

**House Bill 2733**  
Senate Amendments  
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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 Texas Juvenile Justice Department [~~Youth Commission~~] under Subsection (a) may not be released to any person except:

- (1) on court order;
- (2) with the consent of the entity or person who is the subject of the criminal history record information;
- (3) for purposes of an administrative hearing held, or an investigation conducted, by the Texas Juvenile Justice Department [~~Youth Commission~~] concerning the person who is the subject of the criminal history record information; [~~or~~]
- (4) a juvenile board by which a certification applicant or holder is employed; or

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

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

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

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

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

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

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

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

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals

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whether the person has family members:

- (1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;
- (2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;
- (3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;
- (4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;
- (5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;
- (6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175; ~~[ø]~~
- (7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section

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552.024 or 552.1175;

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

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

(10) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code.

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

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

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

(a) This section applies only to:

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

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

(3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the

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

(a) This section applies only to:

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

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

(3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the

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department or any division of the department;  
(4) commissioned security officers as defined by Section 1702.002, Occupations Code;  
(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;  
(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);  
(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;  
(8) police officers and inspectors of the United States Federal Protective Service; ~~and~~  
(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;  
(10) juvenile probation and supervision officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;  
(11) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;  
and  
(12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department.

SECTION 5. Section 203.001, Human Resources Code, is amended by adding Subsection (d) to read as follows:  
(d) The board may delegate to the executive director or to any other employee any authority given to the board under this chapter except the authority to adopt rules.

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department or any division of the department;  
(4) commissioned security officers as defined by Section 1702.002, Occupations Code;  
(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;  
(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);  
(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;  
(8) police officers and inspectors of the United States Federal Protective Service; ~~and~~  
(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;  
(10) juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;  
(11) employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;  
and  
(12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department.

**No equivalent provision.**

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

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

- (1) the executive director of the department or the executive director's designee;
- (2) the director of probation services of the department or the director's designee;
- (3) the director of state programs and facilities of the department or the director's designee;
- (4) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;
- (5) ~~(4)~~ one representative of the county commissioners courts appointed by the board;
- (6) ~~(5)~~ two juvenile court judges appointed by the board; and
- (7) ~~(6)~~ seven chief juvenile probation officers appointed by the board as provided by Subsection (b).

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

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

- (1) be of good moral character;
- (2) be at least 21 years of age;
- (3) have acquired a high school diploma or its equivalent;
- (4) have satisfactorily completed the course of preservice training or instruction required by the department;
- (5) have passed the tests or examinations required by the department; and

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**No equivalent provision.**

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

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

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

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

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

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

No equivalent provision.

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

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

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

- (1) which programs are not offered or are unavailable; and
- (2) the reason the programs are not offered or are unavailable.

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

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

- (1) is an employee, [~~contractor,~~] volunteer, ombudsman, or advocate working for the department or working in a department facility or a facility under contract with the department;
- (2) is a contractor or an employee or subcontractor of a contractor who has direct access to children in department facilities;
- (3) provides direct delivery of services to children in the custody of the department; or
- (4) [~~(3)~~] has access to records in department facilities or

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offices.

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

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

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

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

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

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

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

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

(i) Not later than December 31 [~~1~~] of each even-numbered year, the department shall deliver a report of the results of

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research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

SECTION 15. 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 16. Section 411.137, Government Code, is repealed.

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

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SECTION 9. Same as House version.

SECTION 10. Same as House version.

SECTION 11. Same as House version.

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