~~] is entitled to credit on the person's sentence for the
24 time served in the custody of the Texas Juvenile Justice Department
25 [~~youth commission~~].

26 (c) All laws relating to good conduct time and eligibility
27 for release on parole or mandatory supervision apply to a person

1 transferred to the department [~~institutional division~~] by the Texas
2 Juvenile Justice Department [~~youth commission~~] as if the time the
3 person was detained in a detention facility and the time the person
4 served in the custody of the Texas Juvenile Justice Department
5 [~~youth commission~~] was time served in the custody of the department
6 [~~division~~].

7 (d) A person transferred from the Texas Juvenile Justice
8 Department [~~Youth Commission~~] for the offense of capital murder
9 shall become eligible for parole as provided in Section 508.145(d)
10 for an offense listed in Section 3g, Article 42.12, Code of Criminal
11 Procedure, or an offense for which a deadly weapon finding has been
12 made.

13 SECTION 3.012. Section 508.156(a), Government Code, is
14 amended to read as follows:

15 (a) Before the release of a person who is transferred under
16 Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], Human
17 Resources Code, to the department [~~division~~] for release on parole,
18 a parole panel shall review the person's records and may interview
19 the person or any other person the panel considers necessary to
20 determine the conditions of parole. The panel may impose any
21 reasonable condition of parole on the person that the panel may
22 impose on an adult inmate under this chapter.

23 SECTION 3.013. Section 152.0007(b), Human Resources Code,
24 is amended to read as follows:

25 (b) The board may establish guidelines for the initial
26 assessment of a child by the juvenile probation department. The
27 guidelines shall provide a means for assessing a child's mental

1 health status, family background, and level of education. The
2 guidelines shall assist the probation department in determining
3 whether a comprehensive psychological evaluation of the child
4 should be conducted. The board shall require that probation
5 department personnel use assessment information compiled by the
6 child's school, if the information is available, before conducting
7 a comprehensive psychological evaluation of the child. The board
8 may adopt all or part of the Texas Juvenile Justice Department's
9 [~~Juvenile Probation Commission's~~] minimum standards for assessment
10 under Section 221.002 [~~141.042~~] in complying with this subsection.

11 SECTION 3.014. Sections 152.0011(b) and (c), Human
12 Resources Code, are amended to read as follows:

13 (b) The juvenile board or local probation department may
14 contract with a private vendor for the financing, construction,
15 operation, maintenance, or management of a youth boot camp in the
16 same manner as the state. [~~The juvenile board may not award a
17 contract under this subsection unless the board requests proposals
18 and receives a proposal that meets or exceeds, in addition to
19 requirements specified in the request for proposals, the
20 requirements specified in Section 141.0434.~~]

21 (c) A juvenile board youth boot camp must offer a program
22 that complies with the requirements of the youth boot camps set
23 forth in Section 246.001 [~~141.0432~~].

24 SECTION 3.015. Section 152.0301(f), Human Resources Code,
25 is amended to read as follows:

26 (f) The juvenile board shall ensure that the chief juvenile
27 officer and fiscal officer:

1 (1) keep the financial and statistical records and
2 submit reports to the Texas Juvenile Justice Department [~~Probation~~
3 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

4 (2) submit periodic financial and statistical reports
5 to the county commissioners court.

6 SECTION 3.016. Section 152.0791(g), Human Resources Code,
7 is amended to read as follows:

8 (g) The juvenile board shall ensure that the chief juvenile
9 officer and fiscal officer:

10 (1) keep the financial and statistical records and
11 submit reports to the Texas Juvenile Justice Department [~~Probation~~
12 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

13 (2) submit periodic financial and statistical reports
14 to the commissioners courts.

15 SECTION 3.017. Section 152.1371(f), Human Resources Code,
16 is amended to read as follows:

17 (f) The juvenile board shall ensure that the chief juvenile
18 officer and fiscal officer:

19 (1) keep the financial and statistical records and
20 submit reports to the Texas Juvenile Justice Department [~~Probation~~
21 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

22 (2) submit periodic financial and statistical reports
23 to the county commissioners court.

