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ARTICLE 1. JUVENILE JUSTICE POLICY  
COORDINATING COUNCIL

No equivalent provision.

SECTION 1.001. Title 1, Human Resources Code, is amended by adding Chapter 2 to read as follows:

No equivalent provision.

CHAPTER 2. JUVENILE JUSTICE POLICY  
COORDINATING COUNCIL

SUBCHAPTER A. GENERAL AND  
ADMINISTRATIVE PROVISIONS

Sec. 2.001. DEFINITIONS. (a) The definitions provided by Sections 61.001 and 141.002 apply to this chapter.

(b) In this chapter:

(1) "Council" means the Juvenile Justice Policy Coordinating Council.

(2) "Juvenile justice agency" means:

(A) the Texas Youth Commission; or

(B) the Texas Juvenile Probation Commission.

Sec. 2.002. COMPOSITION OF COUNCIL;  
PRESIDING OFFICER. (a) The council is composed of 18 members.

(b) The executive head of each of the following agencies, or that person's designee, serves as a nonvoting member of the council:

(1) the Texas Education Agency;

(2) the Health and Human Services Commission;

(3) the Department of Family and Protective Services;

(4) the Department of State Health Services;

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- (5) the Department of Aging and Disability Services;
- (6) the Texas Workforce Commission; and
- (7) the Texas Department of Criminal Justice.
- (c) The presiding officer of the Texas Juvenile Probation Commission and the presiding officer of the board of the Texas Youth Commission serve as voting members of the council.
- (d) The governor shall appoint, with the advice and consent of the senate, the following nine voting members:
  - (1) one juvenile court judge;
  - (2) one prosecutor in juvenile court;
  - (3) one defense attorney who regularly represents children alleged to have engaged in delinquent conduct or conduct indicating a need for supervision;
  - (4) one chief juvenile probation officer of a juvenile probation department;
  - (5) one mental health treatment professional;
  - (6) one educator, as that term is defined by Section 5.001, Education Code;
  - (7) one member who is an advocate with experience in juvenile issues and policy;
  - (8) one member who is a member of the governing board of the Texas Juvenile Probation Commission and is not the presiding officer of that board; and
  - (9) one member who is a member of the board of the Texas Youth Commission and is not the presiding officer of that board.
- (e) Members appointed under Subsection (d) serve

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staggered six-year terms, with the terms of three members expiring on February 1 of each odd-numbered year.

(f) The governor shall make appointments to the council under Subsection (d):

(1) with regard to the geographical region of this state in which each appointee resides; and

(2) without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(g) The governor shall designate a member of the council as the presiding officer of the council to serve in that capacity at the pleasure of the governor.

Sec. 2.003. RESTRICTIONS ON AND QUALIFICATIONS FOR COUNCIL MEMBERSHIP.

(a) A person may not be a member of the council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of a juvenile justice agency.

(b) To be a member of the council, a person must have, as appropriate, documented expertise or educational training in the person's professional field.

Sec. 2.004. REIMBURSEMENT. A council member is not entitled to compensation for service on the council but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a council member.

Sec. 2.005. MEETINGS; PUBLIC PARTICIPATION.

(a) The council shall hold regular quarterly meetings on

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dates set by the council and special meetings at the call of the presiding officer.

(b) The council shall adopt rules regulating the council's proceedings.

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

Sec. 2.006. SHARING OF STAFF, EQUIPMENT, AND FACILITIES; ALLOCATION OF COSTS. (a)

The council shall use the staff, equipment, and facilities of juvenile justice agencies to the extent necessary to carry out the council's duties.

(b) An interagency agreement must provide that the cost of staff used by the council is to be:

(1) shared between juvenile justice agencies in proportion to each juvenile justice agency's operating budget; and

(2) included in the amounts described by Subdivision (1) in the budget of each juvenile justice agency.

(c) For purposes of Subsection (b)(1), the operating budget of the Texas Juvenile Probation Commission does not include amounts distributed by the commission to local juvenile probation departments as state aid or grants.

Sec. 2.007. SUNSET PROVISION. The Juvenile Justice Policy Coordinating Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished September 1, 2021.

[Sections 2.008-2.050 reserved for expansion]

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SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COUNCIL

Sec. 2.051. EVALUATION OF JUVENILE JUSTICE AGENCIES; RECOMMENDATIONS AND FUNCTION.

(a) The council shall evaluate the operations of juvenile justice agencies and make recommendations to those agencies concerning any manner in which:

(1) an agency could improve the provision of services to or operations of programs for juveniles who are placed on juvenile probation or committed to the Texas Youth Commission; and

(2) those agencies could improve coordination of services provided by or programs operated by those agencies.

(b) The council exists only in an advisory capacity and does not govern, and is not responsible for, the operations of the Texas Juvenile Probation Commission or the Texas Youth Commission.

Sec. 2.052. JUVENILE JUSTICE IMPROVEMENT PLAN; ANNUAL REPORT. (a) Beginning in 2011, not later than June 1 of each year or as soon as possible after that date, the council shall:

(1) review, revise, and update the juvenile justice improvement plan adopted by the council in the previous fiscal year; and

(2) submit the juvenile justice improvement plan to the juvenile justice agencies for review and comment.

(b) Not later than September 1 of each year or as soon as

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possible after that date, the council:

(1) may make any changes necessary in the juvenile justice improvement plan as a result of receiving review and comment from the juvenile justice agencies; and

(2) shall readopt the juvenile justice improvement plan.

(c) In reviewing, revising, updating, and adopting the juvenile justice improvement plan under Subsection (a), the council shall have the following goals:

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

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

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

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

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

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

(d) The council shall prepare an annual implementation report to the governor, the lieutenant governor, the speaker of the house of representatives, and the Criminal Justice Legislative Oversight Committee concerning:

(1) the progress of each juvenile justice agency in implementing the juvenile justice improvement plan; and

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(2) using the comprehensive system under Section 2.106 to measure performance incorporated into the juvenile justice improvement plan and the overall performance of each juvenile justice agency and the juvenile justice system in this state.

(e) The council shall submit the annual implementation report described by Subsection (d) in December of each year for the period of September 1 of the previous year through August 31 of the year in which the report is submitted.

[Sections 2.053-2.100 reserved for expansion]

SUBCHAPTER C. JUVENILE JUSTICE  
IMPROVEMENT PLAN

Sec. 2.101. DEFINITION. In this subchapter, "plan" means the comprehensive juvenile justice improvement plan developed by the council under Section 2.102(a).

Sec. 2.102. DEVELOPMENT OF PLAN. (a) Not later than June 1, 2010, and every fifth year after that date, the council shall:

(1) develop a comprehensive juvenile justice improvement plan for the five fiscal years that follow that date, the first of which begins on the September 1 immediately following that date; and

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

(A) the governor;

(B) the lieutenant governor;

(C) the speaker of the house of representatives;

(D) the Criminal Justice Legislative Oversight

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Committee; and

(E) the juvenile justice agencies.

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

(c) Not later than September 1, 2010, and every fifth year after that date, or as soon as possible after that date, the council shall adopt the plan.

Sec. 2.103. PLAN COMPONENT: JUVENILE JUSTICE FACILITIES. (a) The comprehensive juvenile justice improvement plan must include a master plan for the operation of secure correctional facilities by the Texas Youth Commission. The council shall evaluate state and county infrastructure to determine the number of beds needed in secure correctional facilities.

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

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

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

(c) The council shall develop the master plan to achieve the following goals:

(1) to the maximum extent possible, reserving facilities operated by or under contract with the state for higher



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risk juveniles:

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

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

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

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

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

Sec. 2.104. PLAN COMPONENT: DATA SHARING. The comprehensive juvenile justice improvement plan must include a specific process and procedures for:

(1) developing common data systems among:

(A) the Texas Youth Commission;

(B) the Texas Juvenile Probation Commission;

(C) local probation departments; and

(D) other agencies of this state that serve youth, including the Department of Family and Protective Services, the Department of State Health Services, the Health and Human Services Commission, and the Texas Education Agency; and

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

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Sec. 2.105. PLAN COMPONENT: PROGRAMS, SERVICES, AND REENTRY PLANNING. The comprehensive juvenile justice improvement plan must include a specific process and procedures and, if appropriate, a policy for:

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

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

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

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

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

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

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

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

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

(7) increasing the use of the Texas Correctional Office

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on Offenders with Medical or Mental Impairments, community resource coordination groups, and other community resources for juveniles on parole or probation;

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

(9) ensuring that all applicable funding resources, including but not limited to Medicaid and Title IV(e) funds, are identified and accessed to the greatest extent possible within the juvenile justice system at both the state and local levels.

