

BILL ANALYSIS

Senate Research Center

S.B. 1356
By: Van de Putte
Criminal Justice
7/23/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year, roughly one-half of youth referred to Texas's juvenile justice facilities have experienced trauma. Trauma may include emotional, physical, and sexual abuse; neglect; human trafficking; and deprivation. Traumatized youth often have over-reactive responses to 'triggers,' which can be mistaken for disobedience by untrained staff in juvenile facilities, leading to disciplinary actions such as seclusions and restraints, which can in turn re-trigger these traumatized youth. This negative cycle pushes many traumatized youth into increasingly severe placements in secure facilities. In fact, research in Texas shows that a youth's past experience with trauma is the single largest predictor of how deeply involved that youth will become in the Texas juvenile justice system.

Current law does not require the Texas Juvenile Justice Department (TJJD) or county juvenile departments to train appropriate staff in trauma-informed care. This bill requires TJJD and county juvenile departments to provide trauma-informed care training in their existing training programs for appropriate staff.

S.B. 1356 amends current law relating to human trafficking and its victims and the care of juveniles who have experienced traumatic events.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Juvenile Justice Board is modified in SECTION 1 (Section 221.002, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 221.002, Human Resources Code, by adding Subsection (c-1), as follows:

(c-1) Requires the Texas Juvenile Justice Board (TJJB), in adopting rules under Subsection (a)(3) (relating to requiring TJJB to adopt reasonable rules that provide certain training and certification standards for certain officers and personnel), to require probation officers, juvenile supervision officers, and court-supervised community-based program personnel to receive trauma-informed care training. Requires that the training provide knowledge, in line with best practices, of how to interact with juveniles who have experienced traumatic events.

SECTION 2. Amends Subchapter A, Chapter 221, Human Resources Code, by adding Section 221.0035, as follows:

Sec. 221.0035. BEST PRACTICES TO IDENTIFY AND ASSESS VICTIMS OF SEX TRAFFICKING. (a) Defines "sex trafficking" in this section.

(b) Requires the Texas Juvenile Justice Department (TJJD) to evaluate the practices and screening procedures used by juvenile probation departments for the early identification of juveniles who are victims of sex trafficking for the purpose of developing a recommended set of best practices that may be used by a juvenile

probation department to improve the juvenile probation department's ability to identify a juvenile who is a victim of sex trafficking.

(c) Authorizes best practices to include:

(1) examining a juvenile's referral history, including whether the juvenile has a history of running away from home or has been adjudicated for previous offenses;

(2) making inquiries into a juvenile's history of sexual abuse;

(3) assessing a juvenile's need for services, including counseling through a rape crisis center or other counseling; and

(4) asking the juvenile a series of questions designed to determine whether the juvenile is at high risk of being a victim of sex trafficking.

SECTION 3. Amends Subchapter A, Chapter 221, Human Resources Code, by adding Section 221.0061, as follows:

Sec. 221.0061. TRAUMA-INFORMED CARE TRAINING. Requires TJJD to provide trauma-informed care training during the preservice training TJJD provides for juvenile probation officers, juvenile supervision officers, juvenile correctional officers, and juvenile parole officers. Requires that the training provide knowledge, in line with best practices, of how to interact with juveniles who have experienced traumatic events.

SECTION 4. Amends Section 242.009(b), Human Resources Code, as follows:

(b) Requires that the training provided by TJJD provide each juvenile correctional officer employed by TJJD with information and instruction related to the officer's duties, including information and instruction concerning:

(1)-(4) Makes no change to these subdivisions;

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

(6)-(16) Makes no change to these subdivisions;

(17)-(18) Makes nonsubstantive changes; and

(19) trauma-informed care.

SECTION 5. Amends Section 414.005, Government Code, as follows:

Sec. 414.005. DUTIES. Requires the Texas Crime Stoppers Council to:

(1)-(5) Makes no change to these subdivisions;

(6) create specialized programs targeted at detecting specific crimes or types of crimes, including at least one program that:

(A) encourages individuals to report sex offenders who have failed to register under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure;

(B) encourages individuals to report criminal activity relating to the trafficking of persons, as described under Chapter 20A (Trafficking of Persons), Penal Code; and

(C) financially rewards each individual who makes a report described by Paragraph (A) or (B) that leads or substantially contributes to the arrest or apprehension:

(i) of a sex offender who has failed to register under Chapter 62, Code of Criminal Procedure; or

(ii) of a person suspected of engaging in conduct that constitutes an offense under Chapter 20A, Penal Code; and

(7) Makes no change to this subdivision.

SECTION 6. Effective date: September 1, 2013.