

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 detention 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 203.0081(a), Human Resources Code, is  
21 amended to read as follows:

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

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

25 (2) the director of probation services of the  
26 department or the director's designee;

27 (3) the director of state programs and facilities of

1 the department or the director's designee;

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

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

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

8           (7) [~~(6)~~] seven chief juvenile probation officers  
9 appointed by the board as provided by Subsection (b).

10           SECTION 6. Sections 242.002(b) and (d), Human Resources  
11 Code, are amended to read as follows:

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

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

22           (1) which programs are not offered or are unavailable;  
23 and

24           (2) the reason the programs are not offered or are  
25 unavailable.

26           SECTION 7. Section 242.010, Human Resources Code, is  
27 amended by amending Subsections (b), (c), and (d) and adding

1 Subsections (b-1), (b-2), and (b-3) to read as follows:

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

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

11 (2) is a contractor or an employee or subcontractor of  
12 a contractor who has direct access to children in department  
13 facilities;

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

16 (4) [~~(3)~~] has access to records in department  
17 facilities or offices.

18 (b-1) The department may review criminal history record  
19 information of:

20 (1) a person requesting visitation access to a  
21 department facility; or

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

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



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

7        (c) To enable the department [~~executive director~~] to  
8 conduct the review, the board shall adopt rules requiring a person  
9 described by Subsection (b) to electronically provide the  
10 Department of Public Safety with a complete set of the person's  
11 fingerprints in a form and of a quality acceptable to the Department  
12 of Public Safety and the Federal Bureau of Investigation.

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

16        SECTION 8. Section 245.0535(i), Human Resources Code, is  
17 amended to read as follows:

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

24        SECTION 9. Section 261.051(b), Human Resources Code, is  
25 amended to read as follows:

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

1 ~~capacity~~].

2 SECTION 10. Section 411.137, Government Code, is repealed.

3 SECTION 11. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2733 was passed by the House on May 7, 2013, by the following vote: Yeas 142, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2733 on May 24, 2013, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2733 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor