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S.B. No. 653

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

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

SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 201. GENERAL PROVISIONS

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

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

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

(3) "Court" means a juvenile court.

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

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

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

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

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

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

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

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

19 (a-2) This subsection and Subsection (a-1) expire December
20 1, 2011.

21 (b) Effective December 1, 2011, a reference in other law to:

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

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

25 Sec. 201.002. PURPOSES. This title shall be construed to
26 effectuate the following public purposes:

27 (1) the creation of a unified state juvenile justice

1 agency that operates in partnership with local county governments,
2 courts, and communities to promote public safety by providing a
3 full continuum of effective support and service to youth from
4 initial contact through termination of supervision; and

5 (2) the creation of a juvenile justice system that
6 produces positive outcomes for youth, families, and communities.

7 CHAPTER 201A. TEMPORARY PROVISIONS

8 SUBCHAPTER A. TRANSITION TEAM

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

12 (1) a representative of the Texas Juvenile Probation
13 Commission, appointed by the board of the Texas Juvenile Probation
14 Commission;

15 (2) a representative of the Texas Youth Commission,
16 appointed by the board of the Texas Youth Commission;

17 (3) a representative of the governor;

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

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

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

27 (7) one member who represents the interests of a

1 juvenile probation department that serves a county with a medium
2 population;

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

6 (9) one member who represents the interests of
7 juvenile offenders or the families of juvenile offenders;

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

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

14 (b) The governor shall appoint the members of the transition
15 team listed in Sections 201A.001(a)(3)-(11).

16 (c) The members of the transition team shall be appointed as
17 provided by Subsections (a) and (b) as soon as possible after
18 September 1, 2011, and not later than October 1, 2011.

19 (d) The transition team member who is appointed under
20 Subsection (a)(3) serves as the presiding officer of the transition
21 team.

22 (e) The transition team members appointed under Subsections
23 (a)(1) and (2) remain on the transition team after November 30,
24 2011, regardless of the abolition of the agencies named in those
25 subdivisions.

26 Sec. 201A.002. POWERS AND DUTIES. (a) After September 1,
27 2011, and before December 1, 2011, the transition team shall

1 coordinate and oversee the transition of services and facilities
2 from the Texas Juvenile Probation Commission and the Texas Youth
3 Commission to the Texas Juvenile Justice Department.

4 (b) After November 30, 2011, and before August 31, 2012, the
5 transition team shall assist the Texas Juvenile Justice Department
6 and advise the Texas Juvenile Justice Board in implementing the
7 transition of services and facilities from the Texas Juvenile
8 Probation Commission and the Texas Youth Commission to the Texas
9 Juvenile Justice Department.

10 Sec. 201A.003. ASSISTANCE. The following state agencies
11 shall, on request, assist the transition team with the following
12 matters:

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

16 (2) the Department of Information Resources, with the
17 technological needs of the department;

18 (3) the office of the attorney general, with legal
19 matters concerning the transition of services and facilities from
20 the Texas Juvenile Probation Commission and the Texas Youth
21 Commission to the Texas Juvenile Justice Department;

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

24 (5) the Texas Facilities Commission, with assistance
25 in efficiently using the office space in which the administrative
26 offices of the Texas Juvenile Probation Commission and the Texas
27 Youth Commission are located and, if necessary, locating additional

1 office space for the administrative offices of the department.

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

3 SUBCHAPTER B. EXPIRATION

4 Sec. 201A.051. EXPIRATION. This chapter expires August 31,
5 2012.

6 CHAPTER 202. ADMINISTRATIVE PROVISIONS

7 Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER.

8 (a) The board is composed of the following 11 members appointed by
9 the governor with the advice and consent of the senate:

10 (1) one member who is a district court judge of a court
11 designated as a juvenile court;

12 (2) two members who are county court judges or county
13 commissioners;

14 (3) one prosecutor in juvenile court;

15 (4) one chief juvenile probation officer of a juvenile
16 probation department serving a county with a small population;

17 (5) one chief juvenile probation officer of a juvenile
18 probation department serving a county with a medium population;

19 (6) one chief juvenile probation officer of a juvenile
20 probation department serving a county with a large population;

21 (7) one adolescent mental health treatment
22 professional licensed under Subtitle B or I, Title 3, Occupations
23 Code;

24 (8) one educator, as that term is defined by Section
25 5.001, Education Code; and

26 (9) two members of the general public.

27 (b) Members serve staggered six-year terms, with the terms

1 of three or four members expiring on February 1 of each odd-numbered
2 year.

3 (c) The governor shall designate a member of the board as
4 the presiding officer of the board to serve in that capacity at the
5 pleasure of the governor.

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

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

12 (1) is employed in the field of criminal or juvenile
13 justice;

14 (2) is employed by or participates in the management
15 of a business entity or other organization regulated by or
16 receiving money from the department;

17 (3) owns or controls, directly or indirectly, more
18 than a 10 percent interest in a business entity or other
19 organization regulated by or receiving money from the department;
20 or

21 (4) uses or receives a substantial amount of tangible
22 goods, services, or money from the department, other than
23 compensation or reimbursement authorized by law for board
24 membership, attendance, or expenses.

25 (b) A person may not be a board member and may not be a
26 department employee employed in a "bona fide executive,
27 administrative, or professional capacity," as that phrase is used

1 for purposes of establishing an exemption to the overtime
2 provisions of the federal Fair Labor Standards Act of 1938 (29
3 U.S.C. Section 201 et seq.), if:

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

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

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

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

21 Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

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

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

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

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

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

4 Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground
5 for removal from the board if a member:

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

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

10 (3) is ineligible for membership under Section
11 202.002;

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

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

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

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

1 the board, who shall then notify the governor and the attorney
2 general that a potential ground for removal exists.

3 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
4 probation officer who is a board member shall avoid the appearance
5 of a conflict of interest by not voting or participating in any
6 decision by the board that directly benefits or penalizes or
7 otherwise directly impacts the juvenile probation department over
8 which the chief juvenile probation officer has authority.

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

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

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

19 (1) the legislation that created the department;

20 (2) the programs, functions, rules, and budget of the
21 department;

22 (3) the results of the most recent formal audit of the
23 department;

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

27 (5) any applicable ethics policies adopted by the

1 department or the Texas Ethics Commission.

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

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

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

14 (b) The board shall adopt rules regulating the board's
15 proceedings.

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

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

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

25 (b) The state auditor, on request of the office of inspector
26 general, may provide information or other assistance to the office
27 of inspector general that the state auditor determines is

1 appropriate. The office of inspector general may coordinate with
2 the state auditor to review or schedule a plan for an investigation
3 under Subchapter C, Chapter 242, or share other information.

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

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

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

14 (2) prohibit the state auditor from:

15 (A) conducting an audit, investigation, or other
16 review; or

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

21 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
22 Board and the Texas Juvenile Justice Department are subject to
23 Chapter 325, Government Code (Texas Sunset Act). Unless continued
24 in existence as provided by that chapter, the board and the
25 department are abolished September 1, 2017.

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

27 Sec. 203.001. CONTROL OVER DEPARTMENT; PRIORITIZATION OF

1 SERVICES. (a) The board is the governing body of the department
2 and is responsible for the operations of the department.

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

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

11 (1) probation services under Subtitle B over
12 commitment under Subtitle C; and

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

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

16 (1) employ an executive director to administer the
17 department; and

18 (2) supervise the director's administration of the
19 department.

20 Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

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

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

26 Sec. 203.004. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
27 RESOLUTION. (a) The board shall develop and implement a policy to

1 encourage the use of:

2 (1) negotiated rulemaking procedures under Chapter
3 2008, Government Code, for the adoption of department rules; and

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

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

13 (c) The department shall:

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

16 (2) provide training as needed to implement the
17 procedures for negotiated rulemaking or alternative dispute
18 resolution; and

19 (3) collect data concerning the effectiveness of those
20 procedures.

21 Sec. 203.005. GIFTS AND GRANTS. (a) The department may
22 apply for and accept gifts and grants from any public or private
23 source to use in maintaining and improving services provided under
24 this title.

25 (b) The department shall deposit money received under this
26 section in the state treasury. The department may use the money
27 only to make payments of state aid under Subtitle B and to

1 administer this title.

2 Sec. 203.006. MEDICAID BENEFITS. The department shall:

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

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

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

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

12 Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The
13 department may conduct or participate in studies relating to
14 corrections methods and systems and to treatment and therapy
15 programs at the governor's request or on the department's own
16 initiative.

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

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

25 (d) The records must show, for each calendar quarter and for
26 each calendar year:

27 (1) the number of juveniles participating in research

1 programs or studies for the appropriate reporting period;

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

4 (3) the name of the principal investigator conducting
5 the research program or study; and

6 (4) the entity sponsoring the research program or
7 study.

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

12 (1) governor;

13 (2) lieutenant governor;

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

15 (4) members of the senate and house of
16 representatives.

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

19 Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH,
20 RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section,
21 "evidence" means any record, book, paper, document, data, or other
22 evidence maintained by electronic or other means.

23 (b) The department may issue a subpoena requiring the
24 attendance of a witness or the production of evidence that the
25 department considers necessary for the investigation of:

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

27 (2) complaints;

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

4 (4) any other matter under the authority of the
5 department, including a determination of treatment under Section
6 244.005.

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

9 (1) the presiding officer of the board or, if the
10 presiding officer is unavailable, the presiding officer's
11 designee; and

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

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

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

27 (f) On application of the department, a court of record

1 having original jurisdiction of criminal actions may compel the
2 attendance of a witness, the production of material, or the giving
3 of testimony before the department, by an attachment for contempt
4 or in the same manner as the court may otherwise compel the
5 production of evidence.

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

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

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

5 Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES.

6 (a) The advisory council on juvenile services consists of:

7 (1) two juvenile court judges, appointed by the chief
8 justice of the Supreme Court of Texas;

9 (2) three chief juvenile probation officers,
10 appointed by the Juvenile Justice Association of Texas;

11 (3) the executive director of the department or the
12 executive director's designee;

13 (4) the commissioner of human services or the
14 commissioner's designee;

15 (5) one representative of the county commissioners
16 courts, appointed by the Texas Association of Counties; and

17 (6) the director of probation services of the
18 department or the director's designee.

19 (b) The advisory council shall report any determinations
20 made under Subsection (c) to the members of the board appointed
21 under Section 202.001.

22 (c) The advisory council shall assist the department in:

23 (1) determining the needs and problems of county
24 juvenile boards and probation departments;

25 (2) conducting long-range strategic planning;

26 (3) reviewing existing or newly proposed standards
27 affecting juvenile probation programs, services, or facilities;

1 and

2 (4) analyzing the potential cost impact on probation
3 departments of new standards proposed by the board.

4 Sec. 203.0082. FEES. If the General Appropriations Act
5 does not specify the amount of the fee, the board by rule may
6 establish fees that:

7 (1) are reasonable and necessary;

8 (2) produce revenue sufficient for the administration
9 of this chapter; and

10 (3) do not produce unnecessary revenue.

11 Sec. 203.009. PUBLIC INTEREST INFORMATION. The department
12 shall prepare information of public interest describing the
13 functions of the department and describing the procedures by which
14 complaints are filed with and resolved by the department. The
15 department shall make the information available to the public and
16 appropriate state agencies.

17 Sec. 203.010. DEPARTMENT COMPLAINTS. (a) The department
18 shall maintain a system to promptly and efficiently act on
19 complaints filed with the department, other than complaints
20 received under Section 221.010.

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

24 (c) A complaint that raises or has the potential to raise,
25 wholly or partly, a criminal matter shall be forwarded to the office
26 of the inspector general. Any other complaint shall be forwarded to
27 the office of the independent ombudsman.

1 (d) The department shall periodically notify the complaint
2 parties of the status of the complaint until final disposition,
3 unless the notice would jeopardize an undercover investigation.

4 (e) The department shall keep information about each
5 written complaint filed with the department. The information must
6 include:

7 (1) the subject matter of the complaint;

8 (2) the parties to the complaint;

9 (3) a summary of the results of the review or
10 investigation of the complaint;

11 (4) the period of time between the date the complaint
12 is received and the date the complaint is closed; and

13 (5) the disposition of the complaint.

14 Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.
15 A juvenile probation department that is aggrieved by a decision of
16 the executive director, including a decision relating to standards
17 affecting juvenile probation programs, services, or facilities,
18 may appeal the executive director's decision to the board. The
19 decision of the board is final and cannot be appealed.

20 Sec. 203.012. ANNUAL FINANCIAL REPORT. The department
21 shall prepare annually a complete and detailed written report
22 accounting for all funds received and disbursed by the department
23 during the preceding fiscal year. The annual report must meet the
24 reporting requirements applicable to financial reporting provided
25 in the General Appropriations Act.

26 Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department
27 shall regularly conduct internal audits of the department,

1 including audits of:

2 (1) facilities operated by and under contract with
3 the department; and

4 (2) medical services provided to children in the
5 custody of the department.

6 (b) The department shall on a quarterly basis report the
7 results of the audits to:

8 (1) the committees of the senate and house of
9 representatives with primary jurisdiction over matters concerning
10 correctional facilities; and

11 (2) the state auditor.

12 Sec. 203.014. MERGER REPORT. (a) On or before December 1,
13 2012, the department shall submit a report on the merger of the
14 Texas Youth Commission and the Texas Juvenile Probation Commission
15 to form the department to:

16 (1) the governor;

17 (2) the lieutenant governor;

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

19 (4) the standing committees of the senate and house of
20 representatives with primary jurisdiction over matters concerning
21 juvenile justice; and

22 (5) the Sunset Advisory Commission.

23 (b) The report must include:

24 (1) details of the merger;

25 (2) a description of key accomplishments in relation
26 to the merger;

27 (3) organizational charts of the department; and

1 (4) recommendations for legislative changes.

2 (c) This section expires December 31, 2012.

3 Sec. 203.015. TOLL-FREE NUMBER. (a) The department shall
4 establish a permanent, toll-free number for the purpose of
5 receiving any information concerning the abuse, neglect, or
6 exploitation of children in the custody of the department or housed
7 in a local probation facility.

8 (b) The department shall ensure that:

9 (1) the toll-free number is prominently displayed in
10 each department facility and each local probation facility; and

11 (2) children in the custody of the department or
12 housed in a local probation facility and employees of the
13 department and the facility have confidential access to telephones
14 for the purpose of calling the toll-free number.

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

18 SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

19 SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human
20 Resources Code, are transferred to Subtitle B, Title 12, Human
21 Resources Code, as added by this Act, redesignated as Chapters 221,
22 222, and 223, respectively, and amended to read as follows:

23 CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE

24 BOARDS AND JUVENILE PROBATION DEPARTMENTS

25 SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND~~
26 ~~DUTIES OF COMMISSION~~]

27 Sec. 221.001 [~~141.041~~]. PROVISION OF PROBATION AND

1 DETENTION SERVICES. (a) The department [~~commission~~] shall assist
2 counties in providing probation and juvenile detention services by
3 encouraging the continued operation of county and multi-county
4 juvenile boards or probation offices.

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

8 Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE
9 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND
10 FACILITIES. (a) The board [~~commission~~] shall adopt reasonable
11 rules that provide:

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

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

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

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

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

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

9 (b) In adopting the rules, the board [~~commission~~] shall
10 consider local information and evidence gathered through public
11 review and comment.

12 (c) The department [~~commission~~] shall operate a statewide
13 registry for all public and private juvenile pre-adjudication
14 secure detention facilities and all public and private juvenile
15 post-adjudication secure correctional facilities [~~except a~~
16 ~~facility operated or certified by the Texas Youth Commission~~].

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

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

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

27 (b) [~~f~~] A juvenile probation department must, before the

1 disposition of a child's case and using a validated risk and needs
2 assessment instrument or process provided or approved by the
3 department [~~commission~~], complete a risk and needs assessment for
4 each child under the jurisdiction of the juvenile probation
5 department.

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

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

25 [~~(i)~~] A juvenile probation department shall report data
26 from the use of the screening instrument or clinical assessment
27 under Subsection (a) [~~(e)~~] and the risk and needs assessment under

1 Subsection (b) [~~(f)~~] to the department [~~commission~~] in the format
2 and at the time prescribed by the department [~~commission~~].

3 (e) [~~(j)~~] The board [~~commission~~] shall adopt rules to
4 ensure that youth in the juvenile justice system are assessed using
5 the screening instrument or clinical assessment under Subsection
6 (a) [~~(e)~~] and the risk and needs assessment under Subsection (b)
7 [~~(f)~~].

8 Sec. 221.004 [~~141.0421~~]. STANDARDS RELATING TO LOCAL
9 PROBATION DEPARTMENTS. (a) The board [~~commission~~] shall adopt
10 rules that provide:

11 (1) standards for the collection and reporting of
12 information about juvenile offenders by local probation
13 departments;

14 (2) performance measures to determine the
15 effectiveness of probation services provided by local probation
16 departments; and

17 (3) case management standards for all probation
18 services provided by local probation departments.

19 (b) The department [~~commission~~] shall monitor local
20 probation departments for compliance with the standards and
21 measures that the board [~~commission~~] adopts.

22 (c) The department [~~commission~~] shall provide technical
23 assistance to local probation departments to aid compliance with
24 the standards and measures that the board [~~commission~~] adopts.

25 Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL
26 AUTHORITIES. The department [~~commission~~] shall provide
27 educational training and technical assistance to counties,

1 juvenile boards, and probation offices to:

2 (1) promote compliance with the standards required
3 under this chapter; and

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

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

8 (1) provide training on request to juvenile probation
9 departments and juvenile boards in violence prevention and conflict
10 resolution programs that include discussion of domestic violence
11 and child abuse issues; and

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

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

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

18 (2) submit periodic financial, programmatic, and
19 statistical reports to the department [~~commission~~] as required by
20 the department [~~commission~~] and in the format specified by the
21 department [~~commission~~], including electronic submission.

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

26 [~~(b) The commission shall deposit money received under this~~
27 ~~section in the state treasury. The commission may use the money~~

1 ~~only to make payments of state aid under this chapter and to~~
2 ~~administer this chapter.]~~

3 Sec. 221.008 [~~141.046~~]. INSPECTIONS AND AUDITS. (a) The
4 department [~~commission~~] may inspect and evaluate a juvenile board
5 and probation department and audit the juvenile board's [~~its~~]
6 financial, programmatic, and statistical records at reasonable
7 times to determine compliance with the board's [~~commission's~~]
8 rules.

9 (b) The department [~~commission~~] may inspect any program or
10 facility operated on behalf of and under the authority of the
11 juvenile board by the probation department, a governmental entity,
12 or private vendor.

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

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

- 20 [~~(1) abuse, neglect, or exploitation allegations;~~
21 [~~(2) complaints;~~
22 [~~(3) financial and programmatic audits of juvenile~~
23 ~~probation programs services and facilities, including juvenile~~
24 ~~justice alternative education programs; or~~
25 [~~(4) any matter under the authority of the commission.~~

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

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

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

5 ~~[(d) Any peace officer, commission investigator, other~~
6 ~~commission official, or person authorized under Article 24.01, Code~~
7 ~~of Criminal Procedure, may serve the subpoena in the same manner~~
8 ~~that similar process in a court of record having original~~
9 ~~jurisdiction of criminal actions is served.~~

10 ~~[(e) A subpoena under this section shall be served and~~
11 ~~witness fees and mileage paid as in civil cases in the district~~
12 ~~court in the county to which the witness is called, unless the~~
13 ~~proceeding for which the service or payment is made is under Chapter~~
14 ~~2001, Government Code, in which case the service or payment shall be~~
15 ~~made as provided in that chapter. Witnesses subpoenaed at the~~
16 ~~instance of the commission shall be paid their fees and mileage by~~
17 ~~the commission out of funds appropriated for that purpose.~~

18 ~~[(f) On application of the commission, a court of record~~
19 ~~having original jurisdiction of criminal actions may compel the~~
20 ~~attendance of a witness, the production of material, or the giving~~
21 ~~of testimony before the commission, by an attachment for contempt~~
22 ~~or in the same manner as the court may otherwise compel the~~
23 ~~production of evidence.~~

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

27 ~~[(h) If a witness in attendance before the commission or~~

1 ~~before an authorized representative refuses without reasonable~~
2 ~~cause to be examined or answer a legal or pertinent question, or to~~
3 ~~produce evidence when ordered by the commission, the commission may~~
4 ~~apply to the district court for a rule or order returnable in not~~
5 ~~less than two or in more than five days, directing the witness to~~
6 ~~show cause before the judge why the witness should not be punished~~
7 ~~for contempt. The commission may apply to the district court of any~~
8 ~~county where the witness is in attendance, on proof by affidavit of~~
9 ~~the fact, unless the order of contempt is sought under Chapter 2001,~~
10 ~~Government Code, in which case the commission shall apply to a~~
11 ~~district court of Travis County, as provided by that chapter. On~~
12 ~~return of the order, the judge hearing the matter shall examine the~~
13 ~~witness under oath and the witness shall be given an opportunity to~~
14 ~~be heard. If the judge determines that the witness has refused,~~
15 ~~without reasonable cause or legal excuse, to be examined or answer a~~
16 ~~legal or pertinent question, or to produce evidence that the~~
17 ~~witness was ordered to bring or produce, the judge may immediately~~
18 ~~find the witness in contempt of court.~~

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

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

- 26 (1) the federal government;
- 27 (2) governmental agencies in this state and other

1 states;

2 (3) political subdivisions of the state; and

3 (4) private agencies.

4 (b) The executive director [~~, the executive commissioner of~~
5 ~~the Texas Youth Commission,~~] and the commissioners of education,
6 mental health and mental retardation, and human services shall meet
7 in Austin at least quarterly to:

8 (1) discuss mutual problems;

9 (2) resolve conflicts in providing services to
10 juveniles; and

11 (3) make recommendations to the governor and
12 legislature.

13 [~~Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.~~

14 ~~(a) The director and the executive director of the Texas Youth~~
15 ~~Commission shall jointly appoint a strategic planning committee to~~
16 ~~biennially develop a coordinated strategic plan which shall guide,~~
17 ~~but not substitute for, the strategic plans developed individually~~
18 ~~by the agencies. The director and the executive director of the~~
19 ~~Texas Youth Commission are co-presiding officers of the strategic~~
20 ~~planning committee.~~

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

23 [~~(1) one committee member who represents the interests~~
24 ~~of families of juvenile offenders,~~

25 [~~(2) one committee member who represents the interests~~
26 ~~of local juvenile probation departments, and~~

27 [~~(3) one committee member who is a mental health~~

1 ~~treatment professional licensed under Subtitle B or I, Title 3,~~
2 ~~Occupations Code.~~

3 ~~[(c) The executive director of the Texas Youth Commission~~
4 ~~shall appoint four members to the strategic planning committee.~~
5 ~~The executive director shall appoint at least:~~

6 ~~[(1) one committee member who represents the interests~~
7 ~~of juvenile offenders;~~

8 ~~[(2) one committee member who represents the interests~~
9 ~~of the victims of delinquent or criminal conduct; and~~

10 ~~[(3) one committee member who is an educator as~~
11 ~~defined by Section 5.001, Education Code.]~~

12 Sec. 221.0096 [~~141.0472~~]. [~~COORDINATED~~] STRATEGIC PLAN;
13 ADOPTION OF PLAN. (a) The board shall develop a [~~coordinated~~]
14 strategic plan. The plan [~~developed by the strategic planning~~
15 ~~committee under Section 141.0471~~] must:

16 (1) identify short-term and long-term policy goals;

17 (2) identify time frames and strategies for meeting
18 the goals identified under Subdivision (1);

19 (3) estimate population projections, including
20 projections of population characteristics;

21 (4) estimate short-term and long-term capacity,
22 programmatic, and funding needs;

23 (5) describe intensive service and surveillance
24 parole pilot programs to be [~~jointly~~] developed;

25 (6) include an evaluation of aftercare services
26 emphasizing concrete outcome measures, including recidivism and
27 educational progress;

1 (7) identify objective criteria for the various
2 decision points throughout the continuum of juvenile justice
3 services and sanctions to guard against disparate treatment of
4 minority youth;

5 (8) identify [~~cross-agency~~] outcome measures by which
6 to evaluate the effectiveness of services provided to youth in the
7 juvenile justice system [~~the system generally~~];

8 (9) include a plan of implementation for the
9 development of common data sources and data sharing among the
10 department [~~commission~~], juvenile probation departments, [~~the~~
11 ~~Texas Youth Commission,~~] the Department of Family and Protective
12 Services, the Department of State Health Services, the Health and
13 Human Services Commission, the Texas Education Agency, and other
14 state agencies that serve youth in the juvenile justice system;

15 (10) include the development of new, or the
16 improvement of existing, validated risk assessment instruments;

17 (11) include strategies to determine which programs
18 are most effective in rehabilitating youth in the juvenile justice
19 system;

20 (12) include planning for effective aftercare
21 programs and services, including ensuring that youth in the
22 juvenile justice system have personal identification and
23 appropriate referrals to service providers; and

24 (13) track performance measures to illustrate the
25 costs of different levels of treatment and to identify the most
26 cost-effective programs in each component of the juvenile justice
27 system in this state.

