

## **BILL ANALYSIS**

C.S.H.B. 1543  
By: Allen  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The office of the independent ombudsman was established as part of recent juvenile justice reforms and was tasked with protecting the safety and rights of incarcerated youth at state juvenile facilities. Interested parties have expressed concern that the independent ombudsman does not have the authority to visit adult correctional facilities or to speak with the youth in those facilities, leaving a vulnerable gap in the state's plan to protect youth in secure facilities. C.S.H.B. 1543 seeks to bridge this gap by allowing the staff at the office of the independent ombudsman to protect youth in adult secure facilities.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Juvenile Justice Board and the office of independent ombudsman for the Texas Juvenile Justice Department in SECTION 7 of this bill.

### **ANALYSIS**

C.S.H.B. 1543 amends the Human Resources Code to define, for purposes of statutory provisions relating to the powers and duties of the independent ombudsman regarding juveniles in certain facilities, "child" as an individual who is 10 years of age or older and younger than 19 years of age and placed in or committed to a facility for conduct violating a penal law that occurred or an offense committed before the individual's 17th birthday. The bill also defines a "facility" as a juvenile justice facility, a correctional facility operated by the Texas Juvenile Justice Department (TJJD), or a penal institution operated by or under contract with the Texas Department of Criminal Justice. The bill expands the purpose of the office of independent ombudsman and the scope of the independent ombudsman's related powers and duties to include investigating, evaluating, and securing the rights of children placed in or committed to any such facility, rather than pursuing such actions only in regard to children committed to TJJD, and monitoring the operators of those facilities. The bill removes the limitation on the number of terms that a person may serve as the independent ombudsman. The bill specifies that the rules regarding certain independent ombudsman reports that are adopted by the office of independent ombudsman and the Texas Juvenile Justice Board include rules relating to reports containing findings and making recommendations concerning systemic issues that affect an operator of a facility and rules that establish procedures for the operator to review and comment on such reports.

C.S.H.B. 1543 repeals Section 261.101(e), Human Resources Code.

### **EFFECTIVE DATE**

September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1543 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 261.001, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Child" means an individual who is:

(A) 10 years of age or older and younger than 19 years of age; and

(B) placed in or committed to a facility for conduct violating a penal law that occurred or an offense committed before the individual's 17th birthday.

(1-a) "Facility" means:

(A) a jail or detention facility operated by or under contract with a county;

(B) a juvenile justice facility, as defined by Section 261.405, Family Code;

(C) a correctional facility operated by the department; or

(D) a penal institution operated by or under contract with the Texas Department of Criminal Justice.

(1-b) "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

SECTION 2. Section 261.002, Human Resources Code, is amended.

No equivalent provision.

SECTION 3. Section 261.055(b), Human Resources Code, is amended.

SECTION 4. Section 261.056(a), Human Resources Code, is amended.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 261.001, Human Resources Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Child" means an individual who is:

(A) 10 years of age or older and younger than 19 years of age; and

(B) placed in or committed to a facility for conduct violating a penal law that occurred or an offense committed before the individual's 17th birthday.

(1-a) "Facility" means:

(A) a juvenile justice facility, as defined by Section 261.405, Family Code;

(B) a correctional facility operated by the department; or

(C) a penal institution operated by or under contract with the Texas Department of Criminal Justice.

(1-b) "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

SECTION 2. Same as introduced version.

SECTION 3. Section 261.051(b), Human Resources Code, is amended to read as follows:

(b) A person appointed as independent ombudsman is eligible for reappointment [~~but may not serve more than three terms in that capacity~~].

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 5. Section 261.057, Human Resources Code, is amended.

SECTION 6. Same as introduced version.

SECTION 6. Section 261.058(b), Human Resources Code, is amended.

SECTION 7. Same as introduced version.

SECTION 7. Section 261.060(a), Human Resources Code, is amended.

SECTION 8. Same as introduced version.

SECTION 8. Section 261.101(a), Human Resources Code, is amended.

SECTION 9. Same as introduced version.

SECTION 9. Section 261.102, Human Resources Code, is amended.

SECTION 10. Same as introduced version.

SECTION 10. Section 261.104, Human Resources Code, is amended.

SECTION 11. Same as introduced version.

SECTION 11. Sections 261.151(a) and (c), Human Resources Code, are amended.

SECTION 12. Same as introduced version.

SECTION 12. Section 261.152, Human Resources Code, is amended.

SECTION 13. Same as introduced version.

SECTION 13. Section 261.101(e), Human Resources Code, is repealed.

SECTION 14. Same as introduced version.

SECTION 14. This Act takes effect September 1, 2013.

SECTION 15. Same as introduced version.