Sec. 2.106. PLAN COMPONENT: PERFORMANCE MEASUREMENT. (a) The comprehensive juvenile justice improvement plan must include the development of a comprehensive system to measure the performance of the entire juvenile justice system in this state. The system must include performance measures that show the costs of different levels of supervision and treatment to enable identification of the most cost-effective programs.

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

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ARTICLE 2. TEXAS YOUTH COMMISSION

SECTION 2.001. The heading to Chapter 61, Human Resources Code, is amended to read as follows:

CHAPTER 61. TEXAS YOUTH COMMISSION  
~~[COUNCIL]~~

SECTION 2.002. Section 61.001, Human Resources Code, is amended by adding Subdivision (3) to read as follows:

(3) "Board" means the board of the commission appointed under Section 61.024.

SECTION 2.003. Section 61.020, Human Resources Code, is amended to read as follows:

Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021 [2009].

(b) The Sunset Advisory Commission shall evaluate

the commission's compliance with Chapter 263 (S.B.

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ARTICLE 1. Same as House version.

SECTION 1.001. Same as House version.

SECTION 1.002. Same as House version.

SECTION 1.003. Section 61.020, Human Resources Code, is amended to read as follows:

Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011 [2009].

(b) In the review of the Texas Youth Commission by the Sunset Advisory Commission, as required by this section, the sunset commission shall focus its review on:

(1) the commission's compliance with Chapter 263 (S.B.

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103), Acts of the 80th Legislature, Regular Session, 2007,

and present to the 82nd Legislature a report on its evaluation and recommendations in relation to the commission's compliance.

The commission shall perform all duties for the evaluation that a state agency subject to review under Chapter 325, Government Code (Texas Sunset Act), would perform for a review.

This subsection expires September 1, 2011.

SECTION 2.004. Section 61.024(a), Human Resources Code, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, effective September 1, 2009, the commission is governed

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103), Acts of the 80th Legislature, Regular Session, 2007;

(2) requirements placed on the agency by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law, including implementation of programs for the diversion of youth from the commission; and

(3) initiatives of the commission and the Texas Juvenile Probation Commission in coordinating activities and services to better integrate Texas Youth Commission, Texas Juvenile Probation Commission, and county juvenile justice functions, including joint strategic planning, the sharing of youth data across youth-serving agencies, assessments and classification of youth, and collection of data on probation outcomes.

(c) In its report to the 82nd Legislature, the sunset commission may include any recommendations it considers appropriate.

This subsection and Subsection (b) expire September 1, 2011.

SECTION 1.004. Same as House version.

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by a board that consists of seven members appointed by the governor with the advice and consent of the senate. Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees. The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

SECTION 2.005. Subchapter B, Chapter 61, Human Resources Code, is amended by adding Sections 61.025 through 61.029 to read as follows:

Sec. 61.025. RESTRICTIONS ON BOARD MEMBERSHIP AND EMPLOYMENT. (a) A person may not be a member of the board or employed by the board as the executive director if the person or the person's spouse:

- (1) is registered, certified, or licensed by a regulatory agency in the field of criminal or juvenile justice;
- (2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the commission;
- (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the commission; or
- (4) uses or receives a substantial amount of tangible goods, services, or money from the commission, other

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SECTION 1.005. Same as House version.

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than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

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

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice; or

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

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

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

Sec. 61.026. REMOVAL OF BOARD MEMBERS. (a)

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It is a ground for removal from the board that a member:

- (1) does not have at the time of taking office the qualifications required by Section 61.024(b);
- (2) does not maintain during service on the board the qualifications required by Section 61.024(b);
- (3) is ineligible for membership under Section 61.025;
- (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
- (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 61.027. TRAINING FOR BOARD MEMBERS.

(a) A person who is appointed to and qualifies for office



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as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

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

(1) the legislation that created the commission;

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission;

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

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 61.028. USE OF TECHNOLOGY. The board shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Sec. 61.029. NEGOTIATED RULEMAKING;

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ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

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

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

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

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

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

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

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

SECTION 2.006. Section 61.0352, Human Resources Code, is amended to read as follows:

Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board ~~[executive commissioner]~~ shall develop and

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SECTION 1.006. Same as House version.

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implement policies that clearly separate the policymaking responsibilities of the board [~~executive commissioner~~] and the management responsibilities of the staff of the commission.

SECTION 2.007. Section 61.0422, Human Resources Code, is amended to read as follows:

Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The commission shall maintain a system to promptly and efficiently act on a [~~keep a file about each written~~] complaint filed with the commission by a person, other than a child receiving services from the commission or the child's parent or guardian, that the commission has authority to resolve. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The commission shall make information available describing the commission's [~~provide to the person filing the complaint and the persons or entities complained about the commission's policies and~~] procedures for [~~pertaining to~~] complaint investigation and resolution.

(c) The commission [~~, at least quarterly and until final disposition of the complaint,~~] shall periodically notify the [~~person filing the~~] complaint parties [~~and the persons or entities complained about~~] of the status of the complaint until final disposition, unless the notice would

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jeopardize an undercover investigation.

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

~~[(1) the date the complaint is received;~~

~~[(2) the name of the complainant;~~

~~[(3) the subject matter of the complaint;~~

~~[(4) a record of all persons contacted in relation to the complaint;~~

~~[(5) a summary of the results of the review or investigation of the complaint; and~~

~~[(6) for complaints for which the commission took no action, an explanation of the reason the complaint was closed without action.~~

[(e)] The commission shall keep information about each written complaint filed with the commission by a child receiving services from the commission or the child's parent or guardian. The information must include:

(1) the subject matter of the complaint;

(2) a summary of the results of the review or investigation of the complaint; and

(3) the period of time between the date the complaint is received and the date the complaint is closed.

SECTION 2.008. Section 61.0423, Human Resources Code, is amended to read as follows:

Sec. 61.0423. PUBLIC HEARINGS. (a) The board ~~[executive commissioner]~~ shall develop and implement

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policies that provide the public with a reasonable opportunity to appear before the board [~~executive commissioner or the executive commissioner's designee~~] and to speak on any issue under the jurisdiction of the commission.

(b) The board [~~executive commissioner~~] shall ensure that the location of public hearings held in accordance with this section is rotated between municipalities in which a commission facility is located or that are in proximity to a commission facility.

**No equivalent provision.**

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SECTION 1.\_\_\_\_. Sections 61.0451(a) and (i), Human Resources Code, are amended to read as follows:

(a) The office of inspector general is established at the commission for the purpose of investigating:

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

(2) crimes and delinquent conduct committed at a facility operated by the commission, ~~or at~~ a residential facility operated by another entity under a contract with the commission, or any facility in which a child committed to the custody of the commission is housed or receives medical or mental health treatment.

(i) The office of inspector general shall immediately report to the executive director [~~commissioner~~], the ~~advisory~~ board, the governor's general counsel, and the state auditor;

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- (1) any particularly serious or flagrant problem concerning the administration of a commission program or operation; or
- (2) any interference by the executive director, ~~[commissioner or]~~ an employee of the commission, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.

SECTION 2.009. Subchapter D, Chapter 61, Human Resources Code, is amended by adding Section 61.067 to read as follows:

Sec. 61.067. INFORMATION PROVIDED TO COMMITTING COURT. (a) If a court that commits a child to the commission requests, in the commitment order, that the commission keep the court informed of the progress the child is making while committed to the commission, the commission shall provide the court with periodic updates on the child's progress.

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

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

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SECTION 2.010. Subchapter F, Chapter 61, Human Resources Code, is amended by adding Section 61.08131 to read as follows:

Sec. 61.08131. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The commission shall develop a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of children into the community following a child's release under supervision or final discharge, as applicable, from the commission. (b) The comprehensive reentry and reintegration plan developed under this section must provide for:

- (1) an assessment of each child committed to the commission to determine which skills the child needs to develop to be successful in the community following release under supervision or final discharge;
- (2) programs that address the assessed needs of each child;
- (3) a comprehensive network of transition programs to address the needs of children released under supervision or finally discharged from the commission;
- (4) the identification of providers of existing local programs and transitional services with whom the commission may contract under this section to implement the reentry and reintegration plan; and
- (5) subject to Subsection (c), the sharing of information between local coordinators, persons with whom the commission contracts under this section, and other providers of services as necessary to adequately assess

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and address the needs of each child.

