

1-1 By: Rodríguez S.B. No. 1314
1-2 (In the Senate - Filed March 3, 2017; March 14, 2017, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 4, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 4, 2017, sent
1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1314 By: Whitmire

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the regulation of substance abuse facilities and
1-22 programs for juveniles.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 464.003, Health and Safety Code, is
1-25 amended to read as follows:

1-26 Sec. 464.003. EXEMPTIONS. This subchapter does not apply
1-27 to:

1-28 (1) a facility maintained or operated by the federal
1-29 government;

1-30 (2) a facility directly operated by the state;

1-31 (3) a facility licensed by the department under
1-32 Chapter 241, 243, 248, 466, or 577;

1-33 (4) an educational program for intoxicated drivers;

1-34 (5) the individual office of a private, licensed
1-35 health care practitioner who personally renders private individual
1-36 or group services within the scope of the practitioner's license
1-37 and in the practitioner's office;

1-38 (6) an individual who personally provides counseling
1-39 or support services to a person with a chemical dependency but does
1-40 not offer or purport to offer a chemical dependency treatment
1-41 program; ~~or~~

1-42 (7) a 12-step or similar self-help chemical dependency
1-43 recovery program:

1-44 (A) that does not offer or purport to offer a
1-45 chemical dependency treatment program;

1-46 (B) that does not charge program participants;
1-47 and

1-48 (C) in which program participants may maintain
1-49 anonymity; or

1-50 (8) a juvenile justice facility or juvenile justice
1-51 program, as defined by Section 261.405, Family Code.

1-52 SECTION 2. Section 221.002, Human Resources Code, is
1-53 amended by amending Subsection (a) and adding Subsection (f) to
1-54 read as follows:

1-55 (a) The board shall adopt reasonable rules that provide:

1-56 (1) minimum standards for personnel, staffing, case
1-57 loads, programs, facilities, record keeping, equipment, and other
1-58 aspects of the operation of a juvenile board that are necessary to
1-59 provide adequate and effective probation services;

1-60 (2) a code of ethics for probation and detention

2-1 officers and for the enforcement of that code;
2-2 (3) appropriate educational, preservice and
2-3 in-service training, and certification standards for probation and
2-4 detention officers or court-supervised community-based program
2-5 personnel;

2-6 (4) subject to Subsection (d), minimum standards for
2-7 public and private juvenile pre-adjudication secure detention
2-8 facilities, public juvenile post-adjudication secure correctional
2-9 facilities that are operated under the authority of a juvenile
2-10 board or governmental unit, private juvenile post-adjudication
2-11 secure correctional facilities operated under a contract with a
2-12 governmental unit, except those facilities exempt from
2-13 certification by Section 42.052(g), and nonsecure correctional
2-14 facilities operated by or under contract with a governmental unit;
2-15 [~~and~~]

2-16 (5) minimum standards for juvenile justice
2-17 alternative education programs created under Section 37.011,
2-18 Education Code, in collaboration and conjunction with the Texas
2-19 Education Agency, or its designee; and

2-20 (6) minimum standards for the operation of substance
2-21 abuse facilities or programs that are juvenile justice facilities
2-22 or juvenile justice programs, as defined by Section 261.405, Family
2-23 Code.

2-24 (f) A substance abuse facility or program operating under
2-25 the standards adopted under this section is not required to be
2-26 licensed or otherwise approved by any other state or local agency.

2-27 SECTION 3. (a) The change in law made by this Act to
2-28 Section 464.003, Health and Safety Code, does not affect the
2-29 validity of a disciplinary action or other proceeding that was
2-30 initiated before the effective date of this Act and that is pending
2-31 before a court or other governmental entity on the effective date of
2-32 this Act.

2-33 (b) The change in law made by this Act does not apply to an
2-34 offense committed under or a violation of Subchapter A, Chapter
2-35 464, Health and Safety Code, that occurred before the effective
2-36 date of this Act. An offense committed or a violation that occurred
2-37 before the effective date of this Act is governed by the law as it
2-38 existed on the date the offense was committed or the violation
2-39 occurred, and the former law is continued in effect for that
2-40 purpose. For purposes of this subsection, an offense was committed
2-41 or a violation occurred before the effective date of this Act if any
2-42 element of the offense or violation occurred before that date.

2-43 SECTION 4. This Act takes effect September 1, 2017.

2-44 * * * * *