24 SECTION 3.018. Section 152.1431(f), Human Resources Code,
25 is amended to read as follows:

26 (f) The juvenile board shall ensure that the chief juvenile
27 officer and fiscal officer:

1 (1) keep the financial and statistical records and
2 submit reports to the Texas Juvenile Justice Department [~~Probation~~
3 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

4 (2) submit periodic financial and statistical reports
5 to the county commissioners court.

6 SECTION 3.019. Section 152.2511(f), Human Resources Code,
7 is amended to read as follows:

8 (f) The juvenile board shall ensure that the chief juvenile
9 officer and fiscal officer:

10 (1) keep the financial and statistical records and
11 submit reports to the Texas Juvenile Justice Department [~~Probation~~
12 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

13 (2) submit periodic financial and statistical reports
14 to the county commissioners court.

15 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

16 SECTION 4.001. (a) Effective September 1, 2010,
17 Subchapters A and B, Chapter 61, Human Resources Code, as amended by
18 this Act, and Subchapters A and B, Chapter 141, Human Resources
19 Code, as amended by this Act, are repealed.

20 (b) Effective September 1, 2010, the Texas Youth Commission
21 and the Texas Juvenile Probation Commission are abolished and the
22 powers and duties of those agencies are transferred to the Texas
23 Juvenile Justice Board and the Texas Juvenile Justice Department in
24 accordance with Title 12, Human Resources Code, as added by this
25 Act.

26 SECTION 4.002. (a) On September 1, 2010, or as soon as is
27 possible after that date, the Texas Juvenile Justice Board shall

1 adopt a comprehensive plan to ensure the smooth transition of all
2 programs operated by the Texas Youth Commission and the Texas
3 Juvenile Probation Commission before September 1, 2010, from those
4 agencies to the Texas Juvenile Justice Department.

5 (b) All money, records, property, and equipment in the
6 possession of the Texas Youth Commission or the Texas Juvenile
7 Probation Commission on September 1, 2010, shall be transferred to
8 the possession of the Texas Juvenile Justice Department on
9 September 1, 2010, or as soon as possible after that date.

10 (c) Effective September 1, 2010, a rule adopted by the Texas
11 Youth Commission or the Texas Juvenile Probation Commission is a
12 rule of the Texas Juvenile Justice Department until and unless that
13 department amends or repeals the rule.

14 (d) Effective September 1, 2010, a memorandum of
15 understanding entered into by the Texas Youth Commission or the
16 Texas Juvenile Probation Commission is binding against the Texas
17 Juvenile Justice Department to the same extent that the memorandum
18 bound the agency that entered into the memorandum of understanding,
19 until and unless the department enters into a new memorandum of
20 understanding that modifies the department's responsibilities.

21 SECTION 4.003. Unless another provision of this Act
22 specifically provides otherwise, the Texas Youth Commission and the
23 Texas Juvenile Probation Commission, as applicable, shall
24 implement each change in law made by this Act, including adopting
25 any necessary or required rule, not later than September 1, 2010.

26 SECTION 4.004. (a) The validity of a disposition of a child
27 under Title 3, Family Code, made before, on, or after the effective

1 date of this Act is not affected solely because:

2 (1) the terms of the disposition refer to the Texas
3 Youth Commission or the Texas Juvenile Probation Commission; and

4 (2) during the time for the disposition is in effect,
5 the Texas Youth Commission or the Texas Juvenile Probation
6 Commission cease to exist and their powers and duties are
7 transferred, as provided by this Act, to the Texas Juvenile Justice
8 Department.

9 (b) The action of a juvenile probation department taken in
10 relation to a child before, on, or after the effective date of this
11 Act is not affected solely because:

12 (1) the terms of the action refer to the Texas Youth
13 Commission or the Texas Juvenile Probation Commission; and

14 (2) during the time for the action is in effect, the
15 Texas Youth Commission or the Texas Juvenile Probation Commission
16 cease to exist and their powers and duties are transferred, as
17 provided by this Act, to the Texas Juvenile Justice Department.

18 (c) The changes in law made by this Act to Title 3, Family
19 Code, are not substantive in nature and apply to conduct by a child
20 that occurs before, on, or after the effective date of this Act.

21 SECTION 4.005. This Act takes effect September 1, 2009.