(c) A child's personal health information may be disclosed under Subsection (b)(5) only in the manner authorized by Section 61.0731 or other state or federal law, provided that the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191).

(d) The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with reentry and reintegration programs for children;

(2) provide children with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if a child has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship-building classes; and

(3) be designed to build for children post-release and post-discharge support from the community into which the child is released under supervision or finally discharged, including support from agencies and organizations within that community.

(e) The commission may contract and coordinate with



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private vendors, units of local government, or other entities to implement the comprehensive reentry and reintegration plan developed under this section, including contracting to:

(1) coordinate the supervision and services provided to children during the time children are in the custody of the commission with any supervision or services provided children who have been released under supervision or finally discharged from the commission;

(2) provide children awaiting release under supervision or final discharge with documents that are necessary after release or discharge, including identification papers, medical prescriptions, job training certificates, and referrals to services; and

(3) provide housing and structured programs, including programs for recovering substance abusers, through which children are provided services immediately following release under supervision or final discharge.

(f) To ensure accountability, any contract entered into under this section must contain specific performance measures that the commission shall use to evaluate compliance with the terms of the contract.

(g) The commission shall ensure that each reentry and reintegration plan developed for a child under Section 61.0814 is coordinated with the comprehensive reentry and reintegration plan developed under this section.

(h) The commission shall conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan developed under this section

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reduces recidivism rates.

(i) Not later than December 1 of each even-numbered year, the commission shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

SECTION 2.011. Subchapter F, Chapter 61, Human Resources Code, is amended by adding Section 61.08141 to read as follows:

Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE RELEASE. (a) In addition to providing the court with notice of release of a child under Section 61.081(e), as soon as possible but not later than the 30th day before the date the commission releases the child, the commission shall provide the court that committed the child to the commission:

(1) a copy of the child's reentry and reintegration plan developed under Section 61.0814; and

(2) a report concerning the progress the child has made while committed to the commission.

(b) If, on release, the commission places a child in a county other than the county served by the court that committed the child to the commission, the commission shall provide the information described by Subsection (a) to both the committing court and the juvenile court in the

SECTION 1.010. Same as House version.

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county where the child is placed after release.

(c) If, on release, a child's residence is located in another state, the commission shall provide the information described by Subsection (a) to both the committing court and a juvenile court of the other state that has jurisdiction over the area in which the child's residence is located.

**No equivalent provision.**

SECTION 2.012. Section 61.098(b), Human Resources Code, is amended to read as follows:

(b) As appropriate, the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning the commission and described by Article 104.003(a), Code of Criminal Procedure, may request that the special prosecution unit prosecute, or assist in the prosecution of, the offense or delinquent conduct.

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SECTION 1.011. Section 61.0911, Human Resources Code, is amended to read as follows:

Sec. 61.0911. COORDINATED STRATEGIC PLAN. The Texas Youth Commission shall biennially develop with the Texas Juvenile Probation Commission a coordinated strategic plan in the manner described by Sections [~~as required by Section~~] 141.0471 and 141.0472.

SECTION 1.012. Same as House version.

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ARTICLE 3. OFFICE OF INDEPENDENT OMBUDSMAN FOR THE TEXAS YOUTH COMMISSION

SECTION 3.001. Section 64.054, Human Resources Code, is amended to read as follows:

Sec. 64.054. SUNSET PROVISION. The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which the Texas Youth Commission is [state agencies abolished in 2009 and every 12th year after 2009 are] reviewed.

SECTION 3.002. Section 64.058, Human Resources Code, is amended to read as follows:

Sec. 64.058. RULEMAKING AUTHORITY. (a)

The office by rule shall establish policies and procedures for the operations of the office of

ARTICLE 2. Same as House version.

SECTION 2.001. Section 64.054, Human Resources Code, is amended to read as follows:

Sec. 64.054. SUNSET PROVISION. (a) The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which the Texas Youth Commission is [state agencies abolished in 2009 and every 12th year after 2009 are] reviewed.

(b) Notwithstanding Subsection (a), the Sunset Advisory Commission shall focus its review of the office on compliance with requirements placed on the office by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law. This subsection expires September 1, 2011.

SECTION 2.002. Same as House version.

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independent ombudsman.

(b) The office and the commission shall adopt rules necessary to implement Section 64.060, including rules that establish procedures for the commission to review and comment on reports of the office and for the commission to expedite or eliminate review of and comment on a report due to an emergency or a serious or flagrant circumstance described by Section 64.055(b).

SECTION 3.003. Subchapter B, Chapter 64, Human Resources Code, is amended by adding Sections 64.060 and 64.061 to read as follows:

Sec. 64.060. REVIEW AND FORMAT OF REPORTS.

(a) The office shall accept, both before and after publication, comments from the commission concerning the following types of reports published by the office under this chapter:

- (1) the office's quarterly report under Section 64.055(a);
- (2) reports concerning serious or flagrant circumstances under Section 64.055(b); and
- (3) any other formal reports containing findings and making recommendations concerning systemic issues that affect the commission.

(b) The commission may not submit comments under Subsection (a) after the 30th day after the date the report on which the commission is commenting is published.

(c) The office shall ensure that reports described by Subsection (a) are in a format to which the commission

SECTION 2.003. Same as House version.

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can easily respond.

(d) After receipt of comments under this section, the office is not obligated to change any report or change the manner in which the office performs the duties of the office.

Sec. 64.061. COMPLAINTS. (a) The office shall maintain a system to promptly and efficiently act on complaints filed with the office that relate to the operations or staff of the office. The office shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The office shall make information available describing its procedures for complaint investigation and resolution.

(c) The office shall periodically notify the complaint parties of the status of the complaint until final disposition.

SECTION 3.004. Subchapter C, Chapter 64, Human Resources Code, is amended by adding Section 64.104 to read as follows:

Sec. 64.104. MEMORANDUM OF UNDERSTANDING. (a) The office and the commission shall enter into a memorandum of understanding concerning:

(1) the most efficient manner in which to share

SECTION 2.004. Same as House version.

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information with one another; and  
(2) the procedures for handling overlapping monitoring duties and activities performed by the office and the commission.  
(b) The memorandum of understanding entered into under Subsection (a), at a minimum, must:  
(1) address the interaction of the office with that portion of the commission that conducts an internal audit under Section 61.0331;  
(2) address communication between the office and the commission concerning individual situations involving children committed to the commission and how those situations will be documented and handled;  
(3) contain guidelines on the office's role in relevant working groups and policy development decisions at the commission;  
(4) ensure opportunities for sharing information between the office and the commission for the purposes of assuring quality and improving programming within the commission; and  
(5) preserve the independence of the office by authorizing the office to withhold information concerning matters under active investigation by the office from the commission and commission staff and to report the information to the governor.

ARTICLE 4. TEXAS JUVENILE PROBATION COMMISSION

ARTICLE 3. Same as House version.

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SECTION 4.001. Section 141.011(a), Human Resources Code, is amended to read as follows:

(a) The commission consists of:

(1) two district court judges;

(2) two county judges or commissioners; ~~[and]~~

(3) one prosecutor in juvenile court who regularly prosecutes children alleged to have engaged in delinquent conduct or conduct indicating a need for supervision;

(4) one defense attorney who regularly represents children alleged to have engaged in delinquent conduct or conduct indicating a need for supervision;

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

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SECTION 3.001. Section 141.011(a), Human Resources Code, is amended to read as follows:

(a) The commission consists of:

(1) two district court judges who sit as juvenile court judges;

(2) one county judge or commissioner ~~[two county judges or commissioners];~~ ~~[and]~~

(3) one chief juvenile probation officer of a juvenile probation department that serves a county with a small population;

(4) one chief juvenile probation officer of a juvenile probation department that serves a county with a medium population;

(5) one chief juvenile probation officer of a juvenile probation department that serves a county with a large population;

(6) one mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;

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(6) two [~~five~~] members of the public who are not employees in the criminal or juvenile justice system.

SECTION 4.002. Section 141.012, Human Resources Code, is amended to read as follows:

Sec. 141.012. SUNSET PROVISION. The Texas Juvenile Probation Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021 [~~2009~~].

