

By: McClendon

H.B. No. 1549

A BILL TO BE ENTITLED

AN ACT

relating to nonsubstantive corrections in statutes to references to the Texas Youth Commission and Texas Juvenile Probation Commission.

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

SECTION 1. Section 104.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause of action based on conduct described in Section 104.002, the state shall indemnify the following persons, without regard to whether the persons performed their services for compensation, for actual damages, court costs, and attorney's fees adjudged against:

(1) an employee, a member of the governing board, or any other officer of a state agency, institution, or department;

(2) a former employee, former member of the governing board, or any other former officer of a state agency, institution, or department who was an employee or officer when the act or omission on which the damages are based occurred;

(3) a physician or psychiatrist licensed in this state who was performing services under a contract with any state agency, institution, or department or a racing official performing services under a contract with the Texas Racing Commission when the act or omission on which the damages are based occurred;

(3-a) a phlebotomist licensed in this state who was performing services under a contract with the Texas Department of

1 Criminal Justice when the act or omission on which the damages are  
2 based occurred;

3 (4) a chaplain or spiritual advisor who was performing  
4 services under contract with the Texas Department of Criminal  
5 Justice [~~the Texas Youth Commission~~] or the Texas Juvenile  
6 Justice Department [~~Probation Commission~~] when the act or omission  
7 on which the damages are based occurred;

8 (5) a person serving on the governing board of a  
9 foundation, corporation, or association at the request and on  
10 behalf of an institution of higher education, as that term is  
11 defined by Section 61.003(8), Education Code, not including a  
12 public junior college;

13 (6) a state contractor who signed a waste manifest as  
14 required by a state contract; or

15 (7) the estate of a person listed in this section.

16 SECTION 2. Article 13.34, Code of Criminal Procedure, is  
17 amended to read as follows:

18 Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST A CHILD  
19 COMMITTED TO THE TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH~~  
20 ~~COMMISSION~~]. An offense described by Article 104.003(a) committed  
21 by an employee or officer of the Texas Juvenile Justice Department  
22 [~~Youth Commission~~] or a person providing services under a contract  
23 with the department [~~commission~~] against a child committed to the  
24 department [~~commission~~] may be prosecuted in:

25 (1) any county in which an element of the offense  
26 occurred; or

27 (2) Travis County.

1 SECTION 3. Article 15.27(c), Code of Criminal Procedure, is  
2 amended to read as follows:

3 (c) A parole, probation, or community supervision office,  
4 including a community supervision and corrections department, a  
5 juvenile probation department, the paroles division of the Texas  
6 Department of Criminal Justice, and the Texas Juvenile Justice  
7 Department [~~Youth Commission~~], having jurisdiction over a student  
8 described by Subsection (a), (b), or (e) who transfers from a school  
9 or is subsequently removed from a school and later returned to a  
10 school or school district other than the one the student was  
11 enrolled in when the arrest, referral to a juvenile court,  
12 conviction, or adjudication occurred shall within 24 hours of  
13 learning of the student's transfer or reenrollment, or before the  
14 next school day, whichever is earlier, notify the superintendent or  
15 a person designated by the superintendent of the school district to  
16 which the student transfers or is returned or, in the case of a  
17 private school, the principal or a school employee designated by  
18 the principal of the school to which the student transfers or is  
19 returned of the arrest or referral in a manner similar to that  
20 provided for by Subsection (a) or (e)(1), or of the conviction or  
21 delinquent adjudication in a manner similar to that provided for by  
22 Subsection (b) or (e)(2). The superintendent of the school  
23 district to which the student transfers or is returned or, in the  
24 case of a private school, the principal of the school to which the  
25 student transfers or is returned shall, within 24 hours of  
26 receiving notification under this subsection or before the next  
27 school day, whichever is earlier, notify all instructional and

1 support personnel who have regular contact with the student.

2 SECTION 4. Article 38.43(c), Code of Criminal Procedure, is  
3 amended to read as follows:

4 (c) An entity or individual described by Subsection (b)  
5 shall ensure that biological evidence collected pursuant to an  
6 investigation or prosecution of a felony offense or conduct  
7 constituting a felony offense is retained and preserved:

8 (1) for not less than 40 years, or until the applicable  
9 statute of limitations has expired, if there is an unapprehended  
10 actor associated with the offense; or

11 (2) in a case in which a defendant has been convicted,  
12 placed on deferred adjudication community supervision, or  
13 adjudicated as having engaged in delinquent conduct and there are  
14 no additional unapprehended actors associated with the offense:

15 (A) until the inmate is executed, dies, or is  
16 released on parole, if the defendant is convicted of a capital  
17 felony;

18 (B) until the defendant dies, completes the  
19 defendant's sentence, or is released on parole or mandatory  
20 supervision, if the defendant is sentenced to a term of confinement  
21 or imprisonment in the Texas Department of Criminal Justice;

22 (C) until the defendant completes the  
23 defendant's term of community supervision, including deferred  
24 adjudication community supervision, if the defendant is placed on  
25 community supervision;

26 (D) until the defendant dies, completes the  
27 defendant's sentence, or is released on parole, mandatory

1 supervision, or juvenile probation, if the defendant is committed  
2 to the Texas Juvenile Justice Department [~~Youth Commission~~]; or

3 (E) until the defendant completes the  
4 defendant's term of juvenile probation, including a term of  
5 community supervision upon transfer of supervision to a criminal  
6 court, if the defendant is placed on juvenile probation.

7 SECTION 5. Article 49.18(d)(3), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (3) "State juvenile facility" means any facility or  
10 halfway house:

11 (A) operated by or under contract with the Texas  
12 Juvenile Justice Department [~~Youth Commission~~]; or

13 (B) described by Section 51.02(13) or (14),  
14 Family Code.

15 SECTION 6. Articles 60.03(a) and (b), Code of Criminal  
16 Procedure, are amended to read as follows:

17 (a) Criminal justice agencies, the Legislative Budget  
18 Board, and the council are entitled to access to the data bases of  
19 the Department of Public Safety, the Texas Juvenile Justice  
20 Department [~~Probation Commission, the Texas Youth Commission~~], and  
21 the Texas Department of Criminal Justice in accordance with  
22 applicable state or federal law or regulations. The access granted  
23 by this subsection does not grant an agency, the Legislative Budget  
24 Board, or the council the right to add, delete, or alter data  
25 maintained by another agency.

26 (b) The council or the Legislative Budget Board may submit  
27 to the Department of Public Safety, the Texas Juvenile Justice

1 Department [~~Probation Commission, the Texas Youth Commission~~], and  
2 the Texas Department of Criminal Justice an annual request for a  
3 data file containing data elements from the departments'  
4 systems. The Department of Public Safety, the Texas Juvenile  
5 Justice Department [~~Probation Commission, the Texas Youth~~  
6 ~~Commission~~], and the Texas Department of Criminal Justice shall  
7 provide the council and the Legislative Budget Board with that data  
8 file for the period requested, in accordance with state and federal  
9 law and regulations. If the council submits data file requests  
10 other than the annual data file request, the director of the agency  
11 maintaining the requested records must approve the request. The  
12 Legislative Budget Board may submit data file requests other than  
13 the annual data file request without the approval of the director of  
14 the agency maintaining the requested records.

15 SECTION 7. Article 61.01(9), Code of Criminal Procedure, is  
16 amended to read as follows:

17 (9) "Law enforcement agency" does not include the  
18 Texas Department of Criminal Justice, the Texas Juvenile Justice  
19 Department [~~Probation Commission~~], or a local juvenile probation  
20 department [~~, or the Texas Youth Commission~~].

21 SECTION 8. Article 61.02(e)(2), Code of Criminal Procedure,  
22 is amended to read as follows:

23 (2) "Penal institution" means a confinement facility  
24 operated by or under a contract with any division of the Texas  
25 Department of Criminal Justice, a confinement facility operated by  
26 or under contract with the Texas Juvenile Justice Department [~~Youth~~  
27 ~~Commission~~], or a juvenile secure pre-adjudication or

1 post-adjudication facility operated by or under a local juvenile  
2 probation department, or a county jail.

3 SECTION 9. Articles 61.06(a) and (c), Code of Criminal  
4 Procedure, are amended to read as follows:

5 (a) This article does not apply to information collected  
6 under this chapter by the Texas Department of Criminal Justice or  
7 the Texas Juvenile Justice Department [~~Youth Commission~~].

8 (c) In determining whether information is required to be  
9 removed from an intelligence database under Subsection (b), the  
10 five-year period does not include any period during which the  
11 individual who is the subject of the information is:

12 (1) confined in a correctional facility operated by or  
13 under contract with the Texas Department of Criminal Justice;

14 (2) committed to a secure correctional facility  
15 operated by or under contract with the Texas Juvenile Justice  
16 Department [~~Youth Commission~~], as defined by Section 51.02, Family  
17 Code; or

18 (3) confined in a county jail or confined in or  
19 committed to a facility operated by a juvenile board in lieu of  
20 being confined in a correctional facility operated by or under  
21 contract with the Texas Department of Criminal Justice or being  
22 committed to a secure correctional facility operated by or under  
23 contract with the Texas Juvenile Justice Department [~~Youth~~  
24 ~~Commission~~].

25 SECTION 10. Articles 61.07(a) and (c), Code of Criminal  
26 Procedure, are amended to read as follows:

27 (a) This article does not apply to information collected

1 under this chapter by the Texas Department of Criminal Justice or  
2 the Texas Juvenile Justice Department [~~Youth Commission~~].

3 (c) In determining whether information is required to be  
4 removed from an intelligence database under Subsection (b), the  
5 two-year period does not include any period during which the child  
6 who is the subject of the information is:

7 (1) committed to the Texas Juvenile Justice Department  
8 [~~Youth Commission~~] for conduct that violates a penal law of the  
9 grade of felony; or

10 (2) confined in the Texas Department of Criminal  
11 Justice.

12 SECTION 11. Article 61.08(d), Code of Criminal Procedure,  
13 is amended to read as follows:

14 (d) A person who is committed to the Texas Juvenile Justice  
15 Department [~~Youth Commission~~] or confined in the Texas Department  
16 of Criminal Justice does not while committed or confined have the  
17 right to request review of criminal information under this article.

18 SECTION 12. Article 61.10(f), Code of Criminal Procedure,  
19 is amended to read as follows:

20 (f) The task force shall consist of:

21 (1) a representative of the Department of Public  
22 Safety designated by the director of that agency;

23 (2) two representatives of the Texas Department of  
24 Criminal Justice, including a representative of the parole  
25 division, designated by the executive director of that agency;

26 (3) a representative of the office of the inspector  
27 general of the Texas Department of Criminal Justice designated by



1 the inspector general;

2 (4) two representatives [~~a representative~~] of the  
3 Texas Juvenile Justice Department [~~Youth Commission~~] designated by  
4 the executive director of that agency;

5 (5) [~~a representative of the Texas Juvenile Probation~~  
6 ~~Commission designated by the executive director of that agency,~~

7 [~~(6)~~] a representative of the office of the attorney  
8 general designated by the attorney general;

9 (6) [~~(7)~~] six representatives who are local law  
10 enforcement officers or local community supervision personnel,  
11 including juvenile probation personnel, designated by the  
12 governor; and

13 (7) [~~(8)~~] two representatives who are local  
14 prosecutors designated by the governor.

15 SECTION 13. Article 62.001(3), Code of Criminal Procedure,  
16 is amended to read as follows:

17 (3) "Penal institution" means a confinement facility  
18 operated by or under a contract with any division of the Texas  
19 Department of Criminal Justice, a confinement facility operated by  
20 or under contract with the Texas Juvenile Justice Department [~~Youth~~  
21 ~~Commission~~], or a juvenile secure pre-adjudication or  
22 post-adjudication facility operated by or under a local juvenile  
23 probation department, or a county jail.

24 SECTION 14. Articles 62.007(d) and (e), Code of Criminal  
25 Procedure, are amended to read as follows:

26 (d) The risk assessment review committee, the Texas  
27 Department of Criminal Justice, the Texas Juvenile Justice

1 Department [~~Youth Commission~~], or a court may override a risk level  
2 only if the entity:

3 (1) believes that the risk level assessed is not an  
4 accurate prediction of the risk the offender poses to the  
5 community; and

6 (2) documents the reason for the override in the  
7 offender's case file.

8 (e) Notwithstanding Chapter 58, Family Code, records and  
9 files, including records that have been sealed under Section 58.003  
10 of that code, relating to a person for whom a court, the Texas  
11 Department of Criminal Justice, or the Texas Juvenile Justice  
12 Department [~~Youth Commission~~] is required under this article to  
13 determine a level of risk shall be released to the court, the Texas  
14 Department of Criminal Justice [~~department~~], or the Texas Juvenile  
15 Justice Department [~~commission~~], as appropriate, for the purpose of  
16 determining the person's risk level.

17 SECTION 15. Article 62.008, Code of Criminal Procedure, is  
18 amended to read as follows:

19 Art. 62.008. GENERAL IMMUNITY. The following persons are  
20 immune from liability for good faith conduct under this chapter:

21 (1) an employee or officer of the Texas Department of  
22 Criminal Justice, [~~the Texas Youth Commission~~], the Texas Juvenile  
23 Justice Department [~~Probation Commission~~], the Department of  
24 Public Safety, the Board of Pardons and Paroles, or a local law  
25 enforcement authority;

26 (2) an employee or officer of a community supervision  
27 and corrections department or a juvenile probation department;

1 (3) a member of the judiciary; and

2 (4) a member of the risk assessment review committee  
3 established under Article 62.007.

4 SECTION 16. Article 62.010, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of  
7 Criminal Justice, [~~the Texas Youth Commission,~~] the Texas Juvenile  
8 Justice Department [~~Probation Commission~~], and the department may  
9 adopt any rule necessary to implement this chapter.

10 SECTION 17. Article 62.051(b), Code of Criminal Procedure,  
11 is amended to read as follows:

12 (b) The department shall provide the Texas Department of  
13 Criminal Justice, [~~the Texas Youth Commission,~~] the Texas Juvenile  
14 Justice Department [~~Probation Commission~~], and each local law  
15 enforcement authority, authority for campus security, county jail,  
16 and court with a form for registering persons required by this  
17 chapter to register.

18 SECTION 18. Article 104.003(a), Code of Criminal Procedure,  
19 is amended to read as follows:

20 (a) In a prosecution of a criminal offense or delinquent  
21 conduct committed on property owned or operated by or under  
22 contract with the Texas Department of Criminal Justice or the Texas  
23 Juvenile Justice Department [~~Youth Commission~~], or committed by or  
24 against a person in the custody of the Texas Department of Criminal  
25 Justice or the Texas Juvenile Justice Department [~~department or~~  
26 ~~commission~~] while the person is performing a duty away from Texas  
27 Department of Criminal Justice or Texas Juvenile Justice Department

1 [~~department or commission~~] property, the state shall reimburse the  
2 county for expenses incurred by the county, in an amount that the  
3 court determines to be reasonable, for payment of:

4 (1) salaries and expenses of foreign language  
5 interpreters and interpreters for deaf persons whose services are  
6 necessary to the prosecution;

7 (2) consultation fees of experts whose assistance is  
8 directly related to the prosecution;

9 (3) travel expenses for witnesses;

10 (4) expenses for the food, lodging, and compensation  
11 of jurors;

12 (5) compensation of witnesses;

13 (6) the cost of preparation of a statement of facts and  
14 a transcript of the trial for purposes of appeal;

15 (7) if the death of a person is an element of the  
16 offense, expenses of an inquest relating to the death;

17 (8) food, lodging, and travel expenses incurred by the  
18 prosecutor's staff during travel essential to the prosecution of  
19 the offense;

20 (9) court reporter's fees; and

21 (10) the cost of special security officers.

22 SECTION 19. Section 1.001(b), Education Code, is amended to  
23 read as follows:

24 (b) Except as provided by Chapter 18, Chapter 19, Subchapter  
25 A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30A, this  
26 code does not apply to students, facilities, or programs under the  
27 jurisdiction of the Department of Aging and Disability Services,

1 the Department of State Health Services, the Health and Human  
2 Services Commission, the Texas Juvenile Justice Department [~~Youth~~  
3 ~~Commission~~], the Texas Department of Criminal Justice, a Job Corps  
4 program operated by or under contract with the United States  
5 Department of Labor, or any juvenile probation agency.

6 SECTION 20. Section 7.055(b)(26), Education Code, is  
7 amended to read as follows:

8 (26) The commissioner, with the assistance of the  
9 comptroller, shall determine amounts to be distributed to the Texas  
10 School for the Blind and Visually Impaired and the Texas School for  
11 the Deaf as provided by Section 30.003 and to the Texas Juvenile  
12 Justice Department [~~Youth Commission~~] as provided by Section  
13 30.102.

14 SECTION 21. Section 25.042, Education Code, is amended to  
15 read as follows:

16 Sec. 25.042. TRANSFER OF CHILDREN OF EMPLOYEES OF TEXAS  
17 JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] FACILITIES. A  
18 school-age child of an employee of a facility of the Texas Juvenile  
19 Justice Department [~~Youth Commission~~] is entitled to attend school  
20 in a school district adjacent to the district in which the student  
21 resides free of any charge to the student's parents or guardian.  
22 Any tuition charge required by the admitting district shall be paid  
23 by the district from which the student transfers out of any funds  
24 appropriated to the facility.

