

AN ACT

relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.

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

SECTION 1. Section 54.04(d), Family Code, is amended to read as follows:

(d) If the court or jury makes the finding specified in Subsection (c) allowing the court to make a disposition in the case:

(1) the court or jury may, in addition to any order required or authorized under Section 54.041 or 54.042, place the child on probation on such reasonable and lawful terms as the court may determine:

(A) in the child's own home or in the custody of a relative or other fit person; or

(B) subject to the finding under Subsection (c) on the placement of the child outside the child's home, in:

(i) a suitable foster home;

(ii) a suitable public or private residential treatment facility licensed by a state governmental entity or exempted from licensure by state law, except a facility operated by the Texas Juvenile Justice Department; or

(iii) a suitable public or private post-adjudication secure correctional facility that meets the

1 requirements of Section 51.125, except a facility operated by the
2 Texas Juvenile Justice Department;

3 (2) if the court or jury found at the conclusion of the
4 adjudication hearing that the child engaged in delinquent conduct
5 that violates a penal law of this state or the United States of the
6 grade of felony, the court or jury made a special commitment finding
7 under Section 54.04013, and [~~if~~] the petition was not approved by
8 the grand jury under Section 53.045, the court may commit the child
9 to the Texas Juvenile Justice Department under Section 54.04013, or
10 a post-adjudication secure correctional facility under Section
11 54.04011(c)(1), as applicable, without a determinate sentence;

12 (3) if the court or jury found at the conclusion of the
13 adjudication hearing that the child engaged in delinquent conduct
14 that included a violation of a penal law listed in Section 53.045(a)
15 and if the petition was approved by the grand jury under Section
16 53.045, the court or jury may sentence the child to commitment in
17 the Texas Juvenile Justice Department or a post-adjudication secure
18 correctional facility under Section 54.04011(c)(2) with a possible
19 transfer to the Texas Department of Criminal Justice for a term of:

20 (A) not more than 40 years if the conduct
21 constitutes:

- 22 (i) a capital felony;
- 23 (ii) a felony of the first degree; or
- 24 (iii) an aggravated controlled substance
25 felony;

26 (B) not more than 20 years if the conduct
27 constitutes a felony of the second degree; or

1 (C) not more than 10 years if the conduct
2 constitutes a felony of the third degree;

3 (4) the court may assign the child an appropriate
4 sanction level and sanctions as provided by the assignment
5 guidelines in Section 59.003;

6 (5) the court may place the child in a suitable
7 nonsecure correctional facility that is registered and meets the
8 applicable standards for the facility as provided by Section
9 51.126; or

10 (6) if applicable, the court or jury may make a
11 disposition under Subsection (m) or Section 54.04011(c)(2)(A).

12 SECTION 2. Chapter 54, Family Code, is amended by adding
13 Section 54.04013 to read as follows:

14 Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE
15 DEPARTMENT. Notwithstanding any other provision of this code,
16 after a disposition hearing held in accordance with Section 54.04,
17 the juvenile court may commit a child who is found to have engaged
18 in delinquent conduct that constitutes a felony offense to the
19 Texas Juvenile Justice Department without a determinate sentence if
20 the court makes a special commitment finding that the child has
21 behavioral health or other special needs that cannot be met with the
22 resources available in the community. The court should consider
23 the findings of a validated risk and needs assessment and the
24 findings of any other appropriate professional assessment
25 available to the court.

26 SECTION 3. Section 202.010, Human Resources Code, is
27 amended to read as follows:

1 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile
2 Justice Board and the Texas Juvenile Justice Department are subject
3 to Chapter 325, Government Code (Texas Sunset Act). Unless
4 continued in existence as provided by that chapter, the board and
5 the department are abolished September 1, 2021 [~~2017~~].

6 SECTION 4. Chapter 203, Human Resources Code, is amended by
7 adding Sections 203.017 and 203.018 to read as follows:

8 Sec. 203.017. REGIONALIZATION PLAN. (a) The department
9 shall develop and the board shall adopt a regionalization plan for
10 keeping children closer to home in lieu of commitment to the secure
11 facilities operated by the department under Subtitle C.

12 (b) The department shall consult with juvenile probation
13 departments in developing a regionalization plan, including the
14 identification of:

15 (1) post-adjudication facility capacity that may be
16 dedicated to support the plan; and

17 (2) resources needed to implement the plan.