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

(8) one member [~~five members~~] of the public who is [~~are~~] not an employee [~~employees~~] in the criminal or juvenile justice system and is recognized in the community for the person's interest in youth.

SECTION 3.002. Section 141.012, Human Resources Code, is amended to read as follows:

Sec. 141.012. SUNSET PROVISION. (a) The Texas Juvenile Probation Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011 [~~2009~~].

(b) In the review of the Texas Juvenile Probation Commission by the Sunset Advisory Commission, as required by this section, the sunset commission shall focus its review on the following:

(1) the commission's compliance with Chapter 263 (S.B. 103), Acts of the 80th Legislature, Regular Session, 2007;

(2) requirements placed on the agency by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law, including implementation of programs for the diversion of youth from the Texas Youth Commission; and

(3) initiatives of the commission and the Texas Youth

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Commission in coordinating activities and services to better integrate Texas Juvenile Probation Commission, Texas Youth Commission, and county juvenile justice functions, including joint strategic planning, the sharing of youth data across youth-serving agencies, assessment and classification of youth, and collection of data on probation outcomes.

(c) In its report to the 82nd Legislature, the sunset commission may include any recommendations it considers appropriate. This subsection and Subsection (b) expire September 1, 2011.

SECTION 4.003. Section 141.014, Human Resources Code, is amended to read as follows:

Sec. 141.014. RESTRICTIONS ON COMMISSION APPOINTMENT, MEMBERSHIP, AND EMPLOYMENT. (a) A person may not be [~~is not eligible for appointment or service as~~] a public member of the commission if the person or the person's spouse:

(1) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the commission [~~or receiving funds from the commission~~];

[~~or~~]

(2) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses;

SECTION 3.003. Same as House version.

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

(4) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the commission.

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

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice ~~[An officer, employee, or paid consultant of a trade association in the field of criminal or juvenile justice may not be a member or employee of the commission].~~

~~(c) [A person who is the spouse of an officer, employee, or paid consultant of a trade association in the field of criminal or juvenile justice may not be a commission member or a commission employee, including exempt employees, compensated at grade 17 or over according to the position classification schedule under the General Appropriations Act.~~

~~(d) A person may not serve as a member of the~~

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commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation in or on behalf of a profession related to the operation of the commission.

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

SECTION 4.004. Section 141.0145, Human Resources Code, is amended to read as follows:

Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS. (a) A ~~[To be eligible to take office as a member of the commission, a]~~ person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes ~~[must complete at least one course of]~~ a training program that complies with this section.

(b) The training program must provide information to the person regarding:

(1) the ~~[enabling]~~ legislation that created the

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SECTION 3.004. Same as House version.

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commission ~~[and its policymaking body to which the person is appointed to serve];~~

(2) the programs operated by the commission;

(3) the roles ~~[role]~~ and functions of the commission;

(4) ~~[the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

~~[(5)]~~ the current budget of ~~[for]~~ the commission;

(5) ~~[(6)]~~ the results of the most recent formal audit of the commission;

(6) ~~[(7)]~~ the requirements of law relating to open meetings, public information, administrative procedure, and conflicts of interest ~~[the:~~

~~[(A)]~~ ~~open meetings law, Chapter 551, Government Code;~~

~~[(B)]~~ ~~open records law, Chapter 552, Government Code;~~  
and

~~[(C)]~~ ~~administrative procedure law, Chapter 2001, Government Code];~~ and

(7) ~~[(8)]~~ ~~the requirements of the conflict of interests laws and other laws relating to public officials; and~~

~~[(9)]~~ any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided in the General Appropriations Act, for travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after the person qualifies for office ~~[as provided by the General~~

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~~Appropriations Act and as if the person were a member of the commission].~~

SECTION 4.005. Sections 141.017(a) and (c), Human Resources Code, are amended to read as follows:

(a) It is a ground for removal from the commission if a member:

(1) does not have at the time of taking office ~~[appointment]~~ the qualifications required by Section 141.011;

(2) does not maintain during service on the commission the qualifications required by Section 141.011 ~~[is not eligible for appointment to or service on the commission as provided by Section 141.014(a)]~~;

(3) is ineligible for membership under Section 141.014 ~~[violates a prohibition established by Section 141.014(b), (c), or (d)]~~;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term for which the member is appointed ~~[because of illness or disability]~~; or

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

(c) If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer ~~[chairman]~~ of the commission of the potential

SECTION 3.005. Same as House version.

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ground. The presiding officer [~~chairman~~] shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer [~~chairman~~], the director shall notify the next highest officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

SECTION 4.006. Sections 141.022(a) and (b), Human Resources Code, are amended to read as follows:

(a) The advisory council on juvenile services consists of the following chief juvenile probation officers appointed by the commission:

(1) three chief [~~two~~] juvenile probation officers of juvenile probation departments serving counties with populations of less than 10,000 [~~court judges, appointed by the commission~~];

(2) four chief [~~three~~] juvenile probation officers of juvenile probation departments serving counties with populations of 10,000 or more but less than 50,001 [~~appointed by the commission~~];

(3) three chief juvenile probation officers of juvenile probation departments serving counties with populations of 50,001 or more but less than 200,001 [~~two citizens who are knowledgeable of juvenile services, appointed by the commission~~]; and

(4) three chief juvenile probation officers of juvenile

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SECTION 3.006. Section 141.022(b), Human Resources Code, is amended to read as follows:

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~~probation departments serving counties with populations of 200,001 or more [the executive commissioner of the Texas Youth Commission or the commissioner's designee;~~

~~[(5) the commissioner of education or the commissioner's designee; and~~

~~[(6) the commissioner of human services or the commissioner's designee].~~

(b) The advisory council shall report any determinations made under Subsection (c) to the director and the members of the commission appointed under Section 141.011.

SECTION 4.007. Subchapter B, Chapter 141, Human Resources Code, is amended by adding Sections 141.027 through 141.029 to read as follows:

Sec. 141.027. COMPLAINTS. (a) The commission shall maintain a system to promptly and efficiently act on complaints filed with the commission, other than complaints received under Section 141.049. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the

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(b) The advisory council shall report any determinations made under Subsection (c) to the members of the commission appointed under Section 141.011 [the director].

SECTION 3.007. Same as House version.

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complaint parties of the status of the complaint until final disposition.

Sec. 141.028. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Sec. 141.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) The commission shall develop and implement a policy to encourage the use of:

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

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

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

(c) The commission shall designate a trained person to:

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

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or

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alternative dispute resolution; and  
(3) collect data concerning the effectiveness of those  
procedures, as implemented by the commission.

SECTION 4.008. Section 141.042, Human Resources Code, is amended by amending Subsections (a), (e), and (h) and adding Subsections (d), (f), (i), and (j) to read as follows:

(a) The commission shall adopt reasonable rules that provide:

(1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;

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

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

(4) **subject to Subsection (d)**, minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, ~~and~~ private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental

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SECTION 3.008. Section 141.042, Human Resources Code, is amended by amending Subsections (a) and (h) and adding Subsection (i) to read as follows:

(a) The commission shall adopt reasonable rules that provide:

(1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;

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

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

(4) minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, ~~and~~ private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental unit, except those

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unit, except those facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; and

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

(d) In adopting rules under Subsection (a)(4), the commission shall ensure that the minimum standards for facilities described by Subsection (a)(4) are designed to ensure that juveniles confined in those facilities are provided the rights, benefits, responsibilities, and privileges to which a juvenile is entitled under the United States Constitution, federal law, and the constitution and laws of this state. The minimum standards must include a humane physical and psychological environment, safe conditions of confinement, protection from harm, adequate rehabilitation and education, adequate medical and mental health treatment, and due process of law.

(e) Juvenile probation departments shall use the mental health screening instrument selected by the commission for the initial screening of children under the jurisdiction of probation departments who have been formally referred to the department. The commission shall give priority to training in the use of this instrument in any preservice or in-service training that the commission provides for probation officers. A clinical assessment by a licensed mental health professional may be substituted

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facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; and

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

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for the mental health screening instrument selected by the commission if the clinical assessment is performed in the time prescribed by the commission~~].—Juvenile probation departments shall report data from the use of the screening instrument or the clinical assessment to the commission in a format and in the time prescribed by the commission].~~

(f) A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by the commission, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.

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

(i) A juvenile probation department shall report data from the use of the screening instrument or clinical assessment under Subsection (e) and the risk and needs assessment under Subsection (f) to the commission in the

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

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format and at the time prescribed by the commission.