25 SECTION 22. Section 29.012(d), Education Code, is amended  
26 to read as follows:

27 (d) The Texas Education Agency, the Texas Department of

1 Mental Health and Mental Retardation, the Texas Department of Human  
2 Services, the Texas Department of Health, the Department of  
3 Protective and Regulatory Services, the Interagency Council on  
4 Early Childhood Intervention, the Texas Commission on Alcohol and  
5 Drug Abuse, and the Texas Juvenile Justice Department [~~Probation~~  
6 ~~Commission, and the Texas Youth Commission~~] by a cooperative effort  
7 shall develop and by rule adopt a memorandum of understanding. The  
8 memorandum must:

9           (1) establish the respective responsibilities of  
10 school districts and of residential facilities for the provision of  
11 a free, appropriate public education, as required by the  
12 Individuals with Disabilities Education Act (20 U.S.C. Section 1400  
13 et seq.) and its subsequent amendments, including each requirement  
14 for children with disabilities who reside in those facilities;

15           (2) coordinate regulatory and planning functions of  
16 the parties to the memorandum;

17           (3) establish criteria for determining when a public  
18 school will provide educational services;

19           (4) provide for appropriate educational space when  
20 education services will be provided at the residential facility;

21           (5) establish measures designed to ensure the safety  
22 of students and teachers; and

23           (6) provide for binding arbitration consistent with  
24 Chapter 2009, Government Code, and Section [154.027](#), Civil Practice  
25 and Remedies Code.

26           SECTION 23. Section [29.087](#)(d), Education Code, is amended  
27 to read as follows:

1 (d) A student is eligible to participate in a program  
2 authorized by this section if:

3 (1) the student has been ordered by a court under  
4 Article 45.054, Code of Criminal Procedure, [~~as added by Chapter~~  
5 ~~1514, Acts of the 77th Legislature, Regular Session, 2001,~~] or by  
6 the Texas Juvenile Justice Department [~~Youth Commission~~] to:

7 (A) participate in a preparatory class for the  
8 high school equivalency examination; or

9 (B) take the high school equivalency examination  
10 administered under Section 7.111; or

11 (2) the following conditions are satisfied:

12 (A) the student is at least 16 years of age at the  
13 beginning of the school year or semester;

14 (B) the student is a student at risk of dropping  
15 out of school, as defined by Section 29.081;

16 (C) the student and the student's parent or  
17 guardian agree in writing to the student's participation;

18 (D) at least two school years have elapsed since  
19 the student first enrolled in ninth grade and the student has  
20 accumulated less than one third of the credits required to graduate  
21 under the minimum graduation requirements of the district or  
22 school; and

23 (E) any other conditions specified by the  
24 commissioner.

25 SECTION 24. The heading to Subchapter E, Chapter 30,  
26 Education Code, is amended to read as follows:

27 SUBCHAPTER E. TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]

FACILITIES

SECTION 25. Section 30.101, Education Code, is amended to read as follows:

Sec. 30.101. PURPOSE. The purpose of this subchapter is to provide the state available school fund apportionment to children committed to the Texas Juvenile Justice Department [~~Youth Commission~~]. To provide the state available school fund apportionment for educational purposes, the educational programs provided to those children are considered to be educational services provided by public schools.

SECTION 26. Section 30.102, Education Code, is amended to read as follows:

Sec. 30.102. ALLOCATION. (a) The Texas Juvenile Justice Department [~~Youth Commission~~] is entitled to receive the state available school fund apportionment based on the average daily attendance in the department's [~~commission's~~] educational programs of students who are at least three years of age and not older than 21 years of age.

(b) A classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, Chapter 21, or full-time school nurse employed by the department [~~commission~~] is entitled to receive as a minimum salary the monthly salary specified by Section 21.402. A classroom teacher, full-time librarian, full-time school counselor, or full-time school nurse may be paid, from funds appropriated to the department [~~commission~~], a salary in excess of the minimum specified by that section, but the salary may not exceed the rate of pay for a similar



1 position in the public schools of an adjacent school district.

2 (c) The commissioner, with the assistance of the  
3 comptroller, shall determine the amount that the department  
4 [~~commission~~] would have received from the available school fund if  
5 Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984,  
6 had not transferred statutorily dedicated taxes from the available  
7 school fund to the foundation school fund. That amount, minus any  
8 amount the schools do receive from the available school fund, shall  
9 be set apart as a separate account in the foundation school fund and  
10 appropriated to the department [~~commission~~] for educational  
11 purposes.

12 SECTION 27. Section 30.103, Education Code, is amended to  
13 read as follows:

14 Sec. 30.103. MEMORANDUM OF UNDERSTANDING. The Texas  
15 Juvenile Justice Department [~~Youth Commission~~] with the assistance  
16 of the Texas Workforce Commission and the Texas Workforce  
17 Investment Council shall by rule adopt a memorandum of  
18 understanding that establishes the respective responsibility of  
19 those entities to provide through local workforce development  
20 boards job training and employment assistance programs to children  
21 committed or formerly sentenced to the department [~~Texas Youth~~  
22 ~~Commission~~]. The department [~~Texas Youth Commission~~] shall  
23 coordinate the development of the memorandum of understanding and  
24 include in its annual report information describing the number of  
25 children in the preceding year receiving services under the  
26 memorandum.

27 SECTION 28. Section 30.104, Education Code, is amended to

1 read as follows:

2           Sec. 30.104. CREDIT FOR COMPLETION OF EDUCATIONAL PROGRAMS;  
3 HIGH SCHOOL DIPLOMA AND CERTIFICATE. (a) A school district shall  
4 grant to a student credit toward the academic course requirements  
5 for high school graduation for courses the student successfully  
6 completes in Texas Juvenile Justice Department [~~Youth Commission~~]  
7 educational programs.

8           (b) A student may graduate and receive a diploma from a  
9 department [~~Texas Youth Commission~~] educational program if:

10           (1) the student successfully completes the curriculum  
11 requirements identified by the State Board of Education under  
12 Section 28.025(a) and complies with Section 39.025; or

13           (2) the student successfully completes the curriculum  
14 requirements under Section 28.025(a) as modified by an  
15 individualized education program developed under Section 29.005.

16           (c) A department [~~Texas Youth Commission~~] educational  
17 program may issue a certificate of course-work completion to a  
18 student who successfully completes the curriculum requirements  
19 identified by the State Board of Education under Section 28.025(a)  
20 but who fails to comply with Section 39.025.

21           SECTION 29. Section 30.106, Education Code, is amended to  
22 read as follows:

23           Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because  
24 learning and behavior are inextricably linked and learning and  
25 improved behavior correlate with decreased recidivism rates, the  
26 Texas Juvenile Justice Department [~~Youth Commission~~] shall not only  
27 fulfill the department's [~~commission's~~] duties under state and

1 federal law to provide general and special educational services to  
2 students in department [~~commission~~] educational programs but also  
3 shall implement a comprehensive plan to improve the reading skills  
4 and behavior of those students.

5 (b) To improve the reading skills of students in department  
6 [~~Texas Youth Commission~~] educational programs, the department  
7 [~~commission~~] shall:

8 (1) adopt a reliable battery of reading assessments  
9 that:

10 (A) are based on a normative sample appropriate  
11 to students in department [~~commission~~] educational programs;

12 (B) are designed to be administered on an  
13 individual basis; and

14 (C) allow school employees to:

15 (i) evaluate performance in each essential  
16 component of effective reading instruction, including phonemic  
17 awareness, phonics, fluency, vocabulary, and comprehension;

18 (ii) monitor progress in areas of  
19 deficiency specific to an individual student; and

20 (iii) provide reading performance data;

21 (2) administer the assessments adopted under  
22 Subdivision (1):

23 (A) at periodic intervals not to exceed 12  
24 months, to each student in a department [~~commission~~] educational  
25 program; and

26 (B) at least 15 days and not more than 30 days  
27 before a student is released from the department [~~commission~~];

1           (3) provide at least 60 minutes per school day of  
2 individualized reading instruction to each student in a department  
3 [~~commission~~] educational program who exhibits deficits in reading  
4 on the assessments adopted under Subdivision (1):

5                   (A) by trained educators with expertise in  
6 teaching reading to struggling adolescent readers; and

7                   (B) through the use of scientifically based,  
8 peer-reviewed reading curricula that:

9                           (i) have proven effective in improving the  
10 reading performance of struggling adolescent readers;

11                           (ii) address individualized and  
12 differentiated reading goals; and

13                           (iii) include each of the essential  
14 components of effective reading instruction, including phonemic  
15 awareness, phonics, fluency, vocabulary, and comprehension;

16           (4) require each teacher in a department [~~commission~~]  
17 regular or special educational program who teaches English language  
18 arts, reading, mathematics, science, social studies, or career and  
19 technology education to be trained in incorporating content area  
20 reading instruction using empirically validated instructional  
21 methods that are appropriate for struggling adolescent readers; and

22           (5) evaluate the effectiveness of the department's  
23 [~~commission's~~] plan to increase reading skills according to the  
24 following criteria:

25                   (A) an adequate rate of improvement in reading  
26 performance, as measured by monthly progress monitoring using  
27 curricular-based assessments in each of the essential components of

1 effective reading instruction, including phonemic awareness,  
2 phonics, fluency, vocabulary, and comprehension;

3 (B) a significant annual rate of improvement in  
4 reading performance, disaggregated by subgroups designated under  
5 department [~~commission~~] rule, as measured using the battery of  
6 reading assessments adopted under Subdivision (1); and

7 (C) student ratings of the quality and impact of  
8 the reading plan under this subsection, as measured on a student  
9 self-reporting instrument.

10 (c) To increase the positive social behaviors of students in  
11 department [~~Texas Youth Commission~~] educational programs and to  
12 create an educational environment that facilitates learning, the  
13 department [~~commission~~] shall:

14 (1) adopt system-wide classroom and individual  
15 positive behavior supports that incorporate a continuum of  
16 prevention and intervention strategies that:

17 (A) are based on current behavioral research; and

18 (B) are systematically and individually applied  
19 to students consistent with the demonstrated level of need;

20 (2) require each teacher and other educational staff  
21 member in a department [~~commission~~] educational program to be  
22 trained in implementing the positive behavior support system  
23 adopted under Subdivision (1); and

24 (3) adopt valid assessment techniques to evaluate the  
25 effectiveness of the positive behavior support system according to  
26 the following criteria:

27 (A) documentation of school-related disciplinary

1 referrals, disaggregated by the type, location, and time of  
2 infraction and by subgroups designated under department  
3 ~~[commission]~~ rule;

4 (B) documentation of school-related disciplinary  
5 actions, including time-out, placement in security, and use of  
6 restraints and other aversive control measures, disaggregated by  
7 subgroups designated under department ~~[commission]~~ rule;

8 (C) validated measurement of systemic positive  
9 behavioral support interventions; and

10 (D) the number of minutes students are out of the  
11 regular classroom because of disciplinary reasons.

12 (d) The department ~~[Texas Youth Commission]~~ shall consult  
13 with faculty from institutions of higher education who have  
14 expertise in reading instruction for adolescents, in juvenile  
15 corrections, and in positive behavior supports to develop and  
16 implement the plan under Subsections (b) and (c).

17 (e) A student in a department ~~[Texas Youth Commission]~~  
18 educational program may not be released on parole from the  
19 department ~~[commission]~~ unless the student participates, to the  
20 extent required by department ~~[commission]~~ rule, in the positive  
21 behavior support system under Subsection (c). A student in a  
22 department ~~[commission]~~ educational program who exhibits deficits  
23 in reading on the assessments adopted under Subsection (b)(1) must  
24 also participate in reading instruction to the extent required by  
25 this section and by department ~~[commission]~~ rule before the student  
26 may be released on parole.

27 SECTION 30. Section 30A.105(c), Education Code, is amended

1 to read as follows:

2 (c) The agency shall pay the reasonable costs of evaluating  
3 and approving electronic courses. If funds available to the agency  
4 for that purpose are insufficient to pay the costs of evaluating and  
5 approving all electronic courses submitted for evaluation and  
6 approval, the agency shall give priority to paying the costs of  
7 evaluating and approving the following courses:

8 (1) courses that satisfy high school graduation  
9 requirements;

10 (2) courses that would likely benefit a student in  
11 obtaining admission to a postsecondary institution;

12 (3) courses, including dual credit courses, that allow  
13 a student to earn college credit or other advanced credit;

14 (4) courses in subject areas most likely to be highly  
15 beneficial to students receiving educational services under the  
16 supervision of a juvenile probation department, the Texas Juvenile  
17 Justice Department [~~Youth Commission~~], or the Texas Department of  
18 Criminal Justice; and

19 (5) courses in subject areas designated by the  
20 commissioner as commonly experiencing a shortage of teachers.

21 SECTION 31. Section 31.021(c), Education Code, is amended  
22 to read as follows:

23 (c) Money in the state instructional materials fund shall be  
24 used to:

25 (1) fund the instructional materials allotment, as  
26 provided by Section 31.0211;

27 (2) purchase special instructional materials for the

1 education of blind and visually impaired students in public  
2 schools;

3 (3) pay the expenses associated with the instructional  
4 materials adoption and review process under this chapter;

5 (4) pay the expenses associated with the purchase or  
6 licensing of open-source instructional material;

7 (5) pay the expenses associated with the purchase of  
8 instructional material, including intrastate freight and shipping  
9 and the insurance expenses associated with intrastate freight and  
10 shipping;

11 (6) fund the technology lending grant program  
12 established under Section 32.201; and

13 (7) provide funding to the Texas School for the Blind  
14 and Visually Impaired, the Texas School for the Deaf, and the Texas  
15 Juvenile Justice Department [~~Youth Commission~~].

16 SECTION 32. Sections 37.0062(a), (b), and (d), Education  
17 Code, are amended to read as follows:

18 (a) The commissioner shall determine the instructional  
19 requirements for education services provided by a school district  
20 or open-enrollment charter school in a pre-adjudication secure  
21 detention facility or a post-adjudication secure correctional  
22 facility operated by a juvenile board or a post-adjudication secure  
23 correctional facility operated under contract with the Texas  
24 Juvenile Justice Department [~~Youth Commission~~], including  
25 requirements relating to:

26 (1) the length of the school day;

27 (2) the number of days of instruction provided to



1 students each school year; and

2 (3) the curriculum of the educational program.

3 (b) The commissioner shall coordinate with the Texas  
4 Juvenile Justice Department in determining the instructional  
5 requirements for education services provided under Subsection (a):

6 (1) [~~the Texas Juvenile Probation Commission in~~  
7 ~~determining the instructional requirements for education services~~  
8 ~~provided under Subsection (a)] in a pre-adjudication secure  
9 detention facility or a post-adjudication secure correctional  
10 facility operated by a juvenile board; and~~

11 (2) [~~the Texas Youth Commission in determining the~~  
12 ~~instructional requirements for education services provided under~~  
13 ~~Subsection (a)] in a post-adjudication secure correctional  
14 facility operated under contract with the department [~~Texas Youth~~  
15 ~~Commission)].~~~~

16 (d) The Texas Juvenile Justice Department [~~Probation~~  
17 ~~Commission or the Texas Youth Commission, as applicable,~~] shall  
18 coordinate with the commissioner in establishing standards for:

19 (1) ensuring security in the provision of education  
20 services in the facilities; and

21 (2) providing children in the custody of the  
22 facilities access to education services.

23 SECTION 33. Sections [37.011](#)(a), (a-1), (f), (g), and (h),  
24 Education Code, are amended to read as follows:

25 (a) The juvenile board of a county with a population greater  
26 than 125,000 shall develop a juvenile justice alternative education  
27 program, subject to the approval of the Texas Juvenile Justice

1 Department [~~Probation Commission~~]. The juvenile board of a county  
2 with a population of 125,000 or less may develop a juvenile justice  
3 alternative education program. For the purposes of this  
4 subchapter, only a disciplinary alternative education program  
5 operated under the authority of a juvenile board of a county is  
6 considered a juvenile justice alternative education program. A  
7 juvenile justice alternative education program in a county with a  
8 population of 125,000 or less:

9 (1) is not required to be approved by the department  
10 [~~Texas Juvenile Probation Commission~~]; and

11 (2) is not subject to Subsection (c), (d), (f), or (g).

12 (a-1) For purposes of this section and Section 37.010(a), a  
13 county with a population greater than 125,000 is considered to be a  
14 county with a population of 125,000 or less if:

15 (1) the county had a population of 125,000 or less  
16 according to the 2000 federal census; and

17 (2) the juvenile board of the county enters into, with  
18 the approval of the Texas Juvenile Justice Department [~~Probation~~  
19 ~~Commission~~], a memorandum of understanding with each school  
20 district within the county that:

21 (A) outlines the responsibilities of the board  
22 and school districts in minimizing the number of students expelled  
23 without receiving alternative educational services; and

24 (B) includes the coordination procedures  
25 required by Section 37.013.

26 (f) A juvenile justice alternative education program must  
27 operate at least seven hours per day and 180 days per year, except

1 that a program may apply to the Texas Juvenile Justice Department  
2 [~~Probation Commission~~] for a waiver of the 180-day requirement.  
3 The department [~~commission~~] may not grant a waiver to a program  
4 under this subsection for a number of days that exceeds the highest  
5 number of instructional days waived by the commissioner during the  
6 same school year for a school district served by the program.

7 (g) A juvenile justice alternative education program shall  
8 be subject to a written operating policy developed by the local  
9 juvenile justice board and submitted to the Texas Juvenile Justice  
10 Department [~~Probation Commission~~] for review and comment. A  
11 juvenile justice alternative education program is not subject to a  
12 requirement imposed by this title, other than a reporting  
13 requirement or a requirement imposed by this chapter or by Chapter  
14 39.

15 (h) Academically, the mission of juvenile justice  
16 alternative education programs shall be to enable students to  
17 perform at grade level. For purposes of accountability under  
18 Chapter 39, a student enrolled in a juvenile justice alternative  
19 education program is reported as if the student were enrolled at the  
20 student's assigned campus in the student's regularly assigned  
21 education program, including a special education program. Annually  
22 the Texas Juvenile Justice Department [~~Probation Commission~~], with  
23 the agreement of the commissioner, shall develop and implement a  
24 system of accountability consistent with Chapter 39, where  
25 appropriate, to assure that students make progress toward grade  
26 level while attending a juvenile justice alternative education  
27 program. The department [~~Texas Juvenile Probation Commission~~]

1 shall adopt rules for the distribution of funds appropriated under  
2 this section to juvenile boards in counties required to establish  
3 juvenile justice alternative education programs. Except as  
4 determined by the commissioner, a student served by a juvenile  
5 justice alternative education program on the basis of an expulsion  
6 required under Section 37.007(a), (d), or (e) is not eligible for  
7 Foundation School Program funding under Chapter 42 or 31 if the  
8 juvenile justice alternative education program receives funding  
9 from the department [~~Texas Juvenile Probation Commission~~] under  
10 this subchapter.

