

By: Hughes, Creighton, Perry

S.B. No. 1018

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(b-1) The department shall revoke the license of a family residential center if 90 percent or more of the people detained at

1 the family residential center are held at the center for longer than
2 90 days.

3 (c) The executive commissioner by rule may exempt a family
4 residential center from any minimum standard or rule applicable to
5 a general residential operation as the executive commissioner
6 determines necessary to:

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

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

12 (3) operate the family residential center.

13 (d) Subsection (c) does not prohibit the department from
14 granting a waiver or variance on a case-by-case basis as authorized
15 by other law.

16 (e) This section does not waive sovereign immunity or create
17 a cause of action.

18 (f) This section expires September 1, 2019.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2017.