(j) The commission shall adopt rules to ensure that youth in the juvenile justice system are assessed using the screening instrument or clinical assessment under Subsection (e) and the risk and needs assessment under Subsection (f).

SECTION 4.009. Section 141.0471, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) The commission and the Texas Youth Commission shall biennially develop a coordinated strategic plan which shall guide, but not substitute for, the strategic plans developed individually by the agencies or the juvenile justice improvement plan adopted by the Juvenile Justice Policy Coordinating Council under Chapter 2.

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(i) The commission shall adopt rules to ensure that youth in the juvenile justice system are assessed using the screening instrument or clinical assessment under Subsection (e).

SECTION 3.009. Subchapter C, Chapter 141, Human Resources Code, is amended by amending Section 141.0471 and adding Section 141.0472 to read as follows:

Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE [PLAN FOR JUVENILE JUSTICE SYSTEM].

(a) The director [commission] and the executive director of the Texas Youth Commission shall jointly appoint a strategic planning committee to biennially develop a coordinated strategic plan which shall guide, but not substitute for, the strategic plans developed individually by the agencies.

The director and the executive director of the Texas Youth Commission are co-presiding officers of the strategic planning committee.

(b) The director shall appoint four members to the strategic planning committee. The director shall appoint at least:

(1) one committee member who represents the interests

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of families of juvenile offenders;  
(2) one committee member who represents the interests of local juvenile probation departments; and  
(3) one committee member who is a mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code.  
(c) The executive director of the Texas Youth Commission shall appoint four members to the strategic planning committee. The executive director shall appoint at least:  
(1) one committee member who represents the interests of juvenile offenders;  
(2) one committee member who represents the interests of the victims of delinquent or criminal conduct; and  
(3) one committee member who is an educator as defined by Section 5.001, Education Code.  
Sec. 141.0472. COORDINATED STRATEGIC PLAN; ADOPTION OF PLAN. (a) [(b)] The coordinated strategic plan developed by the strategic planning committee under Section 141.0471 must [shall]:  
(1) identify short-term and long-term policy goals;  
(2) identify time frames and strategies for meeting the goals identified under Subdivision (1);  
(3) estimate population projections, including projections of population characteristics;  
(4) estimate short-term and long-term capacity, programmatic, and funding needs;  
(5) describe intensive service and surveillance parole pilot programs to be jointly developed;

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- (6) include an evaluation of aftercare services emphasizing concrete outcome measures, including recidivism and educational progress;
- (7) identify objective criteria for the various decision points throughout the continuum of juvenile justice services and sanctions to guard against disparate treatment of minority youth; ~~and~~
- (8) identify cross-agency outcome measures by which to evaluate the effectiveness of the system generally;
- (9) include a plan of implementation for the development of common data sources and data sharing among the commission, juvenile probation departments, the Texas Youth Commission, the Department of Family and Protective Services, the Department of State Health Services, the Health and Human Services Commission, the Texas Education Agency, and other state agencies that serve youth in the juvenile justice system;
- (10) include the development of new, or the improvement of existing, validated risk assessment instruments;
- (11) include strategies to determine which programs are most effective in rehabilitating youth in the juvenile justice system;
- (12) include planning for effective aftercare programs and services, including ensuring that youth in the juvenile justice system have personal identification and appropriate referrals to service providers; and
- (13) track performance measures to illustrate the costs of different levels of treatment and to identify the most

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(b-1) In addition to the information described by Subsection (b), the plan must include specific processes and procedures for routinely communicating juvenile justice system information between the agencies and determining opportunities to coordinate practices for improving outcomes for youth.

SECTION 4.010. Section 141.049, Human Resources Code, is amended to read as follows:

Sec. 141.049. COMPLAINTS RELATING TO JUVENILE BOARDS. (a) The commission shall maintain a system to promptly and efficiently act on a ~~[keep an information file about each]~~ complaint filed with the commission relating to a juvenile board funded by the commission. The commission shall maintain information about parties to the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

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cost-effective programs in each component of the juvenile justice system in this state.

(b) In addition to the information described by Subsection (a), the coordinated strategic plan must include specific processes and procedures for routinely communicating juvenile justice system information between the commission and the Texas Youth Commission and determining opportunities to coordinate practices for improving outcomes for youth.

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

SECTION 3.010. Same as House version.

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(b) The commission shall make information available describing the commission's procedures for the investigation and resolution of a complaint filed with the commission relating to a juvenile board funded by the commission.

(c) The commission shall investigate the allegations in the complaint and make a determination of whether there has been a violation of the commission's rules relating to juvenile probation programs, services, or facilities.

(d) [(b)] If a written complaint is filed with the commission relating to a juvenile board funded by the commission, the commission~~[, at least quarterly and until final disposition of the complaint,]~~ shall periodically notify the complainant and the juvenile board of the status of the complaint until final disposition, unless notice would jeopardize an undercover investigation.

SECTION 4.011. Section 141.050, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall consider the past performance of a juvenile board when contracting with the juvenile board for local probation services other than basic probation services. In addition to the contract standards described by Subsection (a), a contract with a juvenile board for probation services other than basic probation services must:

(1) include specific performance targets for the juvenile

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SECTION 3.011. Same as House version.

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board based on the juvenile board's historic performance of the services; and

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

SECTION 4.012. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Sections 141.057 and 141.058 to read as follows:

Sec. 141.057. DATA COLLECTION. (a) The commission shall collect comprehensive data concerning the outcomes of local probation programs throughout the state.

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

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

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

Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. (a) On January 1, 2010, and quarterly after that date, the commission shall prepare and deliver a report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. The report must include a

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SECTION 3.012. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Sections 141.057, 141.058, and 141.059 to read as follows:

Sec. 141.057. DATA COLLECTION. (a) The commission shall collect comprehensive data concerning the outcomes of local probation programs throughout the state.

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

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

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

Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. (a) On January 1, 2010, and quarterly after that date, the commission shall prepare and deliver a report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. The report must include a

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summary of the actions performed by the commission and any applicable juvenile board or juvenile probation department in resolving the complaint.

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

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summary of the actions performed by the commission and any applicable juvenile board or juvenile probation department in resolving the complaint.

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

Sec. 141.059. RESIDENTIAL TREATMENT FACILITY. (a) The commission may contract with a local mental health and mental retardation authority that, on April 1, 2009, had an unutilized or underutilized residential treatment facility, for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The commission may work in cooperation with the local mental health and mental retardation authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

(b) A residential treatment facility established under this section must provide juveniles receiving treatment at the facility:

(1) a short-term program of mental health stabilization that does not exceed 150 days in duration; and

(2) all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to

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Subchapter D, Chapter 12, Education Code.

(c) If a residential treatment facility established under this section is unable to provide adequate and sufficient educational opportunities and services to juveniles residing at the facility, the facility may not continue to operate beyond the end of the school year in which the opportunities or services provided by the facility are determined to be inadequate or insufficient.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.

SECTION 4.013. The heading to Subchapter D, Chapter 141, Human Resources Code, is amended to read as follows:

SUBCHAPTER D. PROVISIONS RELATING TO CERTAIN ~~[JUVENILE PROBATION]~~ OFFICERS AND EMPLOYEES

SECTION 4.014. Section 141.061(a), Human Resources Code, is amended to read as follows:

(a) To be eligible for appointment as a probation officer, a person who was not employed as a probation officer before September 1, 1981, must:

SECTION 3.013. Same as House version.

SECTION 3.014. Same as House version.

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- (1) be of good moral character;
- (2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
- (3) have either:
  - (A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the commission; or
  - (B) one year of experience in full-time case work, counseling, or community or group work:
    - (i) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and
    - (ii) that the commission determines provides the kind of experience necessary to meet this requirement;
- (4) have satisfactorily completed the course of preservice training or instruction and any continuing education required by the commission;
- (5) have passed the tests or examinations required by the commission; and
- (6) possess the level of certification required by the commission.

SECTION 4.015. Subchapter D, Chapter 141, Human Resources Code, is amended by adding Section 141.0612 to read as follows:

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SECTION 3.015. Same as House version.

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Sec. 141.0612. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The commission by rule shall adopt certification standards for persons who are employed in nonsecure correctional facilities that accept only juveniles who are on probation and that are operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code.

(b) The certification standards adopted under Subsection (a) must be substantially similar to the certification requirements for detention officers under Section 141.0611.