11 SECTION 34. Section 37.084(b), Education Code, is amended  
12 to read as follows:

13 (b) The commissioner may enter into an interagency  
14 agreement to share educational information for research and  
15 analytical purposes with the:

16 (1) Texas Juvenile Justice Department [~~Probation~~  
17 ~~Commission~~]; and

18 (2) [~~Texas Youth Commission,~~

19 [~~(3)~~] Texas Department of Criminal Justice[~~, and~~

20 [~~(4) Criminal Justice Policy Council~~].

21 SECTION 35. Sections 37.203(a) and (b), Education Code, are  
22 amended to read as follows:

23 (a) The center is advised by a board of directors composed  
24 of:

25 (1) the attorney general, or the attorney general's  
26 designee;

27 (2) the commissioner, or the commissioner's designee;

1           (3) the executive director of the Texas Juvenile  
2 Justice Department [~~Probation Commission~~], or the executive  
3 director's designee;

4           (4) [~~the executive commissioner of the Texas Youth~~  
5 ~~Commission, or the executive commissioner's designee,~~

6           [~~(5)~~] the commissioner of the Department of State  
7 Health Services, or the commissioner's designee;

8           (5) [~~(6)~~] the commissioner of higher education, or the  
9 commissioner's designee; and

10           (6) [~~(7)~~] the following members appointed by the  
11 governor with the advice and consent of the senate:

12                   (A) a juvenile court judge;

13                   (B) a member of a school district's board of  
14 trustees;

15                   (C) an administrator of a public primary school;

16                   (D) an administrator of a public secondary  
17 school;

18                   (E) a member of the state parent-teacher  
19 association;

20                   (F) a teacher from a public primary or secondary  
21 school;

22                   (G) a public school superintendent who is a  
23 member of the Texas Association of School Administrators;

24                   (H) a school district police officer or a peace  
25 officer whose primary duty consists of working in a public school;  
26 and

27                   (I) two members of the public.

1 (b) Members of the board appointed under Subsection (a)(6)  
2 [~~(a)(7)~~] serve staggered two-year terms, with the terms of the  
3 members described by Subsections (a)(6)(A)-(E) [~~(a)(7)(A)-(E)~~]  
4 expiring on February 1 of each odd-numbered year and the terms of  
5 the members described by Subsections (a)(6)(F)-(I) [~~(a)(7)(F)-(I)~~]  
6 expiring on February 1 of each even-numbered year. A member may  
7 serve more than one term.

8 SECTION 36. Section 52.40(a), Education Code, is amended to  
9 read as follows:

10 (a) The board may cancel the repayment of a loan received by  
11 a student who earns a doctorate of psychology degree and who, prior  
12 to the date on which repayment of the loan is to commence, is  
13 employed by the Department of Aging and Disability Services, the  
14 Department of State Health Services, or the Health and Human  
15 Services Commission and performs duties formerly performed by  
16 employees of the Texas Department of Human Services or Texas  
17 Department of Mental Health and Mental Retardation, the Texas  
18 Juvenile Justice Department [~~Youth Commission~~], or the Texas  
19 Department of Criminal Justice.

20 SECTION 37. Section 32.001(b), Family Code, is amended to  
21 read as follows:

22 (b) Except as otherwise provided by this subsection, the  
23 Texas Juvenile Justice Department [~~Youth Commission~~] may consent to  
24 the medical, dental, psychological, and surgical treatment of a  
25 child committed to the department [~~Texas Youth Commission~~] under  
26 Title 3 when the person having the right to consent has been  
27 contacted and that person has not given actual notice to the

1 contrary. Consent for medical, dental, psychological, and  
2 surgical treatment of a child for whom the Department of Family and  
3 Protective Services has been appointed managing conservator and who  
4 is committed to the Texas Juvenile Justice Department [~~Youth~~  
5 ~~Commission~~] is governed by Sections 266.004, 266.009, and 266.010.

6 SECTION 38. Section 32.101(d), Family Code, is amended to  
7 read as follows:

8 (d) The Texas Juvenile Justice Department [~~Youth~~  
9 ~~Commission~~] may consent to the immunization of a child committed to  
10 it if a parent, managing conservator, or guardian of the minor or  
11 other person who, under the law of another state or court order, may  
12 consent for the minor has been contacted and:

13 (1) refuses to consent; and

14 (2) does not expressly deny to the department [~~Texas~~  
15 ~~Youth Commission~~] the authority to consent for the child.

16 SECTION 39. Section 51.031(b), Family Code, is amended to  
17 read as follows:

18 (b) For purposes of this section, an adjudication is final  
19 if the child is placed on probation or committed to the Texas  
20 Juvenile Justice Department [~~Youth Commission~~].

21 SECTION 40. Section 51.06(b), Family Code, is amended to  
22 read as follows:

23 (b) An application for a writ of habeas corpus brought by or  
24 on behalf of a person who has been committed to an institution under  
25 the jurisdiction of the Texas Juvenile Justice Department [~~Youth~~  
26 ~~Commission~~] and which attacks the validity of the judgment of  
27 commitment shall be brought in the county in which the court that

1 entered the judgment of commitment is located.

2 SECTION 41. Section 51.10(b), Family Code, is amended to  
3 read as follows:

4 (b) The child's right to representation by an attorney shall  
5 not be waived in:

6 (1) a hearing to consider transfer to criminal court  
7 as required by Section 54.02 [~~of this code~~];

8 (2) an adjudication hearing as required by Section  
9 54.03 [~~of this code~~];

10 (3) a disposition hearing as required by Section 54.04  
11 [~~of this code~~];

12 (4) a hearing prior to commitment to the Texas  
13 Juvenile Justice Department [~~Youth Commission~~] as a modified  
14 disposition in accordance with Section 54.05(f) [~~of this code~~]; or

15 (5) hearings required by Chapter 55 [~~of this code~~].

16 SECTION 42. Section 51.101(e), Family Code, is amended to  
17 read as follows:

18 (e) The juvenile court shall determine whether the child's  
19 family is indigent if a motion or petition is filed under Section  
20 54.05 seeking to modify disposition by committing the child to the  
21 Texas Juvenile Justice Department [~~Youth Commission~~] or placing the  
22 child in a secure correctional facility. A court that makes a  
23 finding of indigence shall appoint an attorney to represent the  
24 child on or before the fifth working day after the date the petition  
25 or motion has been filed. An attorney appointed under this  
26 subsection shall continue to represent the child until the court  
27 rules on the motion or petition, the family retains an attorney, or



1 a new attorney is appointed.

2 SECTION 43. Section 51.102(b), Family Code, is amended to  
3 read as follows:

4 (b) A plan adopted under Subsection (a) must:

5 (1) to the extent practicable, comply with the  
6 requirements of Article 26.04, Code of Criminal Procedure, except  
7 that:

8 (A) the income and assets of the child's parent  
9 or other person responsible for the child's support must be used in  
10 determining whether the child is indigent; and

11 (B) any alternative plan for appointing counsel  
12 is established by the juvenile board in the county; and

13 (2) recognize the differences in qualifications and  
14 experience necessary for appointments to cases in which:

15 (A) the allegation is:

16 (i) conduct indicating a need for  
17 supervision or delinquent conduct, and commitment to the Texas  
18 Juvenile Justice Department [~~Youth Commission~~] is not an authorized  
19 disposition; or

20 (ii) delinquent conduct, and commitment to  
21 the department [~~Texas Youth Commission~~] without a determinate  
22 sentence is an authorized disposition; or

23 (B) determinate sentence proceedings have been  
24 initiated or proceedings for discretionary transfer to criminal  
25 court have been initiated.

26 SECTION 44. Sections 51.12(c), (c-1), (h), (i), (j), (l),  
27 and (m), Family Code, are amended to read as follows:

1           (c) In each county, each judge of the juvenile court and a  
2 majority of the members of the juvenile board shall personally  
3 inspect all public or private juvenile pre-adjudication secure  
4 detention facilities that are located in the county at least  
5 annually and shall certify in writing to the authorities  
6 responsible for operating and giving financial support to the  
7 facilities and to the Texas Juvenile Justice Department [~~Probation~~  
8 ~~Commission~~] that the facilities are suitable or unsuitable for the  
9 detention of children. In determining whether a facility is  
10 suitable or unsuitable for the detention of children, the juvenile  
11 court judges and juvenile board members shall consider:

12           (1) current monitoring and inspection reports and any  
13 noncompliance citation reports issued by the department [~~Texas~~  
14 ~~Juvenile Probation Commission~~], including the report provided  
15 under Subsection (c-1), and the status of any required corrective  
16 actions;

17           (2) current governmental inspector certification  
18 regarding the facility's compliance with local fire codes;

19           (3) current building inspector certification  
20 regarding the facility's compliance with local building codes;

21           (4) for the 12-month period preceding the inspection,  
22 the total number of allegations of abuse, neglect, or exploitation  
23 reported by the facility and a summary of the findings of any  
24 investigations of abuse, neglect, or exploitation conducted by the  
25 facility, a local law enforcement agency, and the department [~~Texas~~  
26 ~~Juvenile Probation Commission~~];

27           (5) the availability of health and mental health

1 services provided to facility residents;

2 (6) the availability of educational services provided  
3 to facility residents; and

4 (7) the overall physical appearance of the facility,  
5 including the facility's security, maintenance, cleanliness, and  
6 environment.

7 (c-1) The Texas Juvenile Justice Department [~~Probation~~  
8 ~~Commission~~] shall annually inspect each public or private juvenile  
9 pre-adjudication secure detention facility. The department [~~Texas~~  
10 ~~Juvenile Probation Commission~~] shall provide a report to each  
11 juvenile court judge presiding in the same county as an inspected  
12 facility indicating whether the facility is suitable or unsuitable  
13 for the detention of children in accordance with:

14 (1) the requirements of Subsections (a), (f), and (g);  
15 and

16 (2) minimum professional standards for the detention  
17 of children in pre-adjudication secure confinement promulgated by  
18 the department [~~Texas Juvenile Probation Commission~~] or, at the  
19 election of the juvenile board of the county in which the facility  
20 is located, the current standards promulgated by the American  
21 Correctional Association.

22 (h) This section does not apply to a person:

23 (1) who has been transferred to criminal court for  
24 prosecution under Section 54.02 and is at least 17 years of age; or

25 (2) who is at least 17 years of age and who has been  
26 taken into custody after having:

27 (A) escaped from a juvenile facility operated by

1 or under contract with the Texas Juvenile Justice Department [~~Youth~~  
2 ~~Commission~~]; or

3 (B) violated a condition of release under  
4 supervision of the department [~~Texas Youth Commission~~].

5 (i) Except for a facility as provided by Subsection (l), a  
6 governmental unit or private entity that operates or contracts for  
7 the operation of a juvenile pre-adjudication secure detention  
8 facility under Subsection (b-1) in this state shall:

9 (1) register the facility annually with the Texas  
10 Juvenile Justice Department [~~Probation Commission~~]; and

11 (2) adhere to all applicable minimum standards for the  
12 facility.

13 (j) After being taken into custody, a child may be detained  
14 in a secure detention facility until the child is released under  
15 Section 53.01, 53.012, or 53.02 or until a detention hearing is held  
16 under Section 54.01(a), regardless of whether the facility has been  
17 certified under Subsection (c), if:

18 (1) a certified juvenile detention facility is not  
19 available in the county in which the child is taken into custody;

20 (2) the detention facility complies with:

21 (A) the short-term detention standards adopted  
22 by the Texas Juvenile Justice Department [~~Probation Commission~~];

23 and

24 (B) the requirements of Subsection (f); and

25 (3) the detention facility has been designated by the  
26 county juvenile board for the county in which the facility is  
27 located.

1           (1) A child who is taken into custody and required to be  
2 detained under Section 53.02(f) may be detained in a county jail or  
3 other facility until the child is released under Section 53.02(f)  
4 or until a detention hearing is held as required by Section  
5 54.01(p), regardless of whether the facility complies with the  
6 requirements of this section, if:

7                   (1) a certified juvenile detention facility or a  
8 secure detention facility described by Subsection (j) is not  
9 available in the county in which the child is taken into custody or  
10 in an adjacent county;

11                   (2) the facility has been designated by the county  
12 juvenile board for the county in which the facility is located;

13                   (3) the child is separated by sight and sound from  
14 adults detained in the same facility through architectural design  
15 or time-phasing;

16                   (4) the child does not have any contact with  
17 management or direct-care staff that has contact with adults  
18 detained in the same facility on the same work shift;

19                   (5) the county in which the child is taken into custody  
20 is not located in a metropolitan statistical area as designated by  
21 the United States Bureau of the Census; and

22                   (6) each judge of the juvenile court and a majority of  
23 the members of the juvenile board of the county in which the child  
24 is taken into custody have personally inspected the facility at  
25 least annually and have certified in writing to the Texas Juvenile  
26 Justice Department [~~Probation Commission~~] that the facility  
27 complies with the requirements of Subdivisions (3) and (4).

1 (m) The Texas Juvenile Justice Department [~~Probation~~  
2 ~~Commission~~] may deny, suspend, or revoke the registration of any  
3 facility required to register under Subsection (i) if the facility  
4 fails to:

5 (1) adhere to all applicable minimum standards for the  
6 facility; or

7 (2) timely correct any notice of noncompliance with  
8 minimum standards.

9 SECTION 45. Sections [51.125](#)(b), (c), (d), and (e), Family  
10 Code, are amended to read as follows:

11 (b) In each county, each judge of the juvenile court and a  
12 majority of the members of the juvenile board shall personally  
13 inspect all public or private juvenile post-adjudication secure  
14 correctional facilities that are not operated by the Texas Juvenile  
15 Justice Department [~~Youth Commission~~] and that are located in the  
16 county at least annually and shall certify in writing to the  
17 authorities responsible for operating and giving financial support  
18 to the facilities and to the department [~~Texas Juvenile Probation~~  
19 ~~Commission~~] that the facility or facilities are suitable or  
20 unsuitable for the confinement of children. In determining  
21 whether a facility is suitable or unsuitable for the confinement of  
22 children, the juvenile court judges and juvenile board members  
23 shall consider:

24 (1) current monitoring and inspection reports and any  
25 noncompliance citation reports issued by the department [~~Texas~~  
26 ~~Juvenile Probation Commission~~], including the report provided  
27 under Subsection (c), and the status of any required corrective

1 actions; and

2 (2) the other factors described under Sections  
3 [51.12\(c\)\(2\)-\(7\)](#).

4 (c) The Texas Juvenile Justice Department [~~Probation~~  
5 ~~Commission~~] shall annually inspect each public or private juvenile  
6 post-adjudication secure correctional facility that is not  
7 operated by the department [~~Texas Youth Commission~~]. The  
8 department [~~Texas Juvenile Probation Commission~~] shall provide a  
9 report to each juvenile court judge presiding in the same county as  
10 an inspected facility indicating whether the facility is suitable  
11 or unsuitable for the confinement of children in accordance with  
12 minimum professional standards for the confinement of children in  
13 post-adjudication secure confinement promulgated by the department  
14 [~~Texas Juvenile Probation Commission~~] or, at the election of the  
15 juvenile board of the county in which the facility is located, the  
16 current standards promulgated by the American Correctional  
17 Association.

18 (d) A governmental unit or private entity that operates or  
19 contracts for the operation of a juvenile post-adjudication secure  
20 correctional facility in this state under Subsection (a), except  
21 for a facility operated by or under contract with the Texas Juvenile  
22 Justice Department [~~Youth Commission~~], shall:

23 (1) register the facility annually with the department  
24 [~~Texas Juvenile Probation Commission~~]; and

25 (2) adhere to all applicable minimum standards for the  
26 facility.

27 (e) The Texas Juvenile Justice Department [~~Probation~~

1 ~~Commission~~] may deny, suspend, or revoke the registration of any  
2 facility required to register under Subsection (d) if the facility  
3 fails to:

4 (1) adhere to all applicable minimum standards for the  
5 facility; or

6 (2) timely correct any notice of noncompliance with  
7 minimum standards.

8 SECTION 46. Section 51.21(b), Family Code, is amended to  
9 read as follows:

10 (b) A probation department shall report each referral of a  
11 child to a local mental health authority made under Subsection (a)  
12 to the Texas Juvenile Justice Department [~~Probation Commission~~] in  
13 a format specified by the Texas Juvenile Justice Department  
14 [~~commission~~].

15 SECTION 47. Section 53.01(e), Family Code, is amended to  
16 read as follows:

17 (e) If a juvenile board adopts an alternative referral plan  
18 under Subsection (d), the board shall register the plan with the  
19 Texas Juvenile Justice Department [~~Probation Commission~~].

20 SECTION 48. Section 53.03(d), Family Code, is amended to  
21 read as follows:

22 (d) The juvenile board may adopt a fee schedule for deferred  
23 prosecution services and rules for the waiver of a fee for financial  
24 hardship in accordance with guidelines that the Texas Juvenile  
25 Justice Department [~~Probation Commission~~] shall provide. The  
26 maximum fee is \$15 a month. If the board adopts a schedule and rules  
27 for waiver, the probation officer or other designated officer of



1 the court shall collect the fee authorized by the schedule from the  
2 parent, guardian, or custodian of a child for whom a deferred  
3 prosecution is authorized under this section or waive the fee in  
4 accordance with the rules adopted by the board. The officer shall  
5 deposit the fees received under this section in the county treasury  
6 to the credit of a special fund that may be used only for juvenile  
7 probation or community-based juvenile corrections services or  
8 facilities in which a juvenile may be required to live while under  
9 court supervision. If the board does not adopt a schedule and rules  
10 for waiver, a fee for deferred prosecution services may not be  
11 imposed.

12 SECTION 49. Sections 54.04(e), (i), (k), and (o), Family  
13 Code, are amended to read as follows:

14 (e) The Texas Juvenile Justice Department [~~Youth~~  
15 ~~Commission~~] shall accept a person properly committed to it by a  
16 juvenile court even though the person may be 17 years of age or  
17 older at the time of commitment.