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

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

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

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

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

24 ~~[(b) The records must show, for each calendar quarter and~~
25 ~~for each calendar year.~~

26 ~~[(1) the number of children participating in research~~
27 ~~programs or studies for the appropriate reporting period,~~

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

3 ~~[(3) the name of the principal investigator conducting~~
4 ~~the research program or study; and~~

5 ~~[(4) the entity sponsoring the research program or~~
6 ~~study.~~

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

11 ~~[(1) governor;~~

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

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

14 ~~[(4) members of the senate and house of~~
15 ~~representatives.~~

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

18 Sec. 221.010 [~~141.049~~]. COMPLAINTS RELATING TO JUVENILE
19 BOARDS. (a) The department [~~commission~~] shall maintain a system
20 to promptly and efficiently act on a complaint filed with the
21 department [~~commission~~] relating to a juvenile board funded by the
22 department [~~commission~~]. The department [~~commission~~] shall
23 maintain information about parties to the complaint, a summary of
24 the results of the review or investigation of the complaint, and the
25 disposition of the complaint.

26 (b) The department [~~commission~~] shall make information
27 available describing the department's [~~commission's~~] procedures

1 for the investigation and resolution of a complaint filed with the
2 department [~~commission~~] relating to a juvenile board funded by the
3 department [~~commission~~].

4 (c) The department [~~commission~~] shall investigate the
5 allegations in the complaint and make a determination of whether
6 there has been a violation of the board's [~~commission's~~] rules
7 relating to juvenile probation programs, services, or facilities.

8 (d) The department shall handle and dispose of complaints
9 received under this section in the manner described by Section
10 203.010 [~~If a written complaint is filed with the commission~~
11 ~~relating to a juvenile board funded by the commission, the~~
12 ~~commission shall periodically notify the complainant and the~~
13 ~~juvenile board of the status of the complaint until final~~
14 ~~disposition, unless notice would jeopardize an undercover~~
15 ~~investigation~~].

16 Sec. 221.011. INVESTIGATORS. (a) The department may
17 employ and commission investigators as peace officers for the
18 purpose of investigating allegations of abuse, neglect, and
19 exploitation in juvenile justice programs and facilities under
20 Section 261.405, Family Code.

21 (b) Peace officers employed and commissioned under
22 Subsection (a) must be certified by the Commission on Law
23 Enforcement Officer Standards and Education under Chapter 1701,
24 Occupations Code.

25 Sec. 221.012. ANNUAL REPORTS. (a) The department shall
26 report annually to the governor and the legislature on the
27 department's operations and the condition of probation services in

1 the state during the previous year. The report:

2 (1) may include recommendations; and

3 (2) must include:

4 (A) an evaluation of the effectiveness of the
5 community-based programs operated under Section 54.0401, Family
6 Code; and

7 (B) information comparing the cost of a child
8 participating in a program described by Paragraph (A) with the cost
9 of committing the child to the department.

10 (b) The department shall file annually with the governor and
11 the presiding officer of each house of the legislature a complete
12 and detailed written report accounting for all funds received and
13 disbursed by the department during the preceding fiscal year. The
14 annual report must be in the form and be submitted by the time
15 provided by the General Appropriations Act.

16 SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

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

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

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

24 (3) clearly specified accounting, reporting, and
25 auditing requirements applicable to money received under the
26 contract.

27 (b) The department [~~commission~~] shall require each local

1 juvenile probation department:

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

5 (2) to use data relating to the performance of private
6 service providers in prior contracts as a factor in selecting
7 providers to receive contracts.

8 (c) The department [~~commission~~] shall consider the past
9 performance of a juvenile board when contracting with the juvenile
10 board for local probation services other than basic probation
11 services. In addition to the contract standards described by
12 Subsection (a), a contract with a juvenile board for probation
13 services other than basic probation services must:

14 (1) include specific performance targets for the
15 juvenile board based on the juvenile board's historic performance
16 of the services; and

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

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

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

26 (2) obtain and evaluate program cost information to
27 ensure that each cost, including an administrative cost, is

1 reasonable and necessary to achieve program objectives.

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

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

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

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

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

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

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

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

23 (1) a county or municipality; and

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

26 (b) The board [~~commission~~] shall develop rules, procedures,
27 and minimum standards applicable to county or private correctional

1 facilities housing out-of-state juvenile inmates. A contract made
2 under Subsection (a) [~~of this section~~] shall require the county,
3 municipality, or private vendor to operate the facility in
4 compliance with minimum standards adopted by the board
5 [~~commission~~].

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

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

15 [~~Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE~~
16 ~~SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a) The~~
17 ~~director shall establish a committee to evaluate alternatives to~~
18 ~~the juvenile justice system, such as government programs,~~
19 ~~faith-based programs, and programs offered by nonprofit~~
20 ~~organizations, for children who are accused of engaging in acts of~~
21 ~~prostitution.~~

22 [~~(b) The director shall determine the size of the committee.~~
23 ~~The committee must be composed of:~~

24 [~~(1) members of the Texas Juvenile Probation~~
25 ~~Commission, the Texas Youth Commission, and other relevant state~~
26 ~~agencies as determined by the director,~~

27 [~~(2) members of the legislature,~~

1 ~~[(3) members of nongovernmental organizations that~~
2 ~~provide programs and services to combat and prevent trafficking of~~
3 ~~persons as described by Section 20A.02, Penal Code, in this state,~~
4 ~~including the following with respect to that trafficking.~~

5 ~~[(A) programs to promote public awareness,~~

6 ~~[(B) programs to identify and provide services to~~
7 ~~victims,~~

8 ~~[(C) legal services, and~~

9 ~~[(D) community outreach and training programs,~~
10 ~~and~~

11 ~~[(4) other juvenile justice experts.~~

12 ~~[(c) Not later than January 1, 2011, the committee shall~~
13 ~~prepare and deliver to each member of the legislature a report that~~
14 ~~includes the results of the study and recommendations for~~
15 ~~alternatives to the juvenile justice system for children who are~~
16 ~~accused of engaging in acts of prostitution.~~

17 ~~[(d) This section expires June 1, 2011.]~~

18 Sec. 221.054 [~~141.057~~]. DATA COLLECTION. (a) The
19 department [~~commission~~] shall collect comprehensive data
20 concerning the outcomes of local probation programs throughout the
21 state.

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

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

27 (2) to the extent possible, the rate at which

1 juveniles who enter or complete juvenile probation are later
2 committed to the custody of the state.

3 Sec. 221.055 [~~141.058~~]. QUARTERLY REPORT ON ABUSE,
4 NEGLECT, AND EXPLOITATION. (a) The department [~~On January 1,~~
5 ~~2010, and quarterly after that date, the commission~~] shall prepare
6 and deliver a quarterly report to the board concerning the final
7 outcome of any complaint received under Section 261.405, Family
8 Code, that concerns the abuse, neglect, or exploitation of a
9 juvenile. The report must include a summary of the actions
10 performed by the department [~~commission~~] and any applicable
11 juvenile board or juvenile probation department in resolving the
12 complaint.

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

16 Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY.
17 (a) The department [~~commission~~] may contract with a local mental
18 health and mental retardation authority [~~that, on April 1, 2009,~~
19 ~~had an unutilized or underutilized residential treatment~~
20 ~~facility,~~] for the establishment of a residential treatment
21 facility for juveniles with mental illness or emotional injury who,
22 as a condition of juvenile probation, are ordered by a court to
23 reside at the facility and receive education services at the
24 facility. The department [~~commission~~] may work in cooperation with
25 the local mental health and mental retardation authority to provide
26 mental health residential treatment services for juveniles
27 residing at a facility established under this section.

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

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

5 (2) all educational opportunities and services,
6 including special education instruction and related services, that
7 a school district is required under state or federal law to provide
8 for students residing in the district through a charter school
9 operated in accordance with and subject to Subchapter D, Chapter
10 12, Education Code.

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

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

23 CHAPTER 222. STANDARDS FOR AND REGULATION OF

24 [~~SUBCHAPTER D. PROVISIONS RELATING TO~~] CERTAIN OFFICERS AND

25 EMPLOYEES

26 SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

27 Sec. 222.001 [~~141.061~~]. MINIMUM STANDARDS FOR PROBATION

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

4 (1) be of good moral character;

5 (2) have acquired a bachelor's degree conferred by a
6 college or university accredited by an accrediting organization
7 recognized by the Texas Higher Education Coordinating Board;

8 (3) have either:

9 (A) one year of graduate study in criminology,
10 corrections, counseling, law, social work, psychology, sociology,
11 or other field of instruction approved by the department
12 [~~commission~~]; or

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

15 (i) in a social service, community,
16 corrections, or juvenile agency that deals with offenders or
17 disadvantaged persons; and

18 (ii) that the department [~~commission~~]
19 determines provides the kind of experience necessary to meet this
20 requirement;

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

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

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

1 (b) The board [~~commission~~] by rule may authorize the waiver
2 of the requirement of a year of graduate study or full-time
3 employment experience if the authority responsible for employing
4 the officer establishes to the satisfaction of the department
5 [~~commission~~] that, after a diligent search, the authority cannot
6 locate a person meeting that requirement to fill a job opening.

7 (c) The board [~~commission~~] by rule may authorize the
8 temporary employment of a person who has not completed a course of
9 preservice training, passed the examination, or attained the
10 required level of certification, contingent on the person meeting
11 those requirements within the time specified by the board
12 [~~commission~~].

13 (d) A person must possess the level of training, experience,
14 and certification required by the department [~~commission~~] to be
15 eligible for employment in a probation office in a position
16 supervising other probation officers. The department [~~commission~~]
17 may require several levels of certification to reflect increasing
18 levels of responsibility. A department [~~commission~~] rule relating
19 to levels of certification does not affect the continued employment
20 of a probation officer in a supervisory position if the person holds
21 that position on the date on which the rule takes effect.

22 (e) The department [~~commission~~] may waive any certification
23 requirement, except a fee requirement, for an applicant who has a
24 valid certification from another state that has certification
25 requirements that are substantially equivalent to the requirements
26 in this state.

27 (f) The department [~~commission~~] may waive the degree

1 accreditation requirement in Subsection (a)(2) if the applicant
2 possesses a foreign or other degree that the department
3 [~~commission~~] determines is the substantial equivalent of a
4 bachelor's degree. The board [~~commission~~] shall adopt rules
5 defining the procedures to be used to request a waiver of the
6 accreditation requirement in Subsection (a)(2).

7 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION
8 OFFICERS. To be eligible for appointment as a detention officer, a
9 person who was not employed as a detention officer before September
10 1, 2005, must:

- 11 (1) be of good moral character;
- 12 (2) be at least 21 years of age;
- 13 (3) have acquired a high school diploma or its
14 equivalent;
- 15 (4) have satisfactorily completed the course of
16 preservice training or instruction required by the department
17 [~~commission~~];
- 18 (5) have passed the tests or examinations required by
19 the department [~~commission~~]; and
- 20 (6) possess the level of certification required by the
21 department [~~commission~~].

22 Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN
23 EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board
24 [~~commission~~] by rule shall adopt certification standards for
25 persons who are employed in nonsecure correctional facilities that
26 accept only juveniles who are on probation and that are operated by
27 or under contract with a governmental unit, as defined by Section

1 101.001, Civil Practice and Remedies Code.

2 (b) The certification standards adopted under Subsection
3 (a) must be substantially similar to the certification requirements
4 for detention officers under Section 222.002 [~~141.0611~~].

5 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF
6 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A
7 peace officer, prosecuting attorney, or other person who is
8 employed by or who reports directly to a law enforcement or
9 prosecution official may not act as a chief administrative,
10 juvenile probation, or detention officer or be made responsible for
11 supervising a juvenile on probation.

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

14 (1) hired or appointed by or under contract with the
15 juvenile board; and

16 (2) responsible for the oversight of the operations of
17 the juvenile probation department or any juvenile justice program
18 operated by or under the authority of the juvenile board.

19 Sec. 222.005. CARRYING OF FIREARM BY CERTAIN OFFICERS
20 PROHIBITED. (a) A juvenile probation, detention, or corrections
21 officer may not carry a firearm in the course of the person's
22 official duties.

23 (b) This section does not apply to:

24 (1) an employee of the department; or

25 (2) a juvenile probation officer authorized to carry a
26 firearm under Section 142.006.

27 Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A

1 juvenile probation officer whose jurisdiction covers only one
2 county is considered to be an employee of that county.

3 SUBCHAPTER B. CERTIFICATION AND EXAMINATION

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

10 (b) The department [~~commission~~] shall notify a person
11 taking an examination graded or reviewed by a national testing
12 service of the results not later than the 14th day after the date on
13 which the department [~~commission~~] receives the results from the
14 testing service.

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

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

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

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

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

6 (b) The department ~~[commission]~~ may place on probation a
7 person whose certification is suspended. If the suspension is
8 probated, the department ~~[commission]~~ may require the person to:

9 (1) report regularly to the department ~~[commission]~~ on
10 matters that are the basis of the probation; and

11 (2) continue or review professional education until
12 the person attains a degree of skill satisfactory to the department
13 ~~[commission]~~ in those areas that are the basis of the probation.

14 (c) The executive director may convene, in person or
15 telephonically, a panel of three board ~~[commission]~~ members to
16 determine if a person's continued certification threatens
17 juveniles in the juvenile justice system. If the panel determines
18 that the person's continued certification threatens juveniles in
19 the juvenile justice system, the person's license is temporarily
20 suspended until an administrative hearing is held as soon as
21 possible under Subsection (d). The executive director may convene
22 a panel under this subsection only if the danger posed by the
23 person's continued certification is imminent. The panel may hold a
24 telephonic meeting only if immediate action is required and
25 convening the panel at one location is inconvenient for any member
26 of the panel.

27 (d) A person is entitled to a hearing before the State

1 Office of Administrative Hearings if the department [~~commission~~]
2 proposes to suspend or revoke the person's certification.

3 (e) A person may appeal a ruling or order issued under this
4 section to a district court in the county in which the person
5 resides or in Travis County. The standard of review is under the
6 substantial evidence rule.

7 [~~Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF~~
8 ~~ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A~~
9 ~~peace officer, prosecuting attorney, or other person who is~~
10 ~~employed by or who reports directly to a law enforcement or~~
11 ~~prosecution official may not act as a chief administrative,~~
12 ~~juvenile probation, or detention officer or be made responsible for~~
13 ~~supervising a juvenile on probation.~~

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

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

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

21 [~~Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS~~
22 ~~PROHIBITED. (a) A juvenile probation, detention, or corrections~~
23 ~~officer may not carry a firearm in the course of the person's~~
24 ~~official duties.~~

25 [~~(b) This section does not apply to:~~

26 [~~(1) an employee of the Texas Youth Commission; or~~

27 [~~(2) a juvenile probation officer authorized to carry~~

1 ~~a firearm under Section 142.006.~~

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

5 CHAPTER 223 ~~[SUBCHAPTER E]~~. STATE AID

6 Sec. 223.001 ~~[141.081]~~. DETERMINATION OF AMOUNT OF STATE
7 AID. (a) The department ~~[commission]~~ shall annually allocate
8 funds for financial assistance to juvenile boards to provide
9 juvenile services according to current estimates of the number of
10 juveniles in each county and other factors the department
11 ~~[commission]~~ determines are appropriate.

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

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

20 ~~[(d) The commission by rule shall, not later than September~~
21 ~~1, 2010, establish one or more basic probation services funding~~
22 ~~formulas and one or more community corrections funding formulas.~~
23 ~~The funding formulas established under this subsection must include~~
24 ~~each grant for which the commission, on or before September 1, 2009,~~
25 ~~established an allocation formula.]~~

26 Sec. 223.002 ~~[141.082]~~. MAINTENANCE OF LOCAL FINANCIAL
27 SUPPORT. (a) To receive the full amount of state aid funds for

1 which a juvenile board may be eligible, a juvenile board must
2 demonstrate to the department's [~~commission's~~] satisfaction that
3 the amount of local or county funds budgeted for juvenile services
4 is at least equal to the amount spent, excluding construction and
5 capital outlay expenses, for those services in the 1994 county
6 fiscal year. The department [~~commission~~] may waive this
7 requirement only if the juvenile board demonstrates to the
8 department [~~commission~~] that unusual, catastrophic, or exceptional
9 circumstances existed during the relevant year to affect adversely
10 the level of county funding. If the required amount of local
11 funding is not budgeted and the department [~~commission~~] does not
12 grant a waiver, the department [~~commission~~] shall reduce the
13 allocation of state aid funds to the juvenile board by the amount
14 equal to the amount that the county funding is below the required
15 funding.

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

20 (c) The department [~~commission~~] must be satisfied at the end
21 of each county fiscal year that the juvenile board actually spent
22 local or county funds for juvenile services in the amount
23 demonstrated to the department [~~commission~~] at the beginning of the
24 fiscal year.

25 (d) The department [~~commission~~] may require a rebate of
26 state aid, or [~~may~~] withhold state aid to which the juvenile board
27 would otherwise be entitled, as necessary to satisfy the

1 requirement that a juvenile board spend funds as demonstrated.

2 Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY
3 JURISDICTIONS. If necessary, the board [~~commission~~] by rule may
4 provide for:

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

8 (2) the centralization of administrative
9 responsibility associated with the state aid program in a county
10 included in a multi-county jurisdiction; and

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

13 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When
14 the department [~~commission~~] determines that a juvenile board
15 complies with the department's [~~commission's~~] standards, the
16 department [~~commission~~] shall submit to the comptroller a voucher
17 for payment to a juvenile board of the amount of state aid to which
18 the board is entitled.

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

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

25 (1) the Legislative Budget Board;

26 (2) [~~7~~] the governor's budget, policy, and planning
27 office;

1 (3) ~~[7]~~ the state auditor; ~~[7]~~ and

2 (4) the comptroller.

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

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

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

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

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

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

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

27 (c) From money appropriated for construction of the

1 facilities described by Subsection (a), the department
2 [~~commission~~] shall contract with the Texas Department of Criminal
3 Justice for construction management services, including:

4 (1) evaluation of project plans and specifications;
5 and

6 (2) review and comment on the selection of architects
7 and engineers, change orders, and sufficiency of project
8 inspection.

9 (d) On completion of the review of project plans and
10 specifications under Subsection (c), the Texas Department of
11 Criminal Justice shall issue a comprehensive report that states in
12 detail the proposed cost of the project. The department
13 [~~commission~~] shall use the report in making a comparative
14 evaluation of proposed projects and shall give priority to the
15 projects the department [~~commission~~] finds are the most effective
16 and economical.

17 (e) The department [~~commission~~] may not award money for a
18 capital construction project for a facility under this section
19 unless the department [~~commission~~] receives from the commissioners
20 court of the county intending to use the facility a written
21 commitment that the commissioners court has reviewed and accepted
22 the conditions of the award. If more than one county intends to use
23 the facility, the department [~~commission~~] must receive from each
24 county a written commitment that the county will agree with the
25 other counties to an interlocal contract to operate the facility in
26 accordance with the conditions of the award.

27 (f) A county receiving state aid under this section shall

1 adhere to department [~~commission~~] standards for the construction
2 and operation of a post-adjudication secure residential facility.

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

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

8 (i) [~~The commission shall conduct an annual audit of the~~
9 ~~operating costs for a fiscal year of a facility constructed under~~
10 ~~this section for each fiscal year through fiscal year 1999. The~~
11 ~~commission shall submit a report on the results of the audit to the~~
12 ~~Legislative Budget Board and the governor not later than the 60th~~
13 ~~day after the last day of the fiscal year covered by the audit.~~

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

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

19 SUBTITLE C. SECURE FACILITIES

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

24 CHAPTER 241. GENERAL [~~SUBCHAPTER G. MISCELLANEOUS~~] PROVISIONS

25 Sec. 241.001 [~~61.091~~]. COOPERATION OF OTHER AGENCIES. To
26 effectuate the purpose of this subtitle [~~chapter~~] and to make
27 maximum use of existing facilities and personnel, all departments

1 and agencies of the state and all officers and employees of the
2 state, when requested by the department [~~commission~~], shall
3 cooperate with the department [~~it~~] in all activities consistent
4 with their proper functions.

5 Sec. 241.0015 [~~61.0911~~]. [~~COORDINATED~~] STRATEGIC PLAN.
6 The department [~~Texas Youth Commission~~] shall biennially develop
7 [~~with the Texas Juvenile Probation Commission~~] a [~~coordinated~~]
8 strategic plan in the manner described by Section 221.0096
9 [~~Sections 141.0471 and 141.0472~~].

10 Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL
11 RIGHTS. Commitment of a child to the custody of the department
12 [~~commission~~] does not disqualify the child in any future
13 examination, appointment, or application for public service under
14 the government of the state or of any political subdivision of the
15 state.

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

20 [~~(1) a sheriff, deputy sheriff, constable, or police~~
21 ~~officer may, without a warrant, arrest the child, or~~

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

25 [~~(b) A child who is arrested or taken into custody under~~
26 ~~Subsection (a) may be detained in any suitable place, including an~~
27 ~~adult jail facility if the person is 17 years of age or older, until~~

1 ~~the child is returned to the custody of the commission or~~
2 ~~transported to a commission facility.~~

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

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

8 ~~[(2) the child's physical description, including sex,~~
9 ~~weight, height, race, ethnicity, eye color, hair color, scars,~~
10 ~~marks, and tattoos;~~

11 ~~[(3) a photograph of the child; and~~

12 ~~[(4) if necessary to protect the welfare of the~~
13 ~~community, any other information that reveals dangerous~~
14 ~~propensities of the child or expedites the apprehension of the~~
15 ~~child.~~

16 ~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~
17 ~~commission may employ and commission apprehension specialists as~~
18 ~~peace officers for the purpose of apprehending a child under~~
19 ~~Section 61.093.~~

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

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

27 ~~Sec. 241.004 [61.095]. REQUEST FOR CERTAIN RECORDS. For~~

1 the purpose of offering a record as evidence in the punishment phase
2 of a criminal proceeding, a prosecuting attorney may obtain the
3 record of a defendant's adjudication that is admissible under
4 Section 3(a), Article 37.07, Code of Criminal Procedure, by
5 submitting a request for the record to the department [~~commission~~].
6 If the department [~~commission~~] has a record to which the
7 prosecuting attorney is entitled under this section, the department
8 [~~commission~~] shall furnish a copy of the record to the prosecuting
9 attorney. Otherwise, the department [~~commission~~] shall notify the
10 prosecuting attorney that the department [~~commission~~] does not have
11 a record to which the attorney is entitled under this section.

12 Sec. 241.005 [~~61.096~~]. LIABILITY OF VOLUNTEERS.

13 (a) Except as provided by Subsection (b), a volunteer is not
14 liable for damages arising from an act or omission that results in
15 personal injury, death, or property damage if the act or omission
16 is:

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

19 (2) not intentional or grossly negligent.

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

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

27 (2) the amount of any liability insurance coverage

1 that applies to the act or omission.

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

6 Sec. 241.006 [~~61.097~~]. APPLICATION OF LAW RELATING TO FREE
7 EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice
8 and Remedies Code, an ordinance, rule, order, decision, or practice
9 that applies to a person in the custody of a juvenile detention
10 facility or other correctional facility operated by or under a
11 contract with the department [~~commission~~], a county, or a juvenile
12 probation department is presumed to be in furtherance of a
13 compelling governmental interest and the least restrictive means of
14 furthering that interest. The presumption may be rebutted.

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

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

27 (c) The office of inspector general operated under

1 Subchapter C, Chapter 242, shall on a quarterly basis prepare and
2 deliver to the board of directors of the special prosecution unit a
3 report concerning:

4 (1) any alleged criminal offense or delinquent conduct
5 concerning the department [~~commission~~] and described by Article
6 104.003(a), Code of Criminal Procedure, that occurred during the
7 preceding calendar quarter; and

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

12 (d) Notwithstanding Subsection (c), the office of inspector
13 general shall immediately provide the special prosecution unit with
14 a report concerning an alleged criminal offense or delinquent
15 conduct concerning the department [~~commission~~] and described by
16 Article 104.003(a), Code of Criminal Procedure, if the chief
17 inspector general reasonably believes the offense or conduct is
18 particularly serious and egregious.

19 (e) The chief inspector general of the office of inspector
20 general, at the direction of the board of directors of the special
21 prosecution unit, shall notify the foreman of the appropriate grand
22 jury, in the manner provided by Article 20.09, Code of Criminal
23 Procedure, if:

24 (1) the chief inspector general receives credible
25 evidence of illegal or improper conduct by department [~~commission~~]
26 officers, employees, or contractors that the inspector general
27 reasonably believes jeopardizes the health, safety, and welfare of

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

2 (2) the chief inspector general reasonably believes
3 the conduct:

4 (A) could constitute an offense under Article
5 104.003(a), Code of Criminal Procedure; and

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

9 (3) the chief inspector general has reason to believe
10 that information concerning the conduct has not previously been
11 presented to the appropriate grand jury.

