

1-1 By: McClendon (Senate Sponsor - Menéndez) H.B. No. 1549
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 14, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 21, 2015, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to nonsubstantive corrections in statutes to references to
 1-18 the Texas Youth Commission and Texas Juvenile Probation Commission.
 1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-20 SECTION 1. Section 104.001, Civil Practice and Remedies
 1-21 Code, is amended to read as follows:
 1-22 Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause
 1-23 of action based on conduct described in Section 104.002, the state
 1-24 shall indemnify the following persons, without regard to whether
 1-25 the persons performed their services for compensation, for actual
 1-26 damages, court costs, and attorney's fees adjudged against:
 1-27 (1) an employee, a member of the governing board, or
 1-28 any other officer of a state agency, institution, or department;
 1-29 (2) a former employee, former member of the governing
 1-30 board, or any other former officer of a state agency, institution,
 1-31 or department who was an employee or officer when the act or
 1-32 omission on which the damages are based occurred;
 1-33 (3) a physician or psychiatrist licensed in this state
 1-34 who was performing services under a contract with any state agency,
 1-35 institution, or department or a racing official performing services
 1-36 under a contract with the Texas Racing Commission when the act or
 1-37 omission on which the damages are based occurred;
 1-38 (3-a) a phlebotomist licensed in this state who was
 1-39 performing services under a contract with the Texas Department of
 1-40 Criminal Justice when the act or omission on which the damages are
 1-41 based occurred;
 1-42 (4) a chaplain or spiritual advisor who was performing
 1-43 services under contract with the Texas Department of Criminal
 1-44 Justice [~~the Texas Youth Commission~~] or the Texas Juvenile
 1-45 Justice Department [~~Probation Commission~~] when the act or omission
 1-46 on which the damages are based occurred;
 1-47 (5) a person serving on the governing board of a
 1-48 foundation, corporation, or association at the request and on
 1-49 behalf of an institution of higher education, as that term is
 1-50 defined by Section 61.003(8), Education Code, not including a
 1-51 public junior college;
 1-52 (6) a state contractor who signed a waste manifest as
 1-53 required by a state contract; or
 1-54 (7) the estate of a person listed in this section.
 1-55 SECTION 2. Article 13.34, Code of Criminal Procedure, is
 1-56 amended to read as follows:
 1-57 Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST A CHILD
 1-58 COMMITTED TO THE TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH~~
 1-59 ~~COMMISSION~~]. An offense described by Article 104.003(a) committed
 1-60 by an employee or officer of the Texas Juvenile Justice Department
 1-61 [~~Youth Commission~~] or a person providing services under a contract

2-1 with the department [~~commission~~] against a child committed to the
2-2 department [~~commission~~] may be prosecuted in:

2-3 (1) any county in which an element of the offense
2-4 occurred; or

2-5 (2) Travis County.

2-6 SECTION 3. Article 15.27(c), Code of Criminal Procedure, is
2-7 amended to read as follows:

2-8 (c) A parole, probation, or community supervision office,
2-9 including a community supervision and corrections department, a
2-10 juvenile probation department, the paroles division of the Texas
2-11 Department of Criminal Justice, and the Texas Juvenile Justice
2-12 Department [~~Youth Commission~~], having jurisdiction over a student
2-13 described by Subsection (a), (b), or (e) who transfers from a school
2-14 or is subsequently removed from a school and later returned to a
2-15 school or school district other than the one the student was
2-16 enrolled in when the arrest, referral to a juvenile court,
2-17 conviction, or adjudication occurred shall within 24 hours of
2-18 learning of the student's transfer or reenrollment, or before the
2-19 next school day, whichever is earlier, notify the superintendent or
2-20 a person designated by the superintendent of the school district to
2-21 which the student transfers or is returned or, in the case of a
2-22 private school, the principal or a school employee designated by
2-23 the principal of the school to which the student transfers or is
2-24 returned of the arrest or referral in a manner similar to that
2-25 provided for by Subsection (a) or (e)(1), or of the conviction or
2-26 delinquent adjudication in a manner similar to that provided for by
2-27 Subsection (b) or (e)(2). The superintendent of the school
2-28 district to which the student transfers or is returned or, in the
2-29 case of a private school, the principal of the school to which the
2-30 student transfers or is returned shall, within 24 hours of
2-31 receiving notification under this subsection or before the next
2-32 school day, whichever is earlier, notify all instructional and
2-33 support personnel who have regular contact with the student.

2-34 SECTION 4. Article 38.43(c), Code of Criminal Procedure, is
2-35 amended to read as follows:

2-36 (c) An entity or individual described by Subsection (b)
2-37 shall ensure that biological evidence collected pursuant to an
2-38 investigation or prosecution of a felony offense or conduct
2-39 constituting a felony offense is retained and preserved:

2-40 (1) for not less than 40 years, or until the applicable
2-41 statute of limitations has expired, if there is an unapprehended
2-42 actor associated with the offense; or

2-43 (2) in a case in which a defendant has been convicted,
2-44 placed on deferred adjudication community supervision, or
2-45 adjudicated as having engaged in delinquent conduct and there are
2-46 no additional unapprehended actors associated with the offense:

2-47 (A) until the inmate is executed, dies, or is
2-48 released on parole, if the defendant is convicted of a capital
2-49 felony;

2-50 (B) until the defendant dies, completes the
2-51 defendant's sentence, or is released on parole or mandatory
2-52 supervision, if the defendant is sentenced to a term of confinement
2-53 or imprisonment in the Texas Department of Criminal Justice;

2-54 (C) until the defendant completes the
2-55 defendant's term of community supervision, including deferred
2-56 adjudication community supervision, if the defendant is placed on
2-57 community supervision;

2-58 (D) until the defendant dies, completes the
2-59 defendant's sentence, or is released on parole, mandatory
2-60 supervision, or juvenile probation, if the defendant is committed
2-61 to the Texas Juvenile Justice Department [~~Youth Commission~~]; or

2-62 (E) until the defendant completes the
2-63 defendant's term of juvenile probation, including a term of
2-64 community supervision upon transfer of supervision to a criminal
2-65 court, if the defendant is placed on juvenile probation.

2-66 SECTION 5. Article 49.18(d)(3), Code of Criminal Procedure,
2-67 is amended to read as follows:

2-68 (3) "State juvenile facility" means any facility or
2-69 halfway house:

3-1 (A) operated by or under contract with the Texas
 3-2 Juvenile Justice Department [~~Youth Commission~~]; or
 3-3 (B) described by Section 51.02(13) or (14),
 3-4 Family Code.

3-5 SECTION 6. Articles 60.03(a) and (b), Code of Criminal
 3-6 Procedure, are amended to read as follows:

3-7 (a) Criminal justice agencies, the Legislative Budget
 3-8 Board, and the council are entitled to access to the data bases of
 3-9 the Department of Public Safety, the Texas Juvenile Justice
 3-10 Department [~~Probation Commission, the Texas Youth Commission~~], and
 3-11 the Texas Department of Criminal Justice in accordance with
 3-12 applicable state or federal law or regulations. The access granted
 3-13 by this subsection does not grant an agency, the Legislative Budget
 3-14 Board, or the council the right to add, delete, or alter data
 3-15 maintained by another agency.

3-16 (b) The council or the Legislative Budget Board may submit
 3-17 to the Department of Public Safety, the Texas Juvenile Justice
 3-18 Department [~~Probation Commission, the Texas Youth Commission~~], and
 3-19 the Texas Department of Criminal Justice an annual request for a
 3-20 data file containing data elements from the departments'
 3-21 systems. The Department of Public Safety, the Texas Juvenile
 3-22 Justice Department [~~Probation Commission, the Texas Youth~~
 3-23 ~~Commission~~], and the Texas Department of Criminal Justice shall
 3-24 provide the council and the Legislative Budget Board with that data
 3-25 file for the period requested, in accordance with state and federal
 3-26 law and regulations. If the council submits data file requests
 3-27 other than the annual data file request, the director of the agency
 3-28 maintaining the requested records must approve the request. The
 3-29 Legislative Budget Board may submit data file requests other than
 3-30 the annual data file request without the approval of the director of
 3-31 the agency maintaining the requested records.

3-32 SECTION 7. Article 61.01(9), Code of Criminal Procedure, is
 3-33 amended to read as follows:

3-34 (9) "Law enforcement agency" does not include the
 3-35 Texas Department of Criminal Justice, the Texas Juvenile Justice
 3-36 Department [~~Probation Commission~~], or a local juvenile probation
 3-37 department [~~, or the Texas Youth Commission~~].

3-38 SECTION 8. Article 61.02(e)(2), Code of Criminal Procedure,
 3-39 is amended to read as follows:

3-40 (2) "Penal institution" means a confinement facility
 3-41 operated by or under a contract with any division of the Texas
 3-42 Department of Criminal Justice, a confinement facility operated by
 3-43 or under contract with the Texas Juvenile Justice Department [~~Youth~~
 3-44 ~~Commission~~], or a juvenile secure pre-adjudication or
 3-45 post-adjudication facility operated by or under a local juvenile
 3-46 probation department, or a county jail.

3-47 SECTION 9. Articles 61.06(a) and (c), Code of Criminal
 3-48 Procedure, are amended to read as follows:

3-49 (a) This article does not apply to information collected
 3-50 under this chapter by the Texas Department of Criminal Justice or
 3-51 the Texas Juvenile Justice Department [~~Youth Commission~~].

3-52 (c) In determining whether information is required to be
 3-53 removed from an intelligence database under Subsection (b), the
 3-54 five-year period does not include any period during which the
 3-55 individual who is the subject of the information is:

3-56 (1) confined in a correctional facility operated by or
 3-57 under contract with the Texas Department of Criminal Justice;

3-58 (2) committed to a secure correctional facility
 3-59 operated by or under contract with the Texas Juvenile Justice
 3-60 Department [~~Youth Commission~~], as defined by Section 51.02, Family
 3-61 Code; or

3-62 (3) confined in a county jail or confined in or
 3-63 committed to a facility operated by a juvenile board in lieu of
 3-64 being confined in a correctional facility operated by or under
 3-65 contract with the Texas Department of Criminal Justice or being
 3-66 committed to a secure correctional facility operated by or under
 3-67 contract with the Texas Juvenile Justice Department [~~Youth~~
 3-68 ~~Commission~~].

3-69 SECTION 10. Articles 61.07(a) and (c), Code of Criminal

4-1 Procedure, are amended to read as follows:

4-2 (a) This article does not apply to information collected
4-3 under this chapter by the Texas Department of Criminal Justice or
4-4 the Texas Juvenile Justice Department [~~Youth Commission~~].

4-5 (c) In determining whether information is required to be
4-6 removed from an intelligence database under Subsection (b), the
4-7 two-year period does not include any period during which the child
4-8 who is the subject of the information is:

4-9 (1) committed to the Texas Juvenile Justice Department
4-10 [~~Youth Commission~~] for conduct that violates a penal law of the
4-11 grade of felony; or

4-12 (2) confined in the Texas Department of Criminal
4-13 Justice.

4-14 SECTION 11. Article 61.08(d), Code of Criminal Procedure,
4-15 is amended to read as follows:

4-16 (d) A person who is committed to the Texas Juvenile Justice
4-17 Department [~~Youth Commission~~] or confined in the Texas Department
4-18 of Criminal Justice does not while committed or confined have the
4-19 right to request review of criminal information under this article.

4-20 SECTION 12. Article 61.10(f), Code of Criminal Procedure,
4-21 is amended to read as follows:

4-22 (f) The task force shall consist of:

4-23 (1) a representative of the Department of Public
4-24 Safety designated by the director of that agency;

4-25 (2) two representatives of the Texas Department of
4-26 Criminal Justice, including a representative of the parole
4-27 division, designated by the executive director of that agency;

4-28 (3) a representative of the office of the inspector
4-29 general of the Texas Department of Criminal Justice designated by
4-30 the inspector general;

4-31 (4) two representatives [~~a representative~~] of the
4-32 Texas Juvenile Justice Department [~~Youth Commission~~] designated by
4-33 the executive director of that agency;

4-34 (5) [~~a representative of the Texas Juvenile Probation~~
4-35 ~~Commission designated by the executive director of that agency,~~

4-36 [~~(6)~~] a representative of the office of the attorney
4-37 general designated by the attorney general;

4-38 (6) [~~(7)~~] six representatives who are local law
4-39 enforcement officers or local community supervision personnel,
4-40 including juvenile probation personnel, designated by the
4-41 governor; and

4-42 (7) [~~(8)~~] two representatives who are local
4-43 prosecutors designated by the governor.

4-44 SECTION 13. Article 62.001(3), Code of Criminal Procedure,
4-45 is amended to read as follows:

4-46 (3) "Penal institution" means a confinement facility
4-47 operated by or under a contract with any division of the Texas
4-48 Department of Criminal Justice, a confinement facility operated by
4-49 or under contract with the Texas Juvenile Justice Department [~~Youth~~
4-50 ~~Commission~~], or a juvenile secure pre-adjudication or
4-51 post-adjudication facility operated by or under a local juvenile
4-52 probation department, or a county jail.

4-53 SECTION 14. Articles 62.007(d) and (e), Code of Criminal
4-54 Procedure, are amended to read as follows:

4-55 (d) The risk assessment review committee, the Texas
4-56 Department of Criminal Justice, the Texas Juvenile Justice
4-57 Department [~~Youth Commission~~], or a court may override a risk level
4-58 only if the entity:

4-59 (1) believes that the risk level assessed is not an
4-60 accurate prediction of the risk the offender poses to the
4-61 community; and

4-62 (2) documents the reason for the override in the
4-63 offender's case file.

4-64 (e) Notwithstanding Chapter 58, Family Code, records and
4-65 files, including records that have been sealed under Section 58.003
4-66 of that code, relating to a person for whom a court, the Texas
4-67 Department of Criminal Justice, or the Texas Juvenile Justice
4-68 Department [~~Youth Commission~~] is required under this article to
4-69 determine a level of risk shall be released to the court, the Texas

5-1 Department of Criminal Justice [~~department~~], or the Texas Juvenile
5-2 Justice Department [~~commission~~], as appropriate, for the purpose of
5-3 determining the person's risk level.

5-4 SECTION 15. Article 62.008, Code of Criminal Procedure, is
5-5 amended to read as follows:

5-6 Art. 62.008. GENERAL IMMUNITY. The following persons are
5-7 immune from liability for good faith conduct under this chapter:

5-8 (1) an employee or officer of the Texas Department of
5-9 Criminal Justice, [~~the Texas Youth Commission~~], the Texas Juvenile
5-10 Justice Department [~~Probation Commission~~], the Department of
5-11 Public Safety, the Board of Pardons and Paroles, or a local law
5-12 enforcement authority;

5-13 (2) an employee or officer of a community supervision
5-14 and corrections department or a juvenile probation department;

5-15 (3) a member of the judiciary; and

5-16 (4) a member of the risk assessment review committee
5-17 established under Article 62.007.

5-18 SECTION 16. Article 62.010, Code of Criminal Procedure, is
5-19 amended to read as follows:

5-20 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of
5-21 Criminal Justice, [~~the Texas Youth Commission~~], the Texas Juvenile
5-22 Justice Department [~~Probation Commission~~], and the department may
5-23 adopt any rule necessary to implement this chapter.

5-24 SECTION 17. Article 62.051(b), Code of Criminal Procedure,
5-25 is amended to read as follows:

5-26 (b) The department shall provide the Texas Department of
5-27 Criminal Justice, [~~the Texas Youth Commission~~], the Texas Juvenile
5-28 Justice Department [~~Probation Commission~~], and each local law
5-29 enforcement authority, authority for campus security, county jail,
5-30 and court with a form for registering persons required by this
5-31 chapter to register.

5-32 SECTION 18. Article 104.003(a), Code of Criminal Procedure,
5-33 is amended to read as follows:

5-34 (a) In a prosecution of a criminal offense or delinquent
5-35 conduct committed on property owned or operated by or under
5-36 contract with the Texas Department of Criminal Justice or the Texas
5-37 Juvenile Justice Department [~~Youth Commission~~], or committed by or
5-38 against a person in the custody of the Texas Department of Criminal
5-39 Justice or the Texas Juvenile Justice Department [~~department or~~
5-40 ~~commission~~] while the person is performing a duty away from Texas
5-41 Department of Criminal Justice or Texas Juvenile Justice Department
5-42 [~~department or commission~~] property, the state shall reimburse the
5-43 county for expenses incurred by the county, in an amount that the
5-44 court determines to be reasonable, for payment of:

5-45 (1) salaries and expenses of foreign language
5-46 interpreters and interpreters for deaf persons whose services are
5-47 necessary to the prosecution;

5-48 (2) consultation fees of experts whose assistance is
5-49 directly related to the prosecution;

5-50 (3) travel expenses for witnesses;

5-51 (4) expenses for the food, lodging, and compensation
5-52 of jurors;

5-53 (5) compensation of witnesses;

5-54 (6) the cost of preparation of a statement of facts and
5-55 a transcript of the trial for purposes of appeal;

5-56 (7) if the death of a person is an element of the
5-57 offense, expenses of an inquest relating to the death;

5-58 (8) food, lodging, and travel expenses incurred by the
5-59 prosecutor's staff during travel essential to the prosecution of
5-60 the offense;

5-61 (9) court reporter's fees; and

5-62 (10) the cost of special security officers.

5-63 SECTION 19. Section 1.001(b), Education Code, is amended to
5-64 read as follows:

5-65 (b) Except as provided by Chapter 18, Chapter 19, Subchapter
5-66 A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30A, this
5-67 code does not apply to students, facilities, or programs under the
5-68 jurisdiction of the Department of Aging and Disability Services,
5-69 the Department of State Health Services, the Health and Human

6-1 Services Commission, the Texas Juvenile Justice Department [~~Youth~~
 6-2 ~~Commission~~], the Texas Department of Criminal Justice, a Job Corps
 6-3 program operated by or under contract with the United States
 6-4 Department of Labor, or any juvenile probation agency.

6-5 SECTION 20. Section 7.055(b)(26), Education Code, is
 6-6 amended to read as follows:

6-7 (26) The commissioner, with the assistance of the
 6-8 comptroller, shall determine amounts to be distributed to the Texas
 6-9 School for the Blind and Visually Impaired and the Texas School for
 6-10 the Deaf as provided by Section 30.003 and to the Texas Juvenile
 6-11 Justice Department [~~Youth Commission~~] as provided by Section
 6-12 30.102.

6-13 SECTION 21. Section 25.042, Education Code, is amended to
 6-14 read as follows:

6-15 Sec. 25.042. TRANSFER OF CHILDREN OF EMPLOYEES OF TEXAS
 6-16 JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] FACILITIES. A
 6-17 school-age child of an employee of a facility of the Texas Juvenile
 6-18 Justice Department [~~Youth Commission~~] is entitled to attend school
 6-19 in a school district adjacent to the district in which the student
 6-20 resides free of any charge to the student's parents or guardian.
 6-21 Any tuition charge required by the admitting district shall be paid
 6-22 by the district from which the student transfers out of any funds
 6-23 appropriated to the facility.