18 (i) If the court places the child on probation outside the  
19 child's home or commits the child to the Texas Juvenile Justice  
20 Department [~~Youth Commission~~], the court:

21 (1) shall include in its order its determination that:

22 (A) it is in the child's best interests to be  
23 placed outside the child's home;

24 (B) reasonable efforts were made to prevent or  
25 eliminate the need for the child's removal from the home and to make  
26 it possible for the child to return to the child's home; and

27 (C) the child, in the child's home, cannot be

1 provided the quality of care and level of support and supervision  
2 that the child needs to meet the conditions of probation; and

3 (2) may approve an administrative body to conduct  
4 permanency hearings pursuant to 42 U.S.C. Section 675 if required  
5 during the placement or commitment of the child.

6 (k) Except as provided by Subsection (m), the period to  
7 which a court or jury may sentence a person to commitment to the  
8 Texas Juvenile Justice Department [~~Youth Commission~~] with a  
9 transfer to the Texas Department of Criminal Justice under  
10 Subsection (d)(3) applies without regard to whether the person has  
11 previously been adjudicated as having engaged in delinquent  
12 conduct.

13 (o) In a disposition under this title:

14 (1) a status offender may not, under any  
15 circumstances, be committed to the Texas Juvenile Justice  
16 Department [~~Youth Commission~~] for engaging in conduct that would  
17 not, under state or local law, be a crime if committed by an adult;

18 (2) a status offender may not, under any circumstances  
19 other than as provided under Subsection (n), be placed in a  
20 post-adjudication secure correctional facility; and

21 (3) a child adjudicated for contempt of a county,  
22 justice, or municipal court order may not, under any circumstances,  
23 be placed in a post-adjudication secure correctional facility or  
24 committed to the Texas Juvenile Justice Department [~~Youth~~  
25 ~~Commission~~] for that conduct.

26 SECTION 50. Sections 54.0401(d) and (e), Family Code, are  
27 amended to read as follows:

1 (d) The Texas Juvenile Justice Department [~~Probation~~  
2 ~~Commission~~] shall establish guidelines for the implementation of  
3 community-based programs described by this section. The juvenile  
4 board of each county to which this section applies shall implement a  
5 community-based program that complies with those guidelines.

6 (e) The Texas Juvenile Justice Department [~~Probation~~  
7 ~~Commission~~] shall provide grants to selected juvenile boards to  
8 assist with the implementation of a system of community-based  
9 programs under this section.

10 SECTION 51. Section [54.0411](#)(h), Family Code, is amended to  
11 read as follows:

12 (h) The legislature shall determine and appropriate the  
13 necessary amount from the juvenile probation diversion fund to the  
14 Texas Juvenile Justice Department [~~Probation Commission~~] for the  
15 purchase of services the department [~~commission~~] considers  
16 necessary for the diversion of any juvenile who is at risk of  
17 commitment to the department [~~Texas Youth Commission~~]. The  
18 department [~~Texas Juvenile Probation Commission~~] shall develop  
19 guidelines for the use of the fund. The department [~~commission~~] may  
20 not purchase the services if a person responsible for the child's  
21 support or a local juvenile probation department is financially  
22 able to provide the services.

23 SECTION 52. Section [54.0462](#)(a), Family Code, is amended to  
24 read as follows:

25 (a) If a child is adjudicated as having engaged in  
26 delinquent conduct that constitutes the commission of a felony and  
27 the provision of a DNA sample is required under Section [54.0409](#) or

1 other law, the juvenile court shall order the child, parent, or  
2 other person responsible for the child's support to pay to the court  
3 as a cost of court:

4 (1) a \$50 fee if the disposition of the case includes a  
5 commitment to a facility operated by or under contract with the  
6 Texas Juvenile Justice Department [~~Youth Commission~~]; and

7 (2) a \$34 fee if the disposition of the case does not  
8 include a commitment described by Subdivision (1) and the child is  
9 required to submit a DNA sample under Section 54.0409 or other law.

10 SECTION 53. Section 54.0491(c), Family Code, is amended to  
11 read as follows:

12 (c) If a child required to attend a criminal street gang  
13 intervention program is committed to the Texas Juvenile Justice  
14 Department [~~Youth Commission~~] as a result of the gang-related  
15 conduct, the child must complete the intervention program before  
16 being discharged from the custody of or released under supervision  
17 by the department [~~commission~~].

18 SECTION 54. Sections 54.05(a), (g), and (h), Family Code,  
19 are amended to read as follows:

20 (a) Except as provided by Subsection (a-1), any  
21 disposition, except a commitment to the Texas Juvenile Justice  
22 Department [~~Youth Commission~~], may be modified by the juvenile  
23 court as provided in this section until:

24 (1) the child reaches:

25 (A) the child's 18th birthday; or

26 (B) the child's 19th birthday, if the child was  
27 placed on determinate sentence probation under Section 54.04(q); or

1           (2) the child is earlier discharged by the court or  
2 operation of law.

3           (g) Except as provided by Subsection (j), a disposition  
4 based solely on a finding that the child engaged in conduct  
5 indicating a need for supervision may not be modified to commit the  
6 child to the Texas Juvenile Justice Department [~~Youth Commission~~].  
7 A new finding in compliance with Section 54.03 must be made that the  
8 child engaged in delinquent conduct that meets the requirements for  
9 commitment under Section 54.04.

10          (h) A hearing shall be held prior to placement in a  
11 post-adjudication secure correctional facility for a period longer  
12 than 30 days or commitment to the Texas Juvenile Justice Department  
13 [~~Youth Commission~~] as a modified disposition. In other disposition  
14 modifications, the child and the child's parent, guardian, guardian  
15 ad litem, or attorney may waive hearing in accordance with Section  
16 51.09.

17          SECTION 55. Sections 54.06(a) and (b), Family Code, are  
18 amended to read as follows:

19          (a) At any stage of the proceeding, when a child has been  
20 placed outside the child's home, the juvenile court, after giving  
21 the parent or other person responsible for the child's support a  
22 reasonable opportunity to be heard, shall order the parent or other  
23 person to pay in a manner directed by the court a reasonable sum for  
24 the support in whole or in part of the child or the court shall waive  
25 the payment by order. The court shall order that the payment for  
26 support be made to the local juvenile probation department to be  
27 used only for residential care and other support for the child

1 unless the child has been committed to the Texas Juvenile Justice  
2 Department [~~Youth Commission~~], in which case the court shall order  
3 that the payment be made to the Texas Juvenile Justice Department  
4 [~~Youth Commission~~] for deposit in a special account in the general  
5 revenue fund that may be appropriated only for the care of children  
6 committed to the Texas Juvenile Justice Department [~~commission~~].

7 (b) At any stage of the proceeding, when a child has been  
8 placed outside the child's home and the parent of the child is  
9 obligated to pay support for the child under a court order under  
10 Title 5, the juvenile court shall order that the person entitled to  
11 receive the support assign the person's right to support for the  
12 child placed outside the child's home to the local juvenile  
13 probation department to be used for residential care and other  
14 support for the child unless the child has been committed to the  
15 Texas Juvenile Justice Department [~~Youth Commission~~], in which  
16 event the court shall order that the assignment be made to the Texas  
17 Juvenile Justice Department [~~Youth Commission~~].

18 SECTION 56. Section 57.002, Family Code, is amended to read  
19 as follows:

20 Sec. 57.002. VICTIM'S RIGHTS. (a) A victim, guardian of a  
21 victim, or close relative of a deceased victim is entitled to the  
22 following rights within the juvenile justice system:

23 (1) the right to receive from law enforcement agencies  
24 adequate protection from harm and threats of harm arising from  
25 cooperation with prosecution efforts;

26 (2) the right to have the court or person appointed by  
27 the court take the safety of the victim or the victim's family into

1 consideration as an element in determining whether the child should  
2 be detained before the child's conduct is adjudicated;

3 (3) the right, if requested, to be informed of  
4 relevant court proceedings, including appellate proceedings, and  
5 to be informed in a timely manner if those court proceedings have  
6 been canceled or rescheduled;

7 (4) the right to be informed, when requested, by the  
8 court or a person appointed by the court concerning the procedures  
9 in the juvenile justice system, including general procedures  
10 relating to:

11 (A) the preliminary investigation and deferred  
12 prosecution of a case; and

13 (B) the appeal of the case;

14 (5) the right to provide pertinent information to a  
15 juvenile court conducting a disposition hearing concerning the  
16 impact of the offense on the victim and the victim's family by  
17 testimony, written statement, or any other manner before the court  
18 renders its disposition;

19 (6) the right to receive information regarding  
20 compensation to victims as provided by Subchapter B, Chapter 56,  
21 Code of Criminal Procedure, including information related to the  
22 costs that may be compensated under that subchapter and the amount  
23 of compensation, eligibility for compensation, and procedures for  
24 application for compensation under that subchapter, the payment of  
25 medical expenses under Section 56.06, Code of Criminal Procedure,  
26 for a victim of a sexual assault, and when requested, to referral to  
27 available social service agencies that may offer additional

1 assistance;

2           (7) the right to be informed, upon request, of  
3 procedures for release under supervision or transfer of the person  
4 to the custody of the Texas Department of Criminal Justice for  
5 parole, to participate in the release or transfer for parole  
6 process, to be notified, if requested, of the person's release,  
7 escape, or transfer for parole proceedings concerning the person,  
8 to provide to the Texas Juvenile Justice Department for inclusion  
9 in the person's file information to be considered by the department  
10 [~~commission~~] before the release under supervision or transfer for  
11 parole of the person, and to be notified, if requested, of the  
12 person's release or transfer for parole;

13           (8) the right to be provided with a waiting area,  
14 separate or secure from other witnesses, including the child  
15 alleged to have committed the conduct and relatives of the child,  
16 before testifying in any proceeding concerning the child, or, if a  
17 separate waiting area is not available, other safeguards should be  
18 taken to minimize the victim's contact with the child and the  
19 child's relatives and witnesses, before and during court  
20 proceedings;

21           (9) the right to prompt return of any property of the  
22 victim that is held by a law enforcement agency or the attorney for  
23 the state as evidence when the property is no longer required for  
24 that purpose;

25           (10) the right to have the attorney for the state  
26 notify the employer of the victim, if requested, of the necessity of  
27 the victim's cooperation and testimony in a proceeding that may



1 necessitate the absence of the victim from work for good cause;

2 (11) the right to be present at all public court  
3 proceedings related to the conduct of the child as provided by  
4 Section 54.08, subject to that section; and

5 (12) any other right appropriate to the victim that a  
6 victim of criminal conduct has under Article 56.02 or 56.021, Code  
7 of Criminal Procedure.

8 (b) In notifying a victim of the release or escape of a  
9 person, the Texas Juvenile Justice Department [~~Youth Commission~~]  
10 shall use the same procedure established for the notification of  
11 the release or escape of an adult offender under Article 56.11, Code  
12 of Criminal Procedure.

13 SECTION 57. Section 57.003(c), Family Code, is amended to  
14 read as follows:

15 (c) The victim assistance coordinator shall ensure that a  
16 victim, or close relative of a deceased victim, is afforded the  
17 rights granted victims, guardians, and relatives by Section 57.002  
18 and, on request, an explanation of those rights. The victim  
19 assistance coordinator shall work closely with appropriate law  
20 enforcement agencies, prosecuting attorneys, and the Texas  
21 Juvenile Justice Department [~~Probation Commission, and the Texas~~  
22 ~~Youth Commission~~] in carrying out that duty.

23 SECTION 58. Section 57.004, Family Code, is amended to read  
24 as follows:

25 Sec. 57.004. NOTIFICATION. A court, a person appointed by  
26 the court, or the Texas Juvenile Justice Department [~~Youth~~  
27 ~~Commission~~] is responsible for notifying a victim, guardian of a

1 victim, or close relative of a deceased victim of a proceeding under  
2 this chapter only if the victim, guardian of a victim, or close  
3 relative of a deceased victim requests the notification in writing  
4 and provides a current address to which the notification is to be  
5 sent.

6 SECTION 59. Section 57.005, Family Code, is amended to read  
7 as follows:

8 Sec. 57.005. LIABILITY. The Texas Juvenile Justice  
9 Department [~~Youth Commission~~], a juvenile board, a court, a person  
10 appointed by a court, an attorney for the state, a peace officer, or  
11 a law enforcement agency is not liable for a failure or inability to  
12 provide a right listed under Section 57.002 [~~of this code~~].

13 SECTION 60. Section 58.005(a), Family Code, is amended to  
14 read as follows:

15 (a) Records and files concerning a child, including  
16 personally identifiable information, and information obtained for  
17 the purpose of diagnosis, examination, evaluation, or treatment or  
18 for making a referral for treatment of a child by a public or  
19 private agency or institution providing supervision of a child by  
20 arrangement of the juvenile court or having custody of the child  
21 under order of the juvenile court may be disclosed only to:

22 (1) the professional staff or consultants of the  
23 agency or institution;

24 (2) the judge, probation officers, and professional  
25 staff or consultants of the juvenile court;

26 (3) an attorney for the child;

27 (4) a governmental agency if the disclosure is

1 required or authorized by law;

2 (5) a person or entity to whom the child is referred  
3 for treatment or services if the agency or institution disclosing  
4 the information has entered into a written confidentiality  
5 agreement with the person or entity regarding the protection of the  
6 disclosed information;

7 (6) the Texas Department of Criminal Justice and the  
8 Texas Juvenile Justice Department [~~Probation Commission~~] for the  
9 purpose of maintaining statistical records of recidivism and for  
10 diagnosis and classification; or

11 (7) with leave of the juvenile court, any other  
12 person, agency, or institution having a legitimate interest in the  
13 proceeding or in the work of the court.

14 SECTION 61. Section 58.007(d), Family Code, is amended to  
15 read as follows:

16 (d) The law enforcement files and records of a person who is  
17 transferred from the Texas Juvenile Justice Department [~~Youth  
18 Commission~~] to the Texas Department of Criminal Justice may be  
19 transferred to a central state or federal depository for adult  
20 records on or after the date of transfer.

21 SECTION 62. Sections 58.0072(a), (c), (d), (e), (f), and  
22 (g), Family Code, are amended to read as follows:

23 (a) Except as provided by this section, juvenile justice  
24 information collected and maintained by the Texas Juvenile Justice  
25 Department [~~Probation Commission~~] for statistical and research  
26 purposes is confidential information for the use of the department  
27 [~~commission~~] and may not be disseminated by the department

1 ~~[commission]~~.

2 (c) The Texas Juvenile Justice Department [~~Probation~~  
3 ~~Commission~~] may grant the following entities access to juvenile  
4 justice information for research and statistical purposes or for  
5 any other purpose approved by the department [~~commission~~]:

6 (1) criminal justice agencies as defined by Section  
7 [411.082](#), Government Code;

8 (2) the Texas Education Agency, as authorized under  
9 Section [37.084](#), Education Code;

10 (3) any agency under the authority of the Health and  
11 Human Services Commission; or

12 (4) a public or private university.

13 (d) The Texas Juvenile Justice Department [~~Probation~~  
14 ~~Commission~~] may grant the following entities access to juvenile  
15 justice information only for a purpose beneficial to and approved  
16 by the department [~~commission~~] to:

17 (1) a person working on a research or statistical  
18 project that:

19 (A) is funded in whole or in part by state or  
20 federal funds; and

21 (B) meets the requirements of and is approved by  
22 the department [~~commission~~]; or

23 (2) a governmental entity that has a specific  
24 agreement with the department [~~commission~~], if the agreement:

25 (A) specifically authorizes access to  
26 information;

27 (B) limits the use of information to the purposes

1 for which the information is given;

2 (C) ensures the security and confidentiality of  
3 the information; and

4 (D) provides for sanctions if a requirement  
5 imposed under Paragraph (A), (B), or (C) is violated.

6 (e) The Texas Juvenile Justice Department [~~Probation~~  
7 ~~Commission~~] shall grant access to juvenile justice information for  
8 legislative purposes under Section 552.008, Government Code.

9 (f) The Texas Juvenile Justice Department [~~Probation~~  
10 ~~Commission~~] may not release juvenile justice information in  
11 identifiable form, except for information released under  
12 Subsection (c)(1), (2), or (3) or under the terms of an agreement  
13 entered into under Subsection (d)(2). For purposes of this  
14 subsection, identifiable information means information that  
15 contains a juvenile offender's name or other personal identifiers  
16 or that can, by virtue of sample size or other factors, be  
17 reasonably interpreted as referring to a particular juvenile  
18 offender.

19 (g) The Texas Juvenile Justice Department [~~Probation~~  
20 ~~Commission~~] is not required to release or disclose juvenile justice  
21 information to any person not identified under this section.

22 SECTION 63. Section 58.102(b), Family Code, is amended to  
23 read as follows:

24 (b) The department shall develop and maintain the system  
25 with the cooperation and advice of the:

26 (1) [~~Texas Youth Commission,~~

27 [~~2~~] Texas Juvenile Justice Department [~~Probation~~

1 ~~Commission~~];

2 [~~(3) Criminal Justice Policy Council,~~] and

3 (2) [~~(4)~~] juvenile courts and clerks of juvenile  
4 courts.

