

By: White

H.B. No. 2733

A BILL TO BE ENTITLED

AN ACT

relating to the administration and operation of the Texas Juvenile Justice Department.

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

SECTION 1. Section 411.1141, Government Code, is amended to read as follows:

Sec. 411.1141. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The Texas Juvenile Justice Department is

entitled to obtain from the department criminal history record information maintained by the department that relates to:

(1) a person described by Section 242.010(b), Human Resources Code;

(2) an applicant for a certification from the Texas Juvenile Justice Department;

(3) a holder of a certification from the Texas Juvenile Justice Department;

(4) a child committed to the custody of the Texas Juvenile Justice Department by a juvenile court;

(5) a person requesting visitation access to a facility of the Texas Juvenile Justice Department; or

(6) any person, as necessary to conduct an evaluation of the home under Section 245.051(a), Human Resources Code.

(b) Criminal history record information obtained by the

1 Texas Juvenile Justice Department [~~Youth Commission~~] under
2 Subsection (a) may not be released to any person except:

3 (1) on court order;

4 (2) with the consent of the entity or person who is the
5 subject of the criminal history record information;

6 (3) for purposes of an administrative hearing held, or
7 an investigation conducted, by the Texas Juvenile Justice
8 Department [~~Youth Commission~~] concerning the person who is the
9 subject of the criminal history record information; [~~or~~]

10 (4) a juvenile board by which a certification
11 applicant or holder is employed; or

12 (5) as provided by Subsection (c) or (f).

13 (c) The Texas Juvenile Justice Department [~~Youth~~
14 ~~Commission~~] is not prohibited from releasing criminal history
15 record information obtained under Subsection (a) to:

16 (1) the person who is the subject of the criminal
17 history record information; or

18 (2) a business entity or person described by
19 Subsection (a)(1) [~~(a)(4) or (a)(5)~~] who uses or intends to use the
20 services of the volunteer or intern or employs or is considering
21 employing the person who is the subject of the criminal history
22 record information.

23 (d) The Texas Juvenile Justice Department [~~Youth~~
24 ~~Commission~~] may charge an entity or a person who requests criminal
25 history record information under Subsection (c)(2) [~~(a)(4) or~~
26 ~~(a)(5)~~] a fee in an amount necessary to cover the costs of obtaining
27 the information on the person's or entity's behalf.

1 (e) After a person is certified by the Texas Juvenile
2 Justice Department, the Texas Juvenile Justice Department shall
3 destroy the criminal history record information that relates to a
4 person described by Subsection (a)(2).

5 (f) The Texas Juvenile Justice Department is not prohibited
6 from disclosing criminal history record information obtained under
7 Subsection (a) in a criminal proceeding or in a hearing conducted by
8 the Texas Juvenile Justice Department.

9 SECTION 2. Section 552.117(a), Government Code, is amended
10 to read as follows:

11 (a) Information is excepted from the requirements of
12 Section 552.021 if it is information that relates to the home
13 address, home telephone number, emergency contact information, or
14 social security number of the following person or that reveals
15 whether the person has family members:

16 (1) a current or former official or employee of a
17 governmental body, except as otherwise provided by Section 552.024;

18 (2) a peace officer as defined by Article 2.12, Code of
19 Criminal Procedure, or a security officer commissioned under
20 Section 51.212, Education Code, regardless of whether the officer
21 complies with Section 552.024 or 552.1175, as applicable;

22 (3) a current or former employee of the Texas
23 Department of Criminal Justice or of the predecessor in function of
24 the department or any division of the department, regardless of
25 whether the current or former employee complies with Section
26 552.1175;

27 (4) a peace officer as defined by Article 2.12, Code of

1 Criminal Procedure, or other law, a reserve law enforcement
2 officer, a commissioned deputy game warden, or a corrections
3 officer in a municipal, county, or state penal institution in this
4 state who was killed in the line of duty, regardless of whether the
5 deceased complied with Section 552.024 or 552.1175;

6 (5) a commissioned security officer as defined by
7 Section 1702.002, Occupations Code, regardless of whether the
8 officer complies with Section 552.024 or 552.1175, as applicable;

9 (6) an officer or employee of a community supervision
10 and corrections department established under Chapter 76 who
11 performs a duty described by Section 76.004(b), regardless of
12 whether the officer or employee complies with Section 552.024 or
13 552.1175; ~~or~~

14 (7) a current or former employee of the office of the
15 attorney general who is or was assigned to a division of that office
16 the duties of which involve law enforcement, regardless of whether
17 the current or former employee complies with Section 552.024 or
18 552.1175;

19 (8) a current or former employee of the Texas Juvenile
20 Justice Department or of the predecessors in function of the
21 department, regardless of whether the current or former employee
22 complies with Section 552.1175;

23 (9) a juvenile probation or supervision officer
24 certified by the Texas Juvenile Justice Department, or the
25 predecessors in function of the department, under Title 12, Human
26 Resources Code; or

27 (10) employees of a juvenile justice program or

1 facility, as those terms are defined by Section 261.405, Family
2 Code.