12 Sec. 241.008 [~~61.099~~]. DUTY TO FILE COMPLAINT WITH LAW
13 ENFORCEMENT AGENCY. If the executive director [~~commissioner~~] has
14 reasonable cause to believe that a child in the custody of the
15 department [~~commission~~] is the victim of a crime committed at a
16 department [~~commission~~] facility operated under this subtitle, the
17 executive director [~~commissioner~~] shall immediately file a
18 complaint with the appropriate law enforcement agency.

19 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human
20 Resources Code, are transferred to Subtitle C, Title 12, Human
21 Resources Code, as added by this Act, redesignated as Chapters 242,
22 243, 244, and 245, respectively, and amended to read as follows:

23 CHAPTER 242. OPERATION OF SECURE FACILITIES

24 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

25 [~~SUBCHAPTER C. POWERS AND DUTIES~~]

26 Sec. 242.001. ACCREDITATION BY AMERICAN CORRECTIONAL
27 ASSOCIATION. The board shall adopt a plan for each correctional

1 facility operated by or under contract with the department under
2 this subtitle to be accredited by the American Correctional
3 Association. The department shall implement the plans.

4 Sec. 242.002. STUDY OF TREATMENT METHODS; STATISTICAL
5 RECORDS. (a) The department shall conduct continuing inquiry into
6 the effectiveness of the treatment methods the department employs
7 in the reformation of children. To this end, the department shall
8 maintain a record of arrests and commitments of its wards
9 subsequent to their discharge from the jurisdiction of the
10 department and shall tabulate, analyze, and publish biennially the
11 data for use in evaluating the relative merits of treatment
12 methods.

13 (b) The department shall cooperate with courts and private
14 and public agencies in the collection of statistics and information
15 regarding juvenile delinquency, arrests made, complaints,
16 informations, and petitions filed, and the dispositions made of
17 them, and other information useful in determining the amount and
18 causes of juvenile delinquency in this state

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

23 Sec. 242.003 [61.0315]. EVALUATION OF TREATMENT PROGRAMS;
24 AVAILABILITY. (a) The department [commission] shall annually
25 review the effectiveness of the department's [commission's]
26 programs for the rehabilitation and reestablishment in society of
27 children committed to the department [commission], including

1 programs for sex offenders, capital offenders, children who are
2 chemically dependent, emotionally disturbed children, and females.

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

6 (c) The department [~~commission~~] shall offer or make
7 available programs described by Subsection (a) in an adequate
8 manner so that a child in the custody of the department [~~commission~~]
9 receives appropriate rehabilitation services recommended for the
10 child by the court committing the child to the department
11 [~~commission~~].

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

19 (1) which programs are not offered or are unavailable;
20 and

21 (2) the reason the programs are not offered or are
22 unavailable.

23 (e) The department [~~commission~~] shall periodically review,
24 document, and compare the accessibility and funding of treatment
25 programs provided to female children committed to the department
26 [~~commission~~] to the accessibility and funding of treatment provided
27 to male children committed to the department [~~commission~~].

1 ~~[Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The~~
2 ~~commission shall administer the training, diagnostic treatment,~~
3 ~~and supervisory facilities and services of the state for children~~
4 ~~committed to the commission and shall manage and direct all~~
5 ~~institutions and training school facilities under the authority of~~
6 ~~the commission.~~

7 ~~[Sec. 61.033. ANNUAL FINANCIAL REPORT. The commission~~
8 ~~shall prepare annually a complete and detailed written report~~
9 ~~accounting for all funds received and disbursed by the commission~~
10 ~~during the preceding fiscal year. The annual report must meet the~~
11 ~~reporting requirements applicable to financial reporting provided~~
12 ~~in the General Appropriations Act.~~

13 ~~[Sec. 61.0331. INTERNAL AUDIT, REPORT. (a) The commission~~
14 ~~shall regularly conduct internal audits of the commission,~~
15 ~~including audits of:~~

16 ~~[(1) correctional facilities operated by and under~~
17 ~~contract with the commission; and~~

18 ~~[(2) medical services provided to children in the~~
19 ~~custody of the commission.~~

20 ~~[(b) The commission shall on a quarterly basis report the~~
21 ~~results of the audits to:~~

22 ~~[(1) the committees of the senate and house of~~
23 ~~representatives with primary jurisdiction over matters concerning~~
24 ~~correctional facilities; and~~

25 ~~[(2) the state auditor.]~~

26 Sec. 242.004 [~~61.034~~]. POLICIES AND RULES. (a) The board
27 [~~executive commissioner~~] is responsible for the adoption of all

1 policies and shall make rules appropriate to the proper
2 accomplishment of the department's [~~commission's~~] functions.

3 (b) The board [~~executive commissioner~~] shall adopt rules
4 for the government of the schools, facilities, and programs under
5 the department's [~~commission's~~] authority under this subtitle and
6 shall see that the schools, facilities, and programs are conducted
7 according to law and to the board's [~~executive commissioner's~~]
8 rules.

9 (c) The purpose of the rules and of all education, work,
10 training, discipline, and recreation adopted under this section [~~7~~]
11 and of all other activities in the schools, facilities, and
12 programs is to restore and increase the self-respect and
13 self-reliance of the children [~~youth~~] under the authority of the
14 department [~~commission~~] and to qualify those children [~~them~~] for
15 good citizenship and honorable employment.

16 Sec. 242.0045 [~~61.0345~~]. MISSION STATEMENT. The
17 department [~~commission~~] shall develop and adopt a statement
18 regarding the role and mission of the department [~~commission~~].

19 Sec. 242.005 [~~61.035~~]. EMPLOYEES. (a) Within the limits
20 specified by legislative appropriation, the department
21 [~~commission~~] may employ and compensate personnel necessary to carry
22 out the department's [~~its~~] duties.

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

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

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

3 (2) disciplinary actions within the department
4 [~~commission~~], including a procedure allowing a department
5 [~~commission~~] employee to elect to participate in an independent
6 dismissal mediation if the employee is recommended for dismissal.

7 Sec. 242.006 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR
8 ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director
9 [~~commissioner~~] shall provide to members of any applicable [~~the~~]
10 advisory board and to department [~~commission~~] employees, as often
11 as is necessary, information regarding qualifications [~~their~~
12 ~~qualification~~] for office or employment under this chapter and
13 [~~their~~] responsibilities under applicable laws relating to
14 standards of conduct for state officers or employees.

15 [~~Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board~~
16 ~~shall develop and implement policies that clearly separate the~~
17 ~~policymaking responsibilities of the board and the management~~
18 ~~responsibilities of the staff of the commission.~~]

19 Sec. 242.007 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER
20 PROGRAM. The program shall require intra-agency posting of all
21 positions concurrently with any public postings.

22 Sec. 242.008 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The
23 executive director [~~commissioner~~] shall develop a system of annual
24 performance evaluations that are based on documented employee
25 performance. All merit pay for department [~~commission~~] employees
26 must be based on the system established under this section.

27 Sec. 242.009 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY

1 POLICY STATEMENT. (a) The executive director [~~commissioner~~]
2 shall prepare and maintain a written policy statement to assure
3 implementation of a program of equal employment opportunity under
4 which all personnel transactions are made without regard to race,
5 color, disability, sex, religion, age, or national origin. The
6 policy statement shall include:

7 (1) personnel policies, including policies relating
8 to recruitment, evaluation, selection, appointment, training, and
9 promotion of personnel that are in compliance with requirements of
10 Chapter 21, Labor Code;

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

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

20 (4) reasonable methods to appropriately address those
21 areas of underuse.

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

26 (c) The governor's office shall deliver a biennial report to
27 the legislature based on the information received under Subsection

1 (b). The report may be made separately or as a part of other
2 biennial reports made to the legislature.

3 Sec. 242.010 [~~61.0356~~]. JUVENILE CORRECTIONAL OFFICERS;
4 STAFFING. (a) In this section, "juvenile correctional officer"
5 means a department [~~an~~] employee whose primary duties include [~~duty~~
6 ~~includes~~] the custodial supervision of children in the custody of
7 the department [~~commission~~].

8 (b) The department [~~commission~~] shall provide each juvenile
9 correctional officer employed by the department [~~commission~~] with
10 at least 300 hours of training, which must include on-the-job
11 training, before the officer independently commences the officer's
12 duties at the facility. The training must provide the officer with
13 information and instruction related to the officer's duties,
14 including information and instruction concerning:

15 (1) the juvenile justice system of this state,
16 including the juvenile correctional facility system;

17 (2) security procedures;

18 (3) the supervision of children committed to the
19 department [~~commission~~];

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

21 (5) signs and symptoms of the abuse, assault, neglect,
22 and exploitation of a child, including sexual abuse and sexual
23 assault, and the manner in which to report the abuse, assault,
24 neglect, or exploitation of a child;

25 (6) the neurological, physical, and psychological
26 development of adolescents;

27 (7) department [~~commission~~] rules and regulations,

1 including rules, regulations, and tactics concerning the use of
2 force;

3 (8) appropriate restraint techniques;

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

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

8 (11) interpersonal relationship skills;

9 (12) the social and cultural lifestyles of children in
10 the custody of the department [~~commission~~];

11 (13) first aid and cardiopulmonary resuscitation;

12 (14) counseling techniques;

13 (15) conflict resolution and dispute mediation,
14 including de-escalation techniques;

15 (16) behavior management;

16 (17) mental health issues; and

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

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

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

27 (e) The department [~~commission~~] shall consider the age of a

1 juvenile correctional officer or other department [~~commission~~]
2 employee who performs direct supervisory duties when determining
3 the placement of the officer or employee in a department
4 [~~commission~~] facility so that, to the extent practicable, an
5 officer or employee is not supervising a child who is not more than
6 three years younger than the officer or employee or is otherwise a
7 similar age to the officer or employee.

8 (f) The department [~~commission~~] shall rotate the assignment
9 of each juvenile correctional officer at an interval determined by
10 the department [~~commission~~] so that a juvenile correctional officer
11 is not assigned to the same station for an extended period of time.

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

17 (h) The board [~~commission~~] shall adopt rules necessary to
18 administer this section.

19 Sec. 242.011 [~~61.0357~~]. REQUIRED BACKGROUND AND CRIMINAL
20 HISTORY CHECKS. (a) In this section, "national [+

21 [~~(1) "Department" means the Department of Public~~
22 ~~Safety.~~

23 [~~(2) "National~~] criminal history record information"
24 means criminal history record information obtained from the
25 Department of Public Safety [~~department~~] under Subchapter F,
26 Chapter 411, Government Code, and from the Federal Bureau of
27 Investigation under Section 411.087, Government Code.

1 (b) The executive director [~~commissioner~~] shall review the
2 national criminal history record information, state criminal
3 history record information maintained by the Department of Public
4 Safety [~~department~~], and previous and current employment
5 references of each person who:

6 (1) is an employee, contractor, volunteer, ombudsman,
7 or advocate working for the department [~~commission~~] or working in a
8 department [~~commission~~] facility or a facility under contract with
9 the department [~~commission~~];

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

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

14 (c) To enable the executive director [~~commissioner~~] to
15 conduct the review, the board [~~commission~~] shall adopt rules
16 requiring a person described by Subsection (b) to electronically
17 provide the Department of Public Safety [~~department~~] with a
18 complete set of the person's fingerprints in a form and of a quality
19 acceptable to the Department of Public Safety [~~department~~] and the
20 Federal Bureau of Investigation.

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

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

1 (f) The board [~~commission~~] by rule may require a person
2 described by Subsection (b) to pay a fee related to the first
3 national criminal history record information review conducted
4 under this section. The amount of the fee may not exceed the
5 administrative costs incurred by the department [~~commission~~] in
6 conducting the initial review, including the costs of obtaining the
7 person's fingerprints.

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

10 Sec. 242.012 [~~61.036~~]. COOPERATION WITH OTHER AGENCIES.

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

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

19 Sec. 242.013. BIENNIAL BUDGET. The executive director
20 shall prepare a biennial budget of all funds necessary to be
21 appropriated by the legislature to the department to carry out the
22 purposes of this subtitle. The budget shall be submitted and filed
23 by the executive director in the form and manner and within the time
24 prescribed by law.

25 SUBCHAPTER B. SECURE FACILITIES; SERVICES

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

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

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

6 (b) The department shall have general charge of and be
7 responsible for the welfare, custody, and rehabilitation of the
8 children in a school, facility, or program operated or funded by the
9 department. The department shall seek to establish relationships
10 and to organize a way of life that will meet the spiritual, moral,
11 physical, emotional, intellectual, and social needs of the children
12 under the department's care as those needs would be met in an
13 adequate home.

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

16 Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The
17 department may design, construct, equip, furnish, and maintain
18 buildings and improvements at facilities under the department's
19 jurisdiction.

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

23 (c) The board shall promulgate rules relating to the award
24 of contracts for the construction of buildings and improvements.
25 The rules shall provide for the award of contracts for the
26 construction of buildings and improvements to the qualified bidder
27 making the lowest and best bid. A construction contract may not be

1 awarded for a sum in excess of the amount of funds available for the
2 project. The department may reject any and all bids submitted.

3 (d) If a project is financed wholly or partly by federal
4 funds, any standards required by the enabling federal statute or
5 required by the rules of the administering federal agency control
6 over this section.

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

10 Sec. 242.053 [~~61.037~~]. USE OF EXISTING INSTITUTIONS AND
11 AGENCIES. (a) In carrying out the department's [~~its~~] duties, the
12 department [~~commission~~] may make use of law-enforcement,
13 detention, supervisory, medical, educational, correctional, and
14 other facilities, institutions, and agencies in the state. This
15 section does not authorize the department [~~commission~~] to assume
16 control of any other agency, institution, or facility in the state,
17 or to require any agency, institution, or facility to serve the
18 department [~~commission~~] in a manner inconsistent with the [~~its~~]
19 authority or function of the agency, institution, or facility or
20 with any law or regulation governing the [~~its~~] activity of the
21 agency, institution, or facility.

22 (b) When funds are available for the purpose, the department
23 [~~commission~~] may enter into agreements with appropriate public or
24 private agencies for the separate care and treatment of persons
25 subject to the control of the department [~~commission~~]. The
26 department [~~commission~~] may not make use of any private institution
27 or agency without its consent. The department [~~commission~~] shall

1 make reasonable efforts to ensure that the expenditure of
2 appropriations for the purchase of contract residential care for
3 children, not including the purchase of care in foster family
4 homes, be allocated to providers on a fixed monthly basis if that
5 allocation [~~it~~] is cost-effective and the number, type, needs, and
6 conditions of the children to be served is reasonably constant.

7 (c) The department [~~commission~~] shall periodically inspect
8 all public and private institutions and agencies whose facilities
9 the department [~~it~~] is using. Every public and private institution
10 and agency shall allow [~~afford to~~] the department [~~commission~~]
11 reasonable opportunity to examine and consult with children who
12 have been committed to the department [~~commission~~] and who are in
13 the custody of the institution or agency.

14 (d) Placement of a child in, or the release of a child by,
15 any institution not operated by the department [~~commission~~] does
16 not terminate the authority of the department [~~commission~~] over the
17 child. No child placed in an institution or under an agency by the
18 department [~~commission~~] may be released by the institution or
19 agency without the approval of the department [~~commission~~].

20 Sec. 242.054 [~~61.038~~]. HALFWAY HOUSE PROGRAM. (a) The
21 department [~~commission~~] may not develop a halfway house to be
22 operated by the department [~~commission~~] if an appropriate private
23 halfway house program is contractually available and the costs
24 under the contract are less than the costs would be if the
25 department [~~commission~~] provided the services.

26 (b) Before the department [~~commission~~] contracts for the
27 development of a halfway house program, the department [~~commission~~]

1 shall send prospective service providers a request for a proposal
2 that identifies the program services desired, the population to be
3 served, and potential locations for the program. The department
4 [~~commission~~] shall select the service provider that submits the
5 proposal that best meets the department's [~~commission's~~] needs
6 according to standards established by the department [~~commission~~].
7 If the department [~~commission~~] does not receive a proposal that
8 meets its needs, the department [~~commission~~] may request funds from
9 the legislature for the development of a halfway house to be
10 operated by the department [~~commission~~].

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

13 Sec. 242.055 [~~61.0385~~]. CRISIS INTERVENTION AND ASSESSMENT
14 CENTERS. The department [~~commission~~] may establish a children's
15 crisis intervention and assessment center at a facility owned or
16 operated by the department [~~commission~~]. The department
17 [~~commission~~] may contract with another entity for the provision or
18 use of services at the center.

19 Sec. 242.056 [~~61.0386~~]. ADVOCACY AND SUPPORT GROUPS.

20 (a) The department [~~commission~~] shall allow advocacy and support
21 groups whose primary functions are to benefit children, inmates,
22 girls and women, the mentally ill, or [~~and~~] victims of sexual
23 assault to provide on-site information, support, and other services
24 for children confined in department [~~commission~~] facilities.

25 (b) The department [~~commission~~] shall adopt security and
26 privacy procedures for advocacy and support groups that provide
27 on-site information, support, and other services under this

1 section. The security and privacy procedures may not be designed
2 to deny an advocacy or support group access to children confined in
3 department [~~commission~~] facilities.

4 (c) The department [~~commission~~] shall adopt standards
5 consistent with standards adopted by the Texas Department of
6 Criminal Justice regarding the confidential correspondence of
7 children confined in department [~~commission~~] facilities with
8 external entities, including advocacy and support groups.

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

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

13 (b) When practicable and feasible, the department
14 [~~commission~~] shall provide specific performance standards for a
15 program serving 10 or more children through an agreement entered
16 into under Section 242.053 [~~61.037 of this chapter~~]. In the
17 performance standards, the department [~~commission~~] shall include
18 outcome measures for evaluating the quality of services provided
19 under the agreement.

20 (c) For the purposes of comparison, the department
21 [~~commission~~] shall use performance standards that are as consistent
22 as practicable with those used to evaluate and compare programs
23 operated by the department [~~commission~~], that measure the benefits
24 and cost-effectiveness of the respective programs, and that measure
25 the average length of stay and rate of recidivism of the children in
26 the program.

27 Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT

1 COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department
2 [~~commission~~] may provide services to a child not committed to the
3 department [~~commission~~] if the department [~~commission~~] contracts
4 with a local juvenile probation department, the Health and [~~Texas~~
5 ~~Department of~~] Human Services Commission, or the Department of
6 Family and Protective [~~and Regulatory~~] Services to provide services
7 to the child.

8 Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE
9 SUPERVISION. When funds are available, the department [~~commission~~]
10 may:

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

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

17 (3) establish active parole supervision to aid
18 children given conditional release to find homes and employment and
19 to become reestablished in the community; and

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

25 Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF
26 FACILITY. In computing the daily costs of a residential facility
27 operated by the department [~~commission~~], the department

1 ~~[commission]~~ shall use a standard method that is:

2 (1) consistent with methods used by other state
3 agencies; and

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

6 Sec. 242.061 [~~61.041. STUDY OF TREATMENT METHODS,~~
7 ~~STATISTICAL RECORDS.~~ (a) ~~The commission shall conduct continuing~~
8 ~~inquiry into the effectiveness of the treatment methods it employs~~
9 ~~in the reformation of children. To this end, the commission shall~~
10 ~~maintain a record of arrests and commitments of its wards~~
11 ~~subsequent to their discharge from the jurisdiction of the~~
12 ~~commission and shall tabulate, analyze, and publish biennially~~
13 ~~these data for use in evaluating the relative merits of treatment~~
14 ~~methods.~~

15 ~~[(b) The commission shall cooperate with courts and private~~
16 ~~and public agencies in the collection of statistics and information~~
17 ~~regarding juvenile delinquency, arrests made, complaints,~~
18 ~~informations, and petitions filed, and the dispositions made of~~
19 ~~them, and other information useful in determining the amount and~~
20 ~~causes of juvenile delinquency in this state.~~

21 ~~[Sec. 61.042].~~ REFERRALS FROM FEDERAL COURT. The
22 department ~~[commission]~~ may enter into agreements with the federal
23 government to accept children from the federal court for an agreed
24 compensation.

25 Sec. 242.062 [~~61.0421. PUBLIC INTEREST INFORMATION.~~ The
26 ~~commission shall prepare information of public interest describing~~
27 ~~the functions of the commission and describing the procedures by~~

1 ~~which complaints are filed with and resolved by the commission. The~~
2 ~~commission shall make the information available to the general~~
3 ~~public and appropriate state agencies.~~

4 ~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The~~
5 ~~commission shall maintain a system to promptly and efficiently act~~
6 ~~on a complaint filed with the commission by a person, other than a~~
7 ~~child receiving services from the commission or the child's parent~~
8 ~~or guardian, that the commission has authority to resolve. The~~
9 ~~commission shall maintain information about parties to the~~
10 ~~complaint, the subject matter of the complaint, a summary of the~~
11 ~~results of the review or investigation of the complaint, and the~~
12 ~~disposition of the complaint.~~

13 ~~[(b) The commission shall make information available~~
14 ~~describing the commission's procedures for complaint investigation~~
15 ~~and resolution.~~

16 ~~[(c) The commission shall periodically notify the complaint~~
17 ~~parties of the status of the complaint until final disposition,~~
18 ~~unless the notice would jeopardize an undercover investigation.~~

19 ~~[(d) The commission shall keep information about each~~
20 ~~written complaint filed with the commission by a child receiving~~
21 ~~services from the commission or the child's parent or guardian. The~~
22 ~~information must include:~~

23 ~~[(1) the subject matter of the complaint,~~

24 ~~[(2) a summary of the results of the review or~~
25 ~~investigation of the complaint, and~~

26 ~~[(3) the period of time between the date the complaint~~
27 ~~is received and the date the complaint is closed.~~

1 ~~[Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall~~
2 ~~develop and implement policies that provide the public with a~~
3 ~~reasonable opportunity to appear before the board and to speak on~~
4 ~~any issue under the jurisdiction of the commission.~~

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

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

17 ~~[Sec. 61.0431]. SPECIAL ACCOUNTS. (a) Proceeds from the~~
18 ~~operation of canteens and vending machines at facilities under the~~
19 ~~jurisdiction of the department [~~commission~~] shall be deposited to~~
20 ~~the credit of a special account in the General Revenue Fund called~~
21 ~~the canteen revolving fund. The proceeds shall be used to pay the~~
22 ~~actual expenses of maintaining and operating the canteens and~~
23 ~~vending machines.~~

24 (b) ~~Proceeds in excess of the amount required for the~~
25 ~~[~~these~~] expenses described by Subsection (a), donations for student~~
26 ~~activities, and proceeds from children's fundraising projects~~
27 ~~shall be deposited to the credit of a special account in the General~~

1 Revenue Fund called the student benefit fund and may be used only
2 to:

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

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

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

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

14 (2) [~~(1)~~] compensate the students who participate in
15 the projects.

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

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

25 Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND
26 MONEY. (a) Except as provided by Subsection (b), money belonging
27 to a child committed to the department [~~commission~~] in excess of the

1 amount the department [~~commission~~] allows in a child's possession
2 shall be deposited in a trust fund established by the facility
3 operated by the department [~~commission~~] to which the child is
4 assigned. The board [~~commission~~] shall adopt rules governing the
5 administration of the trust fund.

6 (b) Money possessed by a child committed to the department
7 [~~commission~~] that is determined to be contraband money as defined
8 by department [~~commission~~] rule shall be deposited in the student
9 benefit fund described by Section 242.062(b) [~~61.0431~~]. The
10 department [~~commission~~] shall notify each child committed to the
11 department [~~commission~~] that the possession of contraband money is
12 subject to confiscation by the department [~~commission~~] under this
13 subsection.

14 Sec. 242.064 [~~61.0433~~]. DEBIT CARD SUSPENSE ACCOUNTS.

15 (a) The department [~~commission~~] may establish debit card suspense
16 accounts necessary to operate magnetic debit card systems at
17 facilities under the jurisdiction of the department [~~commission~~] to
18 enable the students, employees, and visitors to make purchases of:

19 (1) merchandise from vending machines or canteens
20 within the facilities;

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

22 (3) services that the facilities are authorized to
23 provide.

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

1 (c) Transfers of cash based on card use for purchases of
2 merchandise or services shall be made from the debit card suspense
3 accounts to the appropriate vendors and to accounts in the state
4 treasury in accordance with laws governing receipt of state
5 revenues.