5 SECTION 64. Section 58.104(b), Family Code, is amended to  
6 read as follows:

7 (b) To the extent possible and subject to Subsection (a),  
8 the department shall include in the juvenile justice information  
9 system the following information for each juvenile offender taken  
10 into custody, detained, or referred under this title for delinquent  
11 conduct:

12 (1) the juvenile offender's name, including other  
13 names by which the juvenile offender is known;

14 (2) the juvenile offender's date and place of birth;

15 (3) the juvenile offender's physical description,  
16 including sex, weight, height, race, ethnicity, eye color, hair  
17 color, scars, marks, and tattoos;

18 (4) the juvenile offender's state identification  
19 number, and other identifying information, as determined by the  
20 department;

21 (5) the juvenile offender's fingerprints;

22 (6) the juvenile offender's last known residential  
23 address, including the census tract number designation for the  
24 address;

25 (7) the name and identifying number of the agency that  
26 took into custody or detained the juvenile offender;

27 (8) the date of detention or custody;

1           (9) the conduct for which the juvenile offender was  
2 taken into custody, detained, or referred, including level and  
3 degree of the alleged offense;

4           (10) the name and identifying number of the juvenile  
5 intake agency or juvenile probation office;

6           (11) each disposition by the juvenile intake agency or  
7 juvenile probation office;

8           (12) the date of disposition by the juvenile intake  
9 agency or juvenile probation office;

10          (13) the name and identifying number of the  
11 prosecutor's office;

12          (14) each disposition by the prosecutor;

13          (15) the date of disposition by the prosecutor;

14          (16) the name and identifying number of the court;

15          (17) each disposition by the court, including  
16 information concerning custody of a juvenile offender by a juvenile  
17 justice agency or probation;

18          (18) the date of disposition by the court;

19          (19) any commitment or release under supervision by  
20 the Texas Juvenile Justice Department [~~Youth Commission~~];

21          (20) the date of any commitment or release under  
22 supervision by the Texas Juvenile Justice Department [~~Youth  
23 Commission~~]; and

24          (21) a description of each appellate proceeding.

25          SECTION 65. Sections 58.106(a) and (c), Family Code, are  
26 amended to read as follows:

27          (a) Except as otherwise provided by this section,

1 information contained in the juvenile justice information system is  
2 confidential information for the use of the department and may not  
3 be disseminated by the department except:

4 (1) with the permission of the juvenile offender, to  
5 military personnel of this state or the United States;

6 (2) to a person or entity to which the department may  
7 grant access to adult criminal history records as provided by  
8 Section 411.083, Government Code;

9 (3) to a juvenile justice agency;

10 (4) to the [~~Texas Youth Commission and the~~] Texas  
11 Juvenile Justice Department [~~Probation Commission~~] for analytical  
12 purposes;

13 (5) to the office of independent ombudsman of the  
14 Texas Juvenile Justice Department [~~Youth Commission~~]; and

15 (6) to a county, justice, or municipal court  
16 exercising jurisdiction over a juvenile, including a court  
17 exercising jurisdiction over a juvenile under Section 54.021.

18 (c) The department may, if necessary to protect the welfare  
19 of the community, disseminate to the public the following  
20 information relating to a juvenile who has escaped from the custody  
21 of the Texas Juvenile Justice Department [~~Youth Commission~~] or from  
22 another secure detention or correctional facility:

23 (1) the juvenile's name, including other names by  
24 which the juvenile is known;

25 (2) the juvenile's physical description, including  
26 sex, weight, height, race, ethnicity, eye color, hair color, scars,  
27 marks, and tattoos;



1 (3) a photograph of the juvenile; and

2 (4) a description of the conduct for which the  
3 juvenile was committed to the Texas Juvenile Justice Department  
4 [~~Youth Commission~~] or detained in the secure detention or  
5 correctional facility, including the level and degree of the  
6 alleged offense.

7 SECTION 66. Section 58.112, Family Code, is amended to read  
8 as follows:

9 Sec. 58.112. REPORT TO LEGISLATURE. Not later than August  
10 15 of each year, the Texas Juvenile Justice Department [~~Probation~~  
11 ~~Commission~~] shall submit to the lieutenant governor, the speaker of  
12 the house of representatives, and the governor a report that  
13 contains the following statistical information relating to  
14 children referred to a juvenile court during the preceding year:

15 (1) the ages, races, and counties of residence of the  
16 children transferred to a district court or criminal district court  
17 for criminal proceedings; and

18 (2) the ages, races, and counties of residence of the  
19 children committed to the Texas Juvenile Justice Department [~~Youth~~  
20 ~~Commission~~], placed on probation, or discharged without any  
21 disposition.

22 SECTION 67. Section 58.304(b), Family Code, is amended to  
23 read as follows:

24 (b) To the extent possible and subject to Subsections (a)  
25 and (d), the local juvenile justice information system may include  
26 the following information for each juvenile taken into custody,  
27 detained, or referred under this title:

- 1           (1) the juvenile's name, including other names by  
2 which the juvenile is known;
- 3           (2) the juvenile's date and place of birth;
- 4           (3) the juvenile's physical description, including  
5 sex, weight, height, race, ethnicity, eye color, hair color, scars,  
6 marks, and tattoos;
- 7           (4) the juvenile's state identification number and  
8 other identifying information;
- 9           (5) the juvenile's fingerprints and photograph;
- 10          (6) the juvenile's last known residential address,  
11 including the census tract number designation for the address;
- 12          (7) the name, address, and phone number of the  
13 juvenile's parent, guardian, or custodian;
- 14          (8) the name and identifying number of the agency that  
15 took into custody or detained the juvenile;
- 16          (9) each date of custody or detention;
- 17          (10) a detailed description of the conduct for which  
18 the juvenile was taken into custody, detained, or referred,  
19 including the level and degree of the alleged offense;
- 20          (11) the name and identifying number of the juvenile  
21 intake agency or juvenile probation office;
- 22          (12) each disposition by the juvenile intake agency or  
23 juvenile probation office;
- 24          (13) the date of disposition by the juvenile intake  
25 agency or juvenile probation office;
- 26          (14) the name and identifying number of the  
27 prosecutor's office;

- 1           (15) each disposition by the prosecutor;
- 2           (16) the date of disposition by the prosecutor;
- 3           (17) the name and identifying number of the court;
- 4           (18) each disposition by the court, including
- 5 information concerning custody of a juvenile by a juvenile justice
- 6 agency or county juvenile probation department;
- 7           (19) the date of disposition by the court;
- 8           (20) any commitment or release under supervision by
- 9 the Texas Juvenile Justice Department [~~Youth Commission~~],
- 10 including the date of the commitment or release;
- 11           (21) information concerning each appellate
- 12 proceeding; and
- 13           (22) electronic copies of all documents filed with the
- 14 court.

15           SECTION 68. Section 58.352(a), Family Code, is amended to

16 read as follows:

17           (a) A juvenile court judge in a county to which this

18 subchapter applies shall post a report on the Internet website of

19 the county in which the court is located. The report must include:

20           (1) the total number of children committed by the

21 judge to a correctional facility operated by the Texas Juvenile

22 Justice Department [~~Youth Commission~~]; and

23           (2) for each child committed to a facility described

24 by Subdivision (1):

25           (A) a general description of the offense

26 committed by the child or the conduct of the child that led to the

27 child's commitment to the facility;

1 (B) the year the child was committed to the  
2 facility; and

3 (C) the age range, race, and gender of the child.

4 SECTION 69. Section 58.401(1), Family Code, is amended to  
5 read as follows:

6 (1) "Department" [~~"Commission"~~] means the Texas  
7 Juvenile Justice Department [~~Probation Commission~~].

8 SECTION 70. Sections 58.403(a), (b), and (c), Family Code,  
9 are amended to read as follows:

10 (a) Through the adoption of an interlocal contract under  
11 Chapter 791, Government Code, with one or more counties, the  
12 department [~~commission~~] may participate in and assist counties in  
13 the creation, operation, and maintenance of a system that is  
14 intended for statewide use to:

15 (1) aid in processing the cases of children under this  
16 title;

17 (2) facilitate the delivery of services to children in  
18 the juvenile justice system;

19 (3) aid in the early identification of at-risk and  
20 delinquent children; and

21 (4) facilitate cross-jurisdictional sharing of  
22 information related to juvenile offenders between authorized  
23 criminal and juvenile justice agencies and partner agencies.

24 (b) The department [~~commission~~] may use funds appropriated  
25 for the implementation of this section to pay costs incurred under  
26 an interlocal contract described by Subsection (a), including  
27 license fees, maintenance and operations costs, administrative

1 costs, and any other costs specified in the interlocal contract.

2 (c) The department [~~commission~~] may provide training  
3 services to counties on the use and operation of a system created,  
4 operated, or maintained by one or more counties under Subsection  
5 (a).

6 SECTION 71. Section 58.404, Family Code, is amended to read  
7 as follows:

8 Sec. 58.404. INFORMATION COLLECTED BY DEPARTMENT  
9 [~~COMMISSION~~]. The department [~~commission~~] may collect and maintain  
10 all information related to juvenile offenders and all offenses  
11 committed by a juvenile offender, including all information  
12 collected and maintained under Subchapters B and D.

13 SECTION 72. Section 58.405, Family Code, is amended to read  
14 as follows:

15 Sec. 58.405. AUTHORITY CUMULATIVE. The authority granted  
16 by this subchapter is cumulative of all other authority granted by  
17 this chapter to a county, the department [~~commission~~], or a  
18 juvenile justice agency and nothing in this subchapter limits the  
19 authority of a county, the department [~~commission~~], or a juvenile  
20 justice agency under this chapter to create an information system  
21 or to share information related to a juvenile.

22 SECTION 73. Section 59.003(f), Family Code, is amended to  
23 read as follows:

24 (f) Before the court assigns the child a sanction level that  
25 involves the revocation of the child's probation and the commitment  
26 of the child to the Texas Juvenile Justice Department [~~Youth~~  
27 ~~Commission~~], the court shall hold a hearing to modify the

1 disposition as required by Section 54.05.

2 SECTION 74. Section 59.011, Family Code, is amended to read  
3 as follows:

4 Sec. 59.011. DUTY OF JUVENILE BOARD. A juvenile board shall  
5 require the juvenile probation department to report progressive  
6 sanction data electronically to the Texas Juvenile Justice  
7 Department [~~Probation Commission~~] in the format and time frames  
8 specified by the Texas Juvenile Justice Department [~~commission~~].

9 SECTION 75. Section 59.013, Family Code, is amended to read  
10 as follows:

11 Sec. 59.013. LIABILITY. The Texas Juvenile Justice  
12 Department [~~Youth Commission~~], a juvenile board, a court, a person  
13 appointed by a court, an attorney for the state, a peace officer, or  
14 a law enforcement agency is not liable for a failure or inability to  
15 provide a service listed under Sections 59.004-59.010.

16 SECTION 76. Section 61.103(a), Family Code, is amended to  
17 read as follows:

18 (a) The parent of a child taken into custody for delinquent  
19 conduct, conduct indicating a need for supervision, or conduct that  
20 violates a condition of probation imposed by the juvenile court has  
21 the right to communicate in person privately with the child for  
22 reasonable periods of time while the child is in:

- 23 (1) a juvenile processing office;  
24 (2) a secure detention facility;  
25 (3) a secure correctional facility;  
26 (4) a court-ordered placement facility; or  
27 (5) the custody of the Texas Juvenile Justice

1 Department [~~Youth Commission~~].

2 SECTION 77. Section 61.104(a), Family Code, is amended to  
3 read as follows:

4 (a) When a petition for adjudication, a motion or petition  
5 to modify disposition, or a motion or petition for discretionary  
6 transfer to criminal court is served on a parent of the child, the  
7 parent must be provided with a form prescribed by the Texas Juvenile  
8 Justice Department [~~Probation Commission~~] on which the parent can  
9 make a written statement about the needs of the child or family or  
10 any other matter relevant to disposition of the case.

11 SECTION 78. Section 61.107, Family Code, is amended to read  
12 as follows:

13 Sec. 61.107. LIABILITY. The Texas Juvenile Justice  
14 Department [~~Youth Commission~~], a juvenile board, a court, a person  
15 appointed by the court, an employee of a juvenile probation  
16 department, an attorney for the state, a peace officer, or a law  
17 enforcement agency is not liable for a failure or inability to  
18 provide a right listed in this chapter.

19 SECTION 79. Section 107.0161, Family Code, is amended to  
20 read as follows:

21 Sec. 107.0161. AD LITEM APPOINTMENTS FOR CHILD COMMITTED TO  
22 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. If an order  
23 appointing the Department of Family and Protective Services as  
24 managing conservator of a child does not continue the appointment  
25 of the child's guardian ad litem or attorney ad litem and the child  
26 is committed to the Texas Juvenile Justice Department [~~Youth~~  
27 ~~Commission~~] or released under supervision by the Texas Juvenile

1 Justice Department [~~Youth Commission~~], the court may appoint a  
2 guardian ad litem or attorney ad litem for the child.

3 SECTION 80. Section 261.103(b), Family Code, is amended to  
4 read as follows:

5 (b) A report may be made to the Texas Juvenile Justice  
6 Department [~~Youth Commission~~] instead of the entities listed under  
7 Subsection (a) if the report is based on information provided by a  
8 child while under the supervision of the Texas Juvenile Justice  
9 Department [~~commission~~] concerning the child's alleged abuse of  
10 another child.

11 SECTION 81. Section 261.105(e), Family Code, is amended to  
12 read as follows:

13 (e) In cooperation with the department, the Texas Juvenile  
14 Justice Department [~~Youth Commission~~] by rule shall adopt  
15 guidelines for identifying a report made to the Texas Juvenile  
16 Justice Department [~~commission~~] under Section 261.103(b) that is  
17 appropriate to refer to the department or a law enforcement agency  
18 for investigation. Guidelines adopted under this subsection must  
19 require the Texas Juvenile Justice Department [~~commission~~] to  
20 consider the severity and immediacy of the alleged abuse or neglect  
21 of the child victim.

22 SECTION 82. Sections 261.201(i), (j), and (k), Family Code,  
23 are amended to read as follows:

24 (i) Notwithstanding Subsection (a), the Texas Juvenile  
25 Justice Department [~~Youth Commission~~] shall release a report of  
26 alleged or suspected abuse or neglect made under this chapter if:

27 (1) the report relates to a report of abuse or neglect



1 involving a child committed to the Texas Juvenile Justice  
2 Department [~~commission~~] during the period that the child is  
3 committed to that department [~~the commission~~]; and

4 (2) the Texas Juvenile Justice Department  
5 [~~commission~~] is not prohibited by Chapter 552, Government Code, or  
6 other law from disclosing the report.

7 (j) The Texas Juvenile Justice Department [~~Youth~~  
8 ~~Commission~~] shall edit any report disclosed under Subsection (i) to  
9 protect the identity of:

10 (1) a child who is the subject of the report of alleged  
11 or suspected abuse or neglect;

12 (2) the person who made the report; and

13 (3) any other person whose life or safety may be  
14 endangered by the disclosure.

15 (k) Notwithstanding Subsection (a), an investigating  
16 agency, other than the department or the Texas Juvenile Justice  
17 Department [~~Youth Commission~~], on request, shall provide to the  
18 parent, managing conservator, or other legal representative of a  
19 child who is the subject of reported abuse or neglect, or to the  
20 child if the child is at least 18 years of age, information  
21 concerning the reported abuse or neglect that would otherwise be  
22 confidential under this section. The investigating agency shall  
23 withhold information under this subsection if the parent, managing  
24 conservator, or other legal representative of the child requesting  
25 the information is alleged to have committed the abuse or neglect.

26 SECTION 83. Sections 261.405(b), (c), and (e), Family Code,  
27 are amended to read as follows:

1 (b) A report of alleged abuse, neglect, or exploitation in  
2 any juvenile justice program or facility shall be made to the Texas  
3 Juvenile Justice Department [~~Probation Commission~~] and a local law  
4 enforcement agency for investigation.

5 (c) The Texas Juvenile Justice Department [~~Probation~~  
6 ~~Commission~~] shall conduct an investigation as provided by this  
7 chapter if that department [~~the commission~~] receives a report of  
8 alleged abuse, neglect, or exploitation in any juvenile justice  
9 program or facility.

10 (e) As soon as practicable after a child is taken into  
11 custody or placed in a juvenile justice facility or juvenile  
12 justice program, the facility or program shall provide the child's  
13 parents with:

14 (1) information regarding the reporting of suspected  
15 abuse, neglect, or exploitation of a child in a juvenile justice  
16 facility or juvenile justice program to the Texas Juvenile Justice  
17 Department [~~Probation Commission~~]; and

18 (2) the Texas Juvenile Justice Department's  
19 [~~commission's~~] toll-free number for this reporting.

20 SECTION 84. Section 261.409, Family Code, is amended to  
21 read as follows:

22 Sec. 261.409. INVESTIGATIONS IN FACILITIES UNDER TEXAS  
23 JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] JURISDICTION. The  
24 board of the Texas Juvenile Justice Department [~~Youth Commission~~]  
25 by rule shall adopt standards for:

26 (1) the investigation under Section 261.401 of  
27 suspected child abuse, neglect, or exploitation in a facility under

1 the jurisdiction of the Texas Juvenile Justice Department [~~Youth~~  
2 ~~Commission~~]; and

3 (2) compiling information on those investigations.

4 SECTION 85. Section 263.302, Family Code, is amended to  
5 read as follows:

6 Sec. 263.302. CHILD'S ATTENDANCE AT HEARING. The child  
7 shall attend each permanency hearing unless the court specifically  
8 excuses the child's attendance. A child committed to the Texas  
9 Juvenile Justice Department [~~Youth Commission~~] may attend a  
10 permanency hearing in person, by telephone, or by videoconference.  
11 The court shall consult with the child in a developmentally  
12 appropriate manner regarding the child's permanency plan, if the  
13 child is four years of age or older and if the court determines it is  
14 in the best interest of the child. Failure by the child to attend a  
15 hearing does not affect the validity of an order rendered at the  
16 hearing.

17 SECTION 86. Sections 263.501(f) and (g), Family Code, are  
18 amended to read as follows:

19 (f) The child shall attend each placement review hearing  
20 unless the court specifically excuses the child's attendance. A  
21 child committed to the Texas Juvenile Justice Department [~~Youth~~  
22 ~~Commission~~] may attend a placement review hearing in person, by  
23 telephone, or by videoconference. The court shall consult with the  
24 child in a developmentally appropriate manner regarding the child's  
25 permanency or transition plan, if the child is four years of age or  
26 older. Failure by the child to attend a hearing does not affect the  
27 validity of an order rendered at the hearing.

