

## **BILL ANALYSIS**

Senate Research Center  
85R14316 MK-D

S.B. 1977  
By: Whitmire  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Office of the Independent Ombudsman was created to ensure the safety of youth in the juvenile justice system after unreported abuses were disclosed. There are currently youth under the jurisdiction of the Texas Juvenile Justice Department (TJJD) who are placed in facilities not operated by TJJD or by a county probation department. Some youth have to go to other placements such as mental health facilities. The statute does not expressly give the ombudsman the ability to enter these facilities to check on youth.

S.B. 1977 clarifies that the ombudsman may enter any facility that houses a youth under the jurisdiction of TJJD by creating a clear reference to Section 261.101(e), Human Resources Code.

S.B. 1977 also cleans up Section 261.101(e), Human Resources Code, by deleting two of three subsections lettered as (e). It leaves the more inclusive (e) which states:

Notwithstanding any other provision of this chapter, the powers of the office include:

- (1) facilities operated and services provided by the department under Subtitle C;
- (2) post-adjudication correctional facilities under Section 51.125, Family Code;
- (3) any other residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order.

As proposed, S.B. 1977 amends current law relating to the authority of the independent ombudsman for the Texas Juvenile Justice Department to investigate and evaluate certain juvenile facilities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Reenacts Section 261.101(e), Human Resources Code, as amended by Section 11(a), Chapter 854 (S.B. 1149), and Chapter 962 (S.B. 1630), Acts of the 84th Legislature, Regular Session, 2015, and amends it as follows:

- (e) Provides that, notwithstanding any other provision of this chapter, the powers of the office of independent ombudsman (office) include certain powers, including evaluating the effective delivery of services in certain facilities.

SECTION 2. Amends Section 261.101(f), Human Resources Code, to delete existing text providing that Subsection (e) expires in December 31, 2018.

SECTION 3. Amends Section 261.151, Human Resources Code, by adding Subsection (d), to require a facility described by Section 261.101(e)(1)(B) or (C) to allow the independent

ombudsman access to the facility's records relating to any child in the care or custody of the facility.

SECTION 4. Repealer: Section 11(b), Chapter 854 (S.B. 1149), Acts of the 84th Legislature, Regular Session, 2015, which added Section 261.101(e), Human Resources Code.

SECTION 5. Effective date: upon passage or September 1, 2017.