6-24 SECTION 22. Section 29.012(d), Education Code, is amended
 6-25 to read as follows:

6-26 (d) The Texas Education Agency, the Texas Department of
 6-27 Mental Health and Mental Retardation, the Texas Department of Human
 6-28 Services, the Texas Department of Health, the Department of
 6-29 Protective and Regulatory Services, the Interagency Council on
 6-30 Early Childhood Intervention, the Texas Commission on Alcohol and
 6-31 Drug Abuse, and the Texas Juvenile Justice Department [~~Probation~~
 6-32 ~~Commission, and the Texas Youth Commission~~] by a cooperative effort
 6-33 shall develop and by rule adopt a memorandum of understanding. The
 6-34 memorandum must:

6-35 (1) establish the respective responsibilities of
 6-36 school districts and of residential facilities for the provision of
 6-37 a free, appropriate public education, as required by the
 6-38 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
 6-39 et seq.) and its subsequent amendments, including each requirement
 6-40 for children with disabilities who reside in those facilities;

6-41 (2) coordinate regulatory and planning functions of
 6-42 the parties to the memorandum;

6-43 (3) establish criteria for determining when a public
 6-44 school will provide educational services;

6-45 (4) provide for appropriate educational space when
 6-46 education services will be provided at the residential facility;

6-47 (5) establish measures designed to ensure the safety
 6-48 of students and teachers; and

6-49 (6) provide for binding arbitration consistent with
 6-50 Chapter 2009, Government Code, and Section 154.027, Civil Practice
 6-51 and Remedies Code.

6-52 SECTION 23. Section 29.087(d), Education Code, is amended
 6-53 to read as follows:

6-54 (d) A student is eligible to participate in a program
 6-55 authorized by this section if:

6-56 (1) the student has been ordered by a court under
 6-57 Article 45.054, Code of Criminal Procedure, [~~as added by Chapter~~
 6-58 ~~1514, Acts of the 77th Legislature, Regular Session, 2001,~~] or by
 6-59 the Texas Juvenile Justice Department [~~Youth Commission~~] to:

6-60 (A) participate in a preparatory class for the
 6-61 high school equivalency examination; or

6-62 (B) take the high school equivalency examination
 6-63 administered under Section 7.111; or

6-64 (2) the following conditions are satisfied:

6-65 (A) the student is at least 16 years of age at the
 6-66 beginning of the school year or semester;

6-67 (B) the student is a student at risk of dropping
 6-68 out of school, as defined by Section 29.081;

6-69 (C) the student and the student's parent or

7-1 guardian agree in writing to the student's participation;
 7-2 (D) at least two school years have elapsed since
 7-3 the student first enrolled in ninth grade and the student has
 7-4 accumulated less than one third of the credits required to graduate
 7-5 under the minimum graduation requirements of the district or
 7-6 school; and

7-7 (E) any other conditions specified by the
 7-8 commissioner.

7-9 SECTION 24. The heading to Subchapter E, Chapter 30,
 7-10 Education Code, is amended to read as follows:

7-11 SUBCHAPTER E. TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]
 7-12 FACILITIES

7-13 SECTION 25. Section 30.101, Education Code, is amended to
 7-14 read as follows:

7-15 Sec. 30.101. PURPOSE. The purpose of this subchapter is to
 7-16 provide the state available school fund apportionment to children
 7-17 committed to the Texas Juvenile Justice Department [~~Youth~~
 7-18 ~~Commission~~]. To provide the state available school fund
 7-19 apportionment for educational purposes, the educational programs
 7-20 provided to those children are considered to be educational
 7-21 services provided by public schools.

7-22 SECTION 26. Section 30.102, Education Code, is amended to
 7-23 read as follows:

7-24 Sec. 30.102. ALLOCATION. (a) The Texas Juvenile Justice
 7-25 Department [~~Youth Commission~~] is entitled to receive the state
 7-26 available school fund apportionment based on the average daily
 7-27 attendance in the department's [~~commission's~~] educational programs
 7-28 of students who are at least three years of age and not older than 21
 7-29 years of age.

7-30 (b) A classroom teacher, full-time librarian, full-time
 7-31 school counselor certified under Subchapter B, Chapter 21, or
 7-32 full-time school nurse employed by the department [~~commission~~] is
 7-33 entitled to receive as a minimum salary the monthly salary
 7-34 specified by Section 21.402. A classroom teacher, full-time
 7-35 librarian, full-time school counselor, or full-time school nurse
 7-36 may be paid, from funds appropriated to the department
 7-37 [~~commission~~], a salary in excess of the minimum specified by that
 7-38 section, but the salary may not exceed the rate of pay for a similar
 7-39 position in the public schools of an adjacent school district.

7-40 (c) The commissioner, with the assistance of the
 7-41 comptroller, shall determine the amount that the department
 7-42 [~~commission~~] would have received from the available school fund if
 7-43 Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984,
 7-44 had not transferred statutorily dedicated taxes from the available
 7-45 school fund to the foundation school fund. That amount, minus any
 7-46 amount the schools do receive from the available school fund, shall
 7-47 be set apart as a separate account in the foundation school fund and
 7-48 appropriated to the department [~~commission~~] for educational
 7-49 purposes.

7-50 SECTION 27. Section 30.103, Education Code, is amended to
 7-51 read as follows:

7-52 Sec. 30.103. MEMORANDUM OF UNDERSTANDING. The Texas
 7-53 Juvenile Justice Department [~~Youth Commission~~] with the assistance
 7-54 of the Texas Workforce Commission and the Texas Workforce
 7-55 Investment Council shall by rule adopt a memorandum of
 7-56 understanding that establishes the respective responsibility of
 7-57 those entities to provide through local workforce development
 7-58 boards job training and employment assistance programs to children
 7-59 committed or formerly sentenced to the department [~~Texas Youth~~
 7-60 ~~Commission~~]. The department [~~Texas Youth Commission~~] shall
 7-61 coordinate the development of the memorandum of understanding and
 7-62 include in its annual report information describing the number of
 7-63 children in the preceding year receiving services under the
 7-64 memorandum.

7-65 SECTION 28. Section 30.104, Education Code, is amended to
 7-66 read as follows:

7-67 Sec. 30.104. CREDIT FOR COMPLETION OF EDUCATIONAL PROGRAMS;
 7-68 HIGH SCHOOL DIPLOMA AND CERTIFICATE. (a) A school district shall
 7-69 grant to a student credit toward the academic course requirements

8-1 for high school graduation for courses the student successfully
8-2 completes in Texas Juvenile Justice Department [~~Youth Commission~~]
8-3 educational programs.

8-4 (b) A student may graduate and receive a diploma from a
8-5 department [~~Texas Youth Commission~~] educational program if:

8-6 (1) the student successfully completes the curriculum
8-7 requirements identified by the State Board of Education under
8-8 Section 28.025(a) and complies with Section 39.025; or

8-9 (2) the student successfully completes the curriculum
8-10 requirements under Section 28.025(a) as modified by an
8-11 individualized education program developed under Section 29.005.

8-12 (c) A department [~~Texas Youth Commission~~] educational
8-13 program may issue a certificate of course-work completion to a
8-14 student who successfully completes the curriculum requirements
8-15 identified by the State Board of Education under Section 28.025(a)
8-16 but who fails to comply with Section 39.025.

8-17 SECTION 29. Section 30.106, Education Code, is amended to
8-18 read as follows:

8-19 Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because
8-20 learning and behavior are inextricably linked and learning and
8-21 improved behavior correlate with decreased recidivism rates, the
8-22 Texas Juvenile Justice Department [~~Youth Commission~~] shall not only
8-23 fulfill the department's [~~commission's~~] duties under state and
8-24 federal law to provide general and special educational services to
8-25 students in department [~~commission~~] educational programs but also
8-26 shall implement a comprehensive plan to improve the reading skills
8-27 and behavior of those students.

8-28 (b) To improve the reading skills of students in department
8-29 [~~Texas Youth Commission~~] educational programs, the department
8-30 [~~commission~~] shall:

8-31 (1) adopt a reliable battery of reading assessments
8-32 that:

8-33 (A) are based on a normative sample appropriate
8-34 to students in department [~~commission~~] educational programs;

8-35 (B) are designed to be administered on an
8-36 individual basis; and

8-37 (C) allow school employees to:

8-38 (i) evaluate performance in each essential
8-39 component of effective reading instruction, including phonemic
8-40 awareness, phonics, fluency, vocabulary, and comprehension;

8-41 (ii) monitor progress in areas of
8-42 deficiency specific to an individual student; and

8-43 (iii) provide reading performance data;

8-44 (2) administer the assessments adopted under
8-45 Subdivision (1):

8-46 (A) at periodic intervals not to exceed 12
8-47 months, to each student in a department [~~commission~~] educational
8-48 program; and

8-49 (B) at least 15 days and not more than 30 days
8-50 before a student is released from the department [~~commission~~];

8-51 (3) provide at least 60 minutes per school day of
8-52 individualized reading instruction to each student in a department
8-53 [~~commission~~] educational program who exhibits deficits in reading
8-54 on the assessments adopted under Subdivision (1):

8-55 (A) by trained educators with expertise in
8-56 teaching reading to struggling adolescent readers; and

8-57 (B) through the use of scientifically based,
8-58 peer-reviewed reading curricula that:

8-59 (i) have proven effective in improving the
8-60 reading performance of struggling adolescent readers;

8-61 (ii) address individualized and
8-62 differentiated reading goals; and

8-63 (iii) include each of the essential
8-64 components of effective reading instruction, including phonemic
8-65 awareness, phonics, fluency, vocabulary, and comprehension;

8-66 (4) require each teacher in a department [~~commission~~]
8-67 regular or special educational program who teaches English language
8-68 arts, reading, mathematics, science, social studies, or career and
8-69 technology education to be trained in incorporating content area

9-1 reading instruction using empirically validated instructional
 9-2 methods that are appropriate for struggling adolescent readers; and
 9-3 (5) evaluate the effectiveness of the department's
 9-4 ~~[commission's]~~ plan to increase reading skills according to the
 9-5 following criteria:

9-6 (A) an adequate rate of improvement in reading
 9-7 performance, as measured by monthly progress monitoring using
 9-8 curricular-based assessments in each of the essential components of
 9-9 effective reading instruction, including phonemic awareness,
 9-10 phonics, fluency, vocabulary, and comprehension;

9-11 (B) a significant annual rate of improvement in
 9-12 reading performance, disaggregated by subgroups designated under
 9-13 department ~~[commission]~~ rule, as measured using the battery of
 9-14 reading assessments adopted under Subdivision (1); and

9-15 (C) student ratings of the quality and impact of
 9-16 the reading plan under this subsection, as measured on a student
 9-17 self-reporting instrument.

9-18 (c) To increase the positive social behaviors of students in
 9-19 department ~~[Texas Youth Commission]~~ educational programs and to
 9-20 create an educational environment that facilitates learning, the
 9-21 department ~~[commission]~~ shall:

9-22 (1) adopt system-wide classroom and individual
 9-23 positive behavior supports that incorporate a continuum of
 9-24 prevention and intervention strategies that:

9-25 (A) are based on current behavioral research; and

9-26 (B) are systematically and individually applied
 9-27 to students consistent with the demonstrated level of need;

9-28 (2) require each teacher and other educational staff
 9-29 member in a department ~~[commission]~~ educational program to be
 9-30 trained in implementing the positive behavior support system
 9-31 adopted under Subdivision (1); and

9-32 (3) adopt valid assessment techniques to evaluate the
 9-33 effectiveness of the positive behavior support system according to
 9-34 the following criteria:

9-35 (A) documentation of school-related disciplinary
 9-36 referrals, disaggregated by the type, location, and time of
 9-37 infraction and by subgroups designated under department
 9-38 ~~[commission]~~ rule;

9-39 (B) documentation of school-related disciplinary
 9-40 actions, including time-out, placement in security, and use of
 9-41 restraints and other aversive control measures, disaggregated by
 9-42 subgroups designated under department ~~[commission]~~ rule;

9-43 (C) validated measurement of systemic positive
 9-44 behavioral support interventions; and

9-45 (D) the number of minutes students are out of the
 9-46 regular classroom because of disciplinary reasons.

9-47 (d) The department ~~[Texas Youth Commission]~~ shall consult
 9-48 with faculty from institutions of higher education who have
 9-49 expertise in reading instruction for adolescents, in juvenile
 9-50 corrections, and in positive behavior supports to develop and
 9-51 implement the plan under Subsections (b) and (c).

9-52 (e) A student in a department ~~[Texas Youth Commission]~~
 9-53 educational program may not be released on parole from the
 9-54 department ~~[commission]~~ unless the student participates, to the
 9-55 extent required by department ~~[commission]~~ rule, in the positive
 9-56 behavior support system under Subsection (c). A student in a
 9-57 department ~~[commission]~~ educational program who exhibits deficits
 9-58 in reading on the assessments adopted under Subsection (b)(1) must
 9-59 also participate in reading instruction to the extent required by
 9-60 this section and by department ~~[commission]~~ rule before the student
 9-61 may be released on parole.

9-62 SECTION 30. Section 30A.105(c), Education Code, is amended
 9-63 to read as follows:

9-64 (c) The agency shall pay the reasonable costs of evaluating
 9-65 and approving electronic courses. If funds available to the agency
 9-66 for that purpose are insufficient to pay the costs of evaluating and
 9-67 approving all electronic courses submitted for evaluation and
 9-68 approval, the agency shall give priority to paying the costs of
 9-69 evaluating and approving the following courses:

10-1 (1) courses that satisfy high school graduation
 10-2 requirements;
 10-3 (2) courses that would likely benefit a student in
 10-4 obtaining admission to a postsecondary institution;
 10-5 (3) courses, including dual credit courses, that allow
 10-6 a student to earn college credit or other advanced credit;
 10-7 (4) courses in subject areas most likely to be highly
 10-8 beneficial to students receiving educational services under the
 10-9 supervision of a juvenile probation department, the Texas Juvenile
 10-10 Justice Department [~~Youth Commission~~], or the Texas Department of
 10-11 Criminal Justice; and

10-12 (5) courses in subject areas designated by the
 10-13 commissioner as commonly experiencing a shortage of teachers.

10-14 SECTION 31. Section 31.021(c), Education Code, is amended
 10-15 to read as follows:

10-16 (c) Money in the state instructional materials fund shall be
 10-17 used to:

10-18 (1) fund the instructional materials allotment, as
 10-19 provided by Section 31.0211;

10-20 (2) purchase special instructional materials for the
 10-21 education of blind and visually impaired students in public
 10-22 schools;

10-23 (3) pay the expenses associated with the instructional
 10-24 materials adoption and review process under this chapter;

10-25 (4) pay the expenses associated with the purchase or
 10-26 licensing of open-source instructional material;

10-27 (5) pay the expenses associated with the purchase of
 10-28 instructional material, including intrastate freight and shipping
 10-29 and the insurance expenses associated with intrastate freight and
 10-30 shipping;

10-31 (6) fund the technology lending grant program
 10-32 established under Section 32.201; and

10-33 (7) provide funding to the Texas School for the Blind
 10-34 and Visually Impaired, the Texas School for the Deaf, and the Texas
 10-35 Juvenile Justice Department [~~Youth Commission~~].

10-36 SECTION 32. Sections 37.0062(a), (b), and (d), Education
 10-37 Code, are amended to read as follows:

10-38 (a) The commissioner shall determine the instructional
 10-39 requirements for education services provided by a school district
 10-40 or open-enrollment charter school in a pre-adjudication secure
 10-41 detention facility or a post-adjudication secure correctional
 10-42 facility operated by a juvenile board or a post-adjudication secure
 10-43 correctional facility operated under contract with the Texas
 10-44 Juvenile Justice Department [~~Youth Commission~~], including
 10-45 requirements relating to:

10-46 (1) the length of the school day;

10-47 (2) the number of days of instruction provided to
 10-48 students each school year; and

10-49 (3) the curriculum of the educational program.

10-50 (b) The commissioner shall coordinate with the Texas
 10-51 Juvenile Justice Department in determining the instructional
 10-52 requirements for education services provided under Subsection (a):

10-53 (1) [~~the Texas Juvenile Probation Commission in~~
 10-54 ~~determining the instructional requirements for education services~~
 10-55 ~~provided under Subsection (a)] in a pre-adjudication secure
 10-56 detention facility or a post-adjudication secure correctional
 10-57 facility operated by a juvenile board; and~~

10-58 (2) [~~the Texas Youth Commission in determining the~~
 10-59 ~~instructional requirements for education services provided under~~
 10-60 ~~Subsection (a)] in a post-adjudication secure correctional
 10-61 facility operated under contract with the department [~~Texas Youth~~
 10-62 ~~Commission~~].~~

10-63 (d) The Texas Juvenile Justice Department [~~Probation~~
 10-64 ~~Commission or the Texas Youth Commission, as applicable,~~] shall
 10-65 coordinate with the commissioner in establishing standards for:

10-66 (1) ensuring security in the provision of education
 10-67 services in the facilities; and

10-68 (2) providing children in the custody of the
 10-69 facilities access to education services.

11-1 SECTION 33. Sections 37.011(a), (a-1), (f), (g), and (h),
 11-2 Education Code, are amended to read as follows:

11-3 (a) The juvenile board of a county with a population greater
 11-4 than 125,000 shall develop a juvenile justice alternative education
 11-5 program, subject to the approval of the Texas Juvenile Justice
 11-6 Department [~~Probation Commission~~]. The juvenile board of a county
 11-7 with a population of 125,000 or less may develop a juvenile justice
 11-8 alternative education program. For the purposes of this
 11-9 subchapter, only a disciplinary alternative education program
 11-10 operated under the authority of a juvenile board of a county is
 11-11 considered a juvenile justice alternative education program. A
 11-12 juvenile justice alternative education program in a county with a
 11-13 population of 125,000 or less:

11-14 (1) is not required to be approved by the department
 11-15 [~~Texas Juvenile Probation Commission~~]; and

11-16 (2) is not subject to Subsection (c), (d), (f), or (g).

11-17 (a-1) For purposes of this section and Section 37.010(a), a
 11-18 county with a population greater than 125,000 is considered to be a
 11-19 county with a population of 125,000 or less if:

11-20 (1) the county had a population of 125,000 or less
 11-21 according to the 2000 federal census; and

11-22 (2) the juvenile board of the county enters into, with
 11-23 the approval of the Texas Juvenile Justice Department [~~Probation~~
 11-24 ~~Commission~~], a memorandum of understanding with each school
 11-25 district within the county that:

11-26 (A) outlines the responsibilities of the board
 11-27 and school districts in minimizing the number of students expelled
 11-28 without receiving alternative educational services; and

11-29 (B) includes the coordination procedures
 11-30 required by Section 37.013.

11-31 (f) A juvenile justice alternative education program must
 11-32 operate at least seven hours per day and 180 days per year, except
 11-33 that a program may apply to the Texas Juvenile Justice Department
 11-34 [~~Probation Commission~~] for a waiver of the 180-day requirement.
 11-35 The department [~~commission~~] may not grant a waiver to a program
 11-36 under this subsection for a number of days that exceeds the highest
 11-37 number of instructional days waived by the commissioner during the
 11-38 same school year for a school district served by the program.

11-39 (g) A juvenile justice alternative education program shall
 11-40 be subject to a written operating policy developed by the local
 11-41 juvenile justice board and submitted to the Texas Juvenile Justice
 11-42 Department [~~Probation Commission~~] for review and comment. A
 11-43 juvenile justice alternative education program is not subject to a
 11-44 requirement imposed by this title, other than a reporting
 11-45 requirement or a requirement imposed by this chapter or by Chapter
 11-46 39.