SECTION 4.016. Section 141.064, Human Resources Code, is amended to read as follows:

Sec. 141.064. REVOCATION OR SUSPENSION OF CERTIFICATION. (a) The commission may revoke or suspend a certification, or reprimand a certified officer:

(1) [;] for a violation of this chapter or a commission rule; or

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

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

(1) report regularly to the commission on matters that

SECTION 3.016. Same as House version.

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are the basis of the probation; and  
(2) continue or review professional education until the person attains a degree of skill satisfactory to the commission in those areas that are the basis of the probation.  
(c) The director may convene, in person or telephonically, a panel of three commission members to determine if a person's continued certification threatens juveniles in the juvenile justice system. If the panel determines that the person's continued certification threatens juveniles in the juvenile justice system, the person's license is temporarily suspended until an administrative hearing is held as soon as possible under Subsection (d). The director may convene a panel under this subsection only if the danger posed by the person's continued certification is imminent. The panel may hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.  
(d) A person is entitled to a hearing before the State Office of Administrative Hearings [~~commission or a hearings officer appointed by the commission~~] if the commission proposes to suspend or revoke the person's certification.  
(e) A person may appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. The standard of review is under the substantial evidence rule. [~~The commission shall prescribe procedures by which each~~

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~~decision to suspend or revoke is made by or is appealable to the commission.]~~

SECTION 4.017. Section 141.081, Human Resources Code, is amended by adding Subsection (d) to read as follows:

(d) The commission by rule shall, not later than September 1, 2010, establish one or more basic probation services funding formulas and one or more community corrections funding formulas. The funding formulas established under this subsection must include each grant for which the commission, on or before September 1, 2009, established an allocation formula.

SECTION 4.018. Chapter 141, Human Resources Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. COMMUNITY CORRECTIONS PILOT PROGRAMS

Sec. 141.101. ESTABLISHMENT OF COMMUNITY CORRECTIONS PILOT PROGRAMS. (a) The commission, in coordination with the Texas Youth Commission, shall establish guidelines for the implementation of community corrections pilot programs to provide an array of rehabilitation services for juvenile offenders, including juvenile delinquency prevention services and substance abuse and mental health treatment services. Instead of ordering commitment to the Texas

SECTION 3.017. Same as House version.

**No equivalent provision.**



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Youth Commission under Section 54.04(d)(2), Family Code, a juvenile court of a county that has established a community corrections pilot program under this subchapter may require a child to participate in a community corrections pilot program if the child was found to have engaged in delinquent conduct that:

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

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

(b) The commission must implement this subchapter only to the extent that the legislature specifically appropriates money to the commission for that purpose.

Sec. 141.102. GRANTS. (a) A juvenile board or a group of juvenile boards serving counties that are in the same service region established by the commission may apply to the commission for a grant to implement a community corrections pilot program in the county served by the board or group of boards, as applicable.

(b) The commission shall adopt rules that:

(1) govern the administration and operation of a community corrections pilot program by a juvenile board or group of juvenile boards; and

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

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

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(1) require a juvenile board or group of juvenile boards that applies for a grant under this section to detail the manner in which the juvenile board or group of juvenile boards intends to use the grant money;  
(2) establish conditions that a juvenile board or group of juvenile boards must meet in order to receive a grant under this section, including conditions related to:  
(A) reduced commitment targets for the county or counties that the juvenile board or group of juvenile boards serves;  
(B) specific performance measures by which a community corrections pilot program will be evaluated;  
(C) restrictions on the use of grant money; and  
(D) any other standard condition the commission requires; and  
(3) require a juvenile board or group of juvenile boards that receives a grant under this section and chooses to use the grant to contract for services to be provided under the community corrections pilot program to use a contracting process that is open to nonprofit, for-profit, or faith-based organizations that:  
(A) demonstrate experience in effectively implementing juvenile delinquency prevention and juvenile treatment programs;  
(B) demonstrate the ability to quantify the effectiveness of the programs; and  
(C) provide innovative or specialized juvenile justice or family programs.  
Sec. 141.103. FUNDING TO JUVENILE BOARDS.

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(a) The commission by rule shall establish a funding formula for juvenile boards implementing a community corrections pilot program. The formula must take into account:

(1) the average daily cost to the state of committing a juvenile to a facility operated by or under contract with the Texas Youth Commission;

(2) the average length of stay for a juvenile committed to a facility operated by or under contract with the Texas Youth Commission; and

(3) the projected yearly number of commitments for each county or counties the juvenile board or group of juvenile boards receiving the grant serves, as applicable.

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

(c) Except as otherwise provided by this subsection, the commission shall make available money for distribution for community corrections pilot programs under this section in the same manner as other state aid is distributed under this chapter. Costs associated with a juvenile who is participating in the pilot program and who is committed to the Texas Youth Commission shall be subtracted from the juvenile board's or boards' pilot program grant allotment, as applicable, and transferred to an account in the general revenue fund for the operation

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of secure facilities by or under contract with the Texas Youth Commission.

(d) The amount of money to be subtracted from a juvenile board's or boards' allotment under Subsection (c):

(1) is computed on the average daily cost of committing a juvenile to a facility operated by or under contract with the Texas Youth Commission as provided by Subsection (a)(1); and

(2) may not exceed the amount the juvenile board or group of juvenile boards initially received from the commission for the juvenile.

Sec. 141.104. JUVENILE BOARD OBLIGATIONS. A juvenile board or group of juvenile boards that receives a grant under this subchapter:

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

(2) shall comply with all applicable commission rules; and

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

Sec. 141.105. REPORTS. (a) A juvenile board or group of juvenile boards that receives a grant under this subchapter shall annually, and at the request of the commission, report to the commission concerning the implementation, cost-effectiveness, and success rate of a community corrections pilot program implemented under

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this subchapter.

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

(1) the governor;

(2) the lieutenant governor;

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

(4) the standing committees in the senate and the house of representatives that have primary jurisdiction over the commission.

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

ARTICLE 5. MISCELLANEOUS PROVISIONS

SECTION 5.001. Chapter 13, Code of Criminal Procedure, is amended by adding Article 13.34 to read as follows:

Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST CHILD COMMITTED TO TEXAS YOUTH COMMISSION. An offense described by Article

ARTICLE 4. Same as House version.

SECTION 4.001. Same as House version.

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104.003(a) committed by an employee or officer of the Texas Youth Commission or a person providing services under a contract with the commission against a child committed to the commission may be prosecuted in:  
(1) any county in which an element of the offense occurred; or  
(2) Travis County.

**No equivalent provision.**

SECTION 5.002. Section 51.02, Family Code, is amended by adding Subdivision (8-a) to read as follows:  
(8-a) "Nonsecure correctional facility" means a facility, other than a secure correctional facility, that accepts only juveniles who are on probation and that is operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code.

SECTION 5.003. Chapter 51, Family Code, is amended by adding Section 51.126 to read as follows:  
Sec. 51.126. NONSECURE CORRECTIONAL FACILITIES. (a) A nonsecure correctional facility for

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SECTION 4.\_\_\_\_. Section 29.012, Education Code, is amended by adding Subsection (e) to read as follows:  
(e) This section does not apply to a residential treatment facility for juveniles established under Section 141.059, Human Resources Code.

SECTION 4.002. Same as House version.

SECTION 4.003. Same as House version.

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juvenile offenders may be operated only by:

(1) a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code; or

(2) a private entity under a contract with a governmental unit in this state.

(b) In each county, each judge of the juvenile court and a majority of the members of the juvenile board shall personally inspect, at least annually, all nonsecure correctional facilities that are located in the county and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Probation Commission that the facility or facilities are suitable or unsuitable for the confinement of children. In determining whether a facility is suitable or unsuitable for the confinement of children, the juvenile court judges and juvenile board members shall consider:

(1) current monitoring and inspection reports and any noncompliance citation reports issued by the Texas Juvenile Probation Commission, including the report provided under Subsection (c), and the status of any required corrective actions; and

(2) the other factors described under Sections 51.12(c)(2)-(7).

(c) The Texas Juvenile Probation Commission shall annually inspect each nonsecure correctional facility. The Texas Juvenile Probation Commission shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether

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the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in nonsecure confinement promulgated by the Texas Juvenile Probation Commission or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(d) A governmental unit or private entity that operates or contracts for the operation of a juvenile nonsecure correctional facility in this state under Subsection (a), except for a facility operated by or under contract with the Texas Youth Commission, shall:

(1) register the facility annually with the Texas Juvenile Probation Commission; and

(2) adhere to all applicable minimum standards for the facility.

(e) The Texas Juvenile Probation Commission may deny, suspend, or revoke the registration of any facility required to register under Subsection (d) if the facility fails to:

(1) adhere to all applicable minimum standards for the facility; or

(2) timely correct any notice of noncompliance with minimum standards.

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SECTION 5.004. Section 54.04, Family Code, is amended by amending Subsection (1) and adding

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Subsection (y) to read as follows:

(l) Except as provided by Subsections [Subsection] (q) and (y), a court or jury may place a child on probation under Subsection (d)(1) for any period, except that probation may not continue on or after the child's 18th birthday. Except as provided by Subsection (q), the court may, before the period of probation ends, extend the probation for any period, except that the probation may not extend to or after the child's 18th birthday.

(y) A court or jury may divert the child from commitment to the Texas Youth Commission by placing the child on probation under Subsection (d)(1) in a community corrections program operated in accordance with Subchapter F, Chapter 141, Human Resources Code. The period of probation under this subsection may not continue on or after the child's 19th birthday. The court may, before the period of probation ends, extend the probation for any period, except that the probation may not extend to or after the child's 19th birthday.

SECTION 5.005. Section 54.0405(i), Family Code, is amended to read as follows:

(i) A court that requires as a condition of probation that a child attend psychological counseling under Subsection (a) may, before the date the probation period ends, extend the probation for any additional period necessary to complete the required counseling as determined by the

**No equivalent provision.**

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treatment provider, except that the probation may not be extended to a date after the date of the child's 18th birthday, unless the child is placed on probation under Section 54.04(y).

SECTION 5.006. Section 54.041(b), Family Code, is amended to read as follows:

(b) If a child is found to have engaged in delinquent conduct or conduct indicating a need for supervision arising from the commission of an offense in which property damage or loss or personal injury occurred, the juvenile court, on notice to all persons affected and on hearing, may order the child or a parent to make full or partial restitution to the victim of the offense. The program of restitution must promote the rehabilitation of the child, be appropriate to the age and physical, emotional, and mental abilities of the child, and not conflict with the child's schooling. When practicable and subject to court supervision, the court may approve a restitution program based on a settlement between the child and the victim of the offense. An order under this subsection may provide for periodic payments by the child or a parent of the child for the period specified in the order but except as provided by Subsection (h) and unless the child is placed on probation under Section 54.04(y), that period may not extend past the date of the 18th birthday of the child or past the date the child is no longer enrolled in an accredited secondary school in a

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No equivalent provision.

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program leading toward a high school diploma, whichever date is later.

SECTION 5.007. Section 54.05(b), Family Code, is amended to read as follows:

(b) Except for a commitment to the Texas Youth Commission or a grant of juvenile probation under Section 54.04(y), all dispositions automatically terminate when the child reaches the child's [~~his~~] 18th birthday.

No equivalent provision.

SECTION 5.008. Section 59.006(b), Family Code, is amended to read as follows:

(b) The juvenile court shall discharge the child from the custody of the probation department on the earlier of:  
(1) the date the provisions of this section are met; or  
(2) [~~on~~] the child's 18th birthday or 19th birthday, if the child is placed on probation under Section 54.04(y), as applicable [~~, whichever is earlier~~].

No equivalent provision.

SECTION 5.009. Section 59.007(b), Family Code, is amended to read as follows:

(b) The juvenile court shall discharge the child from the custody of the probation department on the earlier of:  
(1) the date the provisions of this section are met; or  
(2) [~~on~~] the child's 18th birthday or 19th birthday, if the child is placed on probation under Section 54.04(y), as

No equivalent provision.

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applicable [~~,- whichever is earlier~~].

SECTION 5.010. Section 59.008(b), Family Code, is amended to read as follows:

(b) The juvenile court shall discharge the child from the custody of the probation department on the earlier of:

(1) the date the provisions of this section are met; or

(2) [on] the child's 18th birthday or 19th birthday, if the child is placed on probation under Section 54.04(y), as

applicable [~~,- whichever is earlier~~].

**No equivalent provision.**

SECTION 5.011. Chapter 614, Health and Safety Code, is amended by adding Section 614.018 to read as follows:

Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL IMPAIRMENTS. (a)

The Texas Juvenile Probation Commission, the Texas Youth Commission, the Department of Public Safety, the Department of State Health Services, the Department of Aging and Disability Services, the Department of Family and Protective Services, the Texas Education Agency, and local juvenile probation departments shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. The Texas Correctional Office on Offenders with Medical and

SECTION 4.004. Same as House version.

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Mental Impairments shall coordinate and monitor the development and implementation of the memorandum of understanding.

(b) The memorandum of understanding must establish methods for:

(1) identifying juveniles with mental impairments in the juvenile justice system and collecting and reporting relevant data to the office;

(2) developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on juveniles with mental impairments who are committed to or treated, served, or supervised by the Texas Youth Commission, the Texas Juvenile Probation Commission, the Department of Public Safety, the Department of State Health Services, the Department of Family and Protective Services, the Department of Aging and Disability Services, the Texas Education Agency, local juvenile probation departments, local mental health or mental retardation authorities, and independent school districts; and

(3) identifying the services needed by juveniles with mental impairments in the juvenile justice system.

(c) For purposes of this section, "continuity of care and service program" includes:

(1) identifying the medical, psychiatric, or psychological care or treatment needs and educational or rehabilitative service needs of a juvenile with mental impairments in the juvenile justice system;

(2) developing a plan for meeting the needs identified

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under Subdivision (1); and  
(3) coordinating the provision of continual treatment,  
care, and services throughout the juvenile justice system  
to juveniles with mental impairments.

SECTION 5.012. Sections 614.017(a) and (b), Health and Safety Code, are amended to read as follows:

(a) An agency shall:

(1) accept information relating to a special needs offender or a juvenile with a mental impairment that is sent to the agency to serve the purposes of continuity of care and services regardless of whether other state law makes that information confidential; and

(2) disclose information relating to a special needs offender or a juvenile with a mental impairment, including information about the offender's or juvenile's identity, needs, treatment, social, criminal, and vocational history, supervision status and compliance with conditions of supervision, and medical and mental health history, if the disclosure serves the purposes of continuity of care and services.

(b) Information obtained under this section may not be used as evidence in any juvenile or criminal proceeding, unless obtained and introduced by other lawful evidentiary means.

SECTION 5.013. Section 614.017(c), Health and Safety

SECTION 4.005. Same as House version.

SECTION 4.006. Same as House version.

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Code, is amended by amending Subdivision (1) and adding Subdivision (3) to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

- (A) the Texas Department of Criminal Justice and the Correctional Managed Health Care Committee;
- (B) the Board of Pardons and Paroles;
- (C) the Department of State Health Services;
- (D) the Texas Juvenile Probation Commission;
- (E) the Texas Youth Commission;
- (F) the Department of Assistive and Rehabilitative Services;
- (G) the Texas Education Agency;
- (H) the Commission on Jail Standards;
- (I) the Department of Aging and Disability Services;
- (J) the Texas School for the Blind and Visually Impaired;
- (K) community supervision and corrections departments and local juvenile probation departments;
- (L) personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;
- (M) local jails regulated by the Commission on Jail Standards;
- (N) a municipal or county health department;
- (O) a hospital district;
- (P) a judge of this state with jurisdiction over juvenile or

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criminal cases;

(Q) an attorney who is appointed or retained to represent a special needs offender or a juvenile with a mental impairment;

(R) the Health and Human Services Commission;

(S) the Department of Information Resources; ~~and~~

(T) the bureau of identification and records of the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base; and

(U) the Department of Family and Protective Services.

(3) "Juvenile with a mental impairment" means a juvenile with a mental impairment in the juvenile justice system.

SECTION 5.014. Section 614.009, Health and Safety Code, is amended to read as follows:

Sec. 614.009. BIENNIAL REPORT. Not later than February 1 of each odd-numbered year, the office shall present to the board and file with the governor, lieutenant governor, and speaker of the house of representatives a report giving the details of the office's activities during the preceding biennium. The report must include:

(1) an evaluation of any demonstration project undertaken by the office;

(2) an evaluation of the progress made by the office toward developing a plan for meeting the treatment,

SECTION 4.007. Same as House version.



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rehabilitative, and educational needs of offenders with special needs;

(3) recommendations of the office made in accordance with Section 614.007(5);

(4) an evaluation of the development and implementation of the continuity of care and service programs established under Sections 614.013, 614.014, 614.015, ~~and~~ 614.016, and 614.018, changes in rules, policies, or procedures relating to the programs, future plans for the programs, and any recommendations for legislation; and

(5) any other recommendations that the office considers appropriate.

ARTICLE 6. TRANSITION AND EFFECTIVE DATE

SECTION 6.001. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the Juvenile Justice Policy Coordinating Council.

(b) In appointing the initial members of the Juvenile Justice Policy Coordinating Council, the governor shall appoint:

- (1) three members for a term expiring February 1, 2011;
  - (2) three members for a term expiring February 1, 2013;
- and

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ARTICLE 5. Same as House version.

**No equivalent provision.**

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(3) three members for a term expiring February 1, 2015.  
(c) The Juvenile Justice Policy Coordinating Council may not hold its first meeting or take any other action until a quorum of the members of the council have taken office.

SECTION 6.002. Sections 61.025 and 61.027, Human Resources Code, as added by this Act, and Sections 141.014 and 141.0145, Human Resources Code, as amended by this Act, apply only to a person who is appointed or reappointed as a member of the governing board of the Texas Youth Commission or the Texas Juvenile Probation Commission on or after the effective date of this Act. A person appointed or reappointed as a member of the board or commission before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 6.003. Section 61.026, Human Resources Code, as added by this Act, and Section 141.017, Human Resources Code, as amended by this Act, apply only to a ground for removal that occurs on or after the effective date of this Act. A ground for removal that occurs before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

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SECTION 5.001. Same as House version.

SECTION 5.002. Same as House version.

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SECTION 6.004. (a) Section 141.011(a), Human Resources Code, as amended by this Act, applies only to a person appointed to the Texas Juvenile Probation Commission on or after the effective date of this Act. A person appointed to the Texas Juvenile Probation Commission before the effective date of this Act is governed by the law in effect on the date the person was appointed, and that law is continued in effect for that purpose.

(b) A person serving on the Texas Juvenile Probation Commission on the effective date of this Act continues to serve on the commission until the person's term expires. When a term expires or a vacancy on the commission occurs, the governor shall make appointments in accordance with Section 141.011(a), Human Resources Code, as amended by this Act.

SECTION 6.005. Persons serving on the advisory council on juvenile services under Section 141.022, Human Resources Code, on the effective date of this Act continue to serve in those capacities until the Texas Juvenile Probation Commission reappoints members or appoints new members in those capacities.

SECTION 6.006. Article 13.34, Code of Criminal

SECTION 5.003. Same as House version.

**No equivalent provision.**

SECTION 5.004. Same as House version.

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Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6.007. Except as otherwise provided by this Act, the changes in law made by this Act in amending a provision of Title 3, Family Code, apply only to conduct that violates a penal law and that occurs on or after the effective date of this Act. Conduct that violates a penal law and that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose. For the purposes of this section, conduct violating a penal law occurs before the effective date of this Act if every element of the violation occurred before that date.

**No equivalent provision.**

SENATE VERSION

**No equivalent provision.**

SECTION 5.\_\_\_\_. Section 141.059, Human Resources Code, as added by this Act, and Section 29.012, Education Code, as amended by this Act, apply beginning with the 2009-2010 school year.

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SECTION 6.008. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

SENATE VERSION

SECTION 5.005. Same as House version.

CONFERENCE

The following rows were presented as identical to language in the engrossed version of Senate Bill 1362, relating to a Texas Youth Commission comprehensive plan to improve student reading skills and behavior.

No equivalent provision.

SECTION \_\_. Subchapter E, Chapter 30, Education Code, is amended by adding Section 30.106 to read as follows:

Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Youth Commission shall not only fulfill the commission's duties under state and federal law to provide general and special educational services to students in commission educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.  
(b) To improve the reading skills of students in Texas Youth Commission educational programs, the commission shall:

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- (1) adopt a reliable battery of reading assessments that:
  - (A) are based on a normative sample appropriate to students in commission educational programs;
  - (B) are designed to be administered on an individual basis; and
  - (C) allow school employees to:
    - (i) evaluate performance in each essential component of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension;
    - (ii) monitor progress in areas of deficiency specific to an individual student; and
    - (iii) provide reading performance data;
- (2) administer the assessments adopted under Subdivision (1):
  - (A) at periodic intervals not to exceed 12 months, to each student in a commission educational program; and
  - (B) at least 15 days and not more than 30 days before a student is released from the commission;
- (3) provide at least 60 minutes per school day of individualized reading instruction to each student in a commission educational program who exhibits deficits in reading on the assessments adopted under Subdivision (1):
  - (A) by trained educators with expertise in teaching reading to struggling adolescent readers; and
  - (B) through the use of scientifically based, peer-reviewed reading curricula that:
    - (i) have proven effective in improving the reading

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performance of struggling adolescent readers;  
(ii) address individualized and differentiated reading goals; and  
(iii) include each of the essential components of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension;  
(4) require each teacher in a commission regular or special educational program who teaches English language arts, reading, mathematics, science, social studies, or career and technology education to be trained in incorporating content area reading instruction using empirically validated instructional methods that are appropriate for struggling adolescent readers; and  
(5) evaluate the effectiveness of the commission's plan to increase reading skills according to the following criteria:  
(A) an adequate rate of improvement in reading performance, as measured by monthly progress monitoring using curricular-based assessments in each of the essential components of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension;  
(B) a significant annual rate of improvement in reading performance, disaggregated by subgroups designated under commission rule, as measured using the battery of reading assessments adopted under Subdivision (1); and  
(C) student ratings of the quality and impact of the reading plan under this subsection, as measured on a

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student self-reporting instrument.

(c) To increase the positive social behaviors of students in Texas Youth Commission educational programs and to create an educational environment that facilitates learning, the commission shall:

(1) adopt system-wide classroom and individual positive behavior supports that incorporate a continuum of prevention and intervention strategies that:

(A) are based on current behavioral research; and

(B) are systematically and individually applied to students consistent with the demonstrated level of need;

(2) require each teacher and other educational staff member in a commission educational program to be trained in implementing the positive behavior support system adopted under Subdivision (1); and

(3) adopt valid assessment techniques to evaluate the effectiveness of the positive behavior support system according to the following criteria:

(A) documentation of school-related disciplinary referrals, disaggregated by the type, location, and time of infraction and by subgroups designated under commission rule;

(B) documentation of school-related disciplinary actions, including time-out, placement in security, and use of restraints and other aversive control measures, disaggregated by subgroups designated under commission rule;

(C) validated measurement of systemic positive behavioral support interventions; and



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(D) the number of minutes students are out of the regular classroom because of disciplinary reasons.

(d) The Texas Youth Commission shall consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan under Subsections (b) and (c).

(e) A student in a Texas Youth Commission educational program may not be released on parole from the commission unless the student participates, to the extent required by commission rule, in the positive behavior support system under Subsection (c). A student in a commission educational program who exhibits deficits in reading on the assessments adopted under Subsection (b)(1) must also participate in reading instruction to the extent required by this section and by commission rule before the student may be released on parole.

(f) Not later than December 1, 2010, the Texas Youth Commission shall report to the legislature concerning:

(1) the effectiveness of the commission's reading plan based on the criteria specified by Subsection (b)(5); and

(2) the implementation of the positive behavior support system plan under Subsection (c).

(g) Not later than December 1, 2012, the Texas Youth Commission shall report to the legislature concerning the effectiveness of the positive behavior support system based on the criteria specified by Subsection (c)(3).

(h) Subsections (f) and (g) and this subsection expire

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January 1, 2013.

No equivalent provision.

SECTION \_\_. (a) Not later than November 1, 2009, the Texas Youth Commission shall adopt the battery of reading assessments as required by Subsection (b), Section 30.106, Education Code, as added by this Act.  
(b) Not later than January 1, 2010, the Texas Youth Commission shall begin administering the battery of reading assessments as required by Subsection (b), Section 30.106, Education Code, as added by this Act.

No equivalent provision.

SECTION \_\_. Subsection (e), Section 30.106, Education Code, as added by this Act, applies to release on parole from the Texas Youth Commission beginning September 1, 2010.