1 (g) A court required to conduct placement review hearings  
2 for a child for whom the department has been appointed permanent  
3 managing conservator may not dismiss a suit affecting the  
4 parent-child relationship filed by the department regarding the  
5 child while the child is committed to the Texas Juvenile Justice  
6 Department [~~Youth Commission~~] or released under the supervision of  
7 that department [~~the Texas Youth Commission~~], unless the child is  
8 adopted or permanent managing conservatorship of the child is  
9 awarded to an individual other than the department.

10 SECTION 87. Section 41.102(c), Government Code, is amended  
11 to read as follows:

12 (c) The attorney general may offer to assist a prosecuting  
13 attorney in the prosecution of criminal offenses concerning the  
14 Texas Juvenile Justice Department [~~Youth Commission~~].

15 SECTION 88. Section 41.303(a), Government Code, is amended  
16 to read as follows:

17 (a) The unit is governed by a board of directors composed of  
18 each prosecuting attorney who:

19 (1) represents the state in criminal matters before a  
20 court in a county in which one or more facilities owned or operated  
21 by or under contract with the department or the Texas Juvenile  
22 Justice Department [~~commission~~] are located; and

23 (2) has entered into a memorandum of understanding  
24 with the unit for the prosecution of offenses and delinquent  
25 conduct described by Article 104.003(a), Code of Criminal  
26 Procedure.

27 SECTION 89. Section 41.304(a), Government Code, is amended

1 to read as follows:

2 (a) The board of directors is governed by an executive board  
3 composed of 11 members elected by the membership of the board of  
4 directors on a majority vote from among that membership, as  
5 follows:

6 (1) one member of the executive board who represents  
7 the state in criminal matters before a court in a county in which  
8 one or more facilities owned or operated by or under contract with  
9 the Texas Juvenile Justice Department [~~commission~~] are located  
10 shall be elected on a majority vote of the members of the board of  
11 directors to serve a term expiring in an even-numbered year;

12 (2) an additional four members of the executive board  
13 shall be elected on a majority vote of the members of the board of  
14 directors to serve terms expiring in even-numbered years;

15 (3) one member of the executive board who represents  
16 the state in criminal matters before a court in a county in which  
17 one or more facilities owned or operated by or under contract with  
18 the Texas Juvenile Justice Department [~~commission~~] are located  
19 shall be elected on a majority vote of the members of the board of  
20 directors to serve a term expiring in an odd-numbered year; and

21 (4) an additional five members of the executive board  
22 shall be elected on a majority vote of the members of the board of  
23 directors to serve terms expiring in odd-numbered years.

24 SECTION 90. Section 41.310, Government Code, is amended to  
25 read as follows:

26 Sec. 41.310. DUTIES OF COUNSELLOR. (a) The counsellor  
27 elected in accordance with Section 41.309:

1           (1) shall coordinate prosecution issues in and monitor  
2 each case involving an offense or delinquent conduct described by  
3 Article 104.003(a), Code of Criminal Procedure, that concerns the  
4 Texas Juvenile Justice Department [~~commission~~];

5           (2) shall work with criminal justice analysts employed  
6 by the Legislative Budget Board and other persons who monitor cases  
7 involving offenses or delinquent conduct described by Article  
8 104.003(a), Code of Criminal Procedure; and

9           (3) may conduct an investigation of any alleged  
10 illegal or improper conduct by Texas Juvenile Justice Department  
11 [~~commission~~] officers, employees, or contractors that the  
12 counsellor reasonably believes:

13           (A) jeopardizes the health, safety, and welfare  
14 of children in the custody of the Texas Juvenile Justice Department  
15 [~~commission~~]; and

16           (B) could constitute an offense described by  
17 Article 104.003(a), Code of Criminal Procedure.

18           (b) In addition to the duties prescribed by Subsection (a),  
19 the counsellor shall on a quarterly basis provide the board of  
20 directors and the standing committees of the senate and house of  
21 representatives with primary jurisdiction over matters concerning  
22 correctional facilities with a report concerning offenses or  
23 delinquent conduct prosecuted by the unit on receiving a request  
24 for assistance under Section 241.007, Human Resources Code, or a  
25 request for assistance otherwise from a prosecuting attorney. A  
26 report under this subsection is public information under Chapter  
27 552, Government Code, and the board of directors shall request that

1 the Texas Juvenile Justice Department [~~commission~~] publish the  
2 report on that department's [~~the commission's~~] Internet website. A  
3 report must be both aggregated and disaggregated by individual  
4 facility and include information relating to:

5 (1) the number of requests for assistance received  
6 under Section [241.007](#), Human Resources Code, and requests for  
7 assistance otherwise received from prosecuting attorneys;

8 (2) the number of cases investigated and the number of  
9 cases prosecuted;

10 (3) the types and outcomes of cases prosecuted, such  
11 as whether the case concerned narcotics or an alleged incident of  
12 sexual abuse; and

13 (4) the relationship of a victim to a perpetrator, if  
14 applicable.

15 (c) The counsellor, in consultation with the board of  
16 directors, shall notify the foreman of the appropriate grand jury,  
17 in the manner provided by Article [20.09](#), Code of Criminal  
18 Procedure, if:

19 (1) the counsellor receives credible evidence of  
20 illegal or improper conduct by Texas Juvenile Justice Department  
21 [~~commission~~] officers, employees, or contractors that the  
22 counsellor reasonably believes jeopardizes the health, safety, and  
23 welfare of children in the custody of that department [~~the~~  
24 ~~commission~~];

25 (2) the counsellor reasonably believes the conduct:

26 (A) could constitute an offense described by  
27 Article [104.003](#)(a), Code of Criminal Procedure; and

1 (B) involves the alleged physical or sexual abuse  
2 of a child in the custody of a Texas Juvenile Justice Department  
3 [~~commission~~] facility or an investigation related to the alleged  
4 abuse; and

5 (3) the counsellor has reason to believe that  
6 information concerning the conduct has not previously been  
7 presented to the appropriate grand jury.

8 SECTION 91. Section 322.019(d), Government Code, is amended  
9 to read as follows:

10 (d) The Department of Public Safety, the Texas Department of  
11 Criminal Justice, and the Texas Juvenile Justice Department  
12 [~~Probation Commission, and the Texas Youth Commission~~] shall  
13 provide the board with data relating to a criminal justice policy  
14 analysis under this section in the manner requested.

15 SECTION 92. Section 402.035(c), Government Code, is amended  
16 to read as follows:

17 (c) The task force is composed of the following:

18 (1) the governor or the governor's designee;

19 (2) the attorney general or the attorney general's  
20 designee;

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

23 (4) the commissioner of the Department of Family and  
24 Protective Services or the commissioner's designee;

25 (5) the commissioner of the Department of State Health  
26 Services or the commissioner's designee;

27 (6) the public safety director of the Department of



1 Public Safety or the director's designee;

2 (7) one representative from each of the following  
3 state agencies, appointed by the chief administrative officer of  
4 the respective agency:

5 (A) the Texas Workforce Commission;

6 (B) the Texas Department of Criminal Justice;

7 (C) [~~the Texas Youth Commission,~~

8 [~~(D)~~] the Texas Juvenile Justice Department  
9 [~~Probation Commission~~]; and

10 (D) [~~(E)~~] the Texas Alcoholic Beverage  
11 Commission; and

12 (8) as appointed by the attorney general:

13 (A) a chief public defender employed by a public  
14 defender's office, as defined by Article 26.044(a), Code of  
15 Criminal Procedure, or an attorney designated by the chief public  
16 defender;

17 (B) an attorney representing the state;

18 (C) a representative of:

19 (i) a hotel and motel association;

20 (ii) a district and county attorneys  
21 association; and

22 (iii) a state police association;

23 (D) representatives of sheriff's departments;

24 (E) representatives of local law enforcement  
25 agencies affected by human trafficking; and

26 (F) representatives of nongovernmental entities  
27 making comprehensive efforts to combat human trafficking by:

- 1 (i) identifying human trafficking victims;  
2 (ii) providing legal or other services to  
3 human trafficking victims;  
4 (iii) participating in community outreach  
5 or public awareness efforts regarding human trafficking;  
6 (iv) providing or developing training  
7 regarding the prevention of human trafficking; or  
8 (v) engaging in other activities designed  
9 to prevent human trafficking.

10 SECTION 93. Section 411.138, Government Code, is amended to  
11 read as follows:

12 Sec. 411.138. ACCESS TO CRIMINAL HISTORY RECORD  
13 INFORMATION: JUVENILE BOARD OR JUVENILE PROBATION DEPARTMENT. A  
14 juvenile board or juvenile probation department is entitled to  
15 obtain from the department criminal history record information  
16 maintained by the department that relates to a person who is:

17 (1) an applicant for a position with the juvenile  
18 probation department;

19 (2) an employee for whom the juvenile board or  
20 juvenile probation department will seek certification from the  
21 Texas Juvenile Justice Department [~~Probation Commission~~]; or

22 (3) an employee or department applicant who currently  
23 holds certification from the Texas Juvenile Justice Department  
24 [~~Probation Commission~~].

25 SECTION 94. Sections 411.148(a), (d), (f-1), (f-2), and  
26 (j), Government Code, are amended to read as follows:

27 (a) This section applies to:

1 (1) an individual, other than a juvenile, who is:

2 (A) ordered by a magistrate or court to provide a  
3 DNA sample under Section 411.154 or other law, including as part of  
4 an order granting community supervision to the individual; or

5 (B) confined in a penal institution operated by  
6 or under contract with the Texas Department of Criminal Justice; or

7 (2) a juvenile who, following an adjudication for  
8 conduct constituting a felony, is:

9 (A) confined in a facility operated by or under  
10 contract with the Texas Juvenile Justice Department [~~Youth~~  
11 ~~Commission~~]; or

12 (B) placed on probation, if the conduct  
13 constitutes a felony described by Section 54.0409, Family Code.

14 (d) If an individual described by Subsection (a)(1)(B) is  
15 received into custody by the Texas Department of Criminal Justice,  
16 that department shall collect the sample from the individual during  
17 the diagnostic process or at another time determined by the Texas  
18 Department of Criminal Justice. If an individual described by  
19 Subsection (a)(2)(A) is received into custody by the Texas Juvenile  
20 Justice Department [~~Youth Commission~~], that department [~~the youth~~  
21 ~~commission~~] shall collect the sample from the individual during the  
22 initial examination or at another time it determines [~~determined by~~  
23 ~~the youth commission~~]. If an individual who is required under this  
24 section or other law to provide a DNA sample is in the custody or  
25 under the supervision of another criminal justice agency, such as a  
26 community supervision and corrections department, a parole office,  
27 or a local juvenile probation department or parole office, that

1 agency shall collect the sample from the individual at a time  
2 determined by the agency.

3 (f-1) The Texas Juvenile Justice Department [~~Youth~~  
4 ~~Commission~~] shall notify the director that an individual described  
5 by Subsection (a)(2)(A) is to be released from custody not earlier  
6 than the 120th day before the individual's release date.

7 (f-2) The Texas Department of Criminal Justice and the Texas  
8 Juvenile Justice Department [~~Youth Commission~~], in consultation  
9 with the director, shall determine the form of the notification  
10 described by Subsections (f) and (f-1).

11 (j)(1) The Texas Juvenile Justice Department [~~Youth~~  
12 ~~Commission~~] as soon as practicable shall cause a sample to be  
13 collected from an individual described by Subsection (a)(2)(A) if:

14 (A) the individual is detained in another  
15 juvenile detention facility after adjudication and before  
16 admission to the Texas Juvenile Justice Department [~~youth~~  
17 ~~commission~~]; and

18 (B) the Texas Juvenile Justice Department [~~youth~~  
19 ~~commission~~] determines the individual is likely to be released  
20 before being admitted to that department [~~the youth commission~~].

21 (2) The administrator of the other juvenile detention  
22 facility shall cooperate with the Texas Juvenile Justice Department  
23 [~~Youth Commission~~] as necessary to allow that department [~~the youth~~  
24 ~~commission~~] to perform its duties under this subsection.

25 SECTION 95. Section 420.008(c), Government Code, is amended  
26 to read as follows:

27 (c) The legislature may appropriate money deposited to the

1 credit of the fund only to:

2 (1) the attorney general, for:

3 (A) sexual violence awareness and prevention  
4 campaigns;

5 (B) grants to faith-based groups, independent  
6 school districts, and community action organizations for programs  
7 for the prevention of sexual assault and programs for victims of  
8 human trafficking;

9 (C) grants for equipment for sexual assault nurse  
10 examiner programs, to support the preceptorship of future sexual  
11 assault nurse examiners, and for the continuing education of sexual  
12 assault nurse examiners;

13 (D) grants to increase the level of sexual  
14 assault services in this state;

15 (E) grants to support victim assistance  
16 coordinators;

17 (F) grants to support technology in rape crisis  
18 centers;

19 (G) grants to and contracts with a statewide  
20 nonprofit organization exempt from federal income taxation under  
21 Section 501(c)(3), Internal Revenue Code of 1986, having as a  
22 primary purpose ending sexual violence in this state, for programs  
23 for the prevention of sexual violence, outreach programs, and  
24 technical assistance to and support of youth and rape crisis  
25 centers working to prevent sexual violence; and

26 (H) grants to regional nonprofit providers of  
27 civil legal services to provide legal assistance for sexual assault

1 victims;

2 (2) the Department of State Health Services, to  
3 measure the prevalence of sexual assault in this state and for  
4 grants to support programs assisting victims of human trafficking;

5 (3) the Institute on Domestic Violence and Sexual  
6 Assault at The University of Texas at Austin, to conduct research on  
7 all aspects of sexual assault and domestic violence;

8 (4) Texas State University, for training and technical  
9 assistance to independent school districts for campus safety;

10 (5) the office of the governor, for grants to support  
11 sexual assault and human trafficking prosecution projects;

12 (6) the Department of Public Safety, to support sexual  
13 assault training for commissioned officers;

14 (7) the comptroller's judiciary section, for  
15 increasing the capacity of the sex offender civil commitment  
16 program;

17 (8) the Texas Department of Criminal Justice:

18 (A) for pilot projects for monitoring sex  
19 offenders on parole; and

20 (B) for increasing the number of adult  
21 incarcerated sex offenders receiving treatment;

22 (9) the Texas Juvenile Justice Department [~~Youth~~  
23 ~~Commission~~], for increasing the number of incarcerated juvenile sex  
24 offenders receiving treatment;

25 (10) the comptroller, for the administration of the  
26 fee imposed on sexually oriented businesses under Section 102.052,  
27 Business & Commerce Code; and

1           (11) the supreme court, to be transferred to the Texas  
2 Equal Access to Justice Foundation, or a similar entity, to provide  
3 victim-related legal services to sexual assault victims, including  
4 legal assistance with protective orders, relocation-related  
5 matters, victim compensation, and actions to secure privacy  
6 protections available to victims under law.

7           SECTION 96. Section 492.0011, Government Code, is amended  
8 to read as follows:

9           Sec. 492.0011. PRIVATE SECTOR PRISON INDUSTRIES PROGRAM  
10 MANAGEMENT. (a) The board shall approve, certify, and supervise  
11 private sector prison industries programs operated by the  
12 department, the Texas Juvenile Justice Department [~~Youth~~  
13 ~~Commission~~], and county correctional facilities in accordance with  
14 Subchapter C, Chapter 497.

15           (b) This section does not authorize the board to direct the  
16 general operations of or to govern the Texas Juvenile Justice  
17 Department [~~Youth Commission~~] or county correctional facilities in  
18 any manner not specifically described by Subsection (a).

19           SECTION 97. Sections 497.051(a), (b), and (c), Government  
20 Code, are amended to read as follows:

21           (a) The board shall approve, certify, and supervise the  
22 operation of private sector prison industries programs in the  
23 department, the Texas Juvenile Justice Department [~~Youth~~  
24 ~~Commission~~], and in county correctional facilities in compliance  
25 with the federal prison enhancement certification program  
26 established under 18 U.S.C. Section 1761. The board may use board  
27 and department employees to provide the clerical and technical

1 support necessary for the board to perform the board's duties under  
2 this subchapter and shall ensure that the department implements the  
3 policies adopted by the board that relate to the operation of  
4 private sector prison industries programs.

5 (b) In this subchapter:

6 (1) "Governmental entity" means the department, the  
7 Texas Juvenile Justice Department [~~Youth Commission~~], and any  
8 county that operates a private sector prison industries program  
9 under this subchapter.

10 (2) "Participant" means a participant in a private  
11 sector prison industries program.

12 (c) This subchapter does not authorize the board to direct  
13 the general operations of or to govern the Texas Juvenile Justice  
14 Department [~~Youth Commission~~] or county correctional facilities in  
15 any manner not specifically described by Subsection (a).

16 SECTION 98. Section 497.058(a), Government Code, is amended  
17 to read as follows:

18 (a) The board by rule shall require that participants at  
19 each private sector prison industries program be paid not less than  
20 the prison industry enhancement certification program (PIECP) wage  
21 as computed by the Texas Workforce Commission, except that:

22 (1) the board may permit employers to pay a  
23 participant the federal minimum wage for the two-month period  
24 beginning on the date participation begins; and

25 (2) the minimum wage for participants committed to the  
26 Texas Juvenile Justice Department [~~Youth Commission~~], because of  
27 the age of the participants and the extensive training component of



1 their employment, is the federal minimum wage.

2 SECTION 99. Section 497.0581(a), Government Code, is  
3 amended to read as follows:

4 (a) The board by rule shall determine the amount of  
5 deductions to be taken from wages received by the participant under  
6 this subchapter and the disbursement of those deductions. The  
7 board may establish deductions for participants committed to the  
8 Texas Juvenile Justice Department [~~Youth Commission~~] that are  
9 different than deductions established for other participants in the  
10 program. In determining the amount of deductions under this  
11 section, the board shall ensure that the deductions do not place the  
12 private sector prison industries programs in the department in  
13 noncompliance with the federal prison enhancement certification  
14 program established under 18 U.S.C. Section 1761.

15 SECTION 100. Section 508.003(c), Government Code, is  
16 amended to read as follows:

17 (c) The provisions of this chapter not in conflict with  
18 Section 508.156 apply to parole of a person from the Texas Juvenile  
19 Justice Department [~~Youth Commission~~] under that section.