11-47 (h) Academically, the mission of juvenile justice
 11-48 alternative education programs shall be to enable students to
 11-49 perform at grade level. For purposes of accountability under
 11-50 Chapter 39, a student enrolled in a juvenile justice alternative
 11-51 education program is reported as if the student were enrolled at the
 11-52 student's assigned campus in the student's regularly assigned
 11-53 education program, including a special education program. Annually
 11-54 the Texas Juvenile Justice Department [~~Probation Commission~~], with
 11-55 the agreement of the commissioner, shall develop and implement a
 11-56 system of accountability consistent with Chapter 39, where
 11-57 appropriate, to assure that students make progress toward grade
 11-58 level while attending a juvenile justice alternative education
 11-59 program. The department [~~Texas Juvenile Probation Commission~~]
 11-60 shall adopt rules for the distribution of funds appropriated under
 11-61 this section to juvenile boards in counties required to establish
 11-62 juvenile justice alternative education programs. Except as
 11-63 determined by the commissioner, a student served by a juvenile
 11-64 justice alternative education program on the basis of an expulsion
 11-65 required under Section 37.007(a), (d), or (e) is not eligible for
 11-66 Foundation School Program funding under Chapter 42 or 31 if the
 11-67 juvenile justice alternative education program receives funding
 11-68 from the department [~~Texas Juvenile Probation Commission~~] under
 11-69 this subchapter.

12-1 SECTION 34. Section 37.084(b), Education Code, is amended
12-2 to read as follows:

12-3 (b) The commissioner may enter into an interagency
12-4 agreement to share educational information for research and
12-5 analytical purposes with the:

12-6 (1) Texas Juvenile Justice Department [~~Probation~~
12-7 ~~Commission~~]; and

12-8 (2) [~~Texas Youth Commission,~~

12-9 [~~3~~] Texas Department of Criminal Justice[~~, and~~

12-10 [~~4~~] ~~Criminal Justice Policy Council~~].

12-11 SECTION 35. Sections 37.203(a) and (b), Education Code, are
12-12 amended to read as follows:

12-13 (a) The center is advised by a board of directors composed
12-14 of:

12-15 (1) the attorney general, or the attorney general's
12-16 designee;

12-17 (2) the commissioner, or the commissioner's designee;

12-18 (3) the executive director of the Texas Juvenile
12-19 Justice Department [~~Probation Commission~~], or the executive
12-20 director's designee;

12-21 (4) [~~the executive commissioner of the Texas Youth~~
12-22 ~~Commission, or the executive commissioner's designee,~~

12-23 [~~5~~] the commissioner of the Department of State
12-24 Health Services, or the commissioner's designee;

12-25 (5) [~~6~~] the commissioner of higher education, or the
12-26 commissioner's designee; and

12-27 (6) [~~7~~] the following members appointed by the
12-28 governor with the advice and consent of the senate:

12-29 (A) a juvenile court judge;

12-30 (B) a member of a school district's board of
12-31 trustees;

12-32 (C) an administrator of a public primary school;

12-33 (D) an administrator of a public secondary
12-34 school;

12-35 (E) a member of the state parent-teacher
12-36 association;

12-37 (F) a teacher from a public primary or secondary
12-38 school;

12-39 (G) a public school superintendent who is a
12-40 member of the Texas Association of School Administrators;

12-41 (H) a school district police officer or a peace
12-42 officer whose primary duty consists of working in a public school;
12-43 and

12-44 (I) two members of the public.

12-45 (b) Members of the board appointed under Subsection (a)(6)
12-46 [~~(a)(7)~~] serve staggered two-year terms, with the terms of the
12-47 members described by Subsections (a)(6)(A)-(E) [~~(a)(7)(A)-(E)~~]
12-48 expiring on February 1 of each odd-numbered year and the terms of
12-49 the members described by Subsections (a)(6)(F)-(I) [~~(a)(7)(F)-(I)~~]
12-50 expiring on February 1 of each even-numbered year. A member may
12-51 serve more than one term.

12-52 SECTION 36. Section 52.40(a), Education Code, is amended to
12-53 read as follows:

12-54 (a) The board may cancel the repayment of a loan received by
12-55 a student who earns a doctorate of psychology degree and who, prior
12-56 to the date on which repayment of the loan is to commence, is
12-57 employed by the Department of Aging and Disability Services, the
12-58 Department of State Health Services, or the Health and Human
12-59 Services Commission and performs duties formerly performed by
12-60 employees of the Texas Department of Human Services or Texas
12-61 Department of Mental Health and Mental Retardation, the Texas
12-62 Juvenile Justice Department [~~Youth Commission~~], or the Texas
12-63 Department of Criminal Justice.

12-64 SECTION 37. Section 32.001(b), Family Code, is amended to
12-65 read as follows:

12-66 (b) Except as otherwise provided by this subsection, the
12-67 Texas Juvenile Justice Department [~~Youth Commission~~] may consent to
12-68 the medical, dental, psychological, and surgical treatment of a
12-69 child committed to the department [~~Texas Youth Commission~~] under

13-1 Title 3 when the person having the right to consent has been
13-2 contacted and that person has not given actual notice to the
13-3 contrary. Consent for medical, dental, psychological, and
13-4 surgical treatment of a child for whom the Department of Family and
13-5 Protective Services has been appointed managing conservator and who
13-6 is committed to the Texas Juvenile Justice Department [~~Youth~~
13-7 ~~Commission~~] is governed by Sections 266.004, 266.009, and 266.010.

13-8 SECTION 38. Section 32.101(d), Family Code, is amended to
13-9 read as follows:

13-10 (d) The Texas Juvenile Justice Department [~~Youth~~
13-11 ~~Commission~~] may consent to the immunization of a child committed to
13-12 it if a parent, managing conservator, or guardian of the minor or
13-13 other person who, under the law of another state or court order, may
13-14 consent for the minor has been contacted and:

- 13-15 (1) refuses to consent; and
13-16 (2) does not expressly deny to the department [~~Texas~~
13-17 ~~Youth Commission~~] the authority to consent for the child.

13-18 SECTION 39. Section 51.031(b), Family Code, is amended to
13-19 read as follows:

13-20 (b) For purposes of this section, an adjudication is final
13-21 if the child is placed on probation or committed to the Texas
13-22 Juvenile Justice Department [~~Youth Commission~~].

13-23 SECTION 40. Section 51.06(b), Family Code, is amended to
13-24 read as follows:

13-25 (b) An application for a writ of habeas corpus brought by or
13-26 on behalf of a person who has been committed to an institution under
13-27 the jurisdiction of the Texas Juvenile Justice Department [~~Youth~~
13-28 ~~Commission~~] and which attacks the validity of the judgment of
13-29 commitment shall be brought in the county in which the court that
13-30 entered the judgment of commitment is located.

13-31 SECTION 41. Section 51.10(b), Family Code, is amended to
13-32 read as follows:

13-33 (b) The child's right to representation by an attorney shall
13-34 not be waived in:

13-35 (1) a hearing to consider transfer to criminal court
13-36 as required by Section 54.02 [~~of this code~~];

13-37 (2) an adjudication hearing as required by Section
13-38 54.03 [~~of this code~~];

13-39 (3) a disposition hearing as required by Section 54.04
13-40 [~~of this code~~];

13-41 (4) a hearing prior to commitment to the Texas
13-42 Juvenile Justice Department [~~Youth Commission~~] as a modified
13-43 disposition in accordance with Section 54.05(f) [~~of this code~~]; or

13-44 (5) hearings required by Chapter 55 [~~of this code~~].

13-45 SECTION 42. Section 51.101(e), Family Code, is amended to
13-46 read as follows:

13-47 (e) The juvenile court shall determine whether the child's
13-48 family is indigent if a motion or petition is filed under Section
13-49 54.05 seeking to modify disposition by committing the child to the
13-50 Texas Juvenile Justice Department [~~Youth Commission~~] or placing the
13-51 child in a secure correctional facility. A court that makes a
13-52 finding of indigence shall appoint an attorney to represent the
13-53 child on or before the fifth working day after the date the petition
13-54 or motion has been filed. An attorney appointed under this
13-55 subsection shall continue to represent the child until the court
13-56 rules on the motion or petition, the family retains an attorney, or
13-57 a new attorney is appointed.

13-58 SECTION 43. Section 51.102(b), Family Code, is amended to
13-59 read as follows:

13-60 (b) A plan adopted under Subsection (a) must:

13-61 (1) to the extent practicable, comply with the
13-62 requirements of Article 26.04, Code of Criminal Procedure, except
13-63 that:

13-64 (A) the income and assets of the child's parent
13-65 or other person responsible for the child's support must be used in
13-66 determining whether the child is indigent; and

13-67 (B) any alternative plan for appointing counsel
13-68 is established by the juvenile board in the county; and

13-69 (2) recognize the differences in qualifications and

14-1 experience necessary for appointments to cases in which:

14-2 (A) the allegation is:

14-3 (i) conduct indicating a need for
 14-4 supervision or delinquent conduct, and commitment to the Texas
 14-5 Juvenile Justice Department [~~Youth Commission~~] is not an authorized
 14-6 disposition; or

14-7 (ii) delinquent conduct, and commitment to
 14-8 the department [~~Texas Youth Commission~~] without a determinate
 14-9 sentence is an authorized disposition; or

14-10 (B) determinate sentence proceedings have been
 14-11 initiated or proceedings for discretionary transfer to criminal
 14-12 court have been initiated.

14-13 SECTION 44. Sections 51.12(c), (c-1), (h), (i), (j), (l),
 14-14 and (m), Family Code, are amended to read as follows:

14-15 (c) In each county, each judge of the juvenile court and a
 14-16 majority of the members of the juvenile board shall personally
 14-17 inspect all public or private juvenile pre-adjudication secure
 14-18 detention facilities that are located in the county at least
 14-19 annually and shall certify in writing to the authorities
 14-20 responsible for operating and giving financial support to the
 14-21 facilities and to the Texas Juvenile Justice Department [~~Probation~~
 14-22 ~~Commission~~] that the facilities are suitable or unsuitable for the
 14-23 detention of children. In determining whether a facility is
 14-24 suitable or unsuitable for the detention of children, the juvenile
 14-25 court judges and juvenile board members shall consider:

14-26 (1) current monitoring and inspection reports and any
 14-27 noncompliance citation reports issued by the department [~~Texas~~
 14-28 ~~Juvenile Probation Commission~~], including the report provided
 14-29 under Subsection (c-1), and the status of any required corrective
 14-30 actions;

14-31 (2) current governmental inspector certification
 14-32 regarding the facility's compliance with local fire codes;

14-33 (3) current building inspector certification
 14-34 regarding the facility's compliance with local building codes;

14-35 (4) for the 12-month period preceding the inspection,
 14-36 the total number of allegations of abuse, neglect, or exploitation
 14-37 reported by the facility and a summary of the findings of any
 14-38 investigations of abuse, neglect, or exploitation conducted by the
 14-39 facility, a local law enforcement agency, and the department [~~Texas~~
 14-40 ~~Juvenile Probation Commission~~];

14-41 (5) the availability of health and mental health
 14-42 services provided to facility residents;

14-43 (6) the availability of educational services provided
 14-44 to facility residents; and

14-45 (7) the overall physical appearance of the facility,
 14-46 including the facility's security, maintenance, cleanliness, and
 14-47 environment.

14-48 (c-1) The Texas Juvenile Justice Department [~~Probation~~
 14-49 ~~Commission~~] shall annually inspect each public or private juvenile
 14-50 pre-adjudication secure detention facility. The department [~~Texas~~
 14-51 ~~Juvenile Probation Commission~~] shall provide a report to each
 14-52 juvenile court judge presiding in the same county as an inspected
 14-53 facility indicating whether the facility is suitable or unsuitable
 14-54 for the detention of children in accordance with:

14-55 (1) the requirements of Subsections (a), (f), and (g);
 14-56 and

14-57 (2) minimum professional standards for the detention
 14-58 of children in pre-adjudication secure confinement promulgated by
 14-59 the department [~~Texas Juvenile Probation Commission~~] or, at the
 14-60 election of the juvenile board of the county in which the facility
 14-61 is located, the current standards promulgated by the American
 14-62 Correctional Association.

14-63 (h) This section does not apply to a person:

14-64 (1) who has been transferred to criminal court for
 14-65 prosecution under Section 54.02 and is at least 17 years of age; or

14-66 (2) who is at least 17 years of age and who has been
 14-67 taken into custody after having:

14-68 (A) escaped from a juvenile facility operated by
 14-69 or under contract with the Texas Juvenile Justice Department [~~Youth~~

15-1 ~~Commission~~]; or

15-2 (B) violated a condition of release under
15-3 supervision of the department [~~Texas Youth Commission~~].

15-4 (i) Except for a facility as provided by Subsection (l), a
15-5 governmental unit or private entity that operates or contracts for
15-6 the operation of a juvenile pre-adjudication secure detention
15-7 facility under Subsection (b-1) in this state shall:

15-8 (1) register the facility annually with the Texas
15-9 Juvenile Justice Department [~~Probation Commission~~]; and

15-10 (2) adhere to all applicable minimum standards for the
15-11 facility.

15-12 (j) After being taken into custody, a child may be detained
15-13 in a secure detention facility until the child is released under
15-14 Section 53.01, 53.012, or 53.02 or until a detention hearing is held
15-15 under Section 54.01(a), regardless of whether the facility has been
15-16 certified under Subsection (c), if:

15-17 (1) a certified juvenile detention facility is not
15-18 available in the county in which the child is taken into custody;

15-19 (2) the detention facility complies with:

15-20 (A) the short-term detention standards adopted
15-21 by the Texas Juvenile Justice Department [~~Probation Commission~~];
15-22 and

15-23 (B) the requirements of Subsection (f); and

15-24 (3) the detention facility has been designated by the
15-25 county juvenile board for the county in which the facility is
15-26 located.

15-27 (l) A child who is taken into custody and required to be
15-28 detained under Section 53.02(f) may be detained in a county jail or
15-29 other facility until the child is released under Section 53.02(f)
15-30 or until a detention hearing is held as required by Section
15-31 54.01(p), regardless of whether the facility complies with the
15-32 requirements of this section, if:

15-33 (1) a certified juvenile detention facility or a
15-34 secure detention facility described by Subsection (j) is not
15-35 available in the county in which the child is taken into custody or
15-36 in an adjacent county;

15-37 (2) the facility has been designated by the county
15-38 juvenile board for the county in which the facility is located;

15-39 (3) the child is separated by sight and sound from
15-40 adults detained in the same facility through architectural design
15-41 or time-phasing;

15-42 (4) the child does not have any contact with
15-43 management or direct-care staff that has contact with adults
15-44 detained in the same facility on the same work shift;

15-45 (5) the county in which the child is taken into custody
15-46 is not located in a metropolitan statistical area as designated by
15-47 the United States Bureau of the Census; and

15-48 (6) each judge of the juvenile court and a majority of
15-49 the members of the juvenile board of the county in which the child
15-50 is taken into custody have personally inspected the facility at
15-51 least annually and have certified in writing to the Texas Juvenile
15-52 Justice Department [~~Probation Commission~~] that the facility
15-53 complies with the requirements of Subdivisions (3) and (4).

15-54 (m) The Texas Juvenile Justice Department [~~Probation~~
15-55 ~~Commission~~] may deny, suspend, or revoke the registration of any
15-56 facility required to register under Subsection (i) if the facility
15-57 fails to:

15-58 (1) adhere to all applicable minimum standards for the
15-59 facility; or

15-60 (2) timely correct any notice of noncompliance with
15-61 minimum standards.

15-62 SECTION 45. Sections 51.125(b), (c), (d), and (e), Family
15-63 Code, are amended to read as follows:

15-64 (b) In each county, each judge of the juvenile court and a
15-65 majority of the members of the juvenile board shall personally
15-66 inspect all public or private juvenile post-adjudication secure
15-67 correctional facilities that are not operated by the Texas Juvenile
15-68 Justice Department [~~Youth Commission~~] and that are located in the
15-69 county at least annually and shall certify in writing to the

16-1 authorities responsible for operating and giving financial support
 16-2 to the facilities and to the department [~~Texas Juvenile Probation~~
 16-3 ~~Commission~~] that the facility or facilities are suitable or
 16-4 unsuitable for the confinement of children. In determining
 16-5 whether a facility is suitable or unsuitable for the confinement of
 16-6 children, the juvenile court judges and juvenile board members
 16-7 shall consider:

16-8 (1) current monitoring and inspection reports and any
 16-9 noncompliance citation reports issued by the department [~~Texas~~
 16-10 ~~Juvenile Probation Commission~~], including the report provided
 16-11 under Subsection (c), and the status of any required corrective
 16-12 actions; and

16-13 (2) the other factors described under Sections
 16-14 51.12(c)(2)-(7).

16-15 (c) The Texas Juvenile Justice Department [~~Probation~~
 16-16 ~~Commission~~] shall annually inspect each public or private juvenile
 16-17 post-adjudication secure correctional facility that is not
 16-18 operated by the department [~~Texas Youth Commission~~]. The
 16-19 department [~~Texas Juvenile Probation Commission~~] shall provide a
 16-20 report to each juvenile court judge presiding in the same county as
 16-21 an inspected facility indicating whether the facility is suitable
 16-22 or unsuitable for the confinement of children in accordance with
 16-23 minimum professional standards for the confinement of children in
 16-24 post-adjudication secure confinement promulgated by the department
 16-25 [~~Texas Juvenile Probation Commission~~] or, at the election of the
 16-26 juvenile board of the county in which the facility is located, the
 16-27 current standards promulgated by the American Correctional
 16-28 Association.

16-29 (d) A governmental unit or private entity that operates or
 16-30 contracts for the operation of a juvenile post-adjudication secure
 16-31 correctional facility in this state under Subsection (a), except
 16-32 for a facility operated by or under contract with the Texas Juvenile
 16-33 Justice Department [~~Youth Commission~~], shall:

16-34 (1) register the facility annually with the department
 16-35 [~~Texas Juvenile Probation Commission~~]; and

16-36 (2) adhere to all applicable minimum standards for the
 16-37 facility.

16-38 (e) The Texas Juvenile Justice Department [~~Probation~~
 16-39 ~~Commission~~] may deny, suspend, or revoke the registration of any
 16-40 facility required to register under Subsection (d) if the facility
 16-41 fails to:

16-42 (1) adhere to all applicable minimum standards for the
 16-43 facility; or

16-44 (2) timely correct any notice of noncompliance with
 16-45 minimum standards.

16-46 SECTION 46. Section 51.21(b), Family Code, is amended to
 16-47 read as follows:

16-48 (b) A probation department shall report each referral of a
 16-49 child to a local mental health authority made under Subsection (a)
 16-50 to the Texas Juvenile Justice Department [~~Probation Commission~~] in
 16-51 a format specified by the Texas Juvenile Justice Department
 16-52 [~~commission~~].

16-53 SECTION 47. Section 53.01(e), Family Code, is amended to
 16-54 read as follows:

16-55 (e) If a juvenile board adopts an alternative referral plan
 16-56 under Subsection (d), the board shall register the plan with the
 16-57 Texas Juvenile Justice Department [~~Probation Commission~~].

16-58 SECTION 48. Section 53.03(d), Family Code, is amended to
 16-59 read as follows:

16-60 (d) The juvenile board may adopt a fee schedule for deferred
 16-61 prosecution services and rules for the waiver of a fee for financial
 16-62 hardship in accordance with guidelines that the Texas Juvenile
 16-63 Justice Department [~~Probation Commission~~] shall provide. The
 16-64 maximum fee is \$15 a month. If the board adopts a schedule and rules
 16-65 for waiver, the probation officer or other designated officer of
 16-66 the court shall collect the fee authorized by the schedule from the
 16-67 parent, guardian, or custodian of a child for whom a deferred
 16-68 prosecution is authorized under this section or waive the fee in
 16-69 accordance with the rules adopted by the board. The officer shall

17-1 deposit the fees received under this section in the county treasury
 17-2 to the credit of a special fund that may be used only for juvenile
 17-3 probation or community-based juvenile corrections services or
 17-4 facilities in which a juvenile may be required to live while under
 17-5 court supervision. If the board does not adopt a schedule and rules
 17-6 for waiver, a fee for deferred prosecution services may not be
 17-7 imposed.