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

8 ~~Sec. 242.065 [61.044. BIENNIAL BUDGET. The executive~~
9 ~~commissioner shall prepare a biennial budget of all funds necessary~~
10 ~~to be appropriated by the legislature to the commission to carry out~~
11 ~~the purposes of this chapter. The budget shall be submitted and~~
12 ~~filed by the executive commissioner in the form and manner and~~
13 ~~within the time prescribed by law.~~

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

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

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

27 ~~[(1) crimes committed by commission employees,~~

1 ~~including parole officers employed by or under a contract with the~~
2 ~~commission; and~~

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

9 ~~[(b) The office of inspector general shall prepare and~~
10 ~~deliver a report concerning the results of any investigation~~
11 ~~conducted under this section to:~~

- 12 ~~[(1) the executive commissioner,~~
13 ~~[(2) the advisory board,~~
14 ~~[(3) the governor,~~
15 ~~[(4) the lieutenant governor,~~
16 ~~[(5) the speaker of the house of representatives,~~
17 ~~[(6) the standing committees of the senate and house~~
18 ~~of representatives with primary jurisdiction over matters~~
19 ~~concerning correctional facilities,~~
20 ~~[(7) the special prosecution unit,~~
21 ~~[(8) the state auditor, and~~
22 ~~[(9) any other appropriate state agency responsible~~
23 ~~for licensing or certifying commission employees or facilities.~~

24 ~~[(c) The report prepared under Subsection (b) must include a~~
25 ~~summary of the actions performed by the office of inspector general~~
26 ~~in conducting the investigation, a statement of whether the~~
27 ~~investigation resulted in a finding that a criminal offense or~~

1 ~~delinquent conduct occurred, and a description of the finding. The~~
2 ~~report is public information under Chapter 552, Government Code,~~
3 ~~only to the extent authorized under that chapter and other law.~~

4 ~~[(d) The office of inspector general may employ and~~
5 ~~commission inspectors general as peace officers for the purpose of~~
6 ~~carrying out the duties described by this section. An inspector~~
7 ~~general shall have all of the powers and duties given to peace~~
8 ~~officers under Article 2.13, Code of Criminal Procedure.~~

9 ~~[(e) Peace officers employed and commissioned under~~
10 ~~Subsection (d) must:~~

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

14 ~~[(2) complete advanced courses relating to the duties~~
15 ~~of peace officers employed and commissioned under Subsection (d) as~~
16 ~~part of any continuing education requirements for the peace~~
17 ~~officers.~~

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

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

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

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

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

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

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

3 ~~[(6) the standing committees of the senate and house~~
4 ~~of representatives with primary jurisdiction over correctional~~
5 ~~facilities,~~

6 ~~[(7) the state auditor, and~~

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

8 ~~[(h) A report prepared under Subsection (g) is public~~
9 ~~information under Chapter 552, Government Code, to the extent~~
10 ~~authorized under that chapter and other law, and the commission~~
11 ~~shall publish the report on the commission's Internet website. A~~
12 ~~report must be both aggregated and disaggregated by individual~~
13 ~~facility and include information relating to:~~

14 ~~[(1) the types of investigations conducted by the~~
15 ~~office of inspector general, such as whether an investigation~~
16 ~~concerned narcotics or an alleged incident of sexual abuse,~~

17 ~~[(2) the relationship of a victim to a perpetrator, if~~
18 ~~applicable, and~~

19 ~~[(3) the number of investigations conducted~~
20 ~~concerning suicides, deaths, and hospitalizations of children in~~
21 ~~the custody of the commission.~~

22 ~~[(i) The office of inspector general shall immediately~~
23 ~~report to the executive director, the board, the governor's general~~
24 ~~counsel, and the state auditor:~~

25 ~~[(1) any particularly serious or flagrant problem~~
26 ~~concerning the administration of a commission program or operation,~~

27 ~~or~~

1 ~~[(2) any interference by the executive director, an~~
2 ~~employee of the commission, a facility described by Subsection~~
3 ~~(a)(2), or an officer or employee of a facility described by~~
4 ~~Subsection (a)(2) with an investigation conducted by the office.~~

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

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

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

12 ~~[(2) children in the custody of the commission and~~
13 ~~commission employees have confidential access to telephones for the~~
14 ~~purpose of calling the toll-free number.~~

15 ~~[Sec. 61.046]. RELIGIOUS TRAINING. The department~~
16 ~~[commission]~~ shall provide for the religious and spiritual training
17 of children in its custody according to the children's individual
18 choices.

19 Sec. 242.066 ~~[61.0461]~~. EMPLOYMENT OR DESIGNATION OF
20 CHAPLAIN AT CERTAIN DEPARTMENT ~~[COMMISSION]~~ FACILITIES. The
21 department ~~[commission]~~ shall ensure that a chaplain is employed or
22 formally designated for each department ~~[commission]~~ correctional
23 facility that is an institution.

24 Sec. 242.067 ~~[61.047]~~. VIOLENCE PREVENTION AND CONFLICT
25 RESOLUTION EDUCATION. The department ~~[commission]~~ shall provide
26 education in violence prevention and conflict resolution that
27 includes discussion of domestic violence and child abuse issues to

1 all children in its custody.

2 Sec. 242.068 [~~61.048. BUILDINGS AND IMPROVEMENTS.~~

3 ~~(a) The commission may design, construct, equip, furnish, and~~
4 ~~maintain buildings and improvements at facilities under its~~
5 ~~jurisdiction. The commission may employ architects or engineers,~~
6 ~~or both, to prepare plans and specifications and to supervise the~~
7 ~~construction and improvements. The commission shall promulgate~~
8 ~~rules relating to the award of contracts for the construction of~~
9 ~~buildings and improvements. The rules shall provide for the award~~
10 ~~of contracts for the construction of buildings and improvements to~~
11 ~~the qualified bidder making the lowest and best bid. A construction~~
12 ~~contract may not be awarded for a sum in excess of the amount of~~
13 ~~funds available for the project. The commission may reject any and~~
14 ~~all bids submitted.~~

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

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

22 [~~Sec. 61.050~~]. FIRE PROTECTION ACTIVITIES. (a) The
23 department [~~commission~~] may perform fire protection, fire
24 prevention, and fire suppression activities at department
25 [~~commission~~] facilities.

26 (b) The department [~~commission~~] may prescribe circumstances
27 under which, for the benefit of the public safety and welfare,

1 department [~~commission~~] employees using department [~~commission~~]
2 equipment may assist municipal or volunteer fire departments in the
3 performance of fire protection, fire prevention, or fire
4 suppression activities near department [~~commission~~] facilities.

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

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

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

12 (3) clearly specified accounting, reporting, and
13 auditing requirements applicable to money received under the
14 contract.

15 Sec. 242.070 [~~61.052~~]. CONTRACT MONITORING. The
16 department [~~commission~~] shall establish a formal program to monitor
17 residential program-related client services contracts made by the
18 department [~~commission~~]. The department [~~commission~~] must:

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

21 (2) obtain and evaluate program cost information to
22 ensure that each cost, including an administrative cost, is
23 reasonable and necessary to achieve program objectives.

24 Sec. 242.071 [~~61.053. MEDICAID BENEFITS. The commission~~
25 ~~shall apply for benefits under the federal Medicaid program if~~
26 ~~application is cost effective in reducing health care costs~~
27 ~~incurred by the commission.~~

1 ~~[Sec. 61.054]~~. SALE OR LICENSE OF TREATMENT PROGRAMS.

2 (a) The department ~~[commission]~~ may sell or license to an
3 individual or a private or public entity the right to use a
4 treatment program developed by the department ~~[commission]~~.

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

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

12 SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT
13 FACILITIES OR BY DEPARTMENT EMPLOYEES

14 Sec. 242.101 ~~[61.055]~~. ZERO-TOLERANCE POLICY. (a) The
15 department ~~[commission]~~ shall adopt and enforce a zero-tolerance
16 policy concerning the detection, prevention, and punishment of the
17 sexual abuse, including consensual sexual contact, of children in
18 the custody of the department ~~[commission]~~.

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

22 (c) The department ~~[commission]~~ shall establish a procedure
23 for children in the custody of the department ~~[commission]~~ and
24 department ~~[commission]~~ employees to report incidents of sexual
25 abuse involving a child in the custody of the department
26 ~~[commission]~~. The procedure must designate a person employed at
27 the department ~~[commission]~~ facility in which the abuse is alleged

1 to have occurred as well as a person who is employed at the
2 department's [~~commission's~~] headquarters to whom a person may
3 report an incident of sexual abuse.

4 (d) The department [~~commission~~] shall prominently display
5 the following notice in the office of the chief administrator of
6 each department [~~commission~~] facility, the employees' break room of
7 each department [~~commission~~] facility, the cafeteria of each
8 department [~~commission~~] facility, and at least six additional
9 locations in each department [~~commission~~] facility:

10 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY
11 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF
12 A CHILD IN THE CUSTODY OF THE DEPARTMENT [~~COMMISSION~~]. ANY SUCH
13 VIOLATION MUST BE REPORTED TO _____.

14 Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office
15 of inspector general is established at the department under the
16 direction of the board for the purpose of investigating:

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

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

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

1 conducted under this section to:

2 (1) the board;

3 (2) the executive director;

4 (3) any applicable advisory board;

5 (4) the governor;

6 (5) the lieutenant governor;

7 (6) the speaker of the house of representatives;

8 (7) the standing committees of the senate and house of

9 representatives with primary jurisdiction over matters concerning

10 correctional facilities;

11 (8) the special prosecution unit;

12 (9) the state auditor; and

13 (10) any other appropriate state agency responsible

14 for licensing or certifying department employees or facilities.

15 (c) The report prepared under Subsection (b) must include a

16 summary of the actions performed by the office of inspector general

17 in conducting the investigation, a statement of whether the

18 investigation resulted in a finding that a criminal offense or

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

20 report is public information under Chapter 552, Government Code,

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

22 (d) The office of inspector general may employ and

23 commission inspectors general as peace officers for the purpose of

24 carrying out the duties described by this section. An inspector

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

26 officers under Article 2.13, Code of Criminal Procedure.

27 (e) Peace officers employed and commissioned under

1 Subsection (d) must:

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

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

9 (f) The board shall select a commissioned peace officer as
10 chief inspector general. The chief inspector general:

11 (1) operates directly under the authority of the
12 board;

13 (2) is subject to the requirements of this section;
14 and

15 (3) may only be discharged by the board for cause.

16 (g) The chief inspector general shall on a quarterly basis
17 prepare and deliver a report concerning the operations of the
18 office of inspector general to:

19 (1) the board;

20 (2) the executive director;

21 (3) any applicable advisory board;

22 (4) the governor;

23 (5) the lieutenant governor;

24 (6) the speaker of the house of representatives;

25 (7) the standing committees of the senate and house of
26 representatives with primary jurisdiction over correctional
27 facilities;

1 (8) the state auditor; and

2 (9) the comptroller.

3 (h) A report prepared under Subsection (g) is public
4 information under Chapter 552, Government Code, to the extent
5 authorized under that chapter and other law, and the department
6 shall publish the report on the department's Internet website. A
7 report must be both aggregated and disaggregated by individual
8 facility and include information relating to:

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

12 (2) the relationship of a victim to a perpetrator, if
13 applicable; and

14 (3) the number of investigations conducted concerning
15 suicides, deaths, and hospitalizations of children in the custody
16 of the department.

17 (i) The office of inspector general shall immediately
18 report to the board, the governor's general counsel, and the state
19 auditor:

20 (1) any particularly serious or flagrant problem
21 concerning the administration of a department program or operation;
22 or

23 (2) any interference by the executive director, an
24 employee of the department, a facility described by Subsection
25 (a)(2), or an officer or employee of a facility described by
26 Subsection (a)(2) with an investigation conducted by the office.

27 Sec. 242.104 [~~61.0455~~]. DETECTION AND MONITORING OF

1 CELLULAR TELEPHONES. (a) The department [~~commission~~] may own and
2 the office of the inspector general may possess, install, operate,
3 or monitor an electronic, mechanical, or other device, as defined
4 by Article 18.20, Code of Criminal Procedure.

5 (b) The inspector general shall designate in writing the
6 commissioned officers of the office of inspector general who are
7 authorized to possess, install, operate, and monitor electronic,
8 mechanical, or other devices for the department [~~commission~~].

9 (c) An investigative or law enforcement officer or other
10 person, on request of the office of inspector general, may assist
11 the office in the operation and monitoring of an interception of
12 wire, oral, or electronic communications if the investigative or
13 law enforcement officer or other person:

14 (1) is designated by the executive director
15 [~~commissioner~~] for that purpose; and

16 (2) acts in the presence and under the direction of a
17 commissioned officer of the inspector general.

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

19 SUBCHAPTER A. ADMISSION AND COMMITMENT

20 Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT

21 [~~COMMISSION~~] FACILITIES. (a) The department [~~commission~~] may not
22 assign a child younger than 15 years of age to the same correctional
23 facility dormitory as a person who is at least 17 years of age
24 unless the department [~~commission~~] determines that the placement is
25 necessary to ensure the safety of children in the custody of the
26 department [~~commission~~]. This subsection does not apply to a
27 dormitory that is used exclusively for short-term assessment and

1 orientation purposes.

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

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

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

15 (b) In establishing a minimum length of stay for a child,
16 the department [~~commission~~] shall consider:

17 (1) the nature of and seriousness of the conduct
18 engaged in by the child; and

19 (2) the danger the child poses to the community.

20 Sec. 243.003 [~~61.064~~]. CONVEYANCE OF CHILD TO DEPARTMENT
21 [~~COMMISSION~~]. (a) When a child is to be conveyed to a facility
22 designated by the department [~~commission~~], the juvenile court shall
23 assign an officer or other suitable person to accompany the child.
24 The person assigned to accompany a female must be a woman.

25 (b) The cost of conveying the child shall be paid by the
26 county from which the child is committed, except that [~~— However,~~]
27 no compensation shall be allowed other than [~~except~~] for the actual

1 and necessary expenses of the child and the person accompanying the
2 child.

3 Sec. 243.004 [~~61.065~~]. NOTIFICATION AND DUTY TO FURNISH
4 INFORMATION. (a) When a juvenile court commits a child to the
5 department [~~commission~~], the court shall forward to the department
6 [~~commission~~] a certified copy of the order of commitment.

7 (b) The court, the probation officer, the prosecuting and
8 police authorities, the school authorities, and other public
9 officials shall make available to the department [~~commission~~] all
10 pertinent information in their possession regarding the case.

11 (c) If requested by the department [~~commission~~], the
12 reports required by this section shall be made on forms furnished by
13 the department [~~commission~~] or according to an outline furnished by
14 the department [~~commission~~].

15 Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING
16 COURT. In addition to the information provided under Section
17 243.004 [~~61.065~~], a court that commits a child to the department
18 [~~commission~~] shall provide the department [~~commission~~] with a copy
19 of the following documents:

20 (1) the petition and the adjudication and disposition
21 orders for the child, including the child's thumbprint;

22 (2) if the commitment is a result of revocation of
23 probation, a copy of the conditions of probation and the revocation
24 order;

25 (3) the social history report for the child;

26 (4) any psychological or psychiatric reports
27 concerning the child;

- 1 (5) the contact information sheet for the child's
2 parents or guardian;
- 3 (6) any law enforcement incident reports concerning
4 the offense for which the child is committed;
- 5 (7) any sex offender registration information
6 concerning the child;
- 7 (8) any juvenile probation department progress
8 reports concerning the child;
- 9 (9) any assessment documents concerning the child;
- 10 (10) the computerized referral and case history for
11 the child, including case disposition;
- 12 (11) the child's birth certificate;
- 13 (12) the child's social security number or social
14 security card, if available;
- 15 (13) the name, address, and telephone number of the
16 court administrator in the committing county;
- 17 (14) Title IV-E eligibility screening information for
18 the child, if available;
- 19 (15) the address in the committing county for
20 forwarding funds collected to which the committing county is
21 entitled;
- 22 (16) any of the child's school or immunization records
23 that the committing county possesses;
- 24 (17) any victim information concerning the case for
25 which the child is committed; and
- 26 (18) any of the child's pertinent medical records that
27 the committing court possesses.

1 Sec. 243.006 [~~61.066~~]. COMMITMENT RECORDS. A commitment to
2 the department [~~commission~~] may not be received in evidence or used
3 in any way in any proceedings in any court except in:

4 (1) subsequent proceedings under Title 3 of the Family
5 Code against the same child;

6 (2) imposing sentence in any criminal proceedings
7 against the same person; or

8 (3) subsequent civil commitment proceedings under
9 Chapter 841, Health and Safety Code, regarding the same person.

10 Sec. 243.007 [~~61.067~~]. INFORMATION PROVIDED TO COMMITTING
11 COURT. (a) If a court that commits a child to the department
12 [~~commission~~] requests, in the commitment order, that the department
13 [~~commission~~] keep the court informed of the progress the child is
14 making while committed to the department [~~commission~~], the
15 department [~~commission~~] shall provide the court with periodic
16 updates on the child's progress.

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

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

25 SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

26 Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF
27 RELEASE CONDITIONS. (a) If a child who has been committed to the

1 department and placed by the department in any institution or
2 facility has escaped or has been released under supervision and
3 broken the conditions of release:

4 (1) a sheriff, deputy sheriff, constable, or police
5 officer may, without a warrant, arrest the child; or

6 (2) a department employee designated by the executive
7 director may, without a warrant or other order, take the child into
8 the custody of the department.

9 (b) A child who is arrested or taken into custody under
10 Subsection (a) may be detained in any suitable place, including an
11 adult jail facility if the person is 17 years of age or older, until
12 the child is returned to the custody of the department or
13 transported to a department facility.

14 (c) Notwithstanding Section 58.005, Family Code, the
15 department may disseminate to the public the following information
16 relating to a child who has escaped from custody:

17 (1) the child's name, including other names by which
18 the child is known;

19 (2) the child's physical description, including sex,
20 weight, height, race, ethnicity, eye color, hair color, scars,
21 marks, and tattoos;

22 (3) a photograph of the child; and

23 (4) if necessary to protect the welfare of the
24 community, any other information that reveals dangerous
25 propensities of the child or expedites the apprehension of the
26 child.

27 Sec. 243.052. APPREHENSION SPECIALISTS. (a) The

1 department may employ and commission apprehension specialists as
2 peace officers for the purpose of apprehending a child under
3 Section 243.051.

4 (b) Peace officers employed and commissioned under
5 Subsection (a) must be certified by the Texas Commission on Law
6 Enforcement Officer Standards and Education under Chapter 1701,
7 Occupations Code.

8 CHAPTER 244 [~~SUBCHAPTER E~~]. CARE AND TREATMENT OF CHILDREN

9 SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

10 Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The
11 department [~~commission~~] shall examine and make a study of each
12 child committed to it as soon as possible after commitment. The
13 study shall be made according to rules established by the board
14 [~~commission~~] and shall include:

- 15 (1) long-term planning for the child; and
16 (2) consideration of the child's medical, substance
17 abuse, and treatment history, including the child's psychiatric
18 history and substance abuse history.

19 (b) For a child for whom a minimum length of stay is
20 established under Section 243.002 [~~61.062~~] of one year or longer,
21 the initial examination must include a comprehensive psychiatric
22 evaluation.

23 (c) The department [~~commission~~] shall administer
24 comprehensive psychological assessments to a child as part of the
25 child's initial examination, including assessments designed to
26 identify whether a child is in need of a psychiatric evaluation. If
27 the results of a child's psychological assessments indicate that

1 the child is in need of a psychiatric evaluation, the department
2 [~~commission~~] shall as soon as practicable conduct a psychiatric
3 evaluation of the child.

4 Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~

5 ~~(a) In providing medical care, behavioral health care, or~~
6 ~~rehabilitation services, the commission shall integrate the~~
7 ~~provision of those services in an integrated comprehensive delivery~~
8 ~~system.~~

9 [~~(b) The delivery system may be used to deliver any medical,~~
10 ~~behavioral health, or rehabilitation services provided to a child~~
11 ~~in the custody of the commission, including:~~

12 [~~(1) health care,~~

13 [~~(2) dental care,~~

14 [~~(3) behavioral health care,~~

15 [~~(4) substance abuse treatment,~~

16 [~~(5) nutrition,~~

17 [~~(6) programming,~~

18 [~~(7) case management, and~~

19 [~~(8) general rehabilitation services, including~~
20 ~~educational, spiritual, daily living, recreational, and security~~
21 ~~services.~~

22 [~~Sec. 61.072~~]. REEXAMINATION. (a) The department
23 [~~commission~~] shall periodically reexamine each child under its
24 control, except those on release under supervision or in foster
25 homes, for the purpose of determining whether a rehabilitation plan
26 made by the department [~~commission~~] concerning the child should be
27 modified or continued.

1 **(b)** The reexamination [~~examination~~] must include a study of
2 all current circumstances of a child's personal and family
3 situation and an evaluation of the progress made by the child since
4 the child's last examination.

5 **(c)** The reexamination [~~examination~~] of a child may be made
6 as frequently as the department [~~commission~~] considers necessary,
7 but shall be made at intervals not exceeding six months.

8 Sec. 244.003 [~~61.073~~]. RECORDS OF EXAMINATIONS AND
9 TREATMENT. **(a)** The department [~~commission~~] shall keep written
10 records of all examinations and conclusions based on them and of all
11 orders concerning the disposition or treatment of each child
12 subject to its control.

13 **(b)** Except as provided by Section 243.051(c) [~~61.093(c)~~],
14 these records and all other information concerning a child,
15 including personally identifiable information, are not public and
16 are available only according to the provisions of Section 58.005,
17 Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and
18 Chapter 61, Code of Criminal Procedure.

19 Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN,~~
20 ~~PARENTS, AND OTHERS.~~ **(a)** ~~In the interest of achieving the purpose~~
21 ~~of the commission and protecting the public, the commission may~~
22 ~~disclose records and other information concerning a child to the~~
23 ~~child and the child's parent or guardian only if disclosure would~~
24 ~~not materially harm the treatment and rehabilitation of the child~~
25 ~~and would not substantially decrease the likelihood of the~~
26 ~~commission receiving information from the same or similar sources~~
27 ~~in the future. Information concerning a person who is age 18 or~~

1 ~~elder may not be disclosed to the person's parent or guardian~~
2 ~~without the person's consent.~~

3 ~~[(b) The commission may disclose information regarding a~~
4 ~~child's location and committing court to a person having a~~
5 ~~legitimate need for the information.~~

6 ~~[(c) The commission may disclose to a peace officer or law~~
7 ~~enforcement agency images of children recorded by an electronic~~
8 ~~recording device and incident reporting and investigation~~
9 ~~documents containing the names of children if the information is~~
10 ~~relevant to the investigation of a criminal offense alleged to have~~
11 ~~occurred in a facility operated by or under contract with the~~
12 ~~commission.~~

13 ~~[(d) Notwithstanding Subsection (a), if the Department of~~
14 ~~Family and Protective Services has been appointed managing~~
15 ~~conservator for a child, the commission shall disclose records and~~
16 ~~other information concerning the child to the department as~~
17 ~~provided by department rules.~~

18 ~~[Sec. 61.074]. FAILURE TO EXAMINE OR REEXAMINE.~~

19 (a) Failure of the department [~~commission~~] to examine or reexamine
20 a child as required by this subchapter [~~chapter~~] does not entitle
21 the child to be discharged from the control of the department
22 [~~commission~~], but the child may petition the committing court for
23 discharge.

24 (b) After due notice to the department [~~commission~~], the
25 committing court shall discharge the child from the control of the
26 department [~~commission~~] unless the department [~~commission~~]
27 satisfies the court that further control is necessary.

1 Sec. 244.005 [~~61.075~~]. DETERMINATION OF TREATMENT. When a
2 child has been committed to the department [~~commission~~], the
3 department [~~commission~~] may:

4 (1) permit the child liberty under supervision and on
5 conditions the department [~~it~~] believes conducive to acceptable
6 behavior;

7 (2) order the child's confinement under conditions the
8 department [~~it~~] believes best designed for the child's welfare and
9 the interests of the public;

10 (3) order reconfinement or renewed release as often as
11 conditions indicate to be desirable;

12 (4) revoke or modify any order of the department
13 [~~commission~~] affecting a child, except an order of final discharge,
14 as often as conditions indicate; or

15 (5) discharge the child from control when the
16 department [~~it~~] is satisfied that discharge will best serve the
17 child's welfare and the protection of the public.

18 Sec. 244.006 [~~61.0751~~]. ~~SUBPOENAS. (a) A hearings~~
19 ~~examiner appointed by the commission may issue a subpoena requiring~~
20 ~~the attendance of a witness or the production of any record, book,~~
21 ~~paper, or document the hearings examiner considers necessary for a~~
22 ~~determination of treatment under Section 61.075.~~

23 ~~[(b) The hearings examiner may sign a subpoena and~~
24 ~~administer an oath.~~

25 ~~[(c) A peace officer, apprehension specialist, parole~~
26 ~~officer, or other commission official may serve the subpoena in the~~
27 ~~same manner as similar process in a court of record having original~~

1 ~~jurisdiction of criminal actions is served.~~

2 ~~[(d) A person who testifies falsely, fails to appear when~~
3 ~~subpoenaed, or fails or refuses to produce material under the~~
4 ~~subpoena is subject to the same orders and penalties to which a~~
5 ~~person taking those actions before a court is subject.~~

6 ~~[(e) On application of the commission, a court of record~~
7 ~~having original jurisdiction of criminal actions may compel the~~
8 ~~attendance of a witness, the production of material, or the giving~~
9 ~~of testimony before the hearings examiner, by an attachment for~~
10 ~~contempt or in the same manner as the court may otherwise compel the~~
11 ~~production of evidence.~~

12 ~~[Sec. 61.076].~~ TYPE OF TREATMENT PERMITTED. (a) As a
13 means of correcting the socially harmful tendencies of a child
14 committed to the department [~~it~~], the department [~~commission~~] may:

15 (1) require the child to participate in moral,
16 academic, vocational, physical, and correctional training and
17 activities;

18 (2) require the modes of life and conduct that seem
19 best adapted to fit the child for return to full liberty without
20 danger to the public;

21 (3) provide any medical or psychiatric treatment that
22 is necessary; and

23 (4) place physically fit children in
24 parks-maintenance camps, forestry camps, or ranches owned by the
25 state or the United States and require the performance of suitable
26 conservation and maintenance work.