3 SECTION 3. The heading to Section 552.1175, Government
4 Code, is amended to read as follows:

5 Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL
6 [~~ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND~~
7 ~~PERSONAL FAMILY~~] INFORMATION OF PEACE OFFICERS, COUNTY JAILERS,
8 SECURITY OFFICERS, AND EMPLOYEES OF CERTAIN [~~THE TEXAS DEPARTMENT~~
9 ~~OF~~] CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES [~~A~~
10 ~~PROSECUTOR'S OFFICE~~].

11 SECTION 4. Section 552.1175(a), Government Code, is amended
12 to read as follows:

13 (a) This section applies only to:

14 (1) peace officers as defined by Article 2.12, Code of
15 Criminal Procedure;

16 (2) county jailers as defined by Section 1701.001,
17 Occupations Code;

18 (3) current or former employees of the Texas
19 Department of Criminal Justice or of the predecessor in function of
20 the department or any division of the department;

21 (4) commissioned security officers as defined by
22 Section 1702.002, Occupations Code;

23 (5) employees of a district attorney, criminal
24 district attorney, or county or municipal attorney whose
25 jurisdiction includes any criminal law or child protective services
26 matters;

27 (6) officers and employees of a community supervision

1 and corrections department established under Chapter 76 who perform
2 a duty described by Section 76.004(b);

3 (7) criminal investigators of the United States as
4 described by Article 2.122(a), Code of Criminal Procedure;

5 (8) police officers and inspectors of the United
6 States Federal Protective Service; ~~and~~

7 (9) current and former employees of the office of the
8 attorney general who are or were assigned to a division of that
9 office the duties of which involve law enforcement;

10 (10) juvenile probation and supervision officers
11 certified by the Texas Juvenile Justice Department, or the
12 predecessors in function of the department, under Title 12, Human
13 Resources Code;

14 (11) employees of a juvenile justice program or
15 facility, as those terms are defined by Section 261.405, Family
16 Code; and

17 (12) current or former employees of the Texas Juvenile
18 Justice Department or the predecessors in function of the
19 department.

20 SECTION 5. Section 203.001, Human Resources Code, is
21 amended by adding Subsection (d) to read as follows:

22 (d) The board may delegate to the executive director or to
23 any other employee any authority given to the board under this
24 chapter except the authority to adopt rules.

25 SECTION 6. Section 203.0081(a), Human Resources Code, is
26 amended to read as follows:

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

1 (1) the executive director of the department or the
2 executive director's designee;

3 (2) the director of probation services of the
4 department or the director's designee;

5 (3) the director of state programs and facilities of
6 the department or the director's designee;

7 (4) the executive commissioner of the Health and Human
8 Services Commission or the commissioner's designee;

9 (5) [~~4~~] one representative of the county
10 commissioners courts appointed by the board;

11 (6) [~~5~~] two juvenile court judges appointed by the
12 board; and

13 (7) [~~6~~] seven chief juvenile probation officers
14 appointed by the board as provided by Subsection (b).

15 SECTION 7. Section 222.002, Human Resources Code, is
16 amended to read as follows:

17 Sec. 222.002. MINIMUM STANDARDS FOR SUPERVISION
18 [~~DETENTION~~] OFFICERS. To be eligible for appointment as a
19 supervision [~~detention~~] officer, a person who was not employed as
20 an [~~a detention~~] officer before September 1, 2005, must:

21 (1) be of good moral character;

22 (2) be at least 21 years of age;

23 (3) have acquired a high school diploma or its
24 equivalent;

25 (4) have satisfactorily completed the course of
26 preservice training or instruction required by the department;

27 (5) have passed the tests or examinations required by

1 the department; and

2 (6) possess the level of certification required by the
3 department.