17-8 SECTION 49. Sections 54.04(e), (i), (k), and (o), Family
 17-9 Code, are amended to read as follows:

17-10 (e) The Texas Juvenile Justice Department [~~Youth~~
 17-11 ~~Commission~~] shall accept a person properly committed to it by a
 17-12 juvenile court even though the person may be 17 years of age or
 17-13 older at the time of commitment.

17-14 (i) If the court places the child on probation outside the
 17-15 child's home or commits the child to the Texas Juvenile Justice
 17-16 Department [~~Youth Commission~~], the court:

17-17 (1) shall include in its order its determination that:

17-18 (A) it is in the child's best interests to be
 17-19 placed outside the child's home;

17-20 (B) reasonable efforts were made to prevent or
 17-21 eliminate the need for the child's removal from the home and to make
 17-22 it possible for the child to return to the child's home; and

17-23 (C) the child, in the child's home, cannot be
 17-24 provided the quality of care and level of support and supervision
 17-25 that the child needs to meet the conditions of probation; and

17-26 (2) may approve an administrative body to conduct
 17-27 permanency hearings pursuant to 42 U.S.C. Section 675 if required
 17-28 during the placement or commitment of the child.

17-29 (k) Except as provided by Subsection (m), the period to
 17-30 which a court or jury may sentence a person to commitment to the
 17-31 Texas Juvenile Justice Department [~~Youth Commission~~] with a
 17-32 transfer to the Texas Department of Criminal Justice under
 17-33 Subsection (d)(3) applies without regard to whether the person has
 17-34 previously been adjudicated as having engaged in delinquent
 17-35 conduct.

17-36 (o) In a disposition under this title:

17-37 (1) a status offender may not, under any
 17-38 circumstances, be committed to the Texas Juvenile Justice
 17-39 Department [~~Youth Commission~~] for engaging in conduct that would
 17-40 not, under state or local law, be a crime if committed by an adult;

17-41 (2) a status offender may not, under any circumstances
 17-42 other than as provided under Subsection (n), be placed in a
 17-43 post-adjudication secure correctional facility; and

17-44 (3) a child adjudicated for contempt of a county,
 17-45 justice, or municipal court order may not, under any circumstances,
 17-46 be placed in a post-adjudication secure correctional facility or
 17-47 committed to the Texas Juvenile Justice Department [~~Youth~~
 17-48 ~~Commission~~] for that conduct.

17-49 SECTION 50. Sections 54.0401(d) and (e), Family Code, are
 17-50 amended to read as follows:

17-51 (d) The Texas Juvenile Justice Department [~~Probation~~
 17-52 ~~Commission~~] shall establish guidelines for the implementation of
 17-53 community-based programs described by this section. The juvenile
 17-54 board of each county to which this section applies shall implement a
 17-55 community-based program that complies with those guidelines.

17-56 (e) The Texas Juvenile Justice Department [~~Probation~~
 17-57 ~~Commission~~] shall provide grants to selected juvenile boards to
 17-58 assist with the implementation of a system of community-based
 17-59 programs under this section.

17-60 SECTION 51. Section 54.0411(h), Family Code, is amended to
 17-61 read as follows:

17-62 (h) The legislature shall determine and appropriate the
 17-63 necessary amount from the juvenile probation diversion fund to the
 17-64 Texas Juvenile Justice Department [~~Probation Commission~~] for the
 17-65 purchase of services the department [~~commission~~] considers
 17-66 necessary for the diversion of any juvenile who is at risk of
 17-67 commitment to the department [~~Texas Youth Commission~~]. The
 17-68 department [~~Texas Juvenile Probation Commission~~] shall develop
 17-69 guidelines for the use of the fund. The department [~~commission~~] may

18-1 not purchase the services if a person responsible for the child's
 18-2 support or a local juvenile probation department is financially
 18-3 able to provide the services.

18-4 SECTION 52. Section 54.0462(a), Family Code, is amended to
 18-5 read as follows:

18-6 (a) If a child is adjudicated as having engaged in
 18-7 delinquent conduct that constitutes the commission of a felony and
 18-8 the provision of a DNA sample is required under Section 54.0409 or
 18-9 other law, the juvenile court shall order the child, parent, or
 18-10 other person responsible for the child's support to pay to the court
 18-11 as a cost of court:

18-12 (1) a \$50 fee if the disposition of the case includes a
 18-13 commitment to a facility operated by or under contract with the
 18-14 Texas Juvenile Justice Department [~~Youth Commission~~]; and

18-15 (2) a \$34 fee if the disposition of the case does not
 18-16 include a commitment described by Subdivision (1) and the child is
 18-17 required to submit a DNA sample under Section 54.0409 or other law.

18-18 SECTION 53. Section 54.0491(c), Family Code, is amended to
 18-19 read as follows:

18-20 (c) If a child required to attend a criminal street gang
 18-21 intervention program is committed to the Texas Juvenile Justice
 18-22 Department [~~Youth Commission~~] as a result of the gang-related
 18-23 conduct, the child must complete the intervention program before
 18-24 being discharged from the custody of or released under supervision
 18-25 by the department [~~commission~~].

18-26 SECTION 54. Sections 54.05(a), (g), and (h), Family Code,
 18-27 are amended to read as follows:

18-28 (a) Except as provided by Subsection (a-1), any
 18-29 disposition, except a commitment to the Texas Juvenile Justice
 18-30 Department [~~Youth Commission~~], may be modified by the juvenile
 18-31 court as provided in this section until:

18-32 (1) the child reaches:

18-33 (A) the child's 18th birthday; or

18-34 (B) the child's 19th birthday, if the child was
 18-35 placed on determinate sentence probation under Section 54.04(q); or

18-36 (2) the child is earlier discharged by the court or
 18-37 operation of law.

18-38 (g) Except as provided by Subsection (j), a disposition
 18-39 based solely on a finding that the child engaged in conduct
 18-40 indicating a need for supervision may not be modified to commit the
 18-41 child to the Texas Juvenile Justice Department [~~Youth Commission~~].
 18-42 A new finding in compliance with Section 54.03 must be made that the
 18-43 child engaged in delinquent conduct that meets the requirements for
 18-44 commitment under Section 54.04.

18-45 (h) A hearing shall be held prior to placement in a
 18-46 post-adjudication secure correctional facility for a period longer
 18-47 than 30 days or commitment to the Texas Juvenile Justice Department
 18-48 [~~Youth Commission~~] as a modified disposition. In other disposition
 18-49 modifications, the child and the child's parent, guardian, guardian
 18-50 ad litem, or attorney may waive hearing in accordance with Section
 18-51 51.09.

18-52 SECTION 55. Sections 54.06(a) and (b), Family Code, are
 18-53 amended to read as follows:

18-54 (a) At any stage of the proceeding, when a child has been
 18-55 placed outside the child's home, the juvenile court, after giving
 18-56 the parent or other person responsible for the child's support a
 18-57 reasonable opportunity to be heard, shall order the parent or other
 18-58 person to pay in a manner directed by the court a reasonable sum for
 18-59 the support in whole or in part of the child or the court shall waive
 18-60 the payment by order. The court shall order that the payment for
 18-61 support be made to the local juvenile probation department to be
 18-62 used only for residential care and other support for the child
 18-63 unless the child has been committed to the Texas Juvenile Justice
 18-64 Department [~~Youth Commission~~], in which case the court shall order
 18-65 that the payment be made to the Texas Juvenile Justice Department
 18-66 [~~Youth Commission~~] for deposit in a special account in the general
 18-67 revenue fund that may be appropriated only for the care of children
 18-68 committed to the Texas Juvenile Justice Department [~~commission~~].

18-69 (b) At any stage of the proceeding, when a child has been

19-1 placed outside the child's home and the parent of the child is
 19-2 obligated to pay support for the child under a court order under
 19-3 Title 5, the juvenile court shall order that the person entitled to
 19-4 receive the support assign the person's right to support for the
 19-5 child placed outside the child's home to the local juvenile
 19-6 probation department to be used for residential care and other
 19-7 support for the child unless the child has been committed to the
 19-8 Texas Juvenile Justice Department [~~Youth Commission~~], in which
 19-9 event the court shall order that the assignment be made to the Texas
 19-10 Juvenile Justice Department [~~Youth Commission~~].

19-11 SECTION 56. Section 57.002, Family Code, is amended to read
 19-12 as follows:

19-13 Sec. 57.002. VICTIM'S RIGHTS. (a) A victim, guardian of a
 19-14 victim, or close relative of a deceased victim is entitled to the
 19-15 following rights within the juvenile justice system:

19-16 (1) the right to receive from law enforcement agencies
 19-17 adequate protection from harm and threats of harm arising from
 19-18 cooperation with prosecution efforts;

19-19 (2) the right to have the court or person appointed by
 19-20 the court take the safety of the victim or the victim's family into
 19-21 consideration as an element in determining whether the child should
 19-22 be detained before the child's conduct is adjudicated;

19-23 (3) the right, if requested, to be informed of
 19-24 relevant court proceedings, including appellate proceedings, and
 19-25 to be informed in a timely manner if those court proceedings have
 19-26 been canceled or rescheduled;

19-27 (4) the right to be informed, when requested, by the
 19-28 court or a person appointed by the court concerning the procedures
 19-29 in the juvenile justice system, including general procedures
 19-30 relating to:

19-31 (A) the preliminary investigation and deferred
 19-32 prosecution of a case; and

19-33 (B) the appeal of the case;

19-34 (5) the right to provide pertinent information to a
 19-35 juvenile court conducting a disposition hearing concerning the
 19-36 impact of the offense on the victim and the victim's family by
 19-37 testimony, written statement, or any other manner before the court
 19-38 renders its disposition;

19-39 (6) the right to receive information regarding
 19-40 compensation to victims as provided by Subchapter B, Chapter 56,
 19-41 Code of Criminal Procedure, including information related to the
 19-42 costs that may be compensated under that subchapter and the amount
 19-43 of compensation, eligibility for compensation, and procedures for
 19-44 application for compensation under that subchapter, the payment of
 19-45 medical expenses under Section 56.06, Code of Criminal Procedure,
 19-46 for a victim of a sexual assault, and when requested, to referral to
 19-47 available social service agencies that may offer additional
 19-48 assistance;

19-49 (7) the right to be informed, upon request, of
 19-50 procedures for release under supervision or transfer of the person
 19-51 to the custody of the Texas Department of Criminal Justice for
 19-52 parole, to participate in the release or transfer for parole
 19-53 process, to be notified, if requested, of the person's release,
 19-54 escape, or transfer for parole proceedings concerning the person,
 19-55 to provide to the Texas Juvenile Justice Department for inclusion
 19-56 in the person's file information to be considered by the department
 19-57 [~~commission~~] before the release under supervision or transfer for
 19-58 parole of the person, and to be notified, if requested, of the
 19-59 person's release or transfer for parole;

19-60 (8) the right to be provided with a waiting area,
 19-61 separate or secure from other witnesses, including the child
 19-62 alleged to have committed the conduct and relatives of the child,
 19-63 before testifying in any proceeding concerning the child, or, if a
 19-64 separate waiting area is not available, other safeguards should be
 19-65 taken to minimize the victim's contact with the child and the
 19-66 child's relatives and witnesses, before and during court
 19-67 proceedings;

19-68 (9) the right to prompt return of any property of the
 19-69 victim that is held by a law enforcement agency or the attorney for

20-1 the state as evidence when the property is no longer required for
20-2 that purpose;

20-3 (10) the right to have the attorney for the state
20-4 notify the employer of the victim, if requested, of the necessity of
20-5 the victim's cooperation and testimony in a proceeding that may
20-6 necessitate the absence of the victim from work for good cause;

20-7 (11) the right to be present at all public court
20-8 proceedings related to the conduct of the child as provided by
20-9 Section 54.08, subject to that section; and

20-10 (12) any other right appropriate to the victim that a
20-11 victim of criminal conduct has under Article 56.02 or 56.021, Code
20-12 of Criminal Procedure.

20-13 (b) In notifying a victim of the release or escape of a
20-14 person, the Texas Juvenile Justice Department [~~Youth Commission~~]
20-15 shall use the same procedure established for the notification of
20-16 the release or escape of an adult offender under Article 56.11, Code
20-17 of Criminal Procedure.

20-18 SECTION 57. Section 57.003(c), Family Code, is amended to
20-19 read as follows:

20-20 (c) The victim assistance coordinator shall ensure that a
20-21 victim, or close relative of a deceased victim, is afforded the
20-22 rights granted victims, guardians, and relatives by Section 57.002
20-23 and, on request, an explanation of those rights. The victim
20-24 assistance coordinator shall work closely with appropriate law
20-25 enforcement agencies, prosecuting attorneys, and the Texas
20-26 Juvenile Justice Department [~~Probation Commission, and the Texas~~
20-27 ~~Youth Commission~~] in carrying out that duty.

20-28 SECTION 58. Section 57.004, Family Code, is amended to read
20-29 as follows:

20-30 Sec. 57.004. NOTIFICATION. A court, a person appointed by
20-31 the court, or the Texas Juvenile Justice Department [~~Youth~~
20-32 ~~Commission~~] is responsible for notifying a victim, guardian of a
20-33 victim, or close relative of a deceased victim of a proceeding under
20-34 this chapter only if the victim, guardian of a victim, or close
20-35 relative of a deceased victim requests the notification in writing
20-36 and provides a current address to which the notification is to be
20-37 sent.

20-38 SECTION 59. Section 57.005, Family Code, is amended to read
20-39 as follows:

20-40 Sec. 57.005. LIABILITY. The Texas Juvenile Justice
20-41 Department [~~Youth Commission~~], a juvenile board, a court, a person
20-42 appointed by a court, an attorney for the state, a peace officer, or
20-43 a law enforcement agency is not liable for a failure or inability to
20-44 provide a right listed under Section 57.002 [~~of this code~~].

20-45 SECTION 60. Section 58.005(a), Family Code, is amended to
20-46 read as follows:

20-47 (a) Records and files concerning a child, including
20-48 personally identifiable information, and information obtained for
20-49 the purpose of diagnosis, examination, evaluation, or treatment or
20-50 for making a referral for treatment of a child by a public or
20-51 private agency or institution providing supervision of a child by
20-52 arrangement of the juvenile court or having custody of the child
20-53 under order of the juvenile court may be disclosed only to:

20-54 (1) the professional staff or consultants of the
20-55 agency or institution;

20-56 (2) the judge, probation officers, and professional
20-57 staff or consultants of the juvenile court;

20-58 (3) an attorney for the child;

20-59 (4) a governmental agency if the disclosure is
20-60 required or authorized by law;

20-61 (5) a person or entity to whom the child is referred
20-62 for treatment or services if the agency or institution disclosing
20-63 the information has entered into a written confidentiality
20-64 agreement with the person or entity regarding the protection of the
20-65 disclosed information;

20-66 (6) the Texas Department of Criminal Justice and the
20-67 Texas Juvenile Justice Department [~~Probation Commission~~] for the
20-68 purpose of maintaining statistical records of recidivism and for
20-69 diagnosis and classification; or

21-1 (7) with leave of the juvenile court, any other
 21-2 person, agency, or institution having a legitimate interest in the
 21-3 proceeding or in the work of the court.

21-4 SECTION 61. Section 58.007(d), Family Code, is amended to
 21-5 read as follows:

21-6 (d) The law enforcement files and records of a person who is
 21-7 transferred from the Texas Juvenile Justice Department [~~Youth~~
 21-8 ~~Commission~~] to the Texas Department of Criminal Justice may be
 21-9 transferred to a central state or federal depository for adult
 21-10 records on or after the date of transfer.

21-11 SECTION 62. Sections 58.0072(a), (c), (d), (e), (f), and
 21-12 (g), Family Code, are amended to read as follows:

21-13 (a) Except as provided by this section, juvenile justice
 21-14 information collected and maintained by the Texas Juvenile Justice
 21-15 Department [~~Probation Commission~~] for statistical and research
 21-16 purposes is confidential information for the use of the department
 21-17 [~~commission~~] and may not be disseminated by the department
 21-18 [~~commission~~].

21-19 (c) The Texas Juvenile Justice Department [~~Probation~~
 21-20 ~~Commission~~] may grant the following entities access to juvenile
 21-21 justice information for research and statistical purposes or for
 21-22 any other purpose approved by the department [~~commission~~]:

21-23 (1) criminal justice agencies as defined by Section
 21-24 411.082, Government Code;

21-25 (2) the Texas Education Agency, as authorized under
 21-26 Section 37.084, Education Code;

21-27 (3) any agency under the authority of the Health and
 21-28 Human Services Commission; or

21-29 (4) a public or private university.

21-30 (d) The Texas Juvenile Justice Department [~~Probation~~
 21-31 ~~Commission~~] may grant the following entities access to juvenile
 21-32 justice information only for a purpose beneficial to and approved
 21-33 by the department [~~commission~~] to:

21-34 (1) a person working on a research or statistical
 21-35 project that:

21-36 (A) is funded in whole or in part by state or
 21-37 federal funds; and

21-38 (B) meets the requirements of and is approved by
 21-39 the department [~~commission~~]; or

21-40 (2) a governmental entity that has a specific
 21-41 agreement with the department [~~commission~~], if the agreement:

21-42 (A) specifically authorizes access to
 21-43 information;

21-44 (B) limits the use of information to the purposes
 21-45 for which the information is given;

21-46 (C) ensures the security and confidentiality of
 21-47 the information; and

21-48 (D) provides for sanctions if a requirement
 21-49 imposed under Paragraph (A), (B), or (C) is violated.

21-50 (e) The Texas Juvenile Justice Department [~~Probation~~
 21-51 ~~Commission~~] shall grant access to juvenile justice information for
 21-52 legislative purposes under Section 552.008, Government Code.

21-53 (f) The Texas Juvenile Justice Department [~~Probation~~
 21-54 ~~Commission~~] may not release juvenile justice information in
 21-55 identifiable form, except for information released under
 21-56 Subsection (c)(1), (2), or (3) or under the terms of an agreement
 21-57 entered into under Subsection (d)(2). For purposes of this
 21-58 subsection, identifiable information means information that
 21-59 contains a juvenile offender's name or other personal identifiers
 21-60 or that can, by virtue of sample size or other factors, be
 21-61 reasonably interpreted as referring to a particular juvenile
 21-62 offender.

21-63 (g) The Texas Juvenile Justice Department [~~Probation~~
 21-64 ~~Commission~~] is not required to release or disclose juvenile justice
 21-65 information to any person not identified under this section.

21-66 SECTION 63. Section 58.102(b), Family Code, is amended to
 21-67 read as follows:

21-68 (b) The department shall develop and maintain the system
 21-69 with the cooperation and advice of the:

22-1 (1) [~~Texas Youth Commission,~~
 22-2 [~~2~~] Texas Juvenile Justice Department [~~Probation~~
 22-3 ~~Commission~~];
 22-4 [~~3~~ ~~Criminal Justice Policy Council,~~] and
 22-5 (2) [~~4~~] juvenile courts and clerks of juvenile
 22-6 courts.