27 (b) The dominant purpose of placing children in camps is to

1 benefit and rehabilitate the children rather than to make the camps
2 self-sustaining. Children placed in camps may not be exploited.

3 Sec. 244.007 [~~61.0761~~]. FAMILY PROGRAMS. The department
4 [~~commission~~] shall develop programs that encourage family
5 involvement in the rehabilitation of the child.

6 Sec. 244.0075 [~~61.07611~~]. RESTRAINT OF PREGNANT JUVENILE.

7 (a) The department [~~commission~~] may not use restraints to control
8 the movement of a pregnant child who is committed to the department
9 [~~commission~~] at any time during which the child is in labor or
10 delivery or recovering from delivery, unless the executive director
11 or executive director's designee determines that the use of
12 restraints is necessary to:

13 (1) ensure the safety and security of the child or her
14 infant, department [~~commission~~] or medical personnel, or any member
15 of the public; or

16 (2) prevent a substantial risk that the child will
17 attempt escape.

18 (b) If a determination to use restraints is made under
19 Subsection (a), the type of restraint used and the manner in which
20 the restraint is used must be the least restrictive available under
21 the circumstances to ensure safety and security or to prevent
22 escape.

23 Sec. 244.008 [~~61.0762~~]. INFANT CARE AND PARENTING PROGRAM.

24 (a) In this section, "child" means the child of a person who is
25 committed to the department [~~commission~~].

26 (b) The department [~~commission~~] may establish child care
27 and parenting programs for persons committed to the department

1 ~~[commission]~~ who are parents.

2 (c) The department ~~[commission]~~ may permit a mother to have
3 possession of her child in a residential program that has an infant
4 care and parenting program or to have possession of her child in a
5 department-funded ~~[commission-funded]~~ independent living
6 residence for up to six months if:

7 (1) the child's father or another relative or guardian
8 of the child agrees in advance of the child's placement with the
9 child's mother to assume possession of the child immediately upon
10 notice by the department ~~[commission]~~ to do so;

11 (2) the child's parents and any other person having a
12 duty of support acknowledge that by permitting the mother to have
13 possession of the child while the mother is confined in a
14 residential facility or placed in an independent living residence,
15 the department ~~[commission]~~ assumes no responsibility for the
16 child's care beyond the responsibility of care that is ordinarily
17 due the child's mother and the reasonable accommodations that are
18 necessary for the mother's care of her child;

19 (3) the child's parents and any other person having a
20 duty of support agree to indemnify and hold the department
21 ~~[commission]~~ harmless from any claims that may be made against the
22 department ~~[commission]~~ for the child's support, including medical
23 support; and

24 (4) the department ~~[commission]~~ determines that the
25 placement is in the best interest of both the mother and her child.

26 Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In
27 providing medical care, behavioral health care, or rehabilitation

1 services, the department shall integrate the provision of those
2 services in an integrated comprehensive delivery system.

3 (b) The delivery system may be used to deliver any medical,
4 behavioral health, or rehabilitation services provided to a child
5 in the custody of the department, including:

6 (1) health care;

7 (2) dental care;

8 (3) behavioral health care;

9 (4) substance abuse treatment;

10 (5) nutrition;

11 (6) programming;

12 (7) case management; and

13 (8) general rehabilitation services, including
14 educational, spiritual, daily living, recreational, and security
15 services.

16 ~~Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The~~
17 ~~commission, in consultation with advocacy and support groups such~~
18 ~~as those described in Section 61.0386(a), shall develop a parent's~~
19 ~~bill of rights for distribution to the parent or guardian of a child~~
20 ~~who is under 18 years of age and committed to the commission. The~~
21 ~~parent's bill of rights must include:~~

22 ~~[(1) a description of the commission's grievance~~
23 ~~policies and procedures, including contact information for the~~
24 ~~office of inspector general and the office of the independent~~
25 ~~ombudsman established under Chapter 64,~~

26 ~~[(2) a list of possible incidents that require~~
27 ~~parental notification,~~

1 ~~[(3) policies concerning visits and telephone~~
2 ~~conversations with a child committed to the commission;~~

3 ~~[(4) a description of commission caseworker~~
4 ~~responsibilities;~~

5 ~~[(5) a statement that the commission caseworker~~
6 ~~assigned to a child may assist the child's parent or guardian in~~
7 ~~obtaining information and services from the commission and other~~
8 ~~resources concerning:~~

9 ~~[(A) counseling, including substance abuse and~~
10 ~~mental health counseling;~~

11 ~~[(B) assistance programs, including financial~~
12 ~~and travel assistance programs for visiting a child committed to~~
13 ~~the commission;~~

14 ~~[(C) workforce preparedness programs;~~

15 ~~[(D) parenting programs; and~~

16 ~~[(E) commission seminars; and~~

17 ~~[(6) information concerning the indeterminate~~
18 ~~sentencing structure at the commission, an explanation of reasons~~
19 ~~that a child's commitment at the commission could be extended, and~~
20 ~~an explanation of the review process under Sections 61.0815 and~~
21 ~~61.0816 for a child committed to the commission without a~~
22 ~~determinate sentence.~~

23 ~~[(b) Not later than 48 hours after the time a child is~~
24 ~~admitted to a commission facility, the commission shall mail to the~~
25 ~~child's parent or guardian at the last known address of the parent~~
26 ~~or guardian:~~

27 ~~[(1) the parent's bill of rights; and~~

1 ~~[(2) the contact information of the commission~~
2 ~~caseworker assigned to the child.~~

3 ~~[(c) The commission shall on a quarterly basis provide to~~
4 ~~the parent, guardian, or designated advocate of a child who is in~~
5 ~~the custody of the commission a report concerning the progress of~~
6 ~~the child at the commission, including:~~

7 ~~[(1) the academic and behavioral progress of the~~
8 ~~child; and~~

9 ~~[(2) the results of any reexamination of the child~~
10 ~~conducted under Section 61.072.~~

11 ~~[(d) The commission shall ensure that written information~~
12 ~~provided to a parent or guardian regarding the rights of a child in~~
13 ~~the custody of the commission or the rights of a child's parent or~~
14 ~~guardian, including the parent's bill of rights, is clear and easy~~
15 ~~to understand.~~

16 ~~[(e) The commission shall ensure that if the Department of~~
17 ~~Family and Protective Services has been appointed managing~~
18 ~~conservator of a child, the department is given the same rights as~~
19 ~~the child's parent under the parent's bill of rights developed under~~
20 ~~this section.~~

21 ~~[Sec. 61.0764].~~ DEPARTMENT ~~[COMMISSION]~~ CASEWORKERS.

22 (a) The department ~~[commission]~~ shall assign a caseworker to a
23 child committed to the department ~~[commission]~~. A department
24 ~~[commission]~~ caseworker shall:

25 (1) explore family issues and needs with the parent or
26 guardian of a child committed to the department ~~[commission]~~;

27 (2) as needed, provide the parent or guardian of a

1 child committed to the department [~~commission~~] with information
2 concerning programs and services provided by the department
3 [~~commission~~] or another resource; and

4 (3) perform other duties required by the department
5 [~~commission~~].

6 (b) A department [~~commission~~] caseworker shall:

7 (1) at least once a month, attempt to contact the
8 child's parent or guardian by phone, in person while the parent or
9 guardian is visiting the facility, or, if necessary, by mail;

10 (2) if unsuccessful in contacting the child's parent
11 or guardian under Subdivision (1), attempt at least one additional
12 time each month to contact the child's parent or guardian; and

13 (3) document successful as well as unsuccessful
14 attempts to contact the child's parent or guardian.

15 (c) To the extent practicable, a caseworker or another
16 facility administrator shall attempt to communicate with a parent
17 or guardian who does not speak English in the language of choice of
18 the parent or guardian.

19 [~~Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
20 ~~STUDIES. (a) The commission shall keep records relating to~~
21 ~~children committed to it that participate in research programs or~~
22 ~~studies.~~

23 [~~(b) The records must show, for each calendar quarter and~~
24 ~~for each calendar year.~~

25 [~~(1) the number of children participating in research~~
26 ~~programs or studies for the appropriate reporting period,~~

27 [~~(2) the type of research program or study in which~~

1 ~~each child is participating,~~

2 ~~[(3) the name of the principal investigator conducting~~
3 ~~the research program or study; and~~

4 ~~[(4) the entity sponsoring the research program or~~
5 ~~study.~~

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

10 ~~[(1) governor;~~

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

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

13 ~~[(4) members of the legislature.~~

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

16 Sec. 244.0105 [~~61.0766~~]. REPORT CONCERNING FOSTER CHILDREN
17 COMMITTED TO DEPARTMENT [~~COMMISSION~~]. (a) Not later than the 10th
18 day before the date of a permanency hearing under Subchapter D,
19 Chapter 263, Family Code, or a placement review hearing under
20 Subchapter F, Chapter 263, Family Code, regarding a child for whom
21 the Department of Family and Protective Services has been appointed
22 managing conservator, a department [~~commission~~] caseworker shall
23 submit a written report regarding the child's commitment to the
24 department [~~commission~~] to:

25 (1) the court;

26 (2) the Department of Family and Protective Services;

27 (3) any attorney ad litem or guardian ad litem

1 appointed for the child; and

2 (4) any volunteer advocate appointed for the child.

3 (b) The report required by Subsection (a) must include:

4 (1) the results of any assessments of the child during
5 the child's commitment to the department [~~commission~~], including
6 assessments of the child's emotional, mental, educational,
7 psychological, psychiatric, medical, or physical needs;

8 (2) information regarding the child's placement in
9 particular programs administered by the department [~~commission~~];
10 and

11 (3) a description of the child's progress in programs
12 administered by the department [~~commission~~].

13 Sec. 244.0106 [~~61.0767~~]. RULES REGARDING SERVICES FOR
14 FOSTER CHILDREN. (a) The board [~~commission~~] and the executive
15 commissioner of the Health and Human Services Commission shall
16 jointly adopt rules to ensure that a child for whom the Department
17 of Family and Protective Services has been appointed managing
18 conservator receives appropriate services while the child is
19 committed to the department [~~commission~~] or released under
20 supervision by the department [~~commission~~].

21 (b) The rules adopted under this section must require the
22 department [~~commission~~] and the Department of Family and Protective
23 Services to cooperate in providing appropriate services to a child
24 for whom the Department of Family and Protective Services has been
25 appointed managing conservator while the child is committed to the
26 department [~~commission~~] or released under supervision by the
27 department [~~commission~~], including:

- 1 (1) medical care, as defined by Section 266.001,
- 2 Family Code;
- 3 (2) mental health treatment and counseling;
- 4 (3) education, including special education;
- 5 (4) case management;
- 6 (5) drug and alcohol abuse assessment or treatment;
- 7 (6) sex offender treatment; and
- 8 (7) trauma informed care.

9 (c) The rules adopted under this section must require:

10 (1) the Department of Family and Protective Services
11 to:

12 (A) provide the department [~~commission~~] with
13 access to relevant health and education information regarding a
14 child; and

15 (B) require a child's caseworker to visit the
16 child in person at least once each month while the child is
17 committed to the department [~~commission~~];

18 (2) the department [~~commission~~] to:

19 (A) provide the Department of Family and
20 Protective Services with relevant health and education information
21 regarding a child;

22 (B) permit communication, including in person,
23 by telephone, and by mail, between a child committed to the
24 department [~~commission~~] and:

25 (i) the Department of Family and Protective
26 Services; and

27 (ii) the attorney ad litem, the guardian ad

1 litem, and the volunteer advocate for the child; and

2 (C) provide the Department of Family and
3 Protective Services and any attorney ad litem or guardian ad litem
4 for the child with timely notice of the following events relating to
5 the child:

6 (i) a meeting designed to develop or revise
7 the individual case plan for the child;

8 (ii) in accordance with any participation
9 protocols to which the Department of Family and Protective Services
10 and the department [~~commission~~] agree, a medical appointment at
11 which a person authorized to consent to medical care must
12 participate as required by Section 266.004(i), Family Code;

13 (iii) an education meeting, including
14 admission, review, or dismissal meetings for a child receiving
15 special education;

16 (iv) a grievance or disciplinary hearing
17 for the child;

18 (v) a report of abuse or neglect of the
19 child; and

20 (vi) a significant medical condition of the
21 child, as defined by Section 266.005, Family Code; and

22 (3) the Department of Family and Protective Services
23 and the department [~~commission~~] to participate in transition
24 planning for the child through release from detention, release
25 under supervision, and discharge.

26 Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR
27 MENTAL RETARDATION. (a) The department [~~commission~~] shall accept

1 a child committed to the department [~~commission~~] who is mentally
2 ill or mentally retarded.

3 (b) Unless a child is committed to the department
4 [~~commission~~] under a determinate sentence under Section
5 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department
6 [~~commission~~] shall discharge a child who is mentally ill or
7 mentally retarded from its custody if:

8 (1) the child has completed the minimum length of stay
9 for the child's committing offense; and

10 (2) the department [~~commission~~] determines that the
11 child is unable to progress in the department's [~~commission's~~]
12 rehabilitation programs because of the child's mental illness or
13 mental retardation.

14 (c) If a child who is discharged from the department
15 [~~commission~~] under Subsection (b) as a result of mental illness is
16 not receiving court-ordered mental health services, the child's
17 discharge is effective on the earlier of:

18 (1) the date the court enters an order regarding an
19 application for mental health services filed under Section
20 244.012(b) [~~61.0772(b)~~]; or

21 (2) the 30th day after the date the application is
22 filed.

23 (d) If a child who is discharged from the department
24 [~~commission~~] under Subsection (b) as a result of mental illness is
25 receiving court-ordered mental health services, the child's
26 discharge from the department [~~commission~~] is effective
27 immediately. If the child is receiving mental health services

1 outside the child's home county, the department [~~commission~~] shall
2 notify the mental health authority located in that county of the
3 discharge not later than the 30th day after the date that the
4 child's discharge is effective.

5 (e) If a child who is discharged from the department
6 [~~commission~~] under Subsection (b) as a result of mental retardation
7 is not receiving mental retardation services, the child's discharge
8 is effective on the earlier of:

9 (1) the date the court enters an order regarding an
10 application for mental retardation services filed under Section
11 244.012(b) [~~61.0772(c)~~]; or

12 (2) the 30th day after the date that the application is
13 filed.

14 (f) If a child who is discharged from the department
15 [~~commission~~] under Subsection (b) as a result of mental retardation
16 is receiving mental retardation services, the child's discharge
17 from the department [~~commission~~] is effective immediately.

18 (g) If a child who is mentally ill or mentally retarded is
19 discharged from the department [~~commission~~] under Subsection (b),
20 the child is eligible to receive continuity of care services from
21 the Texas Correctional Office on Offenders with Medical or Mental
22 Impairments under Chapter 614, Health and Safety Code.

23 Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE.

24 (a) The department [~~commission~~] shall establish a system that
25 identifies children in the department's [~~commission's~~] custody who
26 are mentally ill or mentally retarded.

27 (b) Before a child who is identified as mentally ill is

1 discharged from the department's [~~commission's~~] custody under
2 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]
3 psychiatrist shall examine the child. The department [~~commission~~]
4 shall refer a child requiring outpatient psychiatric treatment to
5 the appropriate mental health authority. For a child requiring
6 inpatient psychiatric treatment, the department [~~commission~~] shall
7 file a sworn application for court-ordered mental health services,
8 as provided in Subchapter C, Chapter 574, Health and Safety Code,
9 if:

10 (1) the child is not receiving court-ordered mental
11 health services; and

12 (2) the psychiatrist who examined the child determines
13 that the child is mentally ill and the child meets at least one of
14 the criteria listed in Section 574.034, Health and Safety Code.

15 (c) Before a child who is identified as mentally retarded
16 under Chapter 593, Health and Safety Code, is discharged from the
17 department's [~~commission's~~] custody under Section 244.011(b)
18 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for
19 mental retardation services if the child is not receiving mental
20 retardation services.

21 Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN
22 SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The
23 department [~~commission~~] may petition the juvenile court that
24 entered the order of commitment for a child for the initiation of
25 mental health commitment proceedings if the child is committed to
26 the department [~~commission~~] under a determinate sentence under
27 Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

1 (b) A petition made by the department [~~commission~~] shall be
2 treated as a motion under Section 55.11, Family Code, and the
3 juvenile court shall proceed in accordance with Subchapter B,
4 Chapter 55, Family Code.

5 (c) The department [~~commission~~] shall cooperate with the
6 juvenile court in any proceeding under this section.

7 (d) The juvenile court shall credit to the term of the
8 child's commitment to the department [~~commission~~] any time the
9 child is committed to an inpatient mental health facility.

10 (e) A child committed to an inpatient mental health facility
11 as a result of a petition filed under this section may not be
12 released from the facility on a pass or furlough.

13 (f) If the term of an order committing a child to an
14 inpatient mental health facility is scheduled to expire before the
15 end of the child's sentence and another order committing the child
16 to an inpatient mental health facility is not scheduled to be
17 entered, the inpatient mental health facility shall notify the
18 juvenile court that entered the order of commitment committing the
19 child to the department [~~commission~~]. The juvenile court may
20 transfer the child to the custody of the department [~~commission~~],
21 transfer the child to the Texas Department of Criminal Justice, or
22 release the child under supervision, as appropriate.

23 Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As
24 soon as practicable after the department [~~commission~~] makes a
25 decision to discharge a child or authorize the child's absence from
26 the department's [~~its~~] custody, the department [~~commission~~] shall
27 give notice of the department's [~~its~~] decision to the juvenile

1 court and the office of the prosecuting attorney of the county in
2 which the adjudication that the child engaged in delinquent conduct
3 was made.

4 Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL
5 OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment
6 under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,
7 becomes 16 years of age but before the child becomes 19 years of
8 age, the department [~~commission~~] may refer the child to the
9 juvenile court that entered the order of commitment for approval of
10 the child's transfer to the Texas Department of Criminal Justice
11 for confinement if:

12 (1) the child has not completed the sentence; and
13 (2) the child's conduct, regardless of whether the
14 child was released under supervision under Section 245.051
15 [~~61.081~~], indicates that the welfare of the community requires the
16 transfer.

17 (b) The department [~~commission~~] shall cooperate with the
18 court on any proceeding on the transfer of the child.

19 (c) If a child is released under supervision, a juvenile
20 court adjudication that the child engaged in delinquent conduct
21 constituting a felony offense, a criminal court conviction of the
22 child for a felony offense, or a determination under Section
23 244.005(4) [~~61.075(4)~~] revoking the child's release under
24 supervision is required before referral of the child to the
25 juvenile court under Subsection (a).

26 Sec. 244.015 [~~61.0791~~]. EVALUATION OF CERTAIN CHILDREN
27 SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced

1 to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
2 Family Code, becomes 18 years of age, the department [~~commission~~]
3 shall evaluate whether the child is in need of additional services
4 that can be completed in the six-month period after the child's 18th
5 birthday to prepare the child for release from the custody of the
6 department [~~commission~~] or transfer to the Texas Department of
7 Criminal Justice.

8 (b) This section does not apply to a child who is released
9 from the custody of the department [~~commission~~] or who is
10 transferred to the Texas Department of Criminal Justice before the
11 child's 18th birthday.

12 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

13 Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,
14 AND OTHERS. (a) In the interest of achieving the purpose of the
15 department and protecting the public, the department may disclose
16 records and other information concerning a child to the child and
17 the child's parent or guardian only if disclosure would not
18 materially harm the treatment and rehabilitation of the child and
19 would not substantially decrease the likelihood of the department
20 receiving information from the same or similar sources in the
21 future. Information concerning a person who is age 18 or older may
22 not be disclosed to the person's parent or guardian without the
23 person's consent.

24 (b) The department may disclose information regarding a
25 child's location and committing court to a person having a
26 legitimate need for the information.

27 (c) The department may disclose to a peace officer or law

1 enforcement agency images of children recorded by an electronic
2 recording device and incident reporting and investigation
3 documents containing the names of children if the information is
4 relevant to the investigation of a criminal offense alleged to have
5 occurred in a facility operated by or under contract with the
6 department.

7 (d) Notwithstanding Subsection (a), if the Department of
8 Family and Protective Services has been appointed managing
9 conservator for a child, the department shall disclose records and
10 other information concerning the child to the Department of Family
11 and Protective Services as provided by the rules of the Department
12 of Family and Protective Services.

13 Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in
14 consultation with advocacy and support groups such as those
15 described in Section 242.056(a), shall develop a parent's bill of
16 rights for distribution to the parent or guardian of a child who is
17 under 18 years of age and committed to the department. The parent's
18 bill of rights must include:

19 (1) a description of the department's grievance
20 policies and procedures, including contact information for the
21 office of inspector general and the office of the independent
22 ombudsman established under Chapter 261;

23 (2) a list of possible incidents that require parental
24 notification;

25 (3) policies concerning visits and telephone
26 conversations with a child committed to the department;

27 (4) a description of department caseworker

1 responsibilities;

2 (5) a statement that the department caseworker
3 assigned to a child may assist the child's parent or guardian in
4 obtaining information and services from the department and other
5 resources concerning:

6 (A) counseling, including substance abuse and
7 mental health counseling;

8 (B) assistance programs, including financial and
9 travel assistance programs for visiting a child committed to the
10 department;

11 (C) workforce preparedness programs;

12 (D) parenting programs; and

13 (E) department seminars; and

14 (6) information concerning the indeterminate
15 sentencing structure at the department, an explanation of reasons
16 that a child's commitment at the department could be extended, and
17 an explanation of the review process under Sections 245.101 and
18 245.104 for a child committed to the department without a
19 determinate sentence.

20 (b) Not later than 48 hours after the time a child is
21 admitted to a department facility, the department shall mail to the
22 child's parent or guardian at the last known address of the parent
23 or guardian:

24 (1) the parent's bill of rights; and

25 (2) the contact information of the department
26 caseworker assigned to the child.

27 (c) The department shall on a quarterly basis provide to the

1 parent, guardian, or designated advocate of a child who is in the
2 custody of the department a report concerning the progress of the
3 child at the department, including:

4 (1) the academic and behavioral progress of the child;

5 and

6 (2) the results of any reexamination of the child
7 conducted under Section 244.002.

8 (d) The department shall ensure that written information
9 provided to a parent or guardian regarding the rights of a child in
10 the custody of the department or the rights of a child's parent or
11 guardian, including the parent's bill of rights, is clear and easy
12 to understand.

13 (e) The department shall ensure that if the Department of
14 Family and Protective Services has been appointed managing
15 conservator of a child, the Department of Family and Protective
16 Services is given the same rights as the child's parent under the
17 parent's bill of rights developed under this section.

18 CHAPTER 245 [SUBCHAPTER F]. RELEASE

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The
21 department may employ parole officers to investigate, place,
22 supervise, and direct the activities of a parolee to ensure the
23 parolee's adjustment to society in accordance with the rules
24 adopted by the board.

25 (b) Parole officers may work with local organizations,
26 clubs, and agencies to formulate plans and procedures for the
27 prevention of juvenile delinquency.

1 (c) The department shall develop a management system for
2 parole services that objectively measures and provides for:

3 (1) the systematic examination of children's needs and
4 the development of treatment plans to address those needs;

5 (2) the evaluation of homes, foster homes, and public
6 and private institutions as constructive parole placements;

7 (3) the classification of children based on the level
8 of children's needs and the degree of risk presented to the public;

9 (4) the objective measurement of parole officer
10 workloads; and

11 (5) the gathering and analysis of information related
12 to the effectiveness of parole services and to future parole
13 requirements.

14 Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department
15 may make a contract with a county to use the services of the
16 county's juvenile probation department for the supervision of
17 children within the county who are on furlough from a department
18 facility or who are released under supervision from a department
19 facility.

20 (b) Payments under a contract described by Subsection (a)
21 shall be made to the county treasurer on a quarterly schedule.

22 (c) The department may not pay a county for supervision of a
23 child for any time after the child:

24 (1) is discharged from the department's custody;

25 (2) is returned to a department facility; or

26 (3) transfers the child's residence to another county
27 or state.

1 (d) A county that has a contract with the department must
2 report to the department on the status and progress of each child
3 for whom the county is receiving payments. The reports shall be
4 made at the time and in the manner specified by the contract.