20 SECTION 101. Sections 508.156(d), (e), and (f), Government  
21 Code, are amended to read as follows:

22 (d) The period of parole for a person released on parole  
23 under this section is the term for which the person was sentenced  
24 less calendar time served at the Texas Juvenile Justice Department  
25 [~~Youth Commission~~] and in a juvenile detention facility in  
26 connection with the conduct for which the person was adjudicated.

27 (e) If a parole panel revokes the person's parole, the panel

1 may require the person to serve the remaining portion of the  
2 person's sentence in the institutional division. The remaining  
3 portion of the person's sentence is computed without credit for the  
4 time from the date of the person's release to the date of  
5 revocation. The panel may not recommit the person to the Texas  
6 Juvenile Justice Department [~~Youth Commission~~].

7 (f) For purposes of this chapter, a person released from the  
8 Texas Juvenile Justice Department [~~Youth Commission~~] on parole  
9 under this section is considered to have been convicted of the  
10 offense for which the person has been adjudicated.

11 SECTION 102. Section 658.002(c), Government Code, is  
12 amended to read as follows:

13 (c) This section does not apply to a houseparent who is  
14 employed by and lives at a Texas Juvenile Justice Department [~~Youth~~  
15 ~~Commission~~] facility.

16 SECTION 103. Section 659.044(e), Government Code, is  
17 amended to read as follows:

18 (e) This subsection applies only to an employee of the Texas  
19 Juvenile Justice Department [~~Youth Commission~~] who is receiving  
20 less than the maximum amount of hazardous duty pay that the  
21 department [~~commission~~] may pay to the employee under Section  
22 659.303. The employee's monthly amount of longevity pay is the sum  
23 of:

24 (1) \$4 for each year of lifetime service credit, which  
25 may not include any period served in a hazardous duty position; and

26 (2) the lesser of:

27 (A) \$4 for each year served in a hazardous duty

1 position; or

2 (B) the difference between:

3 (i) \$7 for each year served in a hazardous  
4 duty position; and

5 (ii) the amount paid by the department  
6 [~~commission~~] for each year served in a hazardous duty position.

7 SECTION 104. Section 659.046(f), Government Code, is  
8 amended to read as follows:

9 (f) The amount of an employee's lifetime service credit does  
10 not include the period served in a hazardous duty position if the  
11 employee is:

12 (1) entitled to receive hazardous duty pay under  
13 Section 659.302; or

14 (2) receiving the maximum amount of hazardous duty pay  
15 that the Texas Juvenile Justice Department [~~Youth Commission~~] may  
16 pay to the employee under Section 659.303.

17 SECTION 105. Section 659.302(b), Government Code, is  
18 amended to read as follows:

19 (b) This section does not apply to an employee of the Texas  
20 Juvenile Justice Department [~~Youth Commission~~].

21 SECTION 106. Section 659.303, Government Code, is amended  
22 to read as follows:

23 Sec. 659.303. TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH~~  
24 ~~COMMISSION~~] EMPLOYEES. (a) The department [~~commission~~] may  
25 include hazardous duty pay in the compensation paid to an  
26 individual for services rendered during a month if the individual:

27 (1) has routine direct contact with youth:

1 (A) placed in a residential facility of the  
2 department [~~commission~~]; or

3 (B) released under the department's  
4 [~~commission's~~] supervision; and

5 (2) has completed at least 12 months of lifetime  
6 service credit not later than the last day of the preceding month.

7 (b) For purposes of Subsection (a)(1), an individual who is  
8 having routine direct contact with youth on any portion of the first  
9 workday of a month is considered to have routine direct contact with  
10 youth for the entire month.

11 (c) The department's [~~commission's~~] authority under  
12 Subsection (a) is subject to any conditions or limitations in the  
13 General Appropriations Act.

14 (d) The department [~~commission~~] may not pay hazardous duty  
15 pay:

16 (1) from funds authorized for payment of an  
17 across-the-board employee salary increase; or

18 (2) to an employee who works at the department's  
19 [~~commission's~~] central office.

20 (e) In this section, "department" [~~"commission"~~] means the  
21 Texas Juvenile Justice Department [~~Youth Commission~~].

22 SECTION 107. Section 661.031(2), Government Code, is  
23 amended to read as follows:

24 (2) "State employee" means an individual who is an  
25 appointed officer or employee of a state agency and who normally  
26 works 900 hours or more a year. The term includes:

27 (A) an hourly employee;

- 1 (B) a temporary employee;
- 2 (C) a person employed by:
- 3 (i) the Teacher Retirement System of Texas;
- 4 (ii) the Texas Education Agency;
- 5 (iii) the Texas Higher Education
- 6 Coordinating Board;
- 7 (iv) the Texas School for the Blind and
- 8 Visually Impaired;
- 9 (v) the Texas School for the Deaf;
- 10 (vi) the Texas Juvenile Justice Department
- 11 [~~Youth Commission~~];
- 12 (vii) the Windham School District; or
- 13 (viii) the Department of Assistive and
- 14 Rehabilitative Services; and
- 15 (D) a classified, administrative, faculty, or
- 16 professional employee of a state institution or agency of higher
- 17 education who has accumulated vacation leave, sick leave, or both,
- 18 during the employment.

19 SECTION 108. Section 661.061(2), Government Code, is

20 amended to read as follows:

21 (2) "State employee" means an employee or appointed

22 officer of a state agency. The term includes:

- 23 (A) a full-time employee or officer;
- 24 (B) a part-time employee or officer;
- 25 (C) an hourly employee;
- 26 (D) a temporary employee;
- 27 (E) a person employed by:

- 1 (i) the Teacher Retirement System of Texas;  
2 (ii) the Texas Education Agency;  
3 (iii) the Texas Higher Education  
4 Coordinating Board;  
5 (iv) the Texas School for the Blind and  
6 Visually Impaired;  
7 (v) the Texas School for the Deaf;  
8 (vi) the Texas Juvenile Justice Department  
9 [~~Youth Commission~~];  
10 (vii) the Windham School District; or  
11 (viii) the Department of Assistive and  
12 Rehabilitative Services; or

13 (F) a classified, administrative, faculty, or  
14 professional employee of a state institution or agency of higher  
15 education who has accumulated vacation leave during the employment.

16 SECTION 109. Section 661.152(a), Government Code, is  
17 amended to read as follows:

18 (a) A state employee is entitled to a vacation in each  
19 fiscal year without a deduction in salary, except for a state  
20 employee who is:

21 (1) an employee of an institution of higher education  
22 as defined by Section 61.003, Education Code, who:

23 (A) is not employed to work at least 20 hours per  
24 week for a period of at least four and one-half months; or

25 (B) is employed in a position for which the  
26 employee is required to be a student as a condition of the  
27 employment;

1           (2) a faculty member employed for a period of fewer  
2 than 12 months by an institution of higher education as defined by  
3 Section 61.003, Education Code; or

4           (3) an instructional employee employed for a period of  
5 fewer than 12 months by the Texas School for the Blind and Visually  
6 Impaired, the Texas School for the Deaf, or the Texas Juvenile  
7 Justice Department [~~Youth Commission~~].

8           SECTION 110. Section 814.104(b), Government Code, is  
9 amended to read as follows:

10           (b) A member who is at least 55 years old and who has at  
11 least 10 years of service credit as a commissioned peace officer  
12 engaged in criminal law enforcement activities of the Department of  
13 Public Safety, the Texas Alcoholic Beverage Commission, the Parks  
14 and Wildlife Department, or the office of inspector general at the  
15 Texas Juvenile Justice Department [~~Youth Commission~~], or as a  
16 custodial officer, is eligible to retire and receive a service  
17 retirement annuity.

18           SECTION 111. Section 815.505, Government Code, is amended  
19 to read as follows:

20           Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND  
21 CUSTODIAL OFFICERS. Not later than the 12th day of the month  
22 following the month in which a person begins or ceases employment as  
23 a law enforcement officer or custodial officer, the Public Safety  
24 Commission, the Texas Alcoholic Beverage Commission, the Parks and  
25 Wildlife Commission, the office of inspector general at the Texas  
26 Juvenile Justice Department [~~Youth Commission~~], the Board of  
27 Pardons and Paroles, or the Texas Board of Criminal Justice, as

1 applicable, shall certify to the retirement system, in the manner  
2 prescribed by the system, the name of the employee and such other  
3 information as the system determines is necessary for the crediting  
4 of service and financing of benefits under this subtitle.

5 SECTION 112. Section 2155.143, Government Code, is amended  
6 to read as follows:

7 Sec. 2155.143. PURCHASE OF CARE AND TREATMENT SERVICES BY  
8 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The  
9 Texas Juvenile Justice Department [~~Youth Commission~~] may purchase  
10 care and treatment services, including educational services, for  
11 its wards.

12 (b) The Texas Juvenile Justice Department [~~Youth~~  
13 ~~Commission~~] shall:

14 (1) negotiate purchases under this section to achieve  
15 fair and reasonable prices at rates that do not exceed any maximum  
16 provided by law; and

17 (2) select service providers according to each  
18 provider's qualifications and demonstrated competence.

19 SECTION 113. Section 2165.005(f), Government Code, is  
20 amended to read as follows:

21 (f) A building that will be used as a state or regional  
22 headquarters for a state agency, other than a university building,  
23 a secure correctional facility operated by the Texas Juvenile  
24 Justice Department [~~Youth Commission~~], or a prison, may bear the  
25 name of a person only if the person is deceased and was significant  
26 in the state's history.

27 SECTION 114. Section 2165.252(b), Government Code, is



1 amended to read as follows:

2 (b) The commission may allocate space in buildings in the  
3 Texas Judicial Complex only to:

- 4 (1) a court;
- 5 (2) a judicial agency;
- 6 (3) the attorney general's office;
- 7 (4) the Texas Department of Criminal Justice;
- 8 (5) the Texas Juvenile Justice Department [~~Youth~~  
9 ~~Commission~~];
- 10 (6) [~~the Criminal Justice Policy Council~~];
- 11 [~~(7)~~] the State Commission on Judicial Conduct;
- 12 (7) [~~(8)~~] the State Office of Administrative  
13 Hearings;
- 14 (8) [~~(9)~~] the Board of Law Examiners;
- 15 (9) [~~(10)~~] the Council on Sex Offender Treatment;
- 16 (10) [~~(11)~~] building security;
- 17 (11) [~~(12)~~] building maintenance; or
- 18 (12) [~~(13)~~] a vending facility operated under Chapter  
19 94, Human Resources Code.

20 SECTION 115. Section [2167.001](#)(b), Government Code, is  
21 amended to read as follows:

- 22 (b) This chapter does not apply to:
- 23 (1) radio antenna space;
  - 24 (2) residential space for a Texas Department of Mental  
25 Health and Mental Retardation program;
  - 26 (3) residential space for a Texas Juvenile Justice  
27 Department [~~Youth Commission~~] program;

1 (4) space to be used for less than one month for  
2 meetings, conferences, conventions, seminars, displays,  
3 examinations, auctions, or similar purposes;

4 (5) district office space for members of the  
5 legislature;

6 (6) space used by the Texas Workforce Commission;

7 (7) residential property acquired by the Texas  
8 Department of Housing and Community Affairs or the Texas State  
9 Affordable Housing Corporation that is offered for sale or rental  
10 to individuals and families of low or very low income or families of  
11 moderate income;

12 (8) except as provided by Section [2167.007](#), space for  
13 a university system or institution of higher education; or

14 (9) space leased by the Texas Veterans Commission to  
15 administer the veterans employment services program.

16 SECTION 116. Section [2303.402\(c\)](#), Government Code, is  
17 amended to read as follows:

18 (c) For the purposes of this section, an economically  
19 disadvantaged individual is an individual who:

20 (1) was unemployed for at least three months before  
21 obtaining employment with the qualified business;

22 (2) receives public assistance benefits, including  
23 welfare payments or food stamps, based on need and intended to  
24 alleviate poverty;

25 (3) is a low-income individual, as defined by Section  
26 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

27 (4) is an individual with a disability, as defined

1 by 29 U.S.C. Section 705(20)(A);

2 (5) is an inmate, as defined by Section 498.001;

3 (6) is entering the workplace after being confined in  
4 a facility operated by or under contract with the Texas Department  
5 of Criminal Justice for the imprisonment of individuals convicted  
6 of felonies other than state jail felonies;

7 (7) has been released by the Texas Juvenile Justice  
8 Department [~~Youth Commission~~] and is on parole, if state law  
9 provides for such a person to be on parole;

10 (8) meets the current low income or moderate income  
11 limits developed under Section 8, United States Housing Act of 1937  
12 (42 U.S.C. Section 1437f et seq.); or

13 (9) was under the permanent managing conservatorship  
14 of the Department of Family and Protective Services on the day  
15 preceding the individual's 18th birthday.

16 SECTION 117. Section 2306.5621(a)(6), Government Code, is  
17 amended to read as follows:

18 (6) "Corrections officer" means a corrections officer  
19 employed by the Texas Department of Criminal Justice or a juvenile  
20 correctional officer employed by the Texas Juvenile Justice  
21 Department [~~Youth Commission~~].

22 SECTION 118. Section 2306.903(a), Government Code, is  
23 amended to read as follows:

24 (a) The Texas Interagency Council for the Homeless is  
25 composed of:

26 (1) one representative from each of the following  
27 agencies, appointed by the administrative head of that agency:

- 1 (A) the Texas Department of Health;
- 2 (B) the Texas Department of Human Services;
- 3 (C) the Texas Department of Mental Health and  
4 Mental Retardation;
- 5 (D) the Texas Department of Criminal Justice;
- 6 (E) the Texas Department on Aging;
- 7 (F) the Texas Rehabilitation Commission;
- 8 (G) the Texas Education Agency;
- 9 (H) the Texas Commission on Alcohol and Drug  
10 Abuse;
- 11 (I) the Department of Protective and Regulatory  
12 Services;
- 13 (J) the Health and Human Services Commission;
- 14 (K) the Texas Workforce Commission;
- 15 (L) the Texas Juvenile Justice Department [~~Youth~~  
16 ~~Commission~~]; and
- 17 (M) the Texas Veterans Commission;
- 18 (2) two representatives from the department, one each  
19 from the community affairs division and the housing finance  
20 division, appointed by the director; and
- 21 (3) three members representing service providers to  
22 the homeless, one each appointed by the governor, the lieutenant  
23 governor, and the speaker of the house of representatives.

24 SECTION 119. Section 63.009, Human Resources Code, is  
25 amended to read as follows:

26 Sec. 63.009. BOARD POLICIES. The board of trustees shall  
27 develop policies consistent with the rules, regulations, and

1 standards of the Texas Juvenile Justice Department [~~Probation~~  
2 ~~Commission~~].

3 SECTION 120. Section 63.010, Human Resources Code, is  
4 amended to read as follows:

5 Sec. 63.010. STANDARDIZED PERSONNEL QUALIFICATIONS. The  
6 board of trustees shall standardize qualifications for personnel  
7 positions in the community center consistent with those established  
8 by the Texas Juvenile Justice Department [~~Probation Commission~~].

9 SECTION 121. Section 63.019, Human Resources Code, is  
10 amended to read as follows:

11 Sec. 63.019. RULES REGULATING ADMINISTRATION OF SERVICES.  
12 The board of trustees may make rules consistent with those  
13 promulgated by the Texas Juvenile Justice Department [~~Probation~~  
14 ~~Commission~~] and the policies, principles, and standards provided in  
15 this Act to regulate the administration of services by the facility  
16 to the juveniles placed into the facility.

17 SECTION 122. Section 63.020(1), Human Resources Code, is  
18 amended to read as follows:

19 (1) Education. Upon admission into the facility, the  
20 juvenile will be tested to determine his educational level, and a  
21 program of instruction consistent with the juvenile's educational  
22 level shall be developed to educate the juvenile. Education shall  
23 be given to each juvenile admitted in the facility consistent with  
24 the standards set forth by the Texas Juvenile Justice Department  
25 [~~Probation Commission~~].

26 SECTION 123. Section 142.002(a), Human Resources Code, is  
27 amended to read as follows:

1 (a) A juvenile board may, with the advice and consent of the  
2 commissioners court, employ probation officers and administrative,  
3 supervisory, stenographic, and other clerical personnel necessary  
4 to provide juvenile probation services according to the standards  
5 established by the Texas Juvenile Justice Department [~~Probation~~  
6 ~~Commission~~] and the local need as determined by the juvenile board.

7 SECTION 124. Section 142.003(b), Human Resources Code, is  
8 amended to read as follows:

9 (b) A juvenile board may contract with the Texas Juvenile  
10 Justice Department [~~Youth Commission~~] for juvenile probation  
11 services.

12 SECTION 125. Section 142.006(b), Human Resources Code, is  
13 amended to read as follows:

14 (b) A juvenile probation officer is disqualified from being  
15 authorized to carry a firearm under this section if the officer has  
16 been designated a perpetrator in a Texas Juvenile Justice  
17 Department [~~Probation Commission~~] abuse, neglect, or exploitation  
18 investigation.

19 SECTION 126. Section 152.0007(a), Human Resources Code, is  
20 amended to read as follows:

21 (a) The juvenile board shall:

22 (1) establish a juvenile probation department and  
23 employ a chief probation officer who meets the standards set by the  
24 Texas Juvenile Justice Department [~~Probation Commission~~]; and

25 (2) adopt a budget and establish policies, including  
26 financial policies, for juvenile services within the jurisdiction  
27 of the board.

1 SECTION 127. Section 152.0008(a), Human Resources Code, is  
2 amended to read as follows:

3 (a) The chief juvenile probation officer may, within the  
4 budget adopted by the board, employ:

5 (1) assistant officers who meet the standards set by  
6 the Texas Juvenile Justice Department [~~Probation Commission~~]; and

7 (2) other necessary personnel.