22-7 SECTION 64. Section 58.104(b), Family Code, is amended to
 22-8 read as follows:

22-9 (b) To the extent possible and subject to Subsection (a),
 22-10 the department shall include in the juvenile justice information
 22-11 system the following information for each juvenile offender taken
 22-12 into custody, detained, or referred under this title for delinquent
 22-13 conduct:

22-14 (1) the juvenile offender's name, including other
 22-15 names by which the juvenile offender is known;

22-16 (2) the juvenile offender's date and place of birth;

22-17 (3) the juvenile offender's physical description,
 22-18 including sex, weight, height, race, ethnicity, eye color, hair
 22-19 color, scars, marks, and tattoos;

22-20 (4) the juvenile offender's state identification
 22-21 number, and other identifying information, as determined by the
 22-22 department;

22-23 (5) the juvenile offender's fingerprints;

22-24 (6) the juvenile offender's last known residential
 22-25 address, including the census tract number designation for the
 22-26 address;

22-27 (7) the name and identifying number of the agency that
 22-28 took into custody or detained the juvenile offender;

22-29 (8) the date of detention or custody;

22-30 (9) the conduct for which the juvenile offender was
 22-31 taken into custody, detained, or referred, including level and
 22-32 degree of the alleged offense;

22-33 (10) the name and identifying number of the juvenile
 22-34 intake agency or juvenile probation office;

22-35 (11) each disposition by the juvenile intake agency or
 22-36 juvenile probation office;

22-37 (12) the date of disposition by the juvenile intake
 22-38 agency or juvenile probation office;

22-39 (13) the name and identifying number of the
 22-40 prosecutor's office;

22-41 (14) each disposition by the prosecutor;

22-42 (15) the date of disposition by the prosecutor;

22-43 (16) the name and identifying number of the court;

22-44 (17) each disposition by the court, including
 22-45 information concerning custody of a juvenile offender by a juvenile
 22-46 justice agency or probation;

22-47 (18) the date of disposition by the court;

22-48 (19) any commitment or release under supervision by
 22-49 the Texas Juvenile Justice Department [~~Youth Commission~~];

22-50 (20) the date of any commitment or release under
 22-51 supervision by the Texas Juvenile Justice Department [~~Youth~~
 22-52 ~~Commission~~]; and

22-53 (21) a description of each appellate proceeding.

22-54 SECTION 65. Sections 58.106(a) and (c), Family Code, are
 22-55 amended to read as follows:

22-56 (a) Except as otherwise provided by this section,
 22-57 information contained in the juvenile justice information system is
 22-58 confidential information for the use of the department and may not
 22-59 be disseminated by the department except:

22-60 (1) with the permission of the juvenile offender, to
 22-61 military personnel of this state or the United States;

22-62 (2) to a person or entity to which the department may
 22-63 grant access to adult criminal history records as provided by
 22-64 Section 411.083, Government Code;

22-65 (3) to a juvenile justice agency;

22-66 (4) to the [~~Texas Youth Commission and the~~] Texas
 22-67 Juvenile Justice Department [~~Probation Commission~~] for analytical
 22-68 purposes;

22-69 (5) to the office of independent ombudsman of the

23-1 Texas Juvenile Justice Department [~~Youth Commission~~]; and
 23-2 (6) to a county, justice, or municipal court
 23-3 exercising jurisdiction over a juvenile, including a court
 23-4 exercising jurisdiction over a juvenile under Section 54.021.

23-5 (c) The department may, if necessary to protect the welfare
 23-6 of the community, disseminate to the public the following
 23-7 information relating to a juvenile who has escaped from the custody
 23-8 of the Texas Juvenile Justice Department [~~Youth Commission~~] or from
 23-9 another secure detention or correctional facility:

23-10 (1) the juvenile's name, including other names by
 23-11 which the juvenile is known;

23-12 (2) the juvenile's physical description, including
 23-13 sex, weight, height, race, ethnicity, eye color, hair color, scars,
 23-14 marks, and tattoos;

23-15 (3) a photograph of the juvenile; and

23-16 (4) a description of the conduct for which the
 23-17 juvenile was committed to the Texas Juvenile Justice Department
 23-18 [~~Youth Commission~~] or detained in the secure detention or
 23-19 correctional facility, including the level and degree of the
 23-20 alleged offense.

23-21 SECTION 66. Section 58.112, Family Code, is amended to read
 23-22 as follows:

23-23 Sec. 58.112. REPORT TO LEGISLATURE. Not later than August
 23-24 15 of each year, the Texas Juvenile Justice Department [~~Probation~~
 23-25 ~~Commission~~] shall submit to the lieutenant governor, the speaker of
 23-26 the house of representatives, and the governor a report that
 23-27 contains the following statistical information relating to
 23-28 children referred to a juvenile court during the preceding year:

23-29 (1) the ages, races, and counties of residence of the
 23-30 children transferred to a district court or criminal district court
 23-31 for criminal proceedings; and

23-32 (2) the ages, races, and counties of residence of the
 23-33 children committed to the Texas Juvenile Justice Department [~~Youth~~
 23-34 ~~Commission~~], placed on probation, or discharged without any
 23-35 disposition.

23-36 SECTION 67. Section 58.304(b), Family Code, is amended to
 23-37 read as follows:

23-38 (b) To the extent possible and subject to Subsections (a)
 23-39 and (d), the local juvenile justice information system may include
 23-40 the following information for each juvenile taken into custody,
 23-41 detained, or referred under this title:

23-42 (1) the juvenile's name, including other names by
 23-43 which the juvenile is known;

23-44 (2) the juvenile's date and place of birth;

23-45 (3) the juvenile's physical description, including
 23-46 sex, weight, height, race, ethnicity, eye color, hair color, scars,
 23-47 marks, and tattoos;

23-48 (4) the juvenile's state identification number and
 23-49 other identifying information;

23-50 (5) the juvenile's fingerprints and photograph;

23-51 (6) the juvenile's last known residential address,
 23-52 including the census tract number designation for the address;

23-53 (7) the name, address, and phone number of the
 23-54 juvenile's parent, guardian, or custodian;

23-55 (8) the name and identifying number of the agency that
 23-56 took into custody or detained the juvenile;

23-57 (9) each date of custody or detention;

23-58 (10) a detailed description of the conduct for which
 23-59 the juvenile was taken into custody, detained, or referred,
 23-60 including the level and degree of the alleged offense;

23-61 (11) the name and identifying number of the juvenile
 23-62 intake agency or juvenile probation office;

23-63 (12) each disposition by the juvenile intake agency or
 23-64 juvenile probation office;

23-65 (13) the date of disposition by the juvenile intake
 23-66 agency or juvenile probation office;

23-67 (14) the name and identifying number of the
 23-68 prosecutor's office;

23-69 (15) each disposition by the prosecutor;

- 24-1 (16) the date of disposition by the prosecutor;
- 24-2 (17) the name and identifying number of the court;
- 24-3 (18) each disposition by the court, including
- 24-4 information concerning custody of a juvenile by a juvenile justice
- 24-5 agency or county juvenile probation department;
- 24-6 (19) the date of disposition by the court;
- 24-7 (20) any commitment or release under supervision by
- 24-8 the Texas Juvenile Justice Department [~~Youth Commission~~],
- 24-9 including the date of the commitment or release;
- 24-10 (21) information concerning each appellate
- 24-11 proceeding; and
- 24-12 (22) electronic copies of all documents filed with the
- 24-13 court.

24-14 SECTION 68. Section 58.352(a), Family Code, is amended to
 24-15 read as follows:

24-16 (a) A juvenile court judge in a county to which this
 24-17 subchapter applies shall post a report on the Internet website of
 24-18 the county in which the court is located. The report must include:

24-19 (1) the total number of children committed by the
 24-20 judge to a correctional facility operated by the Texas Juvenile
 24-21 Justice Department [~~Youth Commission~~]; and

24-22 (2) for each child committed to a facility described
 24-23 by Subdivision (1):

24-24 (A) a general description of the offense
 24-25 committed by the child or the conduct of the child that led to the
 24-26 child's commitment to the facility;

24-27 (B) the year the child was committed to the
 24-28 facility; and

24-29 (C) the age range, race, and gender of the child.

24-30 SECTION 69. Section 58.401(1), Family Code, is amended to
 24-31 read as follows:

24-32 (1) "Department" [~~"Commission"~~] means the Texas
 24-33 Juvenile Justice Department [~~Probation Commission~~].

24-34 SECTION 70. Sections 58.403(a), (b), and (c), Family Code,
 24-35 are amended to read as follows:

24-36 (a) Through the adoption of an interlocal contract under
 24-37 Chapter 791, Government Code, with one or more counties, the
 24-38 department [~~commission~~] may participate in and assist counties in
 24-39 the creation, operation, and maintenance of a system that is
 24-40 intended for statewide use to:

24-41 (1) aid in processing the cases of children under this
 24-42 title;

24-43 (2) facilitate the delivery of services to children in
 24-44 the juvenile justice system;

24-45 (3) aid in the early identification of at-risk and
 24-46 delinquent children; and

24-47 (4) facilitate cross-jurisdictional sharing of
 24-48 information related to juvenile offenders between authorized
 24-49 criminal and juvenile justice agencies and partner agencies.

24-50 (b) The department [~~commission~~] may use funds appropriated
 24-51 for the implementation of this section to pay costs incurred under
 24-52 an interlocal contract described by Subsection (a), including
 24-53 license fees, maintenance and operations costs, administrative
 24-54 costs, and any other costs specified in the interlocal contract.

24-55 (c) The department [~~commission~~] may provide training
 24-56 services to counties on the use and operation of a system created,
 24-57 operated, or maintained by one or more counties under Subsection
 24-58 (a).

24-59 SECTION 71. Section 58.404, Family Code, is amended to read
 24-60 as follows:

24-61 Sec. 58.404. INFORMATION COLLECTED BY DEPARTMENT
 24-62 [~~COMMISSION~~]. The department [~~commission~~] may collect and maintain
 24-63 all information related to juvenile offenders and all offenses
 24-64 committed by a juvenile offender, including all information
 24-65 collected and maintained under Subchapters B and D.

24-66 SECTION 72. Section 58.405, Family Code, is amended to read
 24-67 as follows:

24-68 Sec. 58.405. AUTHORITY CUMULATIVE. The authority granted
 24-69 by this subchapter is cumulative of all other authority granted by

25-1 this chapter to a county, the department [~~commission~~], or a
 25-2 juvenile justice agency and nothing in this subchapter limits the
 25-3 authority of a county, the department [~~commission~~], or a juvenile
 25-4 justice agency under this chapter to create an information system
 25-5 or to share information related to a juvenile.

25-6 SECTION 73. Section 59.003(f), Family Code, is amended to
 25-7 read as follows:

25-8 (f) Before the court assigns the child a sanction level that
 25-9 involves the revocation of the child's probation and the commitment
 25-10 of the child to the Texas Juvenile Justice Department [~~Youth~~
 25-11 ~~Commission~~], the court shall hold a hearing to modify the
 25-12 disposition as required by Section 54.05.

25-13 SECTION 74. Section 59.011, Family Code, is amended to read
 25-14 as follows:

25-15 Sec. 59.011. DUTY OF JUVENILE BOARD. A juvenile board shall
 25-16 require the juvenile probation department to report progressive
 25-17 sanction data electronically to the Texas Juvenile Justice
 25-18 Department [~~Probation Commission~~] in the format and time frames
 25-19 specified by the Texas Juvenile Justice Department [~~commission~~].

25-20 SECTION 75. Section 59.013, Family Code, is amended to read
 25-21 as follows:

25-22 Sec. 59.013. LIABILITY. The Texas Juvenile Justice
 25-23 Department [~~Youth Commission~~], a juvenile board, a court, a person
 25-24 appointed by a court, an attorney for the state, a peace officer, or
 25-25 a law enforcement agency is not liable for a failure or inability to
 25-26 provide a service listed under Sections 59.004-59.010.

25-27 SECTION 76. Section 61.103(a), Family Code, is amended to
 25-28 read as follows:

25-29 (a) The parent of a child taken into custody for delinquent
 25-30 conduct, conduct indicating a need for supervision, or conduct that
 25-31 violates a condition of probation imposed by the juvenile court has
 25-32 the right to communicate in person privately with the child for
 25-33 reasonable periods of time while the child is in:

- 25-34 (1) a juvenile processing office;
- 25-35 (2) a secure detention facility;
- 25-36 (3) a secure correctional facility;
- 25-37 (4) a court-ordered placement facility; or
- 25-38 (5) the custody of the Texas Juvenile Justice
 25-39 Department [~~Youth Commission~~].

25-40 SECTION 77. Section 61.104(a), Family Code, is amended to
 25-41 read as follows:

25-42 (a) When a petition for adjudication, a motion or petition
 25-43 to modify disposition, or a motion or petition for discretionary
 25-44 transfer to criminal court is served on a parent of the child, the
 25-45 parent must be provided with a form prescribed by the Texas Juvenile
 25-46 Justice Department [~~Probation Commission~~] on which the parent can
 25-47 make a written statement about the needs of the child or family or
 25-48 any other matter relevant to disposition of the case.

25-49 SECTION 78. Section 61.107, Family Code, is amended to read
 25-50 as follows:

25-51 Sec. 61.107. LIABILITY. The Texas Juvenile Justice
 25-52 Department [~~Youth Commission~~], a juvenile board, a court, a person
 25-53 appointed by the court, an employee of a juvenile probation
 25-54 department, an attorney for the state, a peace officer, or a law
 25-55 enforcement agency is not liable for a failure or inability to
 25-56 provide a right listed in this chapter.

25-57 SECTION 79. Section 107.0161, Family Code, is amended to
 25-58 read as follows:

25-59 Sec. 107.0161. AD LITEM APPOINTMENTS FOR CHILD COMMITTED TO
 25-60 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. If an order
 25-61 appointing the Department of Family and Protective Services as
 25-62 managing conservator of a child does not continue the appointment
 25-63 of the child's guardian ad litem or attorney ad litem and the child
 25-64 is committed to the Texas Juvenile Justice Department [~~Youth~~
 25-65 ~~Commission~~] or released under supervision by the Texas Juvenile
 25-66 Justice Department [~~Youth Commission~~], the court may appoint a
 25-67 guardian ad litem or attorney ad litem for the child.

25-68 SECTION 80. Section 261.103(b), Family Code, is amended to
 25-69 read as follows:

26-1 (b) A report may be made to the Texas Juvenile Justice
 26-2 Department [~~Youth Commission~~] instead of the entities listed under
 26-3 Subsection (a) if the report is based on information provided by a
 26-4 child while under the supervision of the Texas Juvenile Justice
 26-5 Department [~~commission~~] concerning the child's alleged abuse of
 26-6 another child.

26-7 SECTION 81. Section 261.105(e), Family Code, is amended to
 26-8 read as follows:

26-9 (e) In cooperation with the department, the Texas Juvenile
 26-10 Justice Department [~~Youth Commission~~] by rule shall adopt
 26-11 guidelines for identifying a report made to the Texas Juvenile
 26-12 Justice Department [~~commission~~] under Section 261.103(b) that is
 26-13 appropriate to refer to the department or a law enforcement agency
 26-14 for investigation. Guidelines adopted under this subsection must
 26-15 require the Texas Juvenile Justice Department [~~commission~~] to
 26-16 consider the severity and immediacy of the alleged abuse or neglect
 26-17 of the child victim.

26-18 SECTION 82. Sections 261.201(i), (j), and (k), Family Code,
 26-19 are amended to read as follows:

26-20 (i) Notwithstanding Subsection (a), the Texas Juvenile
 26-21 Justice Department [~~Youth Commission~~] shall release a report of
 26-22 alleged or suspected abuse or neglect made under this chapter if:

26-23 (1) the report relates to a report of abuse or neglect
 26-24 involving a child committed to the Texas Juvenile Justice
 26-25 Department [~~commission~~] during the period that the child is
 26-26 committed to that department [~~the commission~~]; and

26-27 (2) the Texas Juvenile Justice Department
 26-28 [~~commission~~] is not prohibited by Chapter 552, Government Code, or
 26-29 other law from disclosing the report.

26-30 (j) The Texas Juvenile Justice Department [~~Youth~~
 26-31 Commission] shall edit any report disclosed under Subsection (i) to
 26-32 protect the identity of:

26-33 (1) a child who is the subject of the report of alleged
 26-34 or suspected abuse or neglect;

26-35 (2) the person who made the report; and

26-36 (3) any other person whose life or safety may be
 26-37 endangered by the disclosure.

26-38 (k) Notwithstanding Subsection (a), an investigating
 26-39 agency, other than the department or the Texas Juvenile Justice
 26-40 Department [~~Youth Commission~~], on request, shall provide to the
 26-41 parent, managing conservator, or other legal representative of a
 26-42 child who is the subject of reported abuse or neglect, or to the
 26-43 child if the child is at least 18 years of age, information
 26-44 concerning the reported abuse or neglect that would otherwise be
 26-45 confidential under this section. The investigating agency shall
 26-46 withhold information under this subsection if the parent, managing
 26-47 conservator, or other legal representative of the child requesting
 26-48 the information is alleged to have committed the abuse or neglect.

26-49 SECTION 83. Sections 261.405(b), (c), and (e), Family Code,
 26-50 are amended to read as follows:

26-51 (b) A report of alleged abuse, neglect, or exploitation in
 26-52 any juvenile justice program or facility shall be made to the Texas
 26-53 Juvenile Justice Department [~~Probation Commission~~] and a local law
 26-54 enforcement agency for investigation.

26-55 (c) The Texas Juvenile Justice Department [~~Probation~~
 26-56 Commission] shall conduct an investigation as provided by this
 26-57 chapter if that department [~~the commission~~] receives a report of
 26-58 alleged abuse, neglect, or exploitation in any juvenile justice
 26-59 program or facility.

26-60 (e) As soon as practicable after a child is taken into
 26-61 custody or placed in a juvenile justice facility or juvenile
 26-62 justice program, the facility or program shall provide the child's
 26-63 parents with:

26-64 (1) information regarding the reporting of suspected
 26-65 abuse, neglect, or exploitation of a child in a juvenile justice
 26-66 facility or juvenile justice program to the Texas Juvenile Justice
 26-67 Department [~~Probation Commission~~]; and

26-68 (2) the Texas Juvenile Justice Department's
 26-69 [~~commission's~~] toll-free number for this reporting.

27-1 SECTION 84. Section 261.409, Family Code, is amended to
27-2 read as follows:

27-3 Sec. 261.409. INVESTIGATIONS IN FACILITIES UNDER TEXAS
27-4 JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] JURISDICTION. The
27-5 board of the Texas Juvenile Justice Department [~~Youth Commission~~]
27-6 by rule shall adopt standards for:

27-7 (1) the investigation under Section 261.401 of
27-8 suspected child abuse, neglect, or exploitation in a facility under
27-9 the jurisdiction of the Texas Juvenile Justice Department [~~Youth
27-10 Commission~~]; and

27-11 (2) compiling information on those investigations.

27-12 SECTION 85. Section 263.302, Family Code, is amended to
27-13 read as follows:

27-14 Sec. 263.302. CHILD'S ATTENDANCE AT HEARING. The child
27-15 shall attend each permanency hearing unless the court specifically
27-16 excuses the child's attendance. A child committed to the Texas
27-17 Juvenile Justice Department [~~Youth Commission~~] may attend a
27-18 permanency hearing in person, by telephone, or by videoconference.
27-19 The court shall consult with the child in a developmentally
27-20 appropriate manner regarding the child's permanency plan, if the
27-21 child is four years of age or older and if the court determines it is
27-22 in the best interest of the child. Failure by the child to attend a
27-23 hearing does not affect the validity of an order rendered at the
27-24 hearing.

27-25 SECTION 86. Sections 263.501(f) and (g), Family Code, are
27-26 amended to read as follows:

27-27 (f) The child shall attend each placement review hearing
27-28 unless the court specifically excuses the child's attendance. A
27-29 child committed to the Texas Juvenile Justice Department [~~Youth
27-30 Commission~~] may attend a placement review hearing in person, by
27-31 telephone, or by videoconference. The court shall consult with the
27-32 child in a developmentally appropriate manner regarding the child's
27-33 permanency or transition plan, if the child is four years of age or
27-34 older. Failure by the child to attend a hearing does not affect the
27-35 validity of an order rendered at the hearing.

27-36 (g) A court required to conduct placement review hearings
27-37 for a child for whom the department has been appointed permanent
27-38 managing conservator may not dismiss a suit affecting the
27-39 parent-child relationship filed by the department regarding the
27-40 child while the child is committed to the Texas Juvenile Justice
27-41 Department [~~Youth Commission~~] or released under the supervision of
27-42 that department [~~the Texas Youth Commission~~], unless the child is
27-43 adopted or permanent managing conservatorship of the child is
27-44 awarded to an individual other than the department.

27-45 SECTION 87. Section 41.102(c), Government Code, is amended
27-46 to read as follows:

27-47 (c) The attorney general may offer to assist a prosecuting
27-48 attorney in the prosecution of criminal offenses concerning the
27-49 Texas Juvenile Justice Department [~~Youth Commission~~].

27-50 SECTION 88. Section 41.303(a), Government Code, is amended
27-51 to read as follows:

27-52 (a) The unit is governed by a board of directors composed of
27-53 each prosecuting attorney who:

27-54 (1) represents the state in criminal matters before a
27-55 court in a county in which one or more facilities owned or operated
27-56 by or under contract with the department or the Texas Juvenile
27-57 Justice Department [~~commission~~] are located; and

27-58 (2) has entered into a memorandum of understanding
27-59 with the unit for the prosecution of offenses and delinquent
27-60 conduct described by Article 104.003(a), Code of Criminal
27-61 Procedure.

27-62 SECTION 89. Section 41.304(a), Government Code, is amended
27-63 to read as follows:

27-64 (a) The board of directors is governed by an executive board
27-65 composed of 11 members elected by the membership of the board of
27-66 directors on a majority vote from among that membership, as
27-67 follows:

27-68 (1) one member of the executive board who represents
27-69 the state in criminal matters before a court in a county in which

28-1 one or more facilities owned or operated by or under contract with
 28-2 the Texas Juvenile Justice Department [~~commission~~] are located
 28-3 shall be elected on a majority vote of the members of the board of
 28-4 directors to serve a term expiring in an even-numbered year;

28-5 (2) an additional four members of the executive board
 28-6 shall be elected on a majority vote of the members of the board of
 28-7 directors to serve terms expiring in even-numbered years;

28-8 (3) one member of the executive board who represents
 28-9 the state in criminal matters before a court in a county in which
 28-10 one or more facilities owned or operated by or under contract with
 28-11 the Texas Juvenile Justice Department [~~commission~~] are located
 28-12 shall be elected on a majority vote of the members of the board of
 28-13 directors to serve a term expiring in an odd-numbered year; and

28-14 (4) an additional five members of the executive board
 28-15 shall be elected on a majority vote of the members of the board of
 28-16 directors to serve terms expiring in odd-numbered years.

28-17 SECTION 90. Section 41.310, Government Code, is amended to
 28-18 read as follows:

28-19 Sec. 41.310. DUTIES OF COUNSELLOR. (a) The counsellor
 28-20 elected in accordance with Section 41.309:

28-21 (1) shall coordinate prosecution issues in and monitor
 28-22 each case involving an offense or delinquent conduct described by
 28-23 Article 104.003(a), Code of Criminal Procedure, that concerns the
 28-24 Texas Juvenile Justice Department [~~commission~~];

28-25 (2) shall work with criminal justice analysts employed
 28-26 by the Legislative Budget Board and other persons who monitor cases
 28-27 involving offenses or delinquent conduct described by Article
 28-28 104.003(a), Code of Criminal Procedure; and

28-29 (3) may conduct an investigation of any alleged
 28-30 illegal or improper conduct by Texas Juvenile Justice Department
 28-31 [~~commission~~] officers, employees, or contractors that the
 28-32 counsellor reasonably believes:

28-33 (A) jeopardizes the health, safety, and welfare
 28-34 of children in the custody of the Texas Juvenile Justice Department
 28-35 [~~commission~~]; and

28-36 (B) could constitute an offense described by
 28-37 Article 104.003(a), Code of Criminal Procedure.

28-38 (b) In addition to the duties prescribed by Subsection (a),
 28-39 the counsellor shall on a quarterly basis provide the board of
 28-40 directors and the standing committees of the senate and house of
 28-41 representatives with primary jurisdiction over matters concerning
 28-42 correctional facilities with a report concerning offenses or
 28-43 delinquent conduct prosecuted by the unit on receiving a request
 28-44 for assistance under Section 241.007, Human Resources Code, or a
 28-45 request for assistance otherwise from a prosecuting attorney. A
 28-46 report under this subsection is public information under Chapter
 28-47 552, Government Code, and the board of directors shall request that
 28-48 the Texas Juvenile Justice Department [~~commission~~] publish the
 28-49 report on that department's [~~the commission's~~] Internet website. A
 28-50 report must be both aggregated and disaggregated by individual
 28-51 facility and include information relating to:

28-52 (1) the number of requests for assistance received
 28-53 under Section 241.007, Human Resources Code, and requests for
 28-54 assistance otherwise received from prosecuting attorneys;

28-55 (2) the number of cases investigated and the number of
 28-56 cases prosecuted;

28-57 (3) the types and outcomes of cases prosecuted, such
 28-58 as whether the case concerned narcotics or an alleged incident of
 28-59 sexual abuse; and

28-60 (4) the relationship of a victim to a perpetrator, if
 28-61 applicable.

28-62 (c) The counsellor, in consultation with the board of
 28-63 directors, shall notify the foreman of the appropriate grand jury,
 28-64 in the manner provided by Article 20.09, Code of Criminal
 28-65 Procedure, if:

28-66 (1) the counsellor receives credible evidence of
 28-67 illegal or improper conduct by Texas Juvenile Justice Department
 28-68 [~~commission~~] officers, employees, or contractors that the
 28-69 counsellor reasonably believes jeopardizes the health, safety, and

29-1 welfare of children in the custody of that department [~~the~~
 29-2 ~~commission~~];

29-3 (2) the counsellor reasonably believes the conduct:
 29-4 (A) could constitute an offense described by
 29-5 Article 104.003(a), Code of Criminal Procedure; and
 29-6 (B) involves the alleged physical or sexual abuse
 29-7 of a child in the custody of a Texas Juvenile Justice Department
 29-8 [~~commission~~] facility or an investigation related to the alleged
 29-9 abuse; and

29-10 (3) the counsellor has reason to believe that
 29-11 information concerning the conduct has not previously been
 29-12 presented to the appropriate grand jury.

29-13 SECTION 91. Section 322.019(d), Government Code, is amended
 29-14 to read as follows:

29-15 (d) The Department of Public Safety, the Texas Department of
 29-16 Criminal Justice, and the Texas Juvenile Justice Department
 29-17 [~~Probation Commission, and the Texas Youth Commission~~] shall
 29-18 provide the board with data relating to a criminal justice policy
 29-19 analysis under this section in the manner requested.

29-20 SECTION 92. Section 402.035(c), Government Code, is amended
 29-21 to read as follows:

29-22 (c) The task force is composed of the following:
 29-23 (1) the governor or the governor's designee;
 29-24 (2) the attorney general or the attorney general's
 29-25 designee;
 29-26 (3) the executive commissioner of the Health and Human
 29-27 Services Commission or the executive commissioner's designee;
 29-28 (4) the commissioner of the Department of Family and
 29-29 Protective Services or the commissioner's designee;
 29-30 (5) the commissioner of the Department of State Health
 29-31 Services or the commissioner's designee;
 29-32 (6) the public safety director of the Department of
 29-33 Public Safety or the director's designee;
 29-34 (7) one representative from each of the following
 29-35 state agencies, appointed by the chief administrative officer of
 29-36 the respective agency:

29-37 (A) the Texas Workforce Commission;
 29-38 (B) the Texas Department of Criminal Justice;
 29-39 (C) [~~the Texas Youth Commission,~~
 29-40 [~~(D)~~] the Texas Juvenile Justice Department
 29-41 [~~Probation Commission~~]; and
 29-42 (D) [~~(E)~~] the Texas Alcoholic Beverage
 29-43 Commission; and

29-44 (8) as appointed by the attorney general:
 29-45 (A) a chief public defender employed by a public
 29-46 defender's office, as defined by Article 26.044(a), Code of
 29-47 Criminal Procedure, or an attorney designated by the chief public
 29-48 defender;

29-49 (B) an attorney representing the state;
 29-50 (C) a representative of:
 29-51 (i) a hotel and motel association;
 29-52 (ii) a district and county attorneys
 29-53 association; and

29-54 (iii) a state police association;
 29-55 (D) representatives of sheriff's departments;
 29-56 (E) representatives of local law enforcement
 29-57 agencies affected by human trafficking; and

29-58 (F) representatives of nongovernmental entities
 29-59 making comprehensive efforts to combat human trafficking by:
 29-60 (i) identifying human trafficking victims;
 29-61 (ii) providing legal or other services to
 29-62 human trafficking victims;
 29-63 (iii) participating in community outreach
 29-64 or public awareness efforts regarding human trafficking;
 29-65 (iv) providing or developing training
 29-66 regarding the prevention of human trafficking; or
 29-67 (v) engaging in other activities designed
 29-68 to prevent human trafficking.

29-69 SECTION 93. Section 411.138, Government Code, is amended to

30-1 read as follows:

30-2 Sec. 411.138. ACCESS TO CRIMINAL HISTORY RECORD
30-3 INFORMATION: JUVENILE BOARD OR JUVENILE PROBATION DEPARTMENT. A
30-4 juvenile board or juvenile probation department is entitled to
30-5 obtain from the department criminal history record information
30-6 maintained by the department that relates to a person who is:

30-7 (1) an applicant for a position with the juvenile
30-8 probation department;

30-9 (2) an employee for whom the juvenile board or
30-10 juvenile probation department will seek certification from the
30-11 Texas Juvenile Justice Department [~~Probation Commission~~]; or

30-12 (3) an employee or department applicant who currently
30-13 holds certification from the Texas Juvenile Justice Department
30-14 [~~Probation Commission~~].

30-15 SECTION 94. Sections 411.148(a), (d), (f-1), (f-2), and
30-16 (j), Government Code, are amended to read as follows:

30-17 (a) This section applies to:

30-18 (1) an individual, other than a juvenile, who is:

30-19 (A) ordered by a magistrate or court to provide a
30-20 DNA sample under Section 411.154 or other law, including as part of
30-21 an order granting community supervision to the individual; or

30-22 (B) confined in a penal institution operated by
30-23 or under contract with the Texas Department of Criminal Justice; or

30-24 (2) a juvenile who, following an adjudication for
30-25 conduct constituting a felony, is:

30-26 (A) confined in a facility operated by or under
30-27 contract with the Texas Juvenile Justice Department [~~Youth
30-28 Commission~~]; or

30-29 (B) placed on probation, if the conduct
30-30 constitutes a felony described by Section 54.0409, Family Code.

30-31 (d) If an individual described by Subsection (a)(1)(B) is
30-32 received into custody by the Texas Department of Criminal Justice,
30-33 that department shall collect the sample from the individual during
30-34 the diagnostic process or at another time determined by the Texas
30-35 Department of Criminal Justice. If an individual described by
30-36 Subsection (a)(2)(A) is received into custody by the Texas Juvenile
30-37 Justice Department [~~Youth Commission~~], that department [~~the youth
30-38 commission~~] shall collect the sample from the individual during the
30-39 initial examination or at another time it determines [~~determined by
30-40 the youth commission~~]. If an individual who is required under this
30-41 section or other law to provide a DNA sample is in the custody or
30-42 under the supervision of another criminal justice agency, such as a
30-43 community supervision and corrections department, a parole office,
30-44 or a local juvenile probation department or parole office, that
30-45 agency shall collect the sample from the individual at a time
30-46 determined by the agency.

30-47 (f-1) The Texas Juvenile Justice Department [~~Youth
30-48 Commission~~] shall notify the director that an individual described
30-49 by Subsection (a)(2)(A) is to be released from custody not earlier
30-50 than the 120th day before the individual's release date.

30-51 (f-2) The Texas Department of Criminal Justice and the Texas
30-52 Juvenile Justice Department [~~Youth Commission~~], in consultation
30-53 with the director, shall determine the form of the notification
30-54 described by Subsections (f) and (f-1).

30-55 (j)(1) The Texas Juvenile Justice Department [~~Youth
30-56 Commission~~] as soon as practicable shall cause a sample to be
30-57 collected from an individual described by Subsection (a)(2)(A) if:

30-58 (A) the individual is detained in another
30-59 juvenile detention facility after adjudication and before
30-60 admission to the Texas Juvenile Justice Department [~~youth
30-61 commission~~]; and

30-62 (B) the Texas Juvenile Justice Department [~~youth
30-63 commission~~] determines the individual is likely to be released
30-64 before being admitted to that department [~~the youth commission~~].

30-65 (2) The administrator of the other juvenile detention
30-66 facility shall cooperate with the Texas Juvenile Justice Department
30-67 [~~Youth Commission~~] as necessary to allow that department [~~the youth
30-68 commission~~] to perform its duties under this subsection.

30-69 SECTION 95. Section 420.008(c), Government Code, is amended

31-1 to read as follows:

31-2 (c) The legislature may appropriate money deposited to the
31-3 credit of the fund only to:

31-4 (1) the attorney general, for:

31-5 (A) sexual violence awareness and prevention
31-6 campaigns;

31-7 (B) grants to faith-based groups, independent
31-8 school districts, and community action organizations for programs
31-9 for the prevention of sexual assault and programs for victims of
31-10 human trafficking;

31-11 (C) grants for equipment for sexual assault nurse
31-12 examiner programs, to support the preceptorship of future sexual
31-13 assault nurse examiners, and for the continuing education of sexual
31-14 assault nurse examiners;

31-15 (D) grants to increase the level of sexual
31-16 assault services in this state;

31-17 (E) grants to support victim assistance
31-18 coordinators;

31-19 (F) grants to support technology in rape crisis
31-20 centers;

31-21 (G) grants to and contracts with a statewide
31-22 nonprofit organization exempt from federal income taxation under
31-23 Section 501(c)(3), Internal Revenue Code of 1986, having as a
31-24 primary purpose ending sexual violence in this state, for programs
31-25 for the prevention of sexual violence, outreach programs, and
31-26 technical assistance to and support of youth and rape crisis
31-27 centers working to prevent sexual violence; and

31-28 (H) grants to regional nonprofit providers of
31-29 civil legal services to provide legal assistance for sexual assault
31-30 victims;

31-31 (2) the Department of State Health Services, to
31-32 measure the prevalence of sexual assault in this state and for
31-33 grants to support programs assisting victims of human trafficking;

31-34 (3) the Institute on Domestic Violence and Sexual
31-35 Assault at The University of Texas at Austin, to conduct research on
31-36 all aspects of sexual assault and domestic violence;

31-37 (4) Texas State University, for training and technical
31-38 assistance to independent school districts for campus safety;

31-39 (5) the office of the governor, for grants to support
31-40 sexual assault and human trafficking prosecution projects;

31-41 (6) the Department of Public Safety, to support sexual
31-42 assault training for commissioned officers;

31-43 (7) the comptroller's judiciary section, for
31-44 increasing the capacity of the sex offender civil commitment
31-45 program;

31-46 (8) the Texas Department of Criminal Justice:

31-47 (A) for pilot projects for monitoring sex
31-48 offenders on parole; and

31-49 (B) for increasing the number of adult
31-50 incarcerated sex offenders receiving treatment;

31-51 (9) the Texas Juvenile Justice Department [~~Youth~~
31-52 ~~Commission~~], for increasing the number of incarcerated juvenile sex
31-53 offenders receiving treatment;

31-54 (10) the comptroller, for the administration of the
31-55 fee imposed on sexually oriented businesses under Section 102.052,
31-56 Business & Commerce Code; and

31-57 (11) the supreme court, to be transferred to the Texas
31-58 Equal Access to Justice Foundation, or a similar entity, to provide
31-59 victim-related legal services to sexual assault victims, including
31-60 legal assistance with protective orders, relocation-related
31-61 matters, victim compensation, and actions to secure privacy
31-62 protections available to victims under law.

31-63 SECTION 96. Section 492.0011, Government Code, is amended
31-64 to read as follows:

31-65 Sec. 492.0011. PRIVATE SECTOR PRISON INDUSTRIES PROGRAM
31-66 MANAGEMENT. (a) The board shall approve, certify, and supervise
31-67 private sector prison industries programs operated by the
31-68 department, the Texas Juvenile Justice Department [~~Youth~~
31-69 ~~Commission~~], and county correctional facilities in accordance with

32-1 Subchapter C, Chapter 497.

32-2 (b) This section does not authorize the board to direct the
32-3 general operations of or to govern the Texas Juvenile Justice
32-4 Department [~~Youth Commission~~] or county correctional facilities in
32-5 any manner not specifically described by Subsection (a).

32-6 SECTION 97. Sections 497.051(a), (b), and (c), Government
32-7 Code, are amended to read as follows:

32-8 (a) The board shall approve, certify, and supervise the
32-9 operation of private sector prison industries programs in the
32-10 department, the Texas Juvenile Justice Department [~~Youth~~
32-11 ~~Commission~~], and in county correctional facilities in compliance
32-12 with the federal prison enhancement certification program
32-13 established under 18 U.S.C. Section 1761. The board may use board
32-14 and department employees to provide the clerical and technical
32-15 support necessary for the board to perform the board's duties under
32-16 this subchapter and shall ensure that the department implements the
32-17 policies adopted by the board that relate to the operation of
32-18 private sector prison industries programs.

32-19 (b) In this subchapter:

32-20 (1) "Governmental entity" means the department, the
32-21 Texas Juvenile Justice Department [~~Youth Commission~~], and any
32-22 county that operates a private sector prison industries program
32-23 under this subchapter.

32-24 (2) "Participant" means a participant in a private
32-25 sector prison industries program.

32-26 (c) This subchapter does not authorize the board to direct
32-27 the general operations of or to govern the Texas Juvenile Justice
32-28 Department [~~Youth Commission~~] or county correctional facilities in
32-29 any manner not specifically described by Subsection (a).

32-30 SECTION 98. Section 497.058(a), Government Code, is amended
32-31 to read as follows:

32-32 (a) The board by rule shall require that participants at
32-33 each private sector prison industries program be paid not less than
32-34 the prison industry enhancement certification program (PIECP) wage
32-35 as computed by the Texas Workforce Commission, except that:

32-36 (1) the board may permit employers to pay a
32-37 participant the federal minimum wage for the two-month period
32-38 beginning on the date participation begins; and

32-39 (2) the minimum wage for participants committed to the
32-40 Texas Juvenile Justice Department [~~Youth Commission~~], because of
32-41 the age of the participants and the extensive training component of
32-42 their employment, is the federal minimum wage.

32-43 SECTION 99. Section 497.0581(a), Government Code, is
32-44 amended to read as follows:

32-45 (a) The board by rule shall determine the amount of
32-46 deductions to be taken from wages received by the participant under
32-47 this subchapter and the disbursement of those deductions. The
32-48 board may establish deductions for participants committed to the
32-49 Texas Juvenile Justice Department [~~Youth Commission~~] that are
32-50 different than deductions established for other participants in the
32-51 program. In determining the amount of deductions under this
32-52 section, the board shall ensure that the deductions do not place the
32-53 private sector prison industries programs in the department in
32-54 noncompliance with the federal prison enhancement certification
32-55 program established under 18 U.S.C. Section 1761.

32-56 SECTION 100. Section 508.003(c), Government Code, is
32-57 amended to read as follows:

32-58 (c) The provisions of this chapter not in conflict with
32-59 Section 508.156 apply to parole of a person from the Texas Juvenile
32-60 Justice Department [~~Youth Commission~~] under that section.

32-61 SECTION 101. Sections 508.156(d), (e), and (f), Government
32-62 Code, are amended to read as follows:

32-63 (d) The period of parole for a person released on parole
32-64 under this section is the term for which the person was sentenced
32-65 less calendar time served at the Texas Juvenile Justice Department
32-66 [~~Youth Commission~~] and in a juvenile detention facility in
32-67 connection with the conduct for which the person was adjudicated.

32-68 (e) If a parole panel revokes the person's parole, the panel
32-69 may require the person to serve the remaining portion of the

33-1 person's sentence in the institutional division. The remaining
 33-2 portion of the person's sentence is computed without credit for the
 33-3 time from the date of the person's release to the date of
 33-4 revocation. The panel may not recommit the person to the Texas
 33-5 Juvenile Justice Department [Youth Commission].

33-6 (f) For purposes of this chapter, a person released from the
 33-7 Texas Juvenile Justice Department [Youth Commission] on parole
 33-8 under this section is considered to have been convicted of the
 33-9 offense for which the person has been adjudicated.

33-10 SECTION 102. Section 658.002(c), Government Code, is
 33-11 amended to read as follows:

33-12 (c) This section does not apply to a houseparent who is
 33-13 employed by and lives at a Texas Juvenile Justice Department [Youth
 33-14 Commission] facility.

33-15 SECTION 103. Section 659.044(e), Government Code, is
 33-16 amended to read as follows:

33-17 (e) This subsection applies only to an employee of the Texas
 33-18 Juvenile Justice Department [Youth Commission] who is receiving
 33-19 less than the maximum amount of hazardous duty pay that the
 33-20 department [commission] may pay to the employee under Section
 33-21 659.303. The employee's monthly amount of longevity pay is the sum
 33-22 of:

33-23 (1) \$4 for each year of lifetime service credit, which
 33-24 may not include any period served in a hazardous duty position; and

33-25 (2) the lesser of:

33-26 (A) \$4 for each year served in a hazardous duty
 33-27 position; or

33-28 (B) the difference between:

33-29 (i) \$7 for each year served in a hazardous
 33-30 duty position; and

33-31 (ii) the amount paid by the department
 33-32 [commission] for each year served in a hazardous duty position.

33-33 SECTION 104. Section 659.046(f), Government Code, is
 33-34 amended to read as follows:

33-35 (f) The amount of an employee's lifetime service credit does
 33-36 not include the period served in a hazardous duty position if the
 33-37 employee is:

33-38 (1) entitled to receive hazardous duty pay under
 33-39 Section 659.302; or

33-40 (2) receiving the maximum amount of hazardous duty pay
 33-41 that the Texas Juvenile Justice Department [Youth Commission] may
 33-42 pay to the employee under Section 659.303.

33-43 SECTION 105. Section 659.302(b), Government Code, is
 33-44 amended to read as follows:

33-45 (b) This section does not apply to an employee of the Texas
 33-46 Juvenile Justice Department [Youth Commission].

33-47 SECTION 106. Section 659.303, Government Code, is amended
 33-48 to read as follows:

33-49 Sec. 659.303. TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH~~
 33-50 ~~COMMISSION]~~ EMPLOYEES. (a) The department [commission] may
 33-51 include hazardous duty pay in the compensation paid to an
 33-52 individual for services rendered during a month if the individual:

33-53 (1) has routine direct contact with youth:

33-54 (A) placed in a residential facility of the
 33-55 department [commission]; or

33-56 (B) released under the department's
 33-57 [commission's] supervision; and

33-58 (2) has completed at least 12 months of lifetime
 33-59 service credit not later than the last day of the preceding month.

33-60 (b) For purposes of Subsection (a)(1), an individual who is
 33-61 having routine direct contact with youth on any portion of the first
 33-62 workday of a month is considered to have routine direct contact with
 33-63 youth for the entire month.

33-64 (c) The department's [commission's] authority under
 33-65 Subsection (a) is subject to any conditions or limitations in the
 33-66 General Appropriations Act.

33-67 (d) The department [commission] may not pay hazardous duty
 33-68 pay:

33-69 (1) from funds authorized for payment of an

34-1 across-the-board employee salary increase; or
 34-2 (2) to an employee who works at the department's
 34-3 [~~commission's~~] central office.

34-4 (e) In this section, "department" [~~"commission"~~] means the
 34-5 Texas Juvenile Justice Department [~~Youth Commission~~].

34-6 SECTION 107. Section 661.031(2), Government Code, is
 34-7 amended to read as follows:

34-8 (2) "State employee" means an individual who is an
 34-9 appointed officer or employee of a state agency and who normally
 34-10 works 900 hours or more a year. The term includes:

- 34-11 (A) an hourly employee;
- 34-12 (B) a temporary employee;
- 34-13 (C) a person employed by:

- 34-14 (i) the Teacher Retirement System of Texas;
- 34-15 (ii) the Texas Education Agency;
- 34-16 (iii) the Texas Higher Education

34-17 Coordinating Board;

34-18 (iv) the Texas School for the Blind and
 34-19 Visually Impaired;

34-20 (v) the Texas School for the Deaf;

34-21 (vi) the Texas Juvenile Justice Department
 34-22 [~~Youth Commission~~];

34-23 (vii) the Windham School District; or
 34-24 (viii) the Department of Assistive and
 34-25 Rehabilitative Services; and

34-26 (D) a classified, administrative, faculty, or
 34-27 professional employee of a state institution or agency of higher
 34-28 education who has accumulated vacation leave, sick leave, or both,
 34-29 during the employment.

34-30 SECTION 108. Section 661.061(2), Government Code, is
 34-31 amended to read as follows:

34-32 (2) "State employee" means an employee or appointed
 34-33 officer of a state agency. The term includes:

- 34-34 (A) a full-time employee or officer;
- 34-35 (B) a part-time employee or officer;
- 34-36 (C) an hourly employee;
- 34-37 (D) a temporary employee;
- 34-38 (E) a person employed by:

- 34-39 (i) the Teacher Retirement System of Texas;
- 34-40 (ii) the Texas Education Agency;
- 34-41 (iii) the Texas Higher Education

34-42 Coordinating Board;

34-43 (iv) the Texas School for the Blind and
 34-44 Visually Impaired;

34-45 (v) the Texas School for the Deaf;

34-46 (vi) the Texas Juvenile Justice Department
 34-47 [~~Youth Commission~~];

34-48 (vii) the Windham School District; or
 34-49 (viii) the Department of Assistive and
 34-50 Rehabilitative Services; or

34-51 (F) a classified, administrative, faculty, or
 34-52 professional employee of a state institution or agency of higher
 34-53 education who has accumulated vacation leave during the employment.

34-54 SECTION 109. Section 661.152(a), Government Code, is
 34-55 amended to read as follows:

34-56 (a) A state employee is entitled to a vacation in each
 34-57 fiscal year without a deduction in salary, except for a state
 34-58 employee who is:

34-59 (1) an employee of an institution of higher education
 34-60 as defined by Section 61.003, Education Code, who:

- 34-61 (A) is not employed to work at least 20 hours per
 34-62 week for a period of at least four and one-half months; or
- 34-63 (B) is employed in a position for which the
 34-64 employee is required to be a student as a condition of the
 34-65 employment;

34-66 (2) a faculty member employed for a period of fewer
 34-67 than 12 months by an institution of higher education as defined by
 34-68 Section 61.003, Education Code; or

34-69 (3) an instructional employee employed for a period of

35-1 fewer than 12 months by the Texas School for the Blind and Visually
35-2 Impaired, the Texas School for the Deaf, or the Texas Juvenile
35-3 Justice Department [~~Youth Commission~~].

35-4 SECTION 110. Section 814.104(b), Government Code, is
35-5 amended to read as follows:

35-6 (b) A member who is at least 55 years old and who has at
35-7 least 10 years of service credit as a commissioned peace officer
35-8 engaged in criminal law enforcement activities of the Department of
35-9 Public Safety, the Texas Alcoholic Beverage Commission, the Parks
35-10 and Wildlife Department, or the office of inspector general at the
35-11 Texas Juvenile Justice Department [~~Youth Commission~~], or as a
35-12 custodial officer, is eligible to retire and receive a service
35-13 retirement annuity.

35-14 SECTION 111. Section 815.505, Government Code, is amended
35-15 to read as follows:

35-16 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
35-17 CUSTODIAL OFFICERS. Not later than the 12th day of the month
35-18 following the month in which a person begins or ceases employment as
35-19 a law enforcement officer or custodial officer, the Public Safety
35-20 Commission, the Texas Alcoholic Beverage Commission, the Parks and
35-21 Wildlife Commission, the office of inspector general at the Texas
35-22 Juvenile Justice Department [~~Youth Commission~~], the Board of
35-23 Pardons and Paroles, or the Texas Board of Criminal Justice, as
35-24 applicable, shall certify to the retirement system, in the manner
35-25 prescribed by the system, the name of the employee and such other
35-26 information as the system determines is necessary for the crediting
35-27 of service and financing of benefits under this subtitle.

35-28 SECTION 112. Section 2155.143, Government Code, is amended
35-29 to read as follows:

35-30 Sec. 2155.143. PURCHASE OF CARE AND TREATMENT SERVICES BY
35-31 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The
35-32 Texas Juvenile Justice Department [~~Youth Commission~~] may purchase
35-33 care and treatment services, including educational services, for
35-34 its wards.

35-35 (b) The Texas Juvenile Justice Department [~~Youth~~
35-36 ~~Commission~~] shall:

35-37 (1) negotiate purchases under this section to achieve
35-38 fair and reasonable prices at rates that do not exceed any maximum
35-39 provided by law; and

35-40 (2) select service providers according to each
35-41 provider's qualifications and demonstrated competence.

35-42 SECTION 113. Section 2165.005(f), Government Code, is
35-43 amended to read as follows:

35-44 (f) A building that will be used as a state or regional
35-45 headquarters for a state agency, other than a university building,
35-46 a secure correctional facility operated by the Texas Juvenile
35-47 Justice Department [~~Youth Commission~~], or a prison, may bear the
35-48 name of a person only if the person is deceased and was significant
35-49 in the state's history.

35-50 SECTION 114. Section 2165.252(b), Government Code, is
35-51 amended to read as follows:

35-52 (b) The commission may allocate space in buildings in the
35-53 Texas Judicial Complex only to:

- 35-54 (1) a court;
- 35-55 (2) a judicial agency;
- 35-56 (3) the attorney general's office;
- 35-57 (4) the Texas Department of Criminal Justice;
- 35-58 (5) the Texas Juvenile Justice Department [~~Youth~~
35-59 ~~Commission~~];

35-60 (6) [~~the Criminal Justice Policy Council,~~
35-61 [~~7~~]] the State Commission on Judicial Conduct;

35-62 (7) [~~8~~] the State Office of Administrative
35-63 Hearings;

35-64 (8) [~~9~~] the Board of Law Examiners;

35-65 (9) [~~10~~] the Council on Sex Offender Treatment;

35-66 (10) [~~11~~] building security;

35-67 (11) [~~12~~] building maintenance; or

35-68 (12) [~~13~~] a vending facility operated under Chapter
35-69 94, Human Resources Code.

36-1 SECTION 115. Section 2167.001(b), Government Code, is
 36-2 amended to read as follows:

- 36-3 (b) This chapter does not apply to:
- 36-4 (1) radio antenna space;
 - 36-5 (2) residential space for a Texas Department of Mental
 36-6 Health and Mental Retardation program;
 - 36-7 (3) residential space for a Texas Juvenile Justice
 36-8 Department [~~Youth Commission~~] program;
 - 36-9 (4) space to be used for less than one month for
 36-10 meetings, conferences, conventions, seminars, displays,
 36-11 examinations, auctions, or similar purposes;
 - 36-12 (5) district office space for members of the
 36-13 legislature;
 - 36-14 (6) space used by the Texas Workforce Commission;
 - 36-15 (7) residential property acquired by the Texas
 36-16 Department of Housing and Community Affairs or the Texas State
 36-17 Affordable Housing Corporation that is offered for sale or rental
 36-18 to individuals and families of low or very low income or families of
 36-19 moderate income;
 - 36-20 (8) except as provided by Section 2167.007, space for
 36-21 a university system or institution of higher education; or
 - 36-22 (9) space leased by the Texas Veterans Commission to
 36-23 administer the veterans employment services program.

36-24 SECTION 116. Section 2303.402(c), Government Code, is
 36-25 amended to read as follows:

- 36-26 (c) For the purposes of this section, an economically
 36-27 disadvantaged individual is an individual who:
- 36-28 (1) was unemployed for at least three months before
 36-29 obtaining employment with the qualified business;
 - 36-30 (2) receives public assistance benefits, including
 36-31 welfare payments or food stamps, based on need and intended to
 36-32 alleviate poverty;
 - 36-33 (3) is a low-income individual, as defined by Section
 36-34 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));
 - 36-35 (4) is an individual with a disability, as defined
 36-36 by 29 U.S.C. Section 705(20)(A);
 - 36-37 (5) is an inmate, as defined by Section 498.001;
 - 36-38 (6) is entering the workplace after being confined in
 36-39 a facility operated by or under contract with the Texas Department
 36-40 of Criminal Justice for the imprisonment of individuals convicted
 36-41 of felonies other than state jail felonies;
 - 36-42 (7) has been released by the Texas Juvenile Justice
 36-43 Department [~~Youth Commission~~] and is on parole, if state law
 36-44 provides for such a person to be on parole;
 - 36-45 (8) meets the current low income or moderate income
 36-46 limits developed under Section 8, United States Housing Act of 1937
 36-47 (42 U.S.C. Section 1437f et seq.); or
 - 36-48 (9) was under the permanent managing conservatorship
 36-49 of the Department of Family and Protective Services on the day
 36-50 preceding the individual's 18th birthday.

36-51 SECTION 117. Section 2306.5621(a)(6), Government Code, is
 36-52 amended to read as follows:

- 36-53 (6) "Corrections officer" means a corrections officer
 36-54 employed by the Texas Department of Criminal Justice or a juvenile
 36-55 correctional officer employed by the Texas Juvenile Justice
 36-56 Department [~~Youth Commission~~].

36-57 SECTION 118. Section 2306.903(a), Government Code, is
 36-58 amended to read as follows:

- 36-59 (a) The Texas Interagency Council for the Homeless is
 36-60 composed of:
- 36-61 (1) one representative from each of the following
 36-62 agencies, appointed by the administrative head of that agency:
 - 36-63 (A) the Texas Department of Health;
 - 36-64 (B) the Texas Department of Human Services;
 - 36-65 (C) the Texas Department of Mental Health and
 36-66 Mental Retardation;
 - 36-67 (D) the Texas Department of Criminal Justice;
 - 36-68 (E) the Texas Department on Aging;
 - 36-69 (F) the Texas Rehabilitation Commission;

37-1 (G) the Texas Education Agency;
37-2 (H) the Texas Commission on Alcohol and Drug
37-3 Abuse;
37-4 (I) the Department of Protective and Regulatory
37-5 Services;
37-6 (J) the Health and Human Services Commission;
37-7 (K) the Texas Workforce Commission;
37-8 (L) the Texas Juvenile Justice Department [~~Youth~~
37-9 ~~Commission~~]; and
37-10 (M) the Texas Veterans Commission;
37-11 (2) two representatives from the department, one each
37-12 from the community affairs division and the housing finance
37-13 division, appointed by the director; and
37-14 (3) three members representing service providers to
37-15 the homeless, one each appointed by the governor, the lieutenant
37-16 governor, and the speaker of the house of representatives.

37-17 SECTION 119. Section 63.009, Human Resources Code, is
37-18 amended to read as follows:
37-19 Sec. 63.009. BOARD POLICIES. The board of trustees shall
37-20 develop policies consistent with the rules, regulations, and
37-21 standards of the Texas Juvenile Justice Department [~~Probation~~
37-22 ~~Commission~~].

37-23 SECTION 120. Section 63.010, Human Resources Code, is
37-24 amended to read as follows:
37-25 Sec. 63.010. STANDARDIZED PERSONNEL QUALIFICATIONS. The
37-26 board of trustees shall standardize qualifications for personnel
37-27 positions in the community center consistent with those established
37-28 by the Texas Juvenile Justice Department [~~Probation Commission~~].

37-29 SECTION 121. Section 63.019, Human Resources Code, is
37-30 amended to read as follows:
37-31 Sec. 63.019. RULES REGULATING ADMINISTRATION OF SERVICES.
37-32 The board of trustees may make rules consistent with those
37-33 promulgated by the Texas Juvenile Justice Department [~~Probation~~
37-34 ~~Commission~~] and the policies, principles, and standards provided in
37-35 this Act to regulate the administration of services by the facility
37-36 to the juveniles placed into the facility.

37-37 SECTION 122. Section 63.020(1), Human Resources Code, is
37-38 amended to read as follows:
37-39 (1) Education. Upon admission into the facility, the
37-40 juvenile will be tested to determine his educational level, and a
37-41 program of instruction consistent with the juvenile's educational
37-42 level shall be developed to educate the juvenile. Education shall
37-43 be given to each juvenile admitted in the facility consistent with
37-44 the standards set forth by the Texas Juvenile Justice Department
37-45 [~~Probation Commission~~].

37-46 SECTION 123. Section 142.002(a), Human Resources Code, is
37-47 amended to read as follows:
37-48 (a) A juvenile board may, with the advice and consent of the
37-49 commissioners court, employ probation officers and administrative,
37-50 supervisory, stenographic, and other clerical personnel necessary
37-51 to provide juvenile probation services according to the standards
37-52 established by the Texas Juvenile Justice Department [~~Probation~~
37-53 ~~Commission~~] and the local need as determined by the juvenile board.

37-54 SECTION 124. Section 142.003(b), Human Resources Code, is
37-55 amended to read as follows:
37-56 (b) A juvenile board may contract with the Texas Juvenile
37-57 Justice Department [~~Youth Commission~~] for juvenile probation
37-58 services.

37-59 SECTION 125. Section 142.006(b), Human Resources Code, is
37-60 amended to read as follows:
37-61 (b) A juvenile probation officer is disqualified from being
37-62 authorized to carry a firearm under this section if the officer has
37-63 been designated a perpetrator in a Texas Juvenile Justice
37-64 Department [~~Probation Commission~~] abuse, neglect, or exploitation
37-65 investigation.

37-66 SECTION 126. Section 152.0007(a), Human Resources Code, is
37-67 amended to read as follows:
37-68 (a) The juvenile board shall:
37-69 (1) establish a juvenile probation department and

38-1 employ a chief probation officer who meets the standards set by the
 38-2 Texas Juvenile Justice Department [~~Probation Commission~~]; and

38-3 (2) adopt a budget and establish policies, including
 38-4 financial policies, for juvenile services within the jurisdiction
 38-5 of the board.

38-6 SECTION 127. Section 152.0008(a), Human Resources Code, is
 38-7 amended to read as follows:

38-8 (a) The chief juvenile probation officer may, within the
 38-9 budget adopted by the board, employ:

38-10 (1) assistant officers who meet the standards set by
 38-11 the Texas Juvenile Justice Department [~~Probation Commission~~]; and

38-12 (2) other necessary personnel.

38-13 SECTION 128. Section 152.0461(f), Human Resources Code, is
 38-14 amended to read as follows:

38-15 (f) The juvenile board shall pay the salaries of juvenile
 38-16 probation personnel and other expenses the chairman certifies as
 38-17 essential to provide services to the children of Cochran County
 38-18 from the juvenile board fund to the extent of the state aid received
 38-19 in the fund. The salaries approved by the commissioners court may
 38-20 be paid from funds received for that purpose from the Texas Juvenile
 38-21 Justice Department [~~Probation Commission~~]. The commissioners
 38-22 court shall pay the remaining approved salaries of juvenile
 38-23 probation personnel and other expenses certified as necessary by
 38-24 the juvenile board chairman from the general funds of the county.

38-25 SECTION 129. Section 152.1161(f), Human Resources Code, is
 38-26 amended to read as follows:

38-27 (f) The juvenile board shall pay the salaries of juvenile
 38-28 probation personnel and other expenses the chairman certifies as
 38-29 essential to provide services to the children of Hockley County
 38-30 from the juvenile board fund to the extent of the state aid received
 38-31 in the fund. The salaries approved by the commissioners court may
 38-32 be paid from funds received for that purpose from the Texas Juvenile
 38-33 Justice Department [~~Probation Commission~~]. The commissioners
 38-34 court shall pay the remaining approved salaries of juvenile
 38-35 probation personnel and other expenses certified as necessary by
 38-36 the juvenile board chairman from the general funds of the county.

38-37 SECTION 130. Section 152.2401(f), Human Resources Code, is
 38-38 amended to read as follows:

38-39 (f) The juvenile board shall make the financial and
 38-40 statistical records and reports the board is required to make to the
 38-41 Texas Juvenile Justice Department [~~Probation Commission~~] available
 38-42 to the commissioners court.

38-43 SECTION 131. Section 152.2561(l), Human Resources Code, is
 38-44 amended to read as follows:

38-45 (l) The board shall make available to the commissioners
 38-46 court the financial and statistical reports required by the Texas
 38-47 Juvenile Justice Department [~~Probation Commission~~].

38-48 SECTION 132. Section 306.002, Labor Code, is amended to
 38-49 read as follows:

38-50 Sec. 306.002. PROJECT RIO. The project for reintegration
 38-51 of offenders is a statewide employment referral program designed to
 38-52 reintegrate into the labor force persons sentenced to the
 38-53 correctional institutions division or committed to the Texas
 38-54 Juvenile Justice Department [~~Youth Commission~~].

38-55 SECTION 133. Section 306.003, Labor Code, is amended to
 38-56 read as follows:

38-57 Sec. 306.003. ADMINISTRATION. The department, the Texas
 38-58 Juvenile Justice Department [~~Youth Commission~~], and the commission
 38-59 shall cooperate to maximize the effectiveness of Project RIO. For
 38-60 that purpose, the commission shall administer the project.

38-61 SECTION 134. Section 306.004, Labor Code, is amended to
 38-62 read as follows:

38-63 Sec. 306.004. MEMORANDUM OF UNDERSTANDING--ADOPTION. (a)
 38-64 The department, the commission, and the Texas Juvenile Justice
 38-65 Department [~~Youth Commission~~] shall each adopt a memorandum of
 38-66 understanding that establishes the respective responsibilities of
 38-67 each agency and of the divisions within the department.

38-68 (b) The commission shall coordinate the development of the
 38-69 memoranda of understanding. The department and the Texas Juvenile

39-1 Justice Department [~~Youth Commission~~] shall adopt rules as
 39-2 necessary to implement their respective memoranda and may amend the
 39-3 memorandum and those rules as necessary.

39-4 SECTION 135. Section 306.005(b), Labor Code, is amended to
 39-5 read as follows:

39-6 (b) The memorandum of understanding between the Texas
 39-7 Juvenile Justice Department [~~Youth Commission~~] and the commission
 39-8 must establish the roles of the institutional and community
 39-9 services division in the Texas Juvenile Justice Department [~~Youth~~
 39-10 ~~Commission~~] and the role of the commission in the same manner the
 39-11 roles of the department and commission are established under
 39-12 Subsection (a).

39-13 SECTION 136. Section 306.007(a), Labor Code, is amended to
 39-14 read as follows:

39-15 (a) To assist in the reintegration into the labor force of
 39-16 persons formerly sentenced to the correctional institutions
 39-17 division or committed to the Texas Juvenile Justice Department
 39-18 [~~Youth Commission~~], the commission through Project RIO shall
 39-19 provide:

- 39-20 (1) to those persons:
 - 39-21 (A) information from local workforce development
 - 39-22 boards on job training and employment referral services;
 - 39-23 (B) information from the Department of State
 - 39-24 Health Services on substance abuse treatment services;
 - 39-25 (C) information from the Texas Department of
 - 39-26 Housing and Community Affairs on housing services;
 - 39-27 (D) information from the Texas Veterans
 - 39-28 Commission on services for veterans; and
 - 39-29 (E) information on tax refund voucher programs
 - 39-30 under Subchapter H, Chapter 301; and

- 39-31 (2) to the employers and potential employers of those
 39-32 persons:
 - 39-33 (A) information from the Texas Economic
 - 39-34 Development and Tourism Office on the enterprise zone program; and
 - 39-35 (B) information from local workforce development
 - 39-36 boards on services listed in Section 2308.304, Government Code.

39-37 SECTION 137. Sections 306.008(a) and (c), Labor Code, are
 39-38 amended to read as follows:

39-39 (a) To assist in the reintegration into the labor force of
 39-40 persons formerly sentenced to the correctional institutions
 39-41 division or committed to the Texas Juvenile Justice Department
 39-42 [~~Youth Commission~~], the commission, the Texas Juvenile Justice
 39-43 Department [~~Youth Commission~~], and the department shall establish a
 39-44 data interface that, at a minimum, provides to the commission:

- 39-45 (1) detailed information about persons released from a
 39-46 correctional facility who might benefit from post-release Project
 39-47 RIO services, including:
 - 39-48 (A) demographic and identifying information;
 - 39-49 (B) the person's address on release;
 - 39-50 (C) a comprehensive state offense history,
 - 39-51 including the date of release from the correctional facility,
 - 39-52 sentence discharge date, and conditions of parole;
 - 39-53 (D) assessment information;
 - 39-54 (E) educational and work history;
 - 39-55 (F) information related to participation in the
 - 39-56 work against recidivism program operated by the department's
 - 39-57 manufacturing and logistics division under the Texas Correctional
 - 39-58 Industries office; and
 - 39-59 (G) other services provided under this title
 - 39-60 before release from the correctional facility; and

39-61 (2) referral information from the department and the
 39-62 Texas Juvenile Justice Department [~~Youth Commission~~] necessary to
 39-63 implement the provision of post-release employment services.

39-64 (c) Information received from the Texas Juvenile Justice
 39-65 Department [~~Youth Commission~~] under this section is confidential
 39-66 and is not subject to disclosure under Chapter 552, Government
 39-67 Code.

39-68 SECTION 138. Section 504.017, Labor Code, is amended to
 39-69 read as follows:

40-1 Sec. 504.017. FEDERAL AND STATE FUNDED TRANSPORTATION
40-2 ENTITIES. An entity is eligible to participate under Section
40-3 504.016 or Chapter 791 or 2259, Government Code, if the entity
40-4 provides transportation subsidized in whole or in part by and
40-5 provided to clients of:

- 40-6 (1) the Department of Assistive and Rehabilitative
- 40-7 Services;
- 40-8 (2) the Department of State Health Services;
- 40-9 (3) the Cancer Prevention and Research Institute of
- 40-10 Texas;
- 40-11 (4) the Texas Department of Housing and Community
- 40-12 Affairs;
- 40-13 (5) the Health and Human Services Commission;
- 40-14 (6) the Department of Aging and Disability Services;
- 40-15 or
- 40-16 (7) the Texas Juvenile Justice Department [~~Youth~~
- 40-17 ~~Commission~~].

40-18 SECTION 139. Section 244.001(1), Local Government Code, is
40-19 amended to read as follows:

40-20 (1) "Correctional or rehabilitation facility" means a
40-21 probation or parole office or a residential facility that:

40-22 (A) is operated by an agency of the state, a
40-23 political subdivision of the state, or a private vendor operating
40-24 under a contract with an agency of the state or a political
40-25 subdivision of the state; and

40-26 (B) houses persons convicted of misdemeanors or
40-27 felonies or children found to have engaged in delinquent conduct,
40-28 regardless of whether the persons are housed in the residential
40-29 facility:

40-30 (i) while serving a sentence of confinement
40-31 following conviction of an offense;

40-32 (ii) as a condition of probation, parole,
40-33 or mandatory supervision; or

40-34 (iii) under a court order for out-of-home
40-35 placement under Title 3, Family Code, other than in a foster home
40-36 operated under a contract with the juvenile board of the county in
40-37 which the foster home is located or under a contract with the Texas
40-38 Juvenile Justice Department [~~Youth Commission~~].

40-39 SECTION 140. Section 244.006, Local Government Code, is
40-40 amended to read as follows:

40-41 Sec. 244.006. EXEMPTIONS. This subchapter does not apply
40-42 to the operation of a correctional or rehabilitation facility at a
40-43 location subject to this subchapter if:

40-44 (1) on September 1, 1997, the correctional or
40-45 rehabilitation facility was in operation, under construction,
40-46 under contract for operation or construction, or planned for
40-47 construction at the location on land owned or leased by an agency or
40-48 political subdivision of the state and designated for use as a
40-49 correctional or rehabilitation facility;

40-50 (2) the correctional or rehabilitation facility was in
40-51 operation or under construction before the establishment of a
40-52 residential area the location of which makes the facility subject
40-53 to this subchapter;

40-54 (3) the correctional or rehabilitation facility is a
40-55 temporary correctional or rehabilitation facility that will be
40-56 operated at the location for less than one year;

40-57 (4) the correctional or rehabilitation facility is
40-58 required to obtain a special use permit or a conditional use permit
40-59 from the municipality in which the facility is located before
40-60 beginning operation;

40-61 (5) the correctional or rehabilitation facility is an
40-62 expansion of a facility operated by the correctional institutions
40-63 division of the Texas Department of Criminal Justice for the
40-64 imprisonment of individuals convicted of felonies other than state
40-65 jail felonies or by the Texas Juvenile Justice Department [~~Youth~~
40-66 ~~Commission~~];

40-67 (6) the correctional or rehabilitation facility is a
40-68 county jail or a pre-adjudication or post-adjudication juvenile
40-69 detention facility operated by a county or county juvenile board;

(7) the facility is:

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

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

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

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

(10) the facility is operated as a juvenile justice alternative education program;

(11) the facility:

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

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

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

SECTION 141. Section 1701.259(a), Occupations Code, is amended to read as follows:

(a) The commission and the Texas Juvenile Justice Department [~~Probation Commission~~] by rule shall adopt a memorandum of understanding that establishes a training program in the use of firearms by juvenile probation officers. The memorandum of understanding must establish a program that provides instruction in:

(1) legal limitations on the use of firearms and on the powers and authority of juvenile probation officers;

(2) range firing and procedure, and firearms safety and maintenance; and

(3) other topics determined by the commission and the department [~~Texas Juvenile Probation Commission~~] to be necessary for the responsible use of firearms by juvenile probation officers.

SECTION 142. Section 22.11(d), Penal Code, is amended to read as follows:

(d) In this section, "correctional or detention facility" means:

(1) a secure correctional facility; or

(2) a "secure correctional facility" or a "secure detention facility" as defined by Section 51.02, Family Code, operated by or under contract with a juvenile board or the Texas Juvenile Justice Department [~~Youth Commission~~] or any other facility operated by or under contract with that department [~~commission~~].

SECTION 143. Section 38.06(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree if the actor:

(1) is under arrest for, charged with, or convicted of a felony;

(2) is confined or lawfully detained in a secure correctional facility or law enforcement facility; or

(3) is committed to or lawfully detained in a secure correctional facility, as defined by Section 51.02, Family Code, other than a halfway house, operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 144. Sections 39.04(a), (b), and (f), Penal Code, are amended to read as follows:

(a) An official of a correctional facility, an employee of a correctional facility, a person other than an employee who works for compensation at a correctional facility, a volunteer at a correctional facility, or a peace officer commits an offense if the person intentionally:

(1) denies or impedes a person in custody in the

42-1 exercise or enjoyment of any right, privilege, or immunity knowing
 42-2 his conduct is unlawful; or

42-3 (2) engages in sexual contact, sexual intercourse, or
 42-4 deviate sexual intercourse with an individual in custody or, in the
 42-5 case of an individual in the custody of the Texas Juvenile Justice
 42-6 Department [~~Youth Commission~~], employs, authorizes, or induces the
 42-7 individual to engage in sexual conduct or a sexual performance.

42-8 (b) An offense under Subsection (a)(1) is a Class A
 42-9 misdemeanor. An offense under Subsection (a)(2) is a state jail
 42-10 felony, except that an offense under Subsection (a)(2) is a felony
 42-11 of the second degree if the offense is committed against:

42-12 (1) an individual in the custody of the Texas Juvenile
 42-13 Justice Department [~~Youth Commission~~]; or

42-14 (2) a juvenile offender detained in or committed to a
 42-15 correctional facility the operation of which is financed primarily
 42-16 with state funds.

42-17 (f) An employee of the Texas Department of Criminal Justice,
 42-18 the Texas Juvenile Justice Department [~~Youth Commission~~], or a
 42-19 local juvenile probation department commits an offense if the
 42-20 employee engages in sexual contact, sexual intercourse, or deviate
 42-21 sexual intercourse with an individual who the employee knows is
 42-22 under the supervision of the department, juvenile justice
 42-23 department [~~commission~~], or probation department but not in the
 42-24 custody of the department, juvenile justice department
 42-25 [~~commission~~], or probation department.

42-26 SECTION 145. Section 39.04(e)(2), Penal Code, is amended to
 42-27 read as follows:

42-28 (2) "Custody" means the detention, arrest, or
 42-29 confinement of an adult offender or the detention or the commitment
 42-30 of a juvenile offender to a facility operated by or under a contract
 42-31 with the Texas Juvenile Justice Department [~~Youth Commission~~] or a
 42-32 facility operated by or under contract with a juvenile board.

42-33 SECTION 146. Section 201.603, Transportation Code, is
 42-34 amended to read as follows:

42-35 Sec. 201.603. AGREEMENT WITH OTHER AGENCIES FOR ROADS. (a)
 42-36 On request of the Texas Department of Mental Health and Mental
 42-37 Retardation or the Texas Juvenile Justice Department [~~Youth~~
 42-38 ~~Commission~~], the department may enter into agreements with either
 42-39 [~~that~~] department [~~or commission~~] for the construction,
 42-40 maintenance, or repair of roads in an institution, hospital, or
 42-41 school under the control, management, or supervision of that
 42-42 department [~~or commission~~].

42-43 (b) The Texas Department of Mental Health and Mental
 42-44 Retardation or the Texas Juvenile Justice Department [~~Youth~~
 42-45 ~~Commission~~] may reimburse the appropriate fund of the department
 42-46 for the cost of construction or maintenance performed under
 42-47 Subsection (a). Before a transfer of an amount under this
 42-48 subsection, the reimbursing agency shall notify in writing the
 42-49 comptroller of the amount to be transferred and the fund from which
 42-50 the amount is to be taken.

42-51 SECTION 147. Section 721.003(a), Transportation Code, is
 42-52 amended to read as follows:

42-53 (a) The governing bodies of the following state agencies or
 42-54 divisions by rule may exempt from the requirements of Section
 42-55 721.002 a motor vehicle that is under the control and custody of the
 42-56 agency or division:

- 42-57 (1) Texas Commission on Fire Protection;
- 42-58 (2) Texas State Board of Pharmacy;
- 42-59 (3) Department of State Health Services and Department
 42-60 of Aging and Disability Services;
- 42-61 (4) Department of Public Safety of the State of Texas;
- 42-62 (5) Texas Department of Criminal Justice;
- 42-63 (6) Board of Pardons and Paroles;
- 42-64 (7) Parks and Wildlife Department;
- 42-65 (8) Railroad Commission of Texas;
- 42-66 (9) Texas Alcoholic Beverage Commission;
- 42-67 (10) Texas Department of Banking;
- 42-68 (11) Department of Savings and Mortgage Lending;
- 42-69 (12) Texas Juvenile Justice Department [~~Probation~~]

43-1 ~~Commission~~];
 43-2 (13) Texas Commission on Environmental Quality;
 43-3 (14) [~~Texas Youth Commission~~;
 43-4 [~~(15)~~] Texas Lottery Commission;
 43-5 (15) [~~(16)~~] the office of the attorney general;
 43-6 (16) [~~(17)~~] Texas Department of Insurance; and
 43-7 (17) [~~(18)~~] an agency that receives an appropriation
 43-8 under an article of the General Appropriations Act that
 43-9 appropriates money to the legislature.

43-10 SECTION 148. Section 1(a), Chapter 22, Acts of the 57th
 43-11 Legislature, 3rd Called Session, 1962 (Article [6228a-5](#), Vernon's
 43-12 Texas Civil Statutes), is amended to read as follows:

43-13 (a) This section and Section 2 of this Act apply to:
 43-14 (1) the governing boards of state-supported
 43-15 institutions of higher education;
 43-16 (2) the Texas Higher Education Coordinating Board;
 43-17 (3) the Texas Education Agency;
 43-18 (4) the Texas School for the Deaf;
 43-19 (5) the Texas School for the Blind and Visually
 43-20 Impaired;
 43-21 (6) the Texas Department of Mental Health and Mental
 43-22 Retardation and the state schools, state hospitals, and other
 43-23 facilities and institutions under its jurisdiction;
 43-24 (7) the Texas Department of Health and facilities and
 43-25 institutions under its jurisdiction;
 43-26 (8) the Texas Juvenile Justice Department [~~Youth~~
 43-27 ~~Commission~~] and facilities and institutions under its
 43-28 jurisdiction; and
 43-29 (9) the governing boards of Centers for Community
 43-30 Mental Health and Mental Retardation Services, county hospitals,
 43-31 city hospitals, city-county hospitals, hospital authorities,
 43-32 hospital districts, affiliated state agencies, and each of their
 43-33 political subdivisions.

43-34 SECTION 149. Section [41.301\(2\)](#), Government Code, is
 43-35 repealed.

43-36 SECTION 150. If any provision of this Act conflicts with a
 43-37 provision of another Act of the 84th Legislature, Regular Session,
 43-38 2015, the provision of the other Act controls to the extent of the
 43-39 conflict, regardless of the date of enactment.

43-40 SECTION 151. This Act takes effect September 1, 2015.

43-41 * * * * *