18 (c) The regionalization plan must define regions of the
19 state to be served by facilities operated by juvenile probation
20 departments, counties, halfway houses, or private operators, based
21 on the post-adjudication facilities identified as being available
22 for the purpose of the plan.

23 (d) The department shall ensure that each region has
24 defined, appropriate, research-based programs for the target
25 populations under the regionalization plan.

26 (e) The regionalization plan must:

27 (1) include a budget review, redirection of staff, and

- 1 funding mechanisms necessary to support the plan;
2 (2) create a new division of the department
3 responsible for administering the regionalization plan and
4 monitoring program quality and accountability;
5 (3) include sufficient mechanisms to divert at least:
6 (A) 30 juveniles from commitment to secure
7 facilities operated by the department for the state fiscal year
8 beginning September 1, 2015; and
9 (B) 150 juveniles from commitment to secure
10 facilities operated by the department for the state fiscal year
11 beginning September 1, 2016; and
12 (4) for the state fiscal year beginning September 1,
13 2017, and each subsequent state fiscal year, include any savings
14 that are generated by the decreases in the population of the secure
15 facilities operated by the department under Subtitle C that exceed
16 the cost of implementing the plan.
17 (f) The division created under Subsection (e)(2) shall:
18 (1) approve plans and related protocols to administer
19 the developed regional model;
20 (2) provide training on best practices for all local
21 probation departments affected by the regionalization plan;
22 (3) assist in research-based program development;
23 (4) monitor contract and program measures for the
24 regionalization plan;
25 (5) analyze department data to provide clear guidance
26 to local probation departments on outcome measures; and
27 (6) report on performance of specific programs and

1 placements to assist in implementing best practices and maximize
2 the impact of state funds.

3 (g) A region is eligible for funding to support
4 evidence-based, intensive in-home services only if the region meets
5 the performance standards established by the department and adopted
6 in contracts for placement and services.

7 (h) The department shall adopt rules to allow the local
8 probation departments implementing the regionalization plan to
9 access the data submitted by those departments in the state
10 juvenile case management system for planning and research purposes.

11 (i) The regionalization plan developed under this section
12 must be finalized not later than August 31, 2016.

13 (j) For the state fiscal years beginning September 1, 2015,
14 and September 1, 2016, the legislature shall appropriate funds
15 necessary to develop and initiate the implementation of the
16 regionalization plan. Funds appropriated for this purpose may not
17 be offset by projected savings generated by the decreases in the
18 population of the secure facilities operated by the department
19 under Subtitle C. This subsection and Subsection (i) expire
20 September 1, 2017.

21 Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS.

22 (a) The department shall develop specialized programs for
23 children with a determinate sentence and children committed under
24 Section 54.04013, Family Code. The programs must ensure safety and
25 security for committed children and provide developmentally
26 appropriate program strategies.

27 (b) The department shall establish performance-based goals

1 related to improved outcomes that:

2 (1) must include measures to reduce recidivism; and

3 (2) shall include other well-being outcome measures.

4 (c) The department shall use case review strategies to
5 identify children in department facilities who can safely and
6 appropriately be transferred to alternative local placements or
7 halfway houses, placed on parole, or discharged from the
8 department.

9 (d) The department shall study and report to the board on
10 the potential for repurposing existing secure facilities for the
11 confinement of children with a determinate sentence or children
12 committed under Section 54.04013, Family Code, or for other
13 purposes.

14 (e) The department or any local probation department may not
15 use or contract with a facility that was constructed or previously
16 used for the confinement of adult offenders.

17 SECTION 5. Section [221.003](#), Human Resources Code, is
18 amended by adding Subsection (b-1) to read as follows:

19 (b-1) Any risk and needs assessment instrument or process
20 that is provided or approved by the department for a juvenile
21 probation department to use under Subsection (b) must be a
22 validated instrument or process.

23 SECTION 6. Section [223.001](#), Human Resources Code, is
24 amended to read as follows:

25 Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID.
26 (a) The department shall annually allocate funds for financial
27 assistance to juvenile boards to provide juvenile services

1 according to current estimates of the number of juveniles in each
2 county, a basic probation funding formula for departments that
3 clearly defines what basic probation entails and which services are
4 provided, and other factors the department determines are
5 appropriate.

6 (b) The legislature may appropriate the amount of state aid
7 necessary to supplement local funds to maintain and improve
8 statewide juvenile services that comply with department standards
9 and to initiate and support the regionalization plan under Section
10 203.017 so that savings are generated by decreases in the
11 population of department facilities operated under Subtitle C.