5 SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

6 Sec. 245.051 [~~61.081~~]. RELEASE UNDER SUPERVISION.

7 (a) The department [~~commission~~] may release under supervision any
8 child in the department's [~~its~~] custody and place the child in the
9 child's [~~his or her~~] home or in any situation or family approved by
10 the department [~~commission~~]. Prior to placing a child in the
11 child's [~~his or her~~] home, the department [~~commission~~] shall
12 evaluate the home setting to determine the level of supervision and
13 quality of care that is available in the home.

14 (b) [~~Subject to legislative appropriation, the commission~~
15 ~~may employ parole officers to investigate, place, supervise, and~~
16 ~~direct the activities of a parolee to ensure the parolee's~~
17 ~~adjustment to society in accordance with the rules adopted by the~~
18 ~~commission.~~

19 [~~(c) Parole officers may work with local organizations,~~
20 ~~clubs, and agencies to formulate plans and procedures for the~~
21 ~~prevention of juvenile delinquency.~~

22 [~~(d) The commission may resume the care and custody of any~~
23 ~~child released under supervision at any time before the final~~
24 ~~discharge of the child.~~

25 [~~(e)~~] Not later than 10 days before the day the department
26 [~~commission~~] releases a child under this section, the department
27 [~~commission~~] shall give notice of the release to the juvenile court

1 and the office of the prosecuting attorney of the county in which
2 the adjudication that the child engaged in delinquent conduct was
3 made.

4 (c) [~~(f)~~] If a child is committed to the department
5 [~~commission~~] under a determinate sentence under Section
6 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
7 the department [~~commission~~] may not release the child under
8 supervision without approval of the juvenile court that entered the
9 order of commitment unless the child has served at least:

10 (1) 10 years, if the child was sentenced to commitment
11 for conduct constituting capital murder;

12 (2) 3 years, if the child was sentenced to commitment
13 for conduct constituting an aggravated controlled substance felony
14 or a felony of the first degree;

15 (3) 2 years, if the child was sentenced to commitment
16 for conduct constituting a felony of the second degree; or

17 (4) 1 year, if the child was sentenced to commitment
18 for conduct constituting a felony of the third degree.

19 (d) [~~(g)~~] The department [~~commission~~] may request the
20 approval of the court under this section at any time.

21 (e) The department may resume the care and custody of any
22 child released under supervision at any time before the final
23 discharge of the child.

24 (f) [~~(h)~~] If the department [~~commission~~] finds that a child
25 has violated an order under which the child is released under
26 supervision, on notice by any reasonable method to all persons
27 affected, the department [~~commission~~] may order the child:

1 (1) to return to an institution;

2 (2) if the violation resulted in property damage or
3 personal injury:

4 (A) to make full or partial restitution to the
5 victim of the offense; or

6 (B) if the child is financially unable to make
7 full or partial restitution, to perform services for a charitable
8 or educational institution; or

9 (3) to comply with any other conditions the department
10 [~~commission~~] considers appropriate.

11 (g) [~~(i)~~] Notwithstanding Subsection (c) [~~(f)~~], if a child
12 is committed to the department [~~commission~~] under a determinate
13 sentence under Section 54.04(d)(3), Section 54.04(m), or Section
14 54.05(f), Family Code, the department [~~commission~~] may release the
15 child under supervision without approval of the juvenile court that
16 entered the order of commitment if not more than nine months remain
17 before the child's discharge under Section 245.151(b) [~~61.084(b)~~].

18 Sec. 245.052 [~~61.0811. PAROLE MANAGEMENT. The commission~~
19 ~~shall develop a management system for parole services that~~
20 ~~objectively measures and provides for:~~

21 [~~(1) the systematic examination of children's needs~~
22 ~~and the development of treatment plans to address those needs,~~

23 [~~(2) the evaluation of homes, foster homes, and public~~
24 ~~and private institutions as constructive parole placements,~~

25 [~~(3) the classification of children based on the level~~
26 ~~of children's needs and the degree of risk presented to the public,~~

27 [~~(4) the objective measurement of parole officer~~

1 ~~workloads; and~~

2 ~~[(5) the gathering and analysis of information related~~
3 ~~to the effectiveness of parole services and to future parole~~
4 ~~requirements.]~~

5 ~~[Sec. 61.0812].~~ SUBSTANCE ABUSE TREATMENT ~~[FOR SUBSTANCE~~
6 ~~ABUSE].~~ Subject to an express appropriation to fund the treatment
7 programs required by this section, the department ~~[commission]~~ may
8 not release a child under supervision or parole a child if:

9 (1) the child has a substance abuse problem, including
10 the use of a controlled substance, hazardous inhalable substances,
11 or alcohol habitually; and

12 (2) the child has not completed a treatment program
13 for the problem.

14 Sec. 245.053 ~~[61.0813].~~ SEX OFFENDER COUNSELING AND
15 TREATMENT. (a) Before releasing a child described by Subsection
16 (b) under supervision, the department ~~[commission]~~:

17 (1) may require as a condition of release that the
18 child:

19 (A) attend psychological counseling sessions for
20 sex offenders as provided by Subsection (e); and

21 (B) submit to a polygraph examination as provided
22 by Subsection (f) for purposes of evaluating the child's treatment
23 progress; and

24 (2) shall require as a condition of release that the
25 child:

26 (A) register under Chapter 62, Code of Criminal
27 Procedure; and

1 (B) submit a blood sample or other specimen to
2 the Department of Public Safety under Subchapter G, Chapter 411,
3 Government Code, for the purpose of creating a DNA record of the
4 child, unless the child has already submitted the required specimen
5 under other state law.

6 (b) This section applies to a child adjudicated for engaging
7 in delinquent conduct constituting an offense for which the child
8 is required to register as a sex offender under Chapter 62, Code of
9 Criminal Procedure.

10 (c) Psychological counseling required as a condition of
11 release under Subsection (a) must be with an individual or
12 organization that:

- 13 (1) provides sex offender treatment or counseling;
14 (2) is specified by the department [~~commission~~]; and
15 (3) meets minimum standards of counseling established
16 by the department [~~commission~~].

17 (d) A polygraph examination required as a condition of
18 release under Subsection (a) must be administered by an individual
19 who is:

- 20 (1) specified by the department [~~commission~~]; and
21 (2) licensed as a polygraph examiner under Chapter
22 1703, Occupations Code.

23 (e) In addition to specifying a sex offender treatment
24 provider to provide counseling to a child described by Subsection
25 (b), the department [~~commission~~] shall:

- 26 (1) establish with the cooperation of the treatment
27 provider the date, time, and place of the first counseling session

1 between the child and the treatment provider;

2 (2) notify the child and the treatment provider before
3 the release of the child of the date, time, and place of the first
4 counseling session between the child and the treatment provider;
5 and

6 (3) require the treatment provider to notify the
7 department [~~commission~~] immediately if the child fails to attend
8 any scheduled counseling session.

9 (f) If the department [~~commission~~] specifies a polygraph
10 examiner under Subsection (d) to administer a polygraph examination
11 to a child, the department [~~commission~~] shall arrange for a
12 polygraph examination to be administered to the child:

13 (1) not later than the 60th day after the date the
14 child attends the first counseling session established under
15 Subsection (e); and

16 (2) after the initial polygraph examination, as
17 required by Subdivision (1), on the request of the treatment
18 provider specified under Subsection (c).

19 (g) If the department [~~commission~~] requires as a condition
20 of release that a child attend psychological counseling under
21 Subsection (a), the department [~~commission~~] shall notify the court
22 that committed the child to the department [~~commission~~]. After
23 receiving notification from the department [~~commission~~] under this
24 subsection, the court may order the parent or guardian of the child
25 to:

26 (1) attend four sessions of instruction with an
27 individual or organization specified by the department

1 ~~[commission]~~ relating to:

- 2 (A) sexual offenses;
- 3 (B) family communication skills;
- 4 (C) sex offender treatment;
- 5 (D) victims' rights;
- 6 (E) parental supervision; and
- 7 (F) appropriate sexual behavior; and

8 (2) during the time the child attends psychological
9 counseling, participate in monthly treatment groups conducted by
10 the child's treatment provider relating to the child's
11 psychological counseling.

12 (h) A court that orders a parent or guardian of a child to
13 attend instructional sessions and participate in treatment groups
14 under Subsection (g) shall require:

15 (1) the individual or organization specified by the
16 department ~~[commission]~~ under Subsection (g) to notify the court
17 immediately if the parent or guardian fails to attend any scheduled
18 instructional session; and

19 (2) the child's treatment provider specified under
20 Subsection (c) to notify the court immediately if the parent or
21 guardian fails to attend a session in which the parent or guardian
22 is required to participate in a scheduled treatment group.

23 (i) If the department ~~[commission]~~ requires as a condition
24 of release that a child attend psychological counseling under
25 Subsection (a), the department ~~[commission]~~ may, before the date
26 the period of release ends, petition the appropriate court to
27 request the court to extend the period of release for an additional

1 period necessary to complete the required counseling as determined
2 by the treatment provider, except that the release period may not be
3 extended to a date after the date of the child's 18th birthday.

4 Sec. 245.0535 [~~61.08131~~]. COMPREHENSIVE REENTRY AND
5 REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The
6 department [~~commission~~] shall develop a comprehensive plan for each
7 child committed to the custody of the department to reduce
8 recidivism and ensure the successful reentry and reintegration of
9 the child [~~children~~] into the community following the [~~a~~] child's
10 release under supervision or final discharge, as applicable, from
11 the department [~~commission~~]. The plan for a child must be designed
12 to ensure that the child receives an extensive continuity of care in
13 services from the time the child is committed to the department to
14 the time of the child's final discharge from the department. The
15 plan for a child must include, as applicable:

- 16 (1) housing assistance;
17 (2) a step-down program, such as placement in a
18 halfway house;
19 (3) family counseling;
20 (4) academic and vocational mentoring;
21 (5) trauma counseling for a child who is a victim of
22 abuse while in the custody of the department; and
23 (6) other specialized treatment services appropriate
24 for the child.

25 (b) The comprehensive reentry and reintegration plan
26 developed under this section must provide for:

- 27 (1) an assessment of each child committed to the

1 department [~~commission~~] to determine which skills the child needs
2 to develop to be successful in the community following release
3 under supervision or final discharge;

4 (2) programs that address the assessed needs of each
5 child;

6 (3) a comprehensive network of transition programs to
7 address the needs of children released under supervision or finally
8 discharged from the department [~~commission~~];

9 (4) the identification of providers of existing local
10 programs and transitional services with whom the department
11 [~~commission~~] may contract under this section to implement the
12 reentry and reintegration plan; and

13 (5) subject to Subsection (c), the sharing of
14 information between local coordinators, persons with whom the
15 department [~~commission~~] contracts under this section, and other
16 providers of services as necessary to adequately assess and address
17 the needs of each child.

18 (c) A child's personal health information may be disclosed
19 under Subsection (b)(5) only in the manner authorized by Section
20 244.051 [~~61.0731~~] or other state or federal law, provided that the
21 disclosure does not violate the Health Insurance Portability and
22 Accountability Act of 1996 (Pub. L. No. 104-191).

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

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

1 (2) provide children with:

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

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

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

8 (D) employment training;

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

11 (F) parenting and relationship-building classes;
12 and

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

17 (e) The department [~~commission~~] may contract and coordinate
18 with private vendors, units of local government, or other entities
19 to implement the comprehensive reentry and reintegration plan
20 developed under this section, including contracting to:

21 (1) coordinate the supervision and services provided
22 to children during the time children are in the custody of the
23 department [~~commission~~] with any supervision or services provided
24 children who have been released under supervision or finally
25 discharged from the department [~~commission~~];

26 (2) provide children awaiting release under
27 supervision or final discharge with documents that are necessary

1 after release or discharge, including identification papers,
2 medical prescriptions, job training certificates, and referrals to
3 services; and

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

8 (f) To ensure accountability, any contract entered into
9 under this section must contain specific performance measures that
10 the department [~~commission~~] shall use to evaluate compliance with
11 the terms of the contract.

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

16 (h) The department [~~commission~~] shall conduct and
17 coordinate research to determine whether the comprehensive reentry
18 and reintegration plan developed under this section reduces
19 recidivism rates.

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

26 (j) If a program or service in the child's comprehensive
27 reentry and reintegration plan is not available at the time the

1 child is to be released, the department shall find a suitable
2 alternative program or service so that the child's release is not
3 postponed.

4 (k) The department shall:

5 (1) clearly explain the comprehensive reentry and
6 reintegration plan and any conditions of supervision to a child who
7 will be released on supervision; and

8 (2) require each child committed to the department
9 that is to be released on supervision to acknowledge and sign a
10 document containing any conditions of supervision.

11 Sec. 245.054 [~~61.08141~~]. INFORMATION PROVIDED TO COURT
12 BEFORE RELEASE. (a) In addition to providing the court with
13 notice of release of a child under Section 245.051(b) [~~61.081(e)~~],
14 as soon as possible but not later than the 30th day before the date
15 the department [~~commission~~] releases the child, the department
16 [~~commission~~] shall provide the court that committed the child to
17 the department [~~commission~~]:

18 (1) a copy of the child's reentry and reintegration
19 plan developed under Section 245.0535 [~~61.0814~~]; and

20 (2) a report concerning the progress the child has
21 made while committed to the department [~~commission~~].

22 (b) If, on release, the department [~~commission~~] places a
23 child in a county other than the county served by the court that
24 committed the child to the department [~~commission~~], the department
25 [~~commission~~] shall provide the information described by Subsection
26 (a) to both the committing court and the juvenile court in the
27 county where the child is placed after release.

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

6 SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

7 Sec. 245.101 [~~61.0814. REENTRY AND REINTEGRATION PLAN.~~

8 ~~(a) The commission shall develop a reentry and reintegration plan~~
9 ~~for each child committed to the custody of the commission. The plan~~
10 ~~for a child must be designed to ensure that the child receives an~~
11 ~~extensive continuity of care in services from the time the child is~~
12 ~~committed to the commission to the time of the child's final~~
13 ~~discharge from the commission. The plan for a child must include,~~
14 ~~as applicable:~~

15 [~~(1) housing assistance,~~

16 [~~(2) a step-down program, such as placement in a~~
17 ~~halfway house,~~

18 [~~(3) family counseling,~~

19 [~~(4) academic and vocational mentoring,~~

20 [~~(5) trauma counseling for a child who is a victim of~~
21 ~~abuse while in the custody of the commission, and~~

22 [~~(6) other specialized treatment services appropriate~~
23 ~~for the child.~~

24 [(b) ~~If a program or service in the child's reentry and~~
25 ~~reintegration plan is not available at the time the child is to be~~
26 ~~released, the commission shall find a suitable alternative program~~
27 ~~or service so that the child's release is not postponed.~~

1 ~~[Sec. 61.0815]~~. COMPLETION OF MINIMUM LENGTH OF STAY;
2 PANEL. (a) After a child who is committed to the department
3 ~~[commission]~~ without a determinate sentence completes the minimum
4 length of stay established by the department ~~[commission]~~ for the
5 child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~
6 shall, in the manner provided by this section and Section 245.102:

7 (1) discharge the child from the custody of the
8 department ~~[commission]~~;

9 (2) release the child under supervision under Section
10 245.051 ~~[61.081]~~; or

11 (3) extend the length of the child's stay in the
12 custody of the department ~~[commission]~~.

13 (b) The board ~~[commission]~~ by rule shall establish a panel
14 whose function is to review and determine whether a child who has
15 completed the child's minimum length of stay should be discharged
16 from the custody of the department ~~[commission]~~ as provided by
17 Subsection (a)(1), be released under supervision under Section
18 245.051 ~~[61.081]~~ as provided by Subsection (a)(2), or remain in the
19 custody of the department ~~[commission]~~ for an additional period of
20 time as provided by Subsection (a)(3).

21 (c) The executive director ~~[commissioner]~~ shall determine
22 the size of the panel described by Subsection (b) and the length of
23 the members' terms of service on the panel. The panel must consist
24 of an odd number of members and the terms of the panel's members
25 must last for at least two years. The executive director
26 ~~[commissioner]~~ shall adopt policies that ensure the transparency,
27 consistency, and objectivity of the panel's composition,

1 procedures, and decisions. The executive director [~~commissioner~~]
2 shall appoint persons to serve as members of the panel. A person
3 appointed to the panel must be a department [~~commission~~] employee
4 who works at the department's [~~commission's~~] central office. A
5 member of the panel may not be involved in any supervisory decisions
6 concerning children in the custody of the department [~~commission~~].

7 Sec. 245.102. EXTENSION ORDER. (a) A [~~(d)~~—~~The~~] panel may
8 extend the length of the child's stay as provided by Section
9 245.101(a)(3) [~~Subsection (a)(3)~~] only if the panel determines by
10 majority vote and on the basis of clear and convincing evidence
11 that:

12 (1) the child is in need of additional rehabilitation
13 from the department; [~~commission~~] and

14 (2) [~~that~~] the department [~~commission~~] will provide
15 the most suitable environment for that rehabilitation.

16 (b) In extending the length of a child's stay, the panel
17 must specify the additional period of time that the child is to
18 remain in the custody of the department [~~commission~~] and must
19 conduct an additional review and determination as provided by
20 Section 245.101 [~~this section~~] on the child's completion of the
21 additional term of stay.

22 (c) If the panel determines that the child's length of stay
23 should not be extended, the department [~~commission~~] must discharge
24 the child from the custody of the department [~~commission~~] as
25 provided by Section 245.101(a)(1) [~~Subsection (a)(1)~~] or release
26 the child under supervision under Section 245.051 [~~61.081~~] as
27 provided by Section 245.101(a)(2) [~~Subsection (a)(2)~~].

1 Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION
2 ORDERS. (a) [~~(e)~~] The department [~~commission~~] shall maintain
3 statistics of the number of extensions granted by a [~~the~~] panel
4 under Section 245.102. The statistics must include aggregated
5 information concerning:

6 (1) the race, age, sex, specialized treatment needs,
7 and county of origin for each child for whom an extension order is
8 requested;

9 (2) the facility in which the child is confined; and

10 (3) if applicable, any allegations concerning the
11 abuse, mistreatment, or neglect of the child, aggregated by the
12 type of misconduct to which the child was subjected.

13 (b) [~~(f)~~] To the extent authorized under law, the
14 statistics maintained under Subsection (a) [~~(e)~~] are public
15 information under Chapter 552, Government Code, and the department
16 [~~commission~~] shall post the statistics on the department's
17 [~~commission's~~] Internet website.

18 (c) The department [~~commission~~] shall prepare and deliver
19 to the standing committees of the senate and house of
20 representatives with primary jurisdiction over matters concerning
21 correctional facilities a report concerning the statistics
22 maintained under Subsection (a) [~~(e)~~].

23 (d) [~~(g)~~] The department [~~commission~~] shall provide a
24 report to the parent, guardian, or designated advocate of a child
25 whose length of stay is extended under Section 245.102 [~~this~~
26 ~~section~~] explaining the panel's reason for the extension.

27 Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF

1 EXTENSION ORDER. (a) The board [~~commission~~] by rule shall
2 establish a process to request the reconsideration of an extension
3 order issued by a [~~the~~] panel [~~established~~] under Section 245.102
4 [~~61.0815~~].

5 (b) The process to request reconsideration must provide
6 that:

7 (1) a child, a parent, guardian, or designated
8 advocate of a child, an employee of the department [~~commission~~], or
9 a person who provides volunteer services at a department
10 [~~commission~~] facility may submit a request for reconsideration of
11 an extension order;

12 (2) the person submitting the request for
13 reconsideration of an extension order must state in the request the
14 reason for the request;

15 (3) after receiving a request for reconsideration of
16 an extension order, the panel shall reconsider an extension order
17 that:

18 (A) extends the child's stay in the custody of
19 the department [~~commission~~] by six months or more; or

20 (B) combined with previous extension orders will
21 result in an extension of the child's stay in the custody of the
22 department [~~commission~~] by six months or more;

23 (4) the panel's reconsideration of an extension order
24 includes consideration of the information submitted in the request;
25 and

26 (5) the panel shall send a written reply to the child,
27 the parent, guardian, or designated advocate of the child, and the

1 person who made the request for reconsideration of an extension
2 order that includes an explanation of the panel's decision after
3 reconsidering the extension order, including an indication that the
4 panel has considered the information submitted in the request.

5 (c) The department [~~commission~~] shall create a form for a
6 request for reconsideration of an extension order that is clear and
7 easy to understand. The department [~~commission~~] shall ensure that
8 a child may request assistance in completing a request for
9 reconsideration of an extension order.

10 Sec. 245.105. STATISTICS AND REPORTS CONCERNING

11 RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department
12 [~~commission~~] shall maintain statistics of the number of requests
13 for reconsideration of an extension order that are submitted under
14 Section 245.104 and the action taken on reconsideration of the
15 extension order. The statistics must include aggregated
16 information concerning:

17 (1) the race, age, sex, specialized treatment needs,
18 and county of origin for each child for whom a request for
19 reconsideration of an extension order is submitted;

20 (2) whether a request for reconsideration of an
21 extension order results in:

22 (A) a discharge or release under supervision; or

23 (B) the original extension order being upheld;

24 (3) the facility in which the child is confined; and

25 (4) if applicable, any allegations concerning the
26 abuse, mistreatment, or neglect of the child, aggregated by the
27 type of misconduct to which the child was subjected.

1 (b) [~~(e)~~] To the extent authorized under law, the
2 statistics maintained under Subsection (a) [~~(d)~~] are public
3 information under Chapter 552, Government Code, and the department
4 [~~commission~~] shall post the statistics on the department's
5 [~~commission's~~] Internet website.

6 (c) The department [~~commission~~] shall prepare and deliver
7 to the standing committees of the senate and house of
8 representatives with primary jurisdiction over matters concerning
9 correctional facilities a report concerning the statistics
10 maintained under Subsection (a) [~~(d)~~].

11 Sec. 245.106 [~~61.082~~]. TRANSPORTATION, CLOTHING, MONEY.
12 The department [~~commission~~] shall ensure that each child it
13 releases under supervision has:

14 (1) suitable clothing;

15 (2) [~~7~~] transportation to his or her home or to the
16 county in which a suitable home or employment has been found; [~~7~~]
17 and

18 (3) money in an amount authorized by the rules of the
19 department [~~commission~~].

20 SUBCHAPTER D. TERMINATION OF CONTROL

21 Sec. 245.151 [~~61.083. CONTRACTS WITH COUNTIES.~~— (a)— The
22 ~~commission may make a contract with a county to use the services of~~
23 ~~the county's juvenile probation department for the supervision of~~
24 ~~children within the county who are on furlough from a commission~~
25 ~~facility or who are released under supervision from a commission~~
26 ~~facility.~~

27 [~~(b)~~— The payments shall be made to the county treasurer on a

1 ~~quarterly schedule.~~

2 ~~[(c) The commission may not pay a county for supervision of~~
3 ~~a child for any time after the child:~~

4 ~~[(1) is discharged from the commission's custody,~~

5 ~~[(2) is returned to a commission facility, or~~

6 ~~[(3) transfers his or her residence to another county~~
7 ~~or state.~~

8 ~~[(d) A county that has a contract with the commission must~~
9 ~~report to the commission on the status and progress of each child~~
10 ~~for whom the county is receiving payments. The reports shall be~~
11 ~~made at the time and in the manner specified by the contract.~~

12 ~~[Sec. 61.084].~~ TERMINATION OF CONTROL. (a) Except as
13 provided by Subsections (b) and (c), if a person is committed to the
14 department [~~commission~~] under a determinate sentence under Section
15 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
16 the department [~~commission~~] may not discharge the person from its
17 custody.

18 (b) The department [~~commission~~] shall discharge without a
19 court hearing a person committed to the department [~~it~~] for a
20 determinate sentence under Section 54.04(d)(3), Section 54.04(m),
21 or Section 54.05(f), Family Code, who has not been transferred to
22 the Texas Department of Criminal Justice under a court order on the
23 date that the time spent by the person in detention in connection
24 with the committing case plus the time spent at the department
25 [~~Texas Youth Commission~~] under the order of commitment equals the
26 period of the sentence.

27 (c) The department [~~commission~~] shall transfer to the Texas

1 Department of Criminal Justice a person who is the subject of an
2 order under Section 54.11(i)(2), Family Code, transferring the
3 person to the custody of the Texas Department of Criminal Justice
4 for the completion of the person's sentence.

5 (d) [~~(e)~~] Except as provided by Subsection (e) [~~(g)~~], the
6 department [~~commission~~] shall discharge from its custody a person
7 not already discharged on the person's 19th birthday.

8 (e) [~~(g)~~] The department [~~commission~~] shall transfer a
9 person who has been sentenced under a determinate sentence to
10 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
11 Family Code, or who has been returned to the department
12 [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody
13 of the Texas Department of Criminal Justice on the person's 19th
14 birthday, if the person has not already been discharged or
15 transferred, to serve the remainder of the person's sentence on
16 parole as provided by Section 508.156, Government Code.