8 SECTION 128. Section 152.0461(f), Human Resources Code, is  
9 amended to read as follows:

10 (f) The juvenile board shall pay the salaries of juvenile  
11 probation personnel and other expenses the chairman certifies as  
12 essential to provide services to the children of Cochran County  
13 from the juvenile board fund to the extent of the state aid received  
14 in the fund. The salaries approved by the commissioners court may  
15 be paid from funds received for that purpose from the Texas Juvenile  
16 Justice Department [~~Probation Commission~~]. The commissioners  
17 court shall pay the remaining approved salaries of juvenile  
18 probation personnel and other expenses certified as necessary by  
19 the juvenile board chairman from the general funds of the county.

20 SECTION 129. Section 152.1161(f), Human Resources Code, is  
21 amended to read as follows:

22 (f) The juvenile board shall pay the salaries of juvenile  
23 probation personnel and other expenses the chairman certifies as  
24 essential to provide services to the children of Hockley County  
25 from the juvenile board fund to the extent of the state aid received  
26 in the fund. The salaries approved by the commissioners court may  
27 be paid from funds received for that purpose from the Texas Juvenile

1 Justice Department [~~Probation Commission~~]. The commissioners  
2 court shall pay the remaining approved salaries of juvenile  
3 probation personnel and other expenses certified as necessary by  
4 the juvenile board chairman from the general funds of the county.

5 SECTION 130. Section 152.2401(f), Human Resources Code, is  
6 amended to read as follows:

7 (f) The juvenile board shall make the financial and  
8 statistical records and reports the board is required to make to the  
9 Texas Juvenile Justice Department [~~Probation Commission~~] available  
10 to the commissioners court.

11 SECTION 131. Section 152.2561(1), Human Resources Code, is  
12 amended to read as follows:

13 (1) The board shall make available to the commissioners  
14 court the financial and statistical reports required by the Texas  
15 Juvenile Justice Department [~~Probation Commission~~].

16 SECTION 132. Section 306.002, Labor Code, is amended to  
17 read as follows:

18 Sec. 306.002. PROJECT RIO. The project for reintegration  
19 of offenders is a statewide employment referral program designed to  
20 reintegrate into the labor force persons sentenced to the  
21 correctional institutions division or committed to the Texas  
22 Juvenile Justice Department [~~Youth Commission~~].

23 SECTION 133. Section 306.003, Labor Code, is amended to  
24 read as follows:

25 Sec. 306.003. ADMINISTRATION. The department, the Texas  
26 Juvenile Justice Department [~~Youth Commission~~], and the commission  
27 shall cooperate to maximize the effectiveness of Project RIO. For



1 that purpose, the commission shall administer the project.

2 SECTION 134. Section 306.004, Labor Code, is amended to  
3 read as follows:

4 Sec. 306.004. MEMORANDUM OF UNDERSTANDING--ADOPTION. (a)  
5 The department, the commission, and the Texas Juvenile Justice  
6 Department [~~Youth Commission~~] shall each adopt a memorandum of  
7 understanding that establishes the respective responsibilities of  
8 each agency and of the divisions within the department.

9 (b) The commission shall coordinate the development of the  
10 memoranda of understanding. The department and the Texas Juvenile  
11 Justice Department [~~Youth Commission~~] shall adopt rules as  
12 necessary to implement their respective memoranda and may amend the  
13 memorandum and those rules as necessary.

14 SECTION 135. Section 306.005(b), Labor Code, is amended to  
15 read as follows:

16 (b) The memorandum of understanding between the Texas  
17 Juvenile Justice Department [~~Youth Commission~~] and the commission  
18 must establish the roles of the institutional and community  
19 services division in the Texas Juvenile Justice Department [~~Youth~~  
20 ~~Commission~~] and the role of the commission in the same manner the  
21 roles of the department and commission are established under  
22 Subsection (a).

23 SECTION 136. Section 306.007(a), Labor Code, is amended to  
24 read as follows:

25 (a) To assist in the reintegration into the labor force of  
26 persons formerly sentenced to the correctional institutions  
27 division or committed to the Texas Juvenile Justice Department

1 ~~[Youth Commission]~~, the commission through Project RIO shall  
2 provide:

3 (1) to those persons:

4 (A) information from local workforce development  
5 boards on job training and employment referral services;

6 (B) information from the Department of State  
7 Health Services on substance abuse treatment services;

8 (C) information from the Texas Department of  
9 Housing and Community Affairs on housing services;

10 (D) information from the Texas Veterans  
11 Commission on services for veterans; and

12 (E) information on tax refund voucher programs  
13 under Subchapter H, Chapter 301; and

14 (2) to the employers and potential employers of those  
15 persons:

16 (A) information from the Texas Economic  
17 Development and Tourism Office on the enterprise zone program; and

18 (B) information from local workforce development  
19 boards on services listed in Section 2308.304, Government Code.

20 SECTION 137. Sections 306.008(a) and (c), Labor Code, are  
21 amended to read as follows:

22 (a) To assist in the reintegration into the labor force of  
23 persons formerly sentenced to the correctional institutions  
24 division or committed to the Texas Juvenile Justice Department  
25 ~~[Youth Commission]~~, the commission, the Texas Juvenile Justice  
26 Department ~~[Youth Commission]~~, and the department shall establish a  
27 data interface that, at a minimum, provides to the commission:

1           (1) detailed information about persons released from a  
2 correctional facility who might benefit from post-release Project  
3 RIO services, including:

4                   (A) demographic and identifying information;

5                   (B) the person's address on release;

6                   (C) a comprehensive state offense history,  
7 including the date of release from the correctional facility,  
8 sentence discharge date, and conditions of parole;

9                   (D) assessment information;

10                  (E) educational and work history;

11                  (F) information related to participation in the  
12 work against recidivism program operated by the department's  
13 manufacturing and logistics division under the Texas Correctional  
14 Industries office; and

15                  (G) other services provided under this title  
16 before release from the correctional facility; and

17           (2) referral information from the department and the  
18 Texas Juvenile Justice Department [~~Youth Commission~~] necessary to  
19 implement the provision of post-release employment services.

20           (c) Information received from the Texas Juvenile Justice  
21 Department [~~Youth Commission~~] under this section is confidential  
22 and is not subject to disclosure under Chapter 552, Government  
23 Code.

24           SECTION 138. Section 504.017, Labor Code, is amended to  
25 read as follows:

26           Sec. 504.017. FEDERAL AND STATE FUNDED TRANSPORTATION  
27 ENTITIES. An entity is eligible to participate under Section

1 504.016 or Chapter 791 or 2259, Government Code, if the entity  
2 provides transportation subsidized in whole or in part by and  
3 provided to clients of:

4 (1) the Department of Assistive and Rehabilitative  
5 Services;

6 (2) the Department of State Health Services;

7 (3) the Cancer Prevention and Research Institute of  
8 Texas;

9 (4) the Texas Department of Housing and Community  
10 Affairs;

11 (5) the Health and Human Services Commission;

12 (6) the Department of Aging and Disability Services;

13 or

14 (7) the Texas Juvenile Justice Department [~~Youth~~  
15 ~~Commission~~].

16 SECTION 139. Section 244.001(1), Local Government Code, is  
17 amended to read as follows:

18 (1) "Correctional or rehabilitation facility" means a  
19 probation or parole office or a residential facility that:

20 (A) is operated by an agency of the state, a  
21 political subdivision of the state, or a private vendor operating  
22 under a contract with an agency of the state or a political  
23 subdivision of the state; and

24 (B) houses persons convicted of misdemeanors or  
25 felonies or children found to have engaged in delinquent conduct,  
26 regardless of whether the persons are housed in the residential  
27 facility:

1 (i) while serving a sentence of confinement  
2 following conviction of an offense;

3 (ii) as a condition of probation, parole,  
4 or mandatory supervision; or

5 (iii) under a court order for out-of-home  
6 placement under Title 3, Family Code, other than in a foster home  
7 operated under a contract with the juvenile board of the county in  
8 which the foster home is located or under a contract with the Texas  
9 Juvenile Justice Department [~~Youth Commission~~].

10 SECTION 140. Section 244.006, Local Government Code, is  
11 amended to read as follows:

12 Sec. 244.006. EXEMPTIONS. This subchapter does not apply  
13 to the operation of a correctional or rehabilitation facility at a  
14 location subject to this subchapter if:

15 (1) on September 1, 1997, the correctional or  
16 rehabilitation facility was in operation, under construction,  
17 under contract for operation or construction, or planned for  
18 construction at the location on land owned or leased by an agency or  
19 political subdivision of the state and designated for use as a  
20 correctional or rehabilitation facility;

21 (2) the correctional or rehabilitation facility was in  
22 operation or under construction before the establishment of a  
23 residential area the location of which makes the facility subject  
24 to this subchapter;

25 (3) the correctional or rehabilitation facility is a  
26 temporary correctional or rehabilitation facility that will be  
27 operated at the location for less than one year;

1           (4) the correctional or rehabilitation facility is  
2 required to obtain a special use permit or a conditional use permit  
3 from the municipality in which the facility is located before  
4 beginning operation;

5           (5) the correctional or rehabilitation facility is an  
6 expansion of a facility operated by the correctional institutions  
7 division of the Texas Department of Criminal Justice for the  
8 imprisonment of individuals convicted of felonies other than state  
9 jail felonies or by the Texas Juvenile Justice Department [~~Youth~~  
10 ~~Commission~~];

11           (6) the correctional or rehabilitation facility is a  
12 county jail or a pre-adjudication or post-adjudication juvenile  
13 detention facility operated by a county or county juvenile board;

14           (7) the facility is:

15                   (A) a juvenile probation office located at, and  
16 operated in conjunction with, a juvenile justice alternative  
17 education center; and

18                   (B) used exclusively by students attending the  
19 juvenile justice alternative education center;

20           (8) the facility is a public or private institution of  
21 higher education or vocational training to which admission is open  
22 to the general public;

23           (9) the facility is operated primarily as a treatment  
24 facility for juveniles under contract with the Department of Aging  
25 and Disability Services or the Department of State Health Services  
26 or a local mental health or mental retardation authority;

27           (10) the facility is operated as a juvenile justice

1 alternative education program;

2 (11) the facility:

3 (A) is not operated primarily as a correctional  
4 or rehabilitation facility; and

5 (B) only houses persons or children described by  
6 Section 244.001(1)(B) for a purpose related to treatment or  
7 education; or

8 (12) the facility is a probation or parole office  
9 located in a commercial use area.

10 SECTION 141. Section 1701.259(a), Occupations Code, is  
11 amended to read as follows:

12 (a) The commission and the Texas Juvenile Justice  
13 Department [~~Probation Commission~~] by rule shall adopt a memorandum  
14 of understanding that establishes a training program in the use of  
15 firearms by juvenile probation officers. The memorandum of  
16 understanding must establish a program that provides instruction  
17 in:

18 (1) legal limitations on the use of firearms and on the  
19 powers and authority of juvenile probation officers;

20 (2) range firing and procedure, and firearms safety  
21 and maintenance; and

22 (3) other topics determined by the commission and the  
23 department [~~Texas Juvenile Probation Commission~~] to be necessary  
24 for the responsible use of firearms by juvenile probation officers.

25 SECTION 142. Section 22.11(d), Penal Code, is amended to  
26 read as follows:

27 (d) In this section, "correctional or detention facility"

1 means:

- 2 (1) a secure correctional facility; or
- 3 (2) a "secure correctional facility" or a "secure
- 4 detention facility" as defined by Section 51.02, Family Code,
- 5 operated by or under contract with a juvenile board or the Texas
- 6 Juvenile Justice Department [~~Youth Commission~~] or any other
- 7 facility operated by or under contract with that department
- 8 [~~commission~~].

9 SECTION 143. Section 38.06(c), Penal Code, is amended to

10 read as follows:

11 (c) An offense under this section is a felony of the third

12 degree if the actor:

13 (1) is under arrest for, charged with, or convicted of

14 a felony;

15 (2) is confined or lawfully detained in a secure

16 correctional facility or law enforcement facility; or

17 (3) is committed to or lawfully detained in a secure

18 correctional facility, as defined by Section 51.02, Family Code,

19 other than a halfway house, operated by or under contract with the

20 Texas Juvenile Justice Department [~~Youth Commission~~].

21 SECTION 144. Sections 39.04(a), (b), and (f), Penal Code,

22 are amended to read as follows:

23 (a) An official of a correctional facility, an employee of a

24 correctional facility, a person other than an employee who works

25 for compensation at a correctional facility, a volunteer at a

26 correctional facility, or a peace officer commits an offense if the

27 person intentionally:



1           (1) denies or impedes a person in custody in the  
2 exercise or enjoyment of any right, privilege, or immunity knowing  
3 his conduct is unlawful; or

4           (2) engages in sexual contact, sexual intercourse, or  
5 deviate sexual intercourse with an individual in custody or, in the  
6 case of an individual in the custody of the Texas Juvenile Justice  
7 Department [~~Youth Commission~~], employs, authorizes, or induces the  
8 individual to engage in sexual conduct or a sexual performance.

9           (b) An offense under Subsection (a)(1) is a Class A  
10 misdemeanor. An offense under Subsection (a)(2) is a state jail  
11 felony, except that an offense under Subsection (a)(2) is a felony  
12 of the second degree if the offense is committed against:

13           (1) an individual in the custody of the Texas Juvenile  
14 Justice Department [~~Youth Commission~~]; or

15           (2) a juvenile offender detained in or committed to a  
16 correctional facility the operation of which is financed primarily  
17 with state funds.

18           (f) An employee of the Texas Department of Criminal Justice,  
19 the Texas Juvenile Justice Department [~~Youth Commission~~], or a  
20 local juvenile probation department commits an offense if the  
21 employee engages in sexual contact, sexual intercourse, or deviate  
22 sexual intercourse with an individual who the employee knows is  
23 under the supervision of the department, juvenile justice  
24 department [~~commission~~], or probation department but not in the  
25 custody of the department, juvenile justice department  
26 [~~commission~~], or probation department.

27           SECTION 145. Section 39.04(e)(2), Penal Code, is amended to

1 read as follows:

2 (2) "Custody" means the detention, arrest, or  
3 confinement of an adult offender or the detention or the commitment  
4 of a juvenile offender to a facility operated by or under a contract  
5 with the Texas Juvenile Justice Department [~~Youth Commission~~] or a  
6 facility operated by or under contract with a juvenile board.

7 SECTION 146. Section 201.603, Transportation Code, is  
8 amended to read as follows:

9 Sec. 201.603. AGREEMENT WITH OTHER AGENCIES FOR ROADS. (a)  
10 On request of the Texas Department of Mental Health and Mental  
11 Retardation or the Texas Juvenile Justice Department [~~Youth  
12 Commission~~], the department may enter into agreements with either  
13 [~~that~~] department [~~or commission~~] for the construction,  
14 maintenance, or repair of roads in an institution, hospital, or  
15 school under the control, management, or supervision of that  
16 department [~~or commission~~].

17 (b) The Texas Department of Mental Health and Mental  
18 Retardation or the Texas Juvenile Justice Department [~~Youth  
19 Commission~~] may reimburse the appropriate fund of the department  
20 for the cost of construction or maintenance performed under  
21 Subsection (a). Before a transfer of an amount under this  
22 subsection, the reimbursing agency shall notify in writing the  
23 comptroller of the amount to be transferred and the fund from which  
24 the amount is to be taken.

25 SECTION 147. Section 721.003(a), Transportation Code, is  
26 amended to read as follows:

27 (a) The governing bodies of the following state agencies or

1 divisions by rule may exempt from the requirements of Section  
2 721.002 a motor vehicle that is under the control and custody of the  
3 agency or division:

- 4 (1) Texas Commission on Fire Protection;
- 5 (2) Texas State Board of Pharmacy;
- 6 (3) Department of State Health Services and Department  
7 of Aging and Disability Services;
- 8 (4) Department of Public Safety of the State of Texas;
- 9 (5) Texas Department of Criminal Justice;
- 10 (6) Board of Pardons and Paroles;
- 11 (7) Parks and Wildlife Department;
- 12 (8) Railroad Commission of Texas;
- 13 (9) Texas Alcoholic Beverage Commission;
- 14 (10) Texas Department of Banking;
- 15 (11) Department of Savings and Mortgage Lending;
- 16 (12) Texas Juvenile Justice Department [~~Probation~~  
17 ~~Commission~~];
- 18 (13) Texas Commission on Environmental Quality;
- 19 (14) [~~Texas Youth Commission~~;
- 20 [~~(15)~~] Texas Lottery Commission;
- 21 (15) [~~(16)~~] the office of the attorney general;
- 22 (16) [~~(17)~~] Texas Department of Insurance; and
- 23 (17) [~~(18)~~] an agency that receives an appropriation  
24 under an article of the General Appropriations Act that  
25 appropriates money to the legislature.

26 SECTION 148. Section 1(a), Chapter 22, Acts of the 57th  
27 Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's

1 Texas Civil Statutes), is amended to read as follows:

2 (a) This section and Section 2 of this Act apply to:

3 (1) the governing boards of state-supported  
4 institutions of higher education;

5 (2) the Texas Higher Education Coordinating Board;

6 (3) the Texas Education Agency;

7 (4) the Texas School for the Deaf;

8 (5) the Texas School for the Blind and Visually  
9 Impaired;

10 (6) the Texas Department of Mental Health and Mental  
11 Retardation and the state schools, state hospitals, and other  
12 facilities and institutions under its jurisdiction;

13 (7) the Texas Department of Health and facilities and  
14 institutions under its jurisdiction;

15 (8) the Texas Juvenile Justice Department [~~Youth~~  
16 ~~Commission~~] and facilities and institutions under its  
17 jurisdiction; and

18 (9) the governing boards of Centers for Community  
19 Mental Health and Mental Retardation Services, county hospitals,  
20 city hospitals, city-county hospitals, hospital authorities,  
21 hospital districts, affiliated state agencies, and each of their  
22 political subdivisions.

23 SECTION 149. Section 41.301(2), Government Code, is  
24 repealed.

25 SECTION 150. If any provision of this Act conflicts with a  
26 provision of another Act of the 84th Legislature, Regular Session,  
27 2015, the provision of the other Act controls to the extent of the

1 conflict, regardless of the date of enactment.

2 SECTION 151. This Act takes effect September 1, 2015.