12 (c) The department shall [~~may~~] set aside a portion of the
13 funds appropriated to the department for discretionary state aid to
14 fund programs designed to address special needs or projects of
15 local juvenile boards, including projects dedicated to specific
16 target populations based on risk and needs, and with established
17 recidivism reduction goals. The department shall develop
18 discretionary grant funding protocols based on documented,
19 data-driven, and research-based practices.

20 (d) The department shall reimburse counties for the
21 placement of children in the regional specialized program at a rate
22 that offers a savings to the state in relation to the average cost
23 per day for confining a child in a department facility operated
24 under Subtitle C.

25 (e) The department may not adversely impact the state aid
26 for a juvenile board or a juvenile probation department that does
27 not enter into a contract to serve youth from other counties, or

1 does not act as a regional facility.

2 (f) A juvenile board or juvenile probation department may
3 not be required to accept a child for placement in a
4 post-adjudication correctional facility, unless the child is
5 subject to an order issued by a juvenile court served by that board
6 or department.

7 SECTION 7. Sections 261.101(a) and (e), Human Resources
8 Code, are amended to read as follows:

9 (a) The independent ombudsman shall:

10 (1) review the procedures established by the board and
11 evaluate the delivery of services to children to ensure that the
12 rights of children are fully observed;

13 (2) review complaints filed with the independent
14 ombudsman concerning the actions of the department and investigate
15 each complaint in which it appears that a child may be in need of
16 assistance from the independent ombudsman;

17 (3) conduct investigations of complaints, other than
18 complaints alleging criminal behavior, if the office determines
19 that:

20 (A) a child committed to the department or the
21 child's family may be in need of assistance from the office; or

22 (B) a systemic issue in the department's
23 provision of services is raised by a complaint;

24 (4) review or inspect periodically the facilities and
25 procedures of any institution or residence in which a child has been
26 placed by the department, whether public or private, to ensure that
27 the rights of children are fully observed;

1 (5) provide assistance to a child or family who the
2 independent ombudsman determines is in need of assistance,
3 including advocating with an agency, provider, or other person in
4 the best interests of the child;

5 (6) review court orders as necessary to fulfill its
6 duties;

7 (7) recommend changes in any procedure relating to the
8 treatment of children committed to the department;

9 (8) make appropriate referrals under any of the duties
10 and powers listed in this subsection;

11 (9) supervise assistants who are serving as advocates
12 in their representation of children committed to the department in
13 internal administrative and disciplinary hearings;

14 (10) review reports received by the department
15 relating to complaints regarding juvenile probation programs,
16 services, or facilities and analyze the data contained in the
17 reports to identify trends in complaints; ~~and~~

18 (11) report a possible standards violation by a local
19 juvenile probation department to the appropriate division of the
20 department; and

21 (12) immediately report the findings of any
22 investigation related to the operation of a post-adjudication
23 correctional facility in a county to the chief juvenile probation
24 officer and the juvenile board of the county.

25 (e) Notwithstanding any other provision of this chapter,
26 the powers of the office include:

27 (1) ~~[are limited to]~~ facilities operated and services

1 provided by the department under Subtitle C;

2 (2) post-adjudication correctional facilities under
3 Section 51.125, Family Code;

4 (3) any other residential facility in which a child
5 adjudicated as having engaged in conduct indicating a need for
6 supervision or delinquent conduct is placed by court order; and

7 (4) the investigation of complaints alleging a
8 violation of the rights of the children placed in a facility
9 described by Subdivision (2) or (3).

10 SECTION 8. The changes in law made by Section 54.04(d),
11 Family Code, as amended by this Act, and Section 54.04013, Family
12 Code, as added by this Act, apply only to conduct that occurs on or
13 after September 1, 2017. Conduct that occurs before September 1,
14 2017, is governed by the law in effect when the conduct occurred,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, conduct occurs before September 1, 2017,
17 if any element of the conduct occurs before that date.

18 SECTION 9. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1630 passed the Senate on April 14, 2015, by the following vote: Yeas 31, Nays 0; May 28, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2015, House granted request of the Senate; May 31, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1630 passed the House, with amendments, on May 26, 2015, by the following vote: Yeas 134, Nays 11, two present not voting; May 29, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 137, Nays 7, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor