

BILL ANALYSIS

Senate Research Center
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S.B. 1517
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law permits county juvenile detention facilities to place children in disciplinary seclusion for an unlimited amount of time for violating one of the facility's "major rules." Each facility has the discretion to determine what constitutes such a violation. Consequently, some facilities place children in seclusion for 24 hours or longer for minor infractions, such as "disrespectful attitude." Research has proven this counterproductive to rehabilitation, and especially harmful to traumatized youth and youth with mental health concerns.

S.B. 1517 prohibits a child's placement in disciplinary seclusion for a period of time longer than four hours unless he or she commits one of the following three violations: assault, escape, or an attempted escape from the facility. This bill requires that a child placed in disciplinary seclusion for a period of time longer than one hour complete a therapeutic self-analysis assignment.

S.B. 1517 requires the administrator of any juvenile facility operated or under contract with a juvenile board or other local governmental unit to report data regarding use of disciplinary seclusions to the Texas Juvenile Justice Department. This report must include for each instance a child is placed in disciplinary seclusion the reason for the placement and the duration of the placement.

This bill requires the Texas Juvenile Justice Board to review all rules relating to discipline plans and the use of restraints for children who have experienced trauma and are placed in seclusion, and to incorporate best practices in those rules.

As proposed, S.B. 1517 amends current law relating to the placement of a child in disciplinary seclusion in a juvenile facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Juvenile Justice Board in SECTION 1 (Section 51.22, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 51, Family Code, by adding Section 51.22, as follows:

Sec. 51.22. PLACEMENT IN DISCIPLINARY SECLUSION. (a) Defines "board," "department," "disciplinary seclusion," and "juvenile facility" for this section.

(b) Prohibits a child placed in or committed to a juvenile facility from being placed in disciplinary seclusion for longer than a four-hour period unless the child is placed in disciplinary seclusion as a result of an assault or an escape or attempted escape from the facility.

(c) Requires a child placed in disciplinary seclusion for longer than a one-hour period to complete a therapeutic self-analysis assignment. Requires the Texas Juvenile Justice Board (TJJB) to develop criteria for therapeutic self-analysis assignments.

(d) Requires the administrator of a juvenile facility operated by or under contract with a juvenile board or other local governmental unit to report to the Texas Juvenile Justice Department data regarding the placement of children in disciplinary seclusion in the facility. Requires a report under this subsection to include for each instance a child is placed in disciplinary seclusion in the facility the reason for the placement and the duration of the placement.

(e) Requires TJJB to adopt rules necessary to implement this section.

(f) Requires TJJB to review all rules relating to discipline plans and the use of restraints for children with mental health or trauma concerns who are placed in disciplinary seclusion and incorporate best practices in those rules.

SECTION 2. Effective date: upon passage or September 1, 2013.