

By: Raney

H.B. No. 2225

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the licensing of family residential centers by the  
3 Department of Family and Protective Services and the detention of  
4 certain juveniles.

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

6 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,  
7 is amended by adding Section 42.0538 to read as follows:

8 Sec. 42.0538. FAMILY RESIDENTIAL CENTERS. (a) In this  
9 section, "family residential center" means a facility that:

10 (1) is operated by or under a contract with United  
11 States Immigration and Customs Enforcement to enforce federal  
12 immigration laws;

13 (2) detains children with a parent or other adult  
14 family member who remains with the child at the center or children  
15 who are not accompanied by a parent or other adult family member;  
16 and

17 (3) provides care for children for at least part of a  
18 day.

19 (b) Except as provided by Subsection (c), the department  
20 shall license a family residential center in the same manner as the  
21 department licenses a general residential operation under this  
22 chapter.

23 (c) The executive commissioner may exempt a family  
24 residential center from any rule applicable to a general

1 residential operation as the executive commissioner determines  
2 necessary to:

3 (1) allow members of a family to remain together in the  
4 same living space;

5 (2) allow a child's parent or other adult family member  
6 who is housed with the child to supervise and care for the child at  
7 the family residential center; or

8 (3) operate the family residential center.

9 (d) The department's licensing and oversight of family  
10 residential centers is consistent with the purposes of this  
11 chapter. This section does not authorize this state to enforce  
12 federal immigration law.

13 SECTION 2. Section 54.011, Family Code, is amended by  
14 amending Subsection (f) and adding Subsection (g) to read as  
15 follows:

16 (f) Except as provided by Subsections [~~Subsection~~] (a) and  
17 (g), a nonoffender [~~, including a person who has been taken into~~  
18 ~~custody and is being held solely for deportation out of the United~~  
19 ~~States,~~] may not be detained for any period of time in a secure  
20 detention facility or secure correctional facility, regardless of  
21 whether the facility is publicly or privately operated. A  
22 nonoffender who is detained in violation of this subsection is  
23 entitled to immediate release from the facility and may bring a  
24 civil action for compensation for the illegal detention against any  
25 person responsible for the detention. A person commits an offense  
26 if the person knowingly detains or assists in detaining a  
27 nonoffender in a secure detention facility or secure correctional

1 facility in violation of this subsection. An offense under this  
2 subsection is a Class B misdemeanor.

3 (g) Notwithstanding any other law, a status offender or  
4 nonoffender who has been taken into custody may be held solely for  
5 deportation out of the United States for any period of time in a  
6 publicly or privately operated, licensed, nonsecure facility,  
7 including a family residential center, as defined by Section  
8 42.0538, Human Resources Code.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2017.