17 Sec. 245.152 [~~61.0841~~]. DETERMINATE SENTENCE PAROLE.

18 (a) Not later than the 90th day before the date the department
19 [~~commission~~] transfers a person to the custody of the Texas
20 Department of Criminal Justice for release on parole under Section
21 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department
22 [~~commission~~] shall submit to the Texas Department of Criminal
23 Justice [~~department~~] all pertinent information relating to the
24 person, including:

- 25 (1) the juvenile court judgment;
26 (2) the circumstances of the person's offense;
27 (3) the person's previous social history and juvenile

1 court records;

2 (4) the person's physical and mental health record;

3 (5) a record of the person's conduct, employment
4 history, and attitude while committed to the department
5 [~~commission~~];

6 (6) a record of the sentence time served by the person
7 at the department [~~commission~~] and in a juvenile detention facility
8 in connection with the conduct for which the person was
9 adjudicated; and

10 (7) any written comments or information provided by
11 the department [~~commission~~], local officials, family members of the
12 person, victims of the offense, or the general public.

13 (b) The department [~~commission~~] shall provide instruction
14 for parole officers of the Texas Department of Criminal Justice
15 relating to juvenile programs at the department [~~commission~~]. The
16 department [~~commission~~] and the Texas Department of Criminal
17 Justice [~~department~~] shall enter into a memorandum of understanding
18 relating to the administration of this subsection.

19 (c) The Texas Department of Criminal Justice shall grant
20 credit for sentence time served by a person at the department
21 [~~commission~~] and in a juvenile detention facility, as recorded by
22 the department [~~commission~~] under Subsection (a)(6), in computing
23 the person's eligibility for parole and discharge from the Texas
24 Department of Criminal Justice [~~department~~].

25 SECTION 1.008. Subchapters H and I, Chapter 61, Human
26 Resources Code, are transferred to Subtitle C, Title 12, Human
27 Resources Code, as added by this Act, redesignated as Chapter 246,

1 and amended to read as follows:

2 CHAPTER 246. MISCELLANEOUS PROGRAMS

3 SUBCHAPTER A [~~H~~]. YOUTH BOOT CAMP PROGRAMS

4 Sec. 246.001 [~~61.101~~]. YOUTH BOOT CAMP PROGRAMS. (a) The
5 department [~~commission~~] may establish a youth boot camp program and
6 may employ necessary personnel to operate the youth boot camps.

7 (b) The department [~~commission, in consultation with the~~
8 ~~Texas Juvenile Probation Commission,~~] shall develop guidelines for
9 a program of physical and correctional training and military-style
10 discipline for children placed in youth boot camps operated by
11 local probation departments for violating the conditions of release
12 under supervision or parole under Chapter 245 [~~Section 61.081~~].

13 (c) The department [~~commission~~] shall develop a program of
14 physical and correctional training and military-style discipline
15 for children committed to the department [~~commission~~] who are
16 placed in youth boot camps or other department [~~commission~~]
17 facilities.

18 (d) The board [~~commission~~] shall adopt rules of conduct for
19 children participating in the program under this section.

20 SUBCHAPTER B [~~I~~]. INDUSTRIES PROGRAM

21 Sec. 246.051 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The
22 purposes of the department [~~commission~~] industries program are:

23 (1) to provide adequate employment and vocational
24 training for children; and

25 (2) to develop and expand public and private
26 department [~~commission~~] industries.

27 Sec. 246.052 [~~61.122~~]. ADVISORY COMMITTEE. (a) A

1 department [~~commission~~] industries advisory committee is created
2 consisting of nine members appointed by the board [~~commission~~].

3 (b) Members serve staggered three-year terms, with the
4 terms of three members expiring February 1 of each odd-numbered
5 year.

6 (c) In making appointments under this section, the board
7 [~~commission~~] shall endeavor to include representatives of
8 industries appropriate for hiring children committed to the
9 department [~~commission~~].

10 Sec. 246.053 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The
11 department [~~commission~~] shall apportion wages earned by a child
12 working under the industries program in amounts determined at the
13 discretion of the department [~~commission~~], in the following
14 priority:

15 (1) a person to whom the child has been ordered by a
16 court or to whom the child has agreed to pay restitution;

17 (2) a person to whom the child has been ordered by a
18 court to pay child support;

19 (3) the compensation to victims of crime fund or the
20 compensation to victims of crime auxiliary fund; and

21 (4) the child's student account.

22 Sec. 246.054 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas
23 Juvenile Justice Department [~~Youth Commission~~] industries program
24 fund is created in the state treasury.

25 (b) Proceeds from the operation of the industries program
26 shall be deposited in the fund.

27 (c) Money from the fund may be appropriated only for use by

1 the department [~~commission~~] for the administration of this
2 subchapter.

3 [~~(d) Sections 403.094 and 403.095, Government Code, do not~~
4 ~~apply to the fund.~~]

5 Sec. 246.055 [~~61.125~~]. CONTRACTS. To encourage the
6 development and expansion of the industries program, the department
7 [~~commission~~] may enter into necessary contracts related to the
8 program.

9 Sec. 246.056 [~~61.126~~]. DONATIONS. The industries program
10 may be financed through contributions donated for this purpose by
11 private businesses contracting with the department [~~commission~~].

12 Sec. 246.057 [~~61.127~~]. GRANTS. (a) The department
13 [~~commission~~] may accept a grant for the vocational rehabilitation
14 of children.

15 (b) The department [~~commission~~] shall maintain a record of
16 the receipt and disbursement of a grant and shall annually report to
17 the lieutenant governor and the speaker of the house of
18 representatives on the administration of grant funds.

19 Sec. 246.058 [~~61.128~~]. LEASE OF LAND. (a) The department
20 [~~commission~~] may lease land owned by the department [~~commission~~] to
21 a private business to expand and develop the industries program.

22 (b) The term of the lease may not exceed 20 years.

23 (c) The business must lease the land at fair market value.

24 (d) The business may construct a new facility on the land or
25 convert an existing facility.

26 Sec. 246.059 [~~61.129. CERTIFICATION FOR FRANCHISE CREDIT.~~
27 ~~The commission shall prepare and issue a certification that a~~

1 ~~corporation requires for the franchise tax credit for wages paid as~~
2 ~~provided by Subchapter M, Chapter 171, Tax Code.~~

3 [Sec. ~~61.130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A
4 business contracting with the department [~~commission~~] may enter
5 into an ad valorem tax abatement agreement under Subchapters B and
6 C, Chapter 312, Tax Code, with the governing body of the
7 municipality and county in which the business is located.

8 (b) If an area in which businesses contracting with the
9 department [~~commission~~] under this subchapter is designated as a
10 reinvestment zone under Chapter 312, Tax Code, the area satisfies
11 Section 312.202(a)(6), Tax Code, in that the area would be
12 reasonably likely as a result of the designation to contribute to
13 the retention or expansion of primary employment or to attract
14 major investment in the zone that would be a benefit to the property
15 and that would contribute to the economic development of the entity
16 designating the area as a reinvestment zone.

17 SECTION 1.009. Title 12, Human Resources Code, as added by
18 this Act, is amended by adding Subtitle D with a heading to read as
19 follows:

20 SUBTITLE D. INDEPENDENT OMBUDSMAN

21 SECTION 1.010. Chapter 64, Human Resources Code, is
22 transferred to Subtitle D, Title 12, Human Resources Code, as added
23 by this Act, redesignated as Chapter 261, and amended to read as
24 follows:

1 CHAPTER 261 [~~64~~]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN

2 [~~OF THE TEXAS YOUTH COMMISSION~~]

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

5 (1) [~~"Commission" means the Texas Youth Commission.~~

6 [~~(2)~~] "Independent ombudsman" means the individual
7 who has been appointed under this chapter to the office of
8 independent ombudsman.

9 (2) [~~(3)~~] "Office" means the office of independent
10 ombudsman created under this chapter.

11 Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office
12 of independent ombudsman is [~~a state agency~~] established at the
13 department for the purpose of investigating, evaluating, and
14 securing the rights of the children committed to the department
15 [~~commission~~], including a child released under supervision before
16 final discharge.

17 Sec. 261.003 [~~64.003~~]. INDEPENDENCE. [~~(a)~~] The independent
18 ombudsman in the performance of its duties and powers under this
19 chapter acts independently of the department [~~commission~~].

20 [~~(b) Funding for the independent ombudsman is appropriated~~
21 ~~separately from funding for the commission.~~]

22 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

23 Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT
24 OMBUDSMAN. (a) The board [~~governor~~] shall appoint the independent
25 ombudsman [~~with the advice and consent of the senate~~] for a term of
26 two years, expiring February 1 of odd-numbered years.

27 (b) A person appointed as independent ombudsman is eligible

1 for reappointment but may not serve more than three terms in that
2 capacity.

3 Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent
4 ombudsman may hire assistants to perform, under the direction of
5 the independent ombudsman, the same duties and exercise the same
6 powers as the independent ombudsman.

7 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person
8 may not serve as independent ombudsman or as an assistant to the
9 independent ombudsman if the person or the person's spouse:

10 (1) is employed by or participates in the management
11 of a business entity or other organization receiving funds from the
12 department [~~commission~~];

13 (2) owns or controls, directly or indirectly, any
14 interest in a business entity or other organization receiving funds
15 from the department [~~commission~~]; or

16 (3) uses or receives any amount of tangible goods,
17 services, or funds from the department [~~commission~~].

18 (b) A person may not serve as independent ombudsman or as an
19 assistant to the independent ombudsman if the person or the
20 person's spouse is required to register as a lobbyist under Chapter
21 305, Government Code, because of the person's activities for
22 compensation on behalf of a profession related to the operation of
23 the department [~~commission~~].

24 (c) A person may not serve as independent ombudsman or as an
25 assistant to the independent ombudsman if the person or the
26 person's spouse is an officer, employee, manager, or paid
27 consultant of a Texas trade association in the field of criminal or

1 juvenile justice.

2 (d) For the purposes of this section, a Texas trade
3 association is a nonprofit, cooperative, and voluntarily joined
4 association of business or professional competitors in this state
5 designed to assist its members and its industry or profession in
6 dealing with mutual business or professional problems and in
7 promoting their common interest.

8 ~~[Sec. 64.054. SUNSET PROVISION. (a) The office is subject~~
9 ~~to review under Chapter 325, Government Code (Texas Sunset Act),~~
10 ~~but is not abolished under that chapter. The office shall be~~
11 ~~reviewed during the periods in which the Texas Youth Commission is~~
12 ~~reviewed.]~~

13 ~~[(b) Notwithstanding Subsection (a), the Sunset Advisory~~
14 ~~Commission shall focus its review of the office on compliance with~~
15 ~~requirements placed on the office by legislation enacted by the~~
16 ~~81st Legislature, Regular Session, 2009, that becomes law. This~~
17 ~~subsection expires September 1, 2011.]~~

18 Sec. 261.054 ~~[64.055]~~. REPORT. (a) The independent
19 ombudsman shall submit on a quarterly basis to the board, the
20 governor, the lieutenant governor, the state auditor, and each
21 member of the legislature a report that is both aggregated and
22 disaggregated by individual facility and describes:

23 (1) the work of the independent ombudsman;

24 (2) the results of any review or investigation
25 undertaken by the independent ombudsman, including reviews or
26 investigation of services contracted by the department
27 ~~[commission]~~; and

1 (3) any recommendations that the independent
2 ombudsman has in relation to the duties of the independent
3 ombudsman.

4 (b) The independent ombudsman shall immediately report to
5 the board, the governor, the lieutenant governor, the speaker of
6 the house of representatives, the state auditor, and the office of
7 the inspector general of the department [~~commission~~] any
8 particularly serious or flagrant:

9 (1) case of abuse or injury of a child committed to the
10 department [~~commission~~];

11 (2) problem concerning the administration of a
12 department [~~commission~~] program or operation;

13 (3) problem concerning the delivery of services in a
14 facility operated by or under contract with the department
15 [~~commission~~]; or

16 (4) interference by the department [~~commission~~] with
17 an investigation conducted by the office.

18 Sec. 261.055 [~~64.056~~]. COMMUNICATION AND CONFIDENTIALITY.

19 (a) The department [~~commission~~] shall allow any child committed to
20 the department [~~commission~~] to communicate with the independent
21 ombudsman or an assistant to the ombudsman. The communication:

22 (1) may be in person, by mail, or by any other means;
23 and

24 (2) is confidential and privileged.

25 (b) The records of the independent ombudsman are
26 confidential, except that the independent ombudsman shall:

27 (1) share with the office of inspector general of the

1 department [~~commission~~] a communication with a child that may
2 involve the abuse or neglect of the child; and

3 (2) disclose its nonprivileged records if required by
4 a court order on a showing of good cause.

5 (c) The independent ombudsman may make reports relating to
6 an investigation public after the investigation is complete but
7 only if the names of all children, parents, and employees are
8 redacted from the report and remain confidential.

9 (d) The name, address, or other personally identifiable
10 information of a person who files a complaint with the office of
11 independent ombudsman, information generated by the office of
12 independent ombudsman in the course of an investigation, and
13 confidential records obtained by the office of independent
14 ombudsman are confidential and not subject to disclosure under
15 Chapter 552, Government Code, except that the information and
16 records, other than confidential information and records
17 concerning a pending law enforcement investigation or criminal
18 action, may be disclosed to the appropriate person if the office
19 determines that disclosure is:

20 (1) in the general public interest;

21 (2) necessary to enable the office to perform the
22 responsibilities provided under this section; or

23 (3) necessary to identify, prevent, or treat the abuse
24 or neglect of a child.

25 Sec. 261.056 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.
26 The independent ombudsman shall promote awareness among the public
27 and the children committed to the department [~~commission~~] of:

- 1 (1) how the office may be contacted;
- 2 (2) the purpose of the office; and
- 3 (3) the services the office provides.

4 Sec. 261.057 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The
5 board [~~office~~] by rule shall establish policies and procedures for
6 the operations of the office of independent ombudsman.

7 (b) The board [~~office and the commission~~] shall adopt rules
8 necessary to implement Section 261.058 [~~64.060~~], including rules
9 that establish procedures for the department [~~commission~~] to review
10 and comment on reports of the office and for the department
11 [~~commission~~] to expedite or eliminate review of and comment on a
12 report due to an emergency or a serious or flagrant circumstance
13 described by Section 261.054(b) [~~64.055(b)~~].

14 [~~Sec. 64.059. AUTHORITY OF STATE AUDITOR. The office is~~
15 ~~subject to audit by the state auditor in accordance with Chapter~~
16 ~~321, Government Code.~~]

17 Sec. 261.058 [~~64.060~~]. REVIEW AND FORMAT OF REPORTS.
18 (a) The office shall accept, both before and after publication,
19 comments from the board [~~commission~~] concerning the following types
20 of reports published by the office under this chapter:

- 21 (1) the office's quarterly report under Section
22 261.054(a) [~~64.055(a)~~];
- 23 (2) reports concerning serious or flagrant
24 circumstances under Section 261.054(b) [~~64.055(b)~~]; and
- 25 (3) any other formal reports containing findings and
26 making recommendations concerning systemic issues that affect the
27 department [~~commission~~].

1 (b) The board [~~commission~~] may not submit comments under
2 Subsection (a) after the 30th day after the date the report on which
3 the board [~~commission~~] is commenting is published.

4 (c) The office shall ensure that reports described by
5 Subsection (a) are in a format to which the board [~~commission~~] can
6 easily respond.

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

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

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

19 [~~(c) The office shall periodically notify the complaint~~
20 ~~parties of the status of the complaint until final disposition.]~~

21 SUBCHAPTER C. DUTIES AND POWERS

22 Sec. 261.101 [~~64.101~~]. DUTIES AND POWERS. (a) The
23 independent ombudsman shall:

24 (1) review the procedures established by the board
25 [~~commission~~] and evaluate the delivery of services to children to
26 ensure that the rights of children are fully observed;

27 (2) review complaints filed with the independent

1 ombudsman concerning the actions of the department [~~commission~~] and
2 investigate each complaint in which it appears that a child may be
3 in need of assistance from the independent ombudsman;

4 (3) conduct investigations of complaints, other than
5 complaints alleging criminal behavior, if the office determines
6 that:

7 (A) a child committed to the department
8 [~~commission~~] or the child's family may be in need of assistance from
9 the office; or

10 (B) a systemic issue in the department's
11 [~~commission's~~] provision of services is raised by a complaint;

12 (4) review or inspect periodically the facilities and
13 procedures of any institution or residence in which a child has been
14 placed by the department [~~commission~~], whether public or private,
15 to ensure that the rights of children are fully observed;

16 (5) provide assistance to a child or family who the
17 independent ombudsman determines is in need of assistance,
18 including advocating with an agency, provider, or other person in
19 the best interests of the child;

20 (6) review court orders as necessary to fulfill its
21 duties;

22 (7) recommend changes in any procedure relating to the
23 treatment of children committed to the department [~~commission~~];

24 (8) make appropriate referrals under any of the duties
25 and powers listed in this subsection; and

26 (9) supervise assistants who are serving as advocates
27 in their representation of children committed to the department

1 ~~[commission]~~ in internal administrative and disciplinary hearings.

2 (b) The independent ombudsman may apprise persons who are
3 interested in a child's welfare of the rights of the child.

4 (c) To assess if a child's rights have been violated, the
5 independent ombudsman may, in any matter that does not involve
6 alleged criminal behavior, contact or consult with an
7 administrator, employee, child, parent, expert, or any other
8 individual in the course of its investigation or to secure
9 information.

10 (d) Notwithstanding any other provision of this chapter,
11 the independent ombudsman may not investigate alleged criminal
12 behavior.

13 (e) Notwithstanding any other provision of this chapter,
14 the powers of the office are limited to facilities operated and
15 services provided by the department under Subtitle C.

16 Sec. 261.102 [~~64.102~~]. TREATMENT OF DEPARTMENT
17 ~~[COMMISSION]~~ EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.
18 The department ~~[commission]~~ may not discharge or in any manner
19 discriminate or retaliate against an employee who in good faith
20 makes a complaint to the office of independent ombudsman or
21 cooperates with the office in an investigation.

22 Sec. 261.103 [~~64.103~~]. TRAINING. The independent
23 ombudsman shall attend annual sessions, including the training
24 curriculum for juvenile correctional officers required under
25 Section 242.010 [~~61.0356~~], and may participate in other appropriate
26 professional training.

27 Sec. 261.104 [~~64.104~~]. MEMORANDUM OF UNDERSTANDING.

1 (a) The office and the department [~~commission~~] shall enter into a
2 memorandum of understanding concerning:

3 (1) the most efficient manner in which to share
4 information with one another; and

5 (2) the procedures for handling overlapping
6 monitoring duties and activities performed by the office and the
7 department [~~commission~~].

8 (b) The memorandum of understanding entered into under
9 Subsection (a), at a minimum, must:

10 (1) address the interaction of the office with that
11 portion of the department [~~commission~~] that conducts an internal
12 audit under Section 203.013 [~~61.0331~~];

13 (2) address communication between the office and the
14 department [~~commission~~] concerning individual situations involving
15 children committed to the department [~~commission~~] and how those
16 situations will be documented and handled;

17 (3) contain guidelines on the office's role in
18 relevant working groups and policy development decisions at the
19 department [~~commission~~];

20 (4) ensure opportunities for sharing information
21 between the office and the department [~~commission~~] for the purposes
22 of assuring quality and improving programming within the department
23 [~~commission~~]; and

24 (5) preserve the independence of the office by
25 authorizing the office to withhold information concerning matters
26 under active investigation by the office from the department
27 [~~commission~~] and department [~~commission~~] staff and to report the

1 information to the board and the governor.

2 SUBCHAPTER D. ACCESS TO INFORMATION

3 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF
4 GOVERNMENTAL ENTITIES. (a) The [~~commission shall allow the~~]
5 independent ombudsman has access to the department's [~~its~~] records
6 relating to the children committed to the department [~~commission~~].

7 (b) The Department of Public Safety shall allow the
8 independent ombudsman access to the juvenile justice information
9 system established under Subchapter B, Chapter 58, Family Code.

10 (c) A local law enforcement agency shall allow the
11 independent ombudsman access to its records relating to any child
12 in the care or custody of the department [~~commission~~].

13 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE
14 ENTITIES. The independent ombudsman shall have access to the
15 records of a private entity that relate to a child committed to the
16 department [~~commission~~].

17 SECTION 1.011. Subsection (a), Section 61.020, Human
18 Resources Code, is amended to read as follows:

19 (a) The Texas Youth Commission [~~is subject to Chapter 325,~~
20 ~~Government Code (Texas Sunset Act). Unless continued in existence~~
21 ~~as provided by that chapter, the commission]~~ is abolished on
22 December [~~and this chapter expires September~~] 1, 2011.

23 SECTION 1.012. Subsection (a), Section 141.012, Human
24 Resources Code, is amended to read as follows:

25 (a) The Texas Juvenile Probation Commission [~~is subject to~~
26 ~~Chapter 325, Government Code (Texas Sunset Act). Unless continued~~
27 ~~in existence as provided by that chapter, the commission]~~ is

1 abolished on December [~~and this chapter expires September~~] 1, 2011.

2 ARTICLE 2. MISCELLANEOUS PROVISIONS

3 SECTION 2.001. Section 51.126, Family Code, is amended by
4 amending Subsections (b), (c), (d), and (e) and adding Subsection
5 (f) to read as follows:

6 (b) In each county, each judge of the juvenile court and a
7 majority of the members of the juvenile board shall personally
8 inspect, at least annually, all nonsecure correctional facilities
9 that are located in the county and shall certify in writing to the
10 authorities responsible for operating and giving financial support
11 to the facilities and to the Texas Juvenile Justice Department
12 [~~Probation Commission~~] that the facility or facilities are suitable
13 or unsuitable for the confinement of children. In determining
14 whether a facility is suitable or unsuitable for the confinement of
15 children, the juvenile court judges and juvenile board members
16 shall consider:

17 (1) current monitoring and inspection reports and any
18 noncompliance citation reports issued by the Texas Juvenile Justice
19 Department [~~Probation Commission~~], including the report provided
20 under Subsection (c), and the status of any required corrective
21 actions; and

22 (2) the other factors described under Sections
23 51.12(c)(2)-(7).

24 (c) The Texas Juvenile Justice Department [~~Probation~~
25 ~~Commission~~] shall annually inspect each nonsecure correctional
26 facility. The Texas Juvenile Justice Department [~~Probation~~
27 ~~Commission~~] shall provide a report to each juvenile court judge

1 presiding in the same county as an inspected facility indicating
2 whether the facility is suitable or unsuitable for the confinement
3 of children in accordance with minimum professional standards for
4 the confinement of children in nonsecure confinement promulgated by
5 the Texas Juvenile Justice Department [~~Probation Commission~~] or, at
6 the election of the juvenile board of the county in which the
7 facility is located, the current standards promulgated by the
8 American Correctional Association.

9 (d) A governmental unit or private entity that operates or
10 contracts for the operation of a juvenile nonsecure correctional
11 facility in this state under Subsection (a), except for a facility
12 operated by or under contract with the Texas Juvenile Justice
13 Department [~~Texas Youth Commission~~], shall:

14 (1) register the facility annually with the Texas
15 Juvenile Justice Department [~~Probation Commission~~]; and

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

18 (e) The Texas Juvenile Justice Department [~~Probation~~
19 ~~Commission~~] may deny, suspend, or revoke the registration of any
20 facility required to register under Subsection (d) if the facility
21 fails to:

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

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

26 (f) In this section, "Texas Juvenile Justice Department"
27 means the Texas Juvenile Probation Commission. This subsection

1 expires December 1, 2011.

2 SECTION 2.002. Subdivision (1), Subsection (c), Section
3 614.017, Health and Safety Code, is amended to read as follows:

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

8 (A) the Texas Department of Criminal Justice and
9 the Correctional Managed Health Care Committee;

10 (B) the Board of Pardons and Paroles;

11 (C) the Department of State Health Services;

12 (D) the Texas Juvenile Justice Department
13 [~~Probation Commission~~];

14 (E) [~~the Texas Youth Commission,~~

15 [~~(F)~~] the Department of Assistive and
16 Rehabilitative Services;

17 (F) [~~(G)~~] the Texas Education Agency;

18 (G) [~~(H)~~] the Commission on Jail Standards;

19 (H) [~~(I)~~] the Department of Aging and Disability
20 Services;

21 (I) [~~(J)~~] the Texas School for the Blind and
22 Visually Impaired;

23 (J) [~~(K)~~] community supervision and corrections
24 departments and local juvenile probation departments;

25 (K) [~~(L)~~] personal bond pretrial release offices
26 established under Article 17.42, Code of Criminal Procedure;

27 (L) [~~(M)~~] local jails regulated by the

1 Commission on Jail Standards;

2 (M) [~~(N)~~] a municipal or county health
3 department;

4 (N) [~~(O)~~] a hospital district;

5 (O) [~~(P)~~] a judge of this state with jurisdiction
6 over juvenile or criminal cases;

7 (P) [~~(Q)~~] an attorney who is appointed or
8 retained to represent a special needs offender or a juvenile with a
9 mental impairment;

10 (Q) [~~(R)~~] the Health and Human Services
11 Commission;

12 (R) [~~(S)~~] the Department of Information
13 Resources;

14 (S) [~~(T)~~] the bureau of identification and
15 records of the Department of Public Safety, for the sole purpose of
16 providing real-time, contemporaneous identification of individuals
17 in the Department of State Health Services client data base; and

18 (T) [~~(U)~~] the Department of Family and
19 Protective Services.

20 SECTION 2.003. Subsections (a) and (b), Section 614.018,
21 Health and Safety Code, are amended to read as follows:

22 (a) The Texas Juvenile Justice Department [~~Probation~~
23 ~~Commission, the Texas Youth Commission~~], the Department of Public
24 Safety, the Department of State Health Services, the Department of
25 Aging and Disability Services, the Department of Family and
26 Protective Services, the Texas Education Agency, and local juvenile
27 probation departments shall adopt a memorandum of understanding

1 that establishes their respective responsibilities to institute a
2 continuity of care and service program for juveniles with mental
3 impairments in the juvenile justice system. The Texas Correctional
4 Office on Offenders with Medical and Mental Impairments shall
5 coordinate and monitor the development and implementation of the
6 memorandum of understanding.

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

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

12 (2) developing interagency rules, policies, and
13 procedures for the coordination of care of and the exchange of
14 information on juveniles with mental impairments who are committed
15 to or treated, served, or supervised by the [~~Texas Youth~~
16 ~~Commission, the~~] Texas Juvenile Justice Department [~~Probation~~
17 ~~Commission~~], the Department of Public Safety, the Department of
18 State Health Services, the Department of Family and Protective
19 Services, the Department of Aging and Disability Services, the
20 Texas Education Agency, local juvenile probation departments,
21 local mental health or mental retardation authorities, and
22 independent school districts; and

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

25 ARTICLE 3. CONFORMING AMENDMENTS

26 SECTION 3.001. Article 2.12, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
2 officers:

3 (1) sheriffs, their deputies, and those reserve
4 deputies who hold a permanent peace officer license issued under
5 Chapter 1701, Occupations Code;

6 (2) constables, deputy constables, and those reserve
7 deputy constables who hold a permanent peace officer license issued
8 under Chapter 1701, Occupations Code;

9 (3) marshals or police officers of an incorporated
10 city, town, or village, and those reserve municipal police officers
11 who hold a permanent peace officer license issued under Chapter
12 1701, Occupations Code;

13 (4) rangers and officers commissioned by the Public
14 Safety Commission and the Director of the Department of Public
15 Safety;

16 (5) investigators of the district attorneys', criminal
17 district attorneys', and county attorneys' offices;

18 (6) law enforcement agents of the Texas Alcoholic
19 Beverage Commission;

20 (7) each member of an arson investigating unit
21 commissioned by a city, a county, or the state;

22 (8) officers commissioned under Section 37.081,
23 Education Code, or Subchapter E, Chapter 51, Education Code;

24 (9) officers commissioned by the General Services
25 Commission;

26 (10) law enforcement officers commissioned by the
27 Parks and Wildlife Commission;

- 1 (11) airport police officers commissioned by a city
2 with a population of more than 1.18 million that operates an airport
3 that serves commercial air carriers;
- 4 (12) airport security personnel commissioned as peace
5 officers by the governing body of any political subdivision of this
6 state, other than a city described by Subdivision (11), that
7 operates an airport that serves commercial air carriers;
- 8 (13) municipal park and recreational patrolmen and
9 security officers;
- 10 (14) security officers and investigators commissioned
11 as peace officers by the comptroller;
- 12 (15) officers commissioned by a water control and
13 improvement district under Section 49.216, Water Code;
- 14 (16) officers commissioned by a board of trustees
15 under Chapter 54, Transportation Code;
- 16 (17) investigators commissioned by the Texas Medical
17 Board;
- 18 (18) officers commissioned by the board of managers of
19 the Dallas County Hospital District, the Tarrant County Hospital
20 District, or the Bexar County Hospital District under Section
21 281.057, Health and Safety Code;
- 22 (19) county park rangers commissioned under
23 Subchapter E, Chapter 351, Local Government Code;
- 24 (20) investigators employed by the Texas Racing
25 Commission;
- 26 (21) officers commissioned under Chapter 554,
27 Occupations Code;

1 (22) officers commissioned by the governing body of a
2 metropolitan rapid transit authority under Section 451.108,
3 Transportation Code, or by a regional transportation authority
4 under Section 452.110, Transportation Code;

5 (23) investigators commissioned by the attorney
6 general under Section 402.009, Government Code;

7 (24) security officers and investigators commissioned
8 as peace officers under Chapter 466, Government Code;

9 (25) an officer employed by the Department of State
10 Health Services under Section 431.2471, Health and Safety Code;

11 (26) officers appointed by an appellate court under
12 Subchapter F, Chapter 53, Government Code;

13 (27) officers commissioned by the state fire marshal
14 under Chapter 417, Government Code;

15 (28) an investigator commissioned by the commissioner
16 of insurance under Section 701.104, Insurance Code;

17 (29) apprehension specialists and inspectors general
18 commissioned by the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451~~
20 ~~and 61.0931~~], Human Resources Code;

21 (30) officers appointed by the inspector general of
22 the Texas Department of Criminal Justice under Section 493.019,
23 Government Code;

24 (31) investigators commissioned by the Commission on
25 Law Enforcement Officer Standards and Education under Section
26 1701.160, Occupations Code;

27 (32) commission investigators commissioned by the

1 Texas Private Security Board under Section 1702.061(f),
2 Occupations Code;

3 (33) the fire marshal and any officers, inspectors, or
4 investigators commissioned by an emergency services district under
5 Chapter 775, Health and Safety Code;

6 (34) officers commissioned by the State Board of
7 Dental Examiners under Section 254.013, Occupations Code, subject
8 to the limitations imposed by that section;

9 (35) investigators commissioned by the Texas Juvenile
10 Justice Department [~~Probation Commission~~] as officers under
11 Section 221.011 [~~141.055~~], Human Resources Code; and

12 (36) the fire marshal and any related officers,
13 inspectors, or investigators commissioned by a county under
14 Subchapter B, Chapter 352, Local Government Code.

15 SECTION 3.002. Subsection (d), Section 5, Article 18.20,
16 Code of Criminal Procedure, is amended to read as follows:

17 (d) The Texas Juvenile Justice Department [~~Youth~~
18 ~~Commission~~] may own electronic, mechanical, or other devices for a
19 use or purpose authorized by Section 242.104 [~~61.0455~~], Human
20 Resources Code, and the inspector general of the Texas Juvenile
21 Justice Department [~~Youth Commission~~], a commissioned officer of
22 that office, or another person acting in the presence and under the
23 direction of a commissioned officer of that office may possess,
24 install, operate, or monitor those devices as provided by Section
25 242.104 [~~61.0455~~].

26 SECTION 3.003. Subsection (e), Section 29.012, Education
27 Code, is amended to read as follows:

1 (e) This section does not apply to a residential treatment
2 facility for juveniles established under Section 221.056
3 [~~141.059~~], Human Resources Code.

4 SECTION 3.004. Subsection (c), Section 51.13, Family Code,
5 is amended to read as follows:

6 (c) A child may not be committed or transferred to a penal
7 institution or other facility used primarily for the execution of
8 sentences of persons convicted of crime, except:

9 (1) for temporary detention in a jail or lockup
10 pending juvenile court hearing or disposition under conditions
11 meeting the requirements of Section 51.12 of this code;

12 (2) after transfer for prosecution in criminal court
13 under Section 54.02 of this code; or

14 (3) after transfer from the Texas Juvenile Justice
15 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],
16 Human Resources Code.

17 SECTION 3.005. Subsection (a), Section 51.21, Family Code,
18 is amended to read as follows:

19 (a) A probation department that administers the mental
20 health screening instrument or clinical assessment required by
21 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the
22 child to the local mental health authority for assessment and
23 evaluation if:

24 (1) the child's scores on the screening instrument or
25 clinical assessment indicate a need for further mental health
26 assessment and evaluation; and

27 (2) the department and child do not have access to an

1 internal, contract, or private mental health professional.

2 SECTION 3.006. Subsection (d), Section 53.045, Family Code,
3 is amended to read as follows:

4 (d) If the grand jury approves of the petition, the fact of
5 approval shall be certified to the juvenile court, and the
6 certification shall be entered in the record of the case. For the
7 purpose of the transfer of a child to the Texas Department of
8 Criminal Justice as provided by Section 245.151(c) [~~61.084(e)~~],
9 Human Resources Code, a juvenile court petition approved by a grand
10 jury under this section is an indictment presented by the grand
11 jury.

12 SECTION 3.007. Subsections (a), (h), (i), and (j), Section
13 54.11, Family Code, are amended to read as follows:

14 (a) On receipt of a referral under Section 244.014(a)
15 [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas
16 Department of Criminal Justice of a person committed to the Texas
17 Juvenile Justice Department [~~Youth Commission~~] under Section
18 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by
19 the Texas Juvenile Justice Department [~~commission~~] under Section
20 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the
21 release under supervision of a person committed to the Texas
22 Juvenile Justice Department [~~commission~~] under Section
23 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and
24 place for a hearing on the release of the person.

25 (h) The hearing on a person who is referred for transfer
26 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall
27 be held not later than the 60th day after the date the court

1 receives the referral.

2 (i) On conclusion of the hearing on a person who is referred
3 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources
4 Code, the court may order:

5 (1) the return of the person to the Texas Juvenile
6 Justice Department [~~Youth Commission~~]; or

7 (2) the transfer of the person to the custody of the
8 Texas Department of Criminal Justice for the completion of the
9 person's sentence.

10 (j) On conclusion of the hearing on a person who is referred
11 for release under supervision under Section 245.051(c)
12 [~~61.081(f)~~], Human Resources Code, the court may order the return
13 of the person to the Texas Juvenile Justice Department [~~Youth~~
14 ~~Commission~~]:

15 (1) with approval for the release of the person under
16 supervision; or

17 (2) without approval for the release of the person
18 under supervision.

19 SECTION 3.008. Subsection (g-1), Section 58.003, Family
20 Code, is amended to read as follows:

21 (g-1) Any records collected or maintained by the Texas
22 Juvenile Justice Department [~~Probation Commission~~], including
23 statistical data submitted under Section 221.007 [~~141.044~~], Human
24 Resources Code, are not subject to a sealing order issued under this
25 section.

26 SECTION 3.009. Subsection (b), Section 58.0072, Family
27 Code, is amended to read as follows:

1 (b) Juvenile justice information consists of information of
2 the type described by Section 58.104, including statistical data in
3 any form or medium collected, maintained, or submitted to the Texas
4 Juvenile Justice Department [~~Probation Commission~~] under Section
5 221.007 [~~141.044~~], Human Resources Code.

6 SECTION 3.010. Subsection (b), Section 41.310, Government
7 Code, is amended to read as follows:

8 (b) In addition to the duties prescribed by Subsection (a),
9 the counsellor shall on a quarterly basis provide the board of
10 directors and the standing committees of the senate and house of
11 representatives with primary jurisdiction over matters concerning
12 correctional facilities with a report concerning offenses or
13 delinquent conduct prosecuted by the unit on receiving a request
14 for assistance under Section 241.007 [~~61.098~~], Human Resources
15 Code, or a request for assistance otherwise from a prosecuting
16 attorney. A report under this subsection is public information
17 under Chapter 552, Government Code, and the board of directors
18 shall request that the commission publish the report on the
19 commission's Internet website. A report must be both aggregated
20 and disaggregated by individual facility and include information
21 relating to:

22 (1) the number of requests for assistance received
23 under Section 241.007 [~~61.098~~], Human Resources Code, and requests
24 for assistance otherwise received from prosecuting attorneys;

25 (2) the number of cases investigated and the number of
26 cases prosecuted;

27 (3) the types and outcomes of cases prosecuted, such

1 as whether the case concerned narcotics or an alleged incident of
2 sexual abuse; and

3 (4) the relationship of a victim to a perpetrator, if
4 applicable.

5 SECTION 3.011. Subsection (a), Section 411.1141,
6 Government Code, is amended to read as follows:

7 (a) The Texas Juvenile Justice Department [~~Youth~~
8 ~~Commission~~] is entitled to obtain from the department criminal
9 history record information maintained by the department that
10 relates to a person described by Section 242.011(b) [~~61.0357(b)~~],
11 Human Resources Code.

12 SECTION 3.012. Subsection (d), Section 493.017, Government
13 Code, is amended to read as follows:

14 (d) A sex offender correction program that provides
15 counseling sessions for a child who is released under supervision
16 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report
17 to the Texas Juvenile Justice Department [~~Youth Commission~~], not
18 later than the 15th day of each month, the following information
19 about the child:

20 (1) the total number of counseling sessions attended
21 by the child during the preceding month; and

22 (2) if during the preceding month the child terminates
23 participation in the program before completing counseling, the
24 reason for the child's termination of counseling or that the reason
25 for the termination of counseling is unknown.

26 SECTION 3.013. Section 499.053, Government Code, is amended
27 to read as follows:

1 Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE
2 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional~~
3 ~~division~~] shall accept persons transferred to the department
4 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
5 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

6 (b) A person transferred to the department [~~institutional~~
7 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
8 ~~Commission~~] is entitled to credit on the person's sentence for the
9 time served in the custody of the Texas Juvenile Justice Department
10 [~~youth commission~~].

11 (c) All laws relating to good conduct time and eligibility
12 for release on parole or mandatory supervision apply to a person
13 transferred to the department [~~institutional division~~] by the Texas
14 Juvenile Justice Department [~~youth commission~~] as if the time the
15 person was detained in a detention facility and the time the person
16 served in the custody of the Texas Juvenile Justice Department
17 [~~youth commission~~] was time served in the custody of the department
18 [~~division~~].

19 (d) A person transferred from the Texas Juvenile Justice
20 Department [~~Youth Commission~~] for the offense of capital murder
21 shall become eligible for parole as provided in Section 508.145(d)
22 for an offense listed in Section 3g, Article 42.12, Code of Criminal
23 Procedure, or an offense for which a deadly weapon finding has been
24 made.

25 SECTION 3.014. Subsection (a), Section 508.156, Government
26 Code, is amended to read as follows:

27 (a) Before the release of a person who is transferred under

1 Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], Human
2 Resources Code, to the department [~~division~~] for release on parole,
3 a parole panel shall review the person's records and may interview
4 the person or any other person the panel considers necessary to
5 determine the conditions of parole. The panel may impose any
6 reasonable condition of parole on the person that the panel may
7 impose on an adult inmate under this chapter.

8 SECTION 3.015. Subsection (c), Section 614.019, Health and
9 Safety Code, is amended to read as follows:

10 (c) A child with mental illness or mental retardation who is
11 discharged from the Texas Juvenile Justice Department [~~Youth~~
12 ~~Commission~~] under Section 244.011 [~~61.077~~], Human Resources Code,
13 may receive continuity of care services from the office for a
14 minimum of 90 days after discharge from the commission and for as
15 long as necessary for the child to demonstrate sufficient stability
16 to transition successfully to mental health or mental retardation
17 services provided by a local mental health or mental retardation
18 authority.

19 SECTION 3.016. Subsection (b), Section 152.0007, Human
20 Resources Code, is amended to read as follows:

21 (b) The board may establish guidelines for the initial
22 assessment of a child by the juvenile probation department. The
23 guidelines shall provide a means for assessing a child's mental
24 health status, family background, and level of education. The
25 guidelines shall assist the probation department in determining
26 whether a comprehensive psychological evaluation of the child
27 should be conducted. The board shall require that probation

1 department personnel use assessment information compiled by the
2 child's school, if the information is available, before conducting
3 a comprehensive psychological evaluation of the child. The board
4 may adopt all or part of the Texas Juvenile Justice Department's
5 [~~Juvenile Probation Commission's~~] minimum standards for assessment
6 under Section 221.002 [~~141.042~~] in complying with this subsection.

7 SECTION 3.017. Subsections (b) and (c), Section 152.0011,
8 Human Resources Code, are amended to read as follows:

9 (b) The juvenile board or local probation department may
10 contract with a private vendor for the financing, construction,
11 operation, maintenance, or management of a youth boot camp in the
12 same manner as the state. [~~The juvenile board may not award a~~
13 ~~contract under this subsection unless the board requests proposals~~
14 ~~and receives a proposal that meets or exceeds, in addition to~~
15 ~~requirements specified in the request for proposals, the~~
16 ~~requirements specified in Section 141.0434.~~]

17 (c) A juvenile board youth boot camp must offer a program
18 that complies with the requirements of the youth boot camps set
19 forth in Section 246.001 [~~141.0432~~].

20 SECTION 3.018. Subsection (f), Section 152.0301, Human
21 Resources Code, is amended to read as follows:

22 (f) The juvenile board shall ensure that the chief juvenile
23 officer and fiscal officer:

24 (1) keep the financial and statistical records and
25 submit reports to the Texas Juvenile Justice Department [~~Probation~~
26 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

27 (2) submit periodic financial and statistical reports

1 to the county commissioners court.

2 SECTION 3.019. Subsection (g), Section 152.0791, Human
3 Resources Code, is amended to read as follows:

4 (g) The juvenile board shall ensure that the chief juvenile
5 officer and fiscal officer:

6 (1) keep the financial and statistical records and
7 submit reports to the Texas Juvenile Justice Department [~~Probation~~
8 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

9 (2) submit periodic financial and statistical reports
10 to the commissioners courts.

11 SECTION 3.020. Subsection (f), Section 152.1371, Human
12 Resources Code, is amended to read as follows:

13 (f) The juvenile board shall ensure that the chief juvenile
14 officer and fiscal officer:

15 (1) keep the financial and statistical records and
16 submit reports to the Texas Juvenile Justice Department [~~Probation~~
17 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

18 (2) submit periodic financial and statistical reports
19 to the county commissioners court.

20 SECTION 3.021. Subsection (f), Section 152.1431, Human
21 Resources Code, is amended to read as follows:

22 (f) The juvenile board shall ensure that the chief juvenile
23 officer and fiscal officer:

24 (1) keep the financial and statistical records and
25 submit reports to the Texas Juvenile Justice Department [~~Probation~~
26 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

27 (2) submit periodic financial and statistical reports

1 to the county commissioners court.

2 SECTION 3.022. Subsection (f), Section 152.2511, Human
3 Resources Code, is amended to read as follows:

4 (f) The juvenile board shall ensure that the chief juvenile
5 officer and fiscal officer:

6 (1) keep the financial and statistical records and
7 submit reports to the Texas Juvenile Justice Department [~~Probation~~
8 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

9 (2) submit periodic financial and statistical reports
10 to the county commissioners court.

11 SECTION 3.023. Subsection (e-1), Section 16.02, Penal Code,
12 is amended to read as follows:

13 (e-1) It is a defense to prosecution under Subsection (d)(1)
14 that the electronic, mechanical, or other device is possessed by a
15 person authorized to possess the device under Section 500.008,
16 Government Code, or Section 242.104 [~~61.0455~~], Human Resources
17 Code.

18 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

19 SECTION 4.001. (a) Effective December 1, 2011,
20 Subchapters A and B, Chapter 61, Human Resources Code, and
21 Subchapters A and B, Chapter 141, Human Resources Code, are
22 repealed.

23 (b) Effective December 1, 2011, the Texas Youth Commission
24 and the Texas Juvenile Probation Commission are abolished and the
25 powers and duties of those agencies are transferred to the Texas
26 Juvenile Justice Board and the Texas Juvenile Justice Department in
27 accordance with Title 12, Human Resources Code, as added by this

1 Act.

2 SECTION 4.002. (a) Not later than December 1, 2011, the
3 governor shall appoint the initial members of the Texas Juvenile
4 Justice Board under Section 202.001, Human Resources Code, as added
5 by this Act. The governor shall appoint:

- 6 (1) four members whose terms expire February 1, 2013;
- 7 (2) four members whose terms expire February 1, 2015;
- 8 and
- 9 (3) three members whose terms expire February 1, 2017.

10 (b) The initial members of the Advisory Council on Juvenile
11 Services shall be appointed as provided by Section 203.0081, Human
12 Resources Code, as added by this Act, not later than December 1,
13 2011.

14 (c) The Texas Juvenile Justice Board shall appoint the
15 independent ombudsman, as provided by Section 261.051, Human
16 Resources Code, as designated and amended by this Act, as soon as
17 practicable after December 1, 2011.

18 SECTION 4.003. (a) All money, records, property, and
19 equipment in the possession of the Texas Youth Commission or the
20 Texas Juvenile Probation Commission on December 1, 2011, shall be
21 transferred to the possession of the Texas Juvenile Justice
22 Department on December 1, 2011, or as soon as possible after that
23 date.

24 (b) Effective December 1, 2011, a rule adopted by the Texas
25 Youth Commission or the Texas Juvenile Probation Commission is a
26 rule of the Texas Juvenile Justice Department until and unless the
27 Texas Juvenile Justice Board amends or repeals the rule.

1 (c) Effective December 1, 2011, a memorandum of
2 understanding entered into by the Texas Youth Commission or the
3 Texas Juvenile Probation Commission is binding against the Texas
4 Juvenile Justice Department to the same extent that the memorandum
5 bound the agency that entered into the memorandum of understanding,
6 until and unless the department enters into a new memorandum of
7 understanding that modifies the department's responsibilities.

8 SECTION 4.004. As soon as practicable after September 1,
9 2011, the Texas Juvenile Justice Department shall establish the
10 toll-free number for complaints, as required under Section 203.015,
11 Human Resources Code, as added by this Act.

12 SECTION 4.005. Unless another provision of this Act
13 specifically provides otherwise, the Texas Youth Commission and the
14 Texas Juvenile Probation Commission, as applicable, shall
15 implement each change in law made by this Act, including adopting
16 any necessary or required rule, not later than December 1, 2011.

17 SECTION 4.006. (a) The validity of a disposition of a child
18 under Title 3, Family Code, made before, on, or after the effective
19 date of this Act is not affected solely because:

20 (1) the terms of the disposition refer to the Texas
21 Youth Commission or the Texas Juvenile Probation Commission; and

22 (2) during the time the disposition is in effect, the
23 Texas Youth Commission or the Texas Juvenile Probation Commission
24 cease to exist and their powers and duties are transferred, as
25 provided by this Act, to the Texas Juvenile Justice Department.

26 (b) The action of a juvenile probation department taken in
27 relation to a child before, on, or after the effective date of this

1 Act is not affected solely because:

2 (1) the terms of the action refer to the Texas Youth
3 Commission or the Texas Juvenile Probation Commission; and

4 (2) during the time the action is in effect, the Texas
5 Youth Commission or the Texas Juvenile Probation Commission cease
6 to exist and their powers and duties are transferred, as provided by
7 this Act, to the Texas Juvenile Justice Department.

8 (c) The changes in law made by this Act to Title 3, Family
9 Code, are not substantive in nature and apply to conduct by a child
10 that occurs before, on, or after the effective date of this Act.

11 SECTION 4.007. (a) This section applies only to a closed
12 facility on real property owned by the Texas Youth Commission or the
13 Texas Juvenile Justice Department that is located wholly or partly
14 in a county that has a population of less than 100,000.

15 (b) The Texas Youth Commission or the Texas Juvenile Justice
16 Department may transfer a closed facility to the county or
17 municipality in which the facility is located.

18 (c) The consideration for the transfer authorized by
19 Subsection (b) of this section is the requirement that the county or
20 municipality use the property transferred only for a purpose that
21 benefits the public interest of the state. If the county or
22 municipality no longer uses the property for a public purpose,
23 ownership of the property automatically reverts to the Texas
24 Juvenile Justice Department.

25 (d) The Texas Youth Commission or the Texas Juvenile Justice
26 Department shall transfer the property by an appropriate instrument
27 of transfer, executed on the agency's behalf by the commissioner of

1 the General Land Office. The instrument of transfer must:

2 (1) provide that:

3 (A) the transferee shall use the property only
4 for a purpose that benefits the public interest of the state; and

5 (B) ownership of the property will automatically
6 revert to the Texas Juvenile Justice Department if the transferee
7 uses the property for any purpose other than a purpose that benefits
8 the interest of the state;

9 (2) describe the property to be transferred by metes
10 and bounds; and

11 (3) exclude from the transfer all mineral interests in
12 and under the property and prohibit any exploration, drilling, or
13 other similar intrusion on the property related to mineral
14 interests.

15 (e) The Texas Juvenile Justice Department shall retain
16 custody of the instrument of transfer after the instrument of
17 transfer is filed in the real property records of the county in
18 which the property is located.

19 (f) This section expires September 1, 2017.

20 SECTION 4.008. This Act takes effect September 1, 2011.