4 SECTION 8. Section 222.003(b), Human Resources Code, is
5 amended to read as follows:

6 (b) The certification standards adopted under Subsection
7 (a) must be substantially similar to the certification requirements
8 for supervision [~~detention~~] officers under Section 222.002.

9 SECTION 9. The heading to Section 222.004, Human Resources
10 Code, is amended to read as follows:

11 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF
12 ADMINISTRATIVE, JUVENILE PROBATION, OR SUPERVISION [~~DETENTION~~]
13 OFFICERS.

14 SECTION 10. Section 222.004(a), Human Resources Code, is
15 amended to read as follows:

16 (a) A peace officer, prosecuting attorney, or other person
17 who is employed by or who reports directly to a law enforcement or
18 prosecution official may not act as a chief administrative,
19 juvenile probation, or supervision [~~detention~~] officer or be made
20 responsible for supervising a juvenile on probation.

21 SECTION 11. Section 222.005(a), Human Resources Code, is
22 amended to read as follows:

23 (a) A juvenile probation, supervision [~~detention~~], or
24 corrections officer may not carry a firearm in the course of the
25 person's official duties.

26 SECTION 12. Sections 242.002(b) and (d), Human Resources
27 Code, are amended to read as follows:

1 (b) On or before December 31 of each even-numbered year, the
2 department shall make a report on the effectiveness of the programs
3 to the Legislative Budget Board.

4 (d) If the department is unable to offer or make available
5 programs described by Subsection (a) in the manner provided by
6 Subsection (c), the department shall, not later than December 31
7 [~~January 10~~] of each even-numbered [~~odd-numbered~~] year, provide the
8 standing committees of the senate and house of representatives with
9 primary jurisdiction over matters concerning correctional
10 facilities with a report explaining:

11 (1) which programs are not offered or are unavailable;
12 and

13 (2) the reason the programs are not offered or are
14 unavailable.

15 SECTION 13. Section 242.010, Human Resources Code, is
16 amended by amending Subsections (b), (c), and (d) and adding
17 Subsections (b-1), (b-2), and (b-3) to read as follows:

18 (b) The department [~~executive director~~] shall review the
19 national criminal history record information, state criminal
20 history record information maintained by the Department of Public
21 Safety, and previous and current employment references of each
22 person who:

23 (1) is an employee, [~~contractor~~] volunteer,
24 ombudsman, or advocate working for the department or working in a
25 department facility or a facility under contract with the
26 department;

27 (2) is a contractor or an employee or subcontractor of

1 a contractor who has direct access to children in department
2 facilities;

3 (3) provides direct delivery of services to children
4 in the custody of the department; or

5 (4) [~~3~~] has access to records in department
6 facilities or offices.

7 (b-1) The department may review criminal history record
8 information of:

9 (1) a person requesting visitation access to a
10 department facility; or

11 (2) any person, as necessary to conduct an evaluation
12 of the home under Section 245.051(a).

13 (b-2) The department may not deny visitation access to an
14 immediate family member of a child committed to the department
15 based solely on a review of criminal history record information
16 under Subsection (b-1)(1).

17 (b-3) If visitation access is denied or limited based in
18 part on a review of criminal history record information under
19 Subsection (b-1)(1), the department shall retain the criminal
20 history record information of the person for whom access is denied
21 or limited until the child the person requested visitation access
22 to is released from the department.

23 (c) To enable the department [~~executive director~~] to
24 conduct the review, the board shall adopt rules requiring a person
25 described by Subsection (b) to electronically provide the
26 Department of Public Safety with a complete set of the person's
27 fingerprints in a form and of a quality acceptable to the Department

1 of Public Safety and the Federal Bureau of Investigation.

2 (d) For each person described by Subsection (b), the
3 department [~~executive director~~] shall review on an annual basis the
4 person's national criminal history record information.

5 SECTION 14. Section 245.0535(i), Human Resources Code, is
6 amended to read as follows:

7 (i) Not later than December 31 [~~1~~] of each even-numbered
8 year, the department shall deliver a report of the results of
9 research conducted or coordinated under Subsection (h) to the
10 lieutenant governor, the speaker of the house of representatives,
11 and the standing committees of each house of the legislature with
12 primary jurisdiction over juvenile justice and corrections.

13 SECTION 15. Section 261.051(b), Human Resources Code, is
14 amended to read as follows:

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

18 SECTION 16. Section 411.137, Government Code, is repealed.

19 SECTION 17. This Act takes effect September 1, 2013.