

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Wu, Dutton, Murr, White

H.B. No. 3195

A BILL TO BE ENTITLED

AN ACT

relating to juveniles committed to the Texas Juvenile Justice Department.

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

SECTION 1. Section 59.009(a), Family Code, is amended to read as follows:

(a) For a child at sanction level six, the juvenile court may commit the child to the custody of the Texas Juvenile Justice Department ~~[or a post-adjudication secure correctional facility under Section 54.04011(c)(1)]~~. The department~~[, juvenile board, or local juvenile probation department, as applicable,]~~ may:

(1) require the child to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for not less than nine months or more than 24 months unless the department reduces or ~~[, board, or probation department]~~ extends the period and the reason for the reduction or ~~[an]~~ extension is documented;

(2) require the child to make restitution to the victim of the child's conduct or perform community service restitution appropriate to the nature and degree of the harm caused and according to the child's ability, if there is a victim of the child's conduct;

(3) require the child and the child's parents or guardians to participate in programs and services for their

1 particular needs and circumstances; and

2 (4) if appropriate, impose additional sanctions.

3 SECTION 2. Section 244.003(b), Human Resources Code, is  
4 amended to read as follows:

5 (b) Except as provided by Section 243.051(c), these records  
6 and all other information concerning a child, including personally  
7 identifiable information, are not public and are available only:

8 (1) according to the provisions of Section 58.005,  
9 Family Code, Section 244.051 of this code, and Chapter 67, Code of  
10 Criminal Procedure; or

11 (2) to an individual or entity assisting the  
12 department in providing transition planning and reentry services to  
13 the child, as determined by the department.

14 SECTION 3. Section 245.054(a), Human Resources Code, is  
15 amended to read as follows:

16 (a) In addition to providing the court with notice of  
17 release of a child under Section 245.051(b), as soon as possible but  
18 not later than the 10th ~~[30th]~~ day before the date the department  
19 releases the child, the department shall provide the court that  
20 committed the child to the department:

21 (1) a copy of the child's reentry and reintegration  
22 plan developed under Section 245.0535; and

23 (2) a report concerning the progress the child has  
24 made while committed to the department.

25 SECTION 4. Section 30.106(e), Education Code, is repealed.

26 SECTION 5. The changes in law made by this Act to Section  
27 59.009(a), Family Code, do not apply to a child committed to a

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1 post-adjudication secure correctional facility under former  
2 Section 54.04011(c)(1), Family Code, and the former law is  
3 continued in effect for a child committed to the facility.

4 SECTION 6. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

*Letay Gaud*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Joan Huffman*

1 Amend H.B. No. 3195 by adding the following appropriately  
2 numbered SECTIONS to the bill and renumbering subsequent SECTIONS  
3 of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter A, Chapter 37, Education Code, is  
5 amended by adding Section 37.023 to read as follows:

6 Sec. 37.023. TRANSITION FROM ALTERNATIVE EDUCATION PROGRAM  
7 TO REGULAR CLASSROOM. (a) In this section:

8 (1) "Alternative education program" includes:

9 (A) a disciplinary alternative education program  
10 operated by a school district or open-enrollment charter school;

11 (B) a juvenile justice alternative education  
12 program; and

13 (C) a residential program or facility operated by  
14 or under contract with the Texas Juvenile Justice Department, a  
15 juvenile board, or any other governmental entity.

16 (2) "Licensed clinical social worker" has the meaning  
17 assigned by Section 505.002, Occupations Code.

18 (b) As soon as practicable after an alternative education  
19 program determines the date of a student's release from the  
20 program, the alternative education program administrator shall:

21 (1) provide written notice of that date to:

22 (A) the student's parent or a person standing in  
23 parental relation to the student; and

24 (B) the administrator of the campus to which the  
25 student intends to transition; and

26 (2) provide the campus administrator:

27 (A) an assessment of the student's academic  
28 growth while attending the alternative education program; and

29 (B) the results of any assessment instruments

1 administered to the student.

2 (c) Not later than five instructional days after the date of  
3 a student's release from an alternative education program, the  
4 campus administrator shall coordinate the student's transition to a  
5 regular classroom. The coordination must include assistance and  
6 recommendations from:

7 (1) school counselors;  
8 (2) school district peace officers;  
9 (3) school resource officers;  
10 (4) licensed clinical social workers;  
11 (5) campus behavior coordinators;  
12 (6) classroom teachers who are or may be responsible  
13 for implementing the student's personalized transition plan  
14 developed under Subsection (d); and

15 (7) any other appropriate school district personnel.

16 (d) The assistance required by Subsection (c) must include a  
17 personalized transition plan for the student developed by the  
18 campus administrator. A personalized transition plan:

19 (1) must include recommendations for the best  
20 educational placement of the student; and

21 (2) may include:

22 (A) recommendations for counseling, behavioral  
23 management, or academic assistance for the student with a  
24 concentration on the student's academic or career goals;

25 (B) recommendations for assistance for obtaining  
26 access to mental health services provided by the district or  
27 school, a local mental health authority, or another private or  
28 public entity;

29 (C) the provision of information to the student's  
30 parent or a person standing in parental relation to the student  
31 about the process to request a full individual and initial

1 evaluation of the student for purposes of special education  
2 services under Section 29.004; and

3 (D) a regular review of the student's progress  
4 toward the student's academic or career goals.

5 (e) If practicable, the campus administrator, or the  
6 administrator's designee, shall meet with the student's parent or a  
7 person standing in parental relation to the student to coordinate  
8 plans for the student's transition.

9 (f) This section applies only to a student subject to  
10 compulsory attendance requirements under Section 25.085.

11 SECTION \_\_\_\_\_. Section 37.023, Education Code, as added by  
12 this Act, applies beginning with the 2019-2020 school year.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3195** by Wu (Relating to juveniles committed to the Texas Juvenile Justice Department.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The provisions of the bill addressed by this analysis would amend various codes as they relate to juveniles committed to the Texas Juvenile Justice Department. Under the provisions of the bill, certain information about juveniles committed to the department could be shared with other entities under certain conditions, and the time frame before releasing certain information to a juvenile court before a juvenile is released from the department would be reduced. The bill would also remove the requirement that certain participation and educational goals be met by youth participating in department educational programs before release from state residential facilities onto parole supervision. The bill would also require that a school district coordinate the transition of a student from an alternative education program to a regular classroom.

The Office of Court Administration, the Texas Juvenile Justice Department, and the Texas Education Agency indicate the modifications outlined in the bill's provisions would not result in a significant fiscal impact. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or the demand for state correctional resources.

**Local Government Impact**

The bill would result in additional costs to local school districts to the extent that they do not currently have existing staff responsible for coordination of student transition. These costs would vary by school district.

**Source Agencies:**     212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

**LBB Staff:** WP, SL, LBO, LM, JPo

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 7, 2019**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3195** by Wu (Relating to juveniles committed to the Texas Juvenile Justice Department.), **As Engrossed**

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The Office of Court Administration and the Texas Juvenile Justice Department indicate the modifications outlined in the bill's provisions would not result in a significant fiscal impact. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or the demand for state correctional resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

**LBB Staff:** WP, LBO, LM, JPo



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 19, 2019**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3195** by Wu (Relating to juveniles committed to the Texas Juvenile Justice Department.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

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