

By: Schwertner, et al.

S.B. No. 1727

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Juvenile Justice Department and the functions of the office of independent ombudsman for the Texas Juvenile Justice Department.

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

SECTION 1. Section 51.12(c-1), Family Code, is amended to read as follows:

(c-1) The Texas Juvenile Justice Department shall ~~annually~~ inspect each public or private juvenile pre-adjudication secure detention facility. The department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children in accordance with:

(1) the requirements of Subsections (a), (f), and (g);

and

(2) minimum professional standards for the detention of children in pre-adjudication secure confinement promulgated by the department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 2. Section 51.125(c), Family Code, is amended to read as follows:

(c) The Texas Juvenile Justice Department shall ~~annually~~

1 inspect each public or private juvenile post-adjudication secure
2 correctional facility that is not operated by the department. The
3 department shall provide a report to each juvenile court judge
4 presiding in the same county as an inspected facility indicating
5 whether the facility is suitable or unsuitable for the confinement
6 of children in accordance with minimum professional standards for
7 the confinement of children in post-adjudication secure
8 confinement promulgated by the department or, at the election of
9 the juvenile board of the county in which the facility is located,
10 the current standards promulgated by the American Correctional
11 Association.

12 SECTION 3. Section 51.126(c), Family Code, is amended to
13 read as follows:

14 (c) The Texas Juvenile Justice Department shall [~~annually~~]
15 inspect each nonsecure correctional facility. The Texas Juvenile
16 Justice Department shall provide a report to each juvenile court
17 judge presiding in the same county as an inspected facility
18 indicating whether the facility is suitable or unsuitable for the
19 confinement of children in accordance with minimum professional
20 standards for the confinement of children in nonsecure confinement
21 promulgated by the Texas Juvenile Justice Department or, at the
22 election of the juvenile board of the county in which the facility
23 is located, the current standards promulgated by the American
24 Correctional Association.

25 SECTION 4. Sections 51.20(a), (b), (c), and (d), Family
26 Code, are amended to read as follows:

27 (a) At any stage of the proceedings under this title,

1 including when a child is initially detained in a pre-adjudication
2 secure detention facility or a post-adjudication secure
3 correctional facility, the juvenile court may, at its discretion or
4 at the request of the child's parent or guardian, order a child who
5 is referred to the juvenile court or who is alleged by a petition or
6 found to have engaged in delinquent conduct or conduct indicating a
7 need for supervision to be examined by a disinterested expert,
8 including a physician, psychiatrist, or psychologist, qualified by
9 education and clinical training in mental health or intellectual
10 disability [~~mental retardation~~] and experienced in forensic
11 evaluation, to determine whether the child has a mental illness, as
12 defined by Section 571.003, Health and Safety Code, is a person with
13 an intellectual disability, [~~mental retardation~~] as defined by
14 Section 591.003, Health and Safety Code, or suffers from chemical
15 dependency, as defined by Section 464.001, Health and Safety Code.
16 If the examination is to include a determination of the child's
17 fitness to proceed, an expert may be appointed to conduct the
18 examination only if the expert is qualified under Subchapter B,
19 Chapter 46B, Code of Criminal Procedure, to examine a defendant in a
20 criminal case, and the examination and the report resulting from an
21 examination under this subsection must comply with the requirements
22 under Subchapter B, Chapter 46B, Code of Criminal Procedure, for
23 the examination and resulting report of a defendant in a criminal
24 case.

25 (b) If, after conducting an examination of a child ordered
26 under Subsection (a) and reviewing any other relevant information,
27 there is reason to believe that the child has a mental illness or

1 intellectual disability [~~mental retardation~~] or suffers from
2 chemical dependency, the probation department shall refer the child
3 to the local mental health [~~or mental retardation~~] authority, to
4 the local intellectual and developmental disability authority, or
5 to another appropriate and legally authorized agency or provider
6 for evaluation and services, unless the prosecuting attorney has
7 filed a petition under Section 53.04.

8 (c) If, while a child is under deferred prosecution
9 supervision or court-ordered probation, a qualified professional
10 determines that the child has a mental illness or intellectual
11 disability [~~mental retardation~~] or suffers from chemical
12 dependency and the child is not currently receiving treatment
13 services for the mental illness, intellectual disability [~~mental~~
14 ~~retardation~~], or chemical dependency, the probation department
15 shall refer the child to the local mental health [~~or mental~~
16 ~~retardation~~] authority, to the local intellectual and
17 developmental disability authority, or to another appropriate and
18 legally authorized agency or provider for evaluation and services.

19 (d) A probation department shall report each referral of a
20 child to a local mental health [~~or mental retardation~~] authority,
21 to a local intellectual and developmental disability authority, or
22 to another agency or provider made under Subsection (b) or (c) to
23 the Texas Juvenile Justice Department in a format specified by the
24 department.

25 SECTION 5. Section 56.01(c), Family Code, is amended to
26 read as follows:

27 (c) An appeal may be taken:

1 (1) except as provided by Subsection (n), by or on
2 behalf of a child from an order entered under:

3 (A) Section 54.02 respecting transfer of the
4 child for prosecution as an adult;

5 (B) Section 54.03 with regard to delinquent
6 conduct or conduct indicating a need for supervision;

7 (C) Section 54.04 disposing of the case;

8 (D) Section 54.05 respecting modification of a
9 previous juvenile court disposition; or

10 (E) Chapter 55 by a juvenile court committing a
11 child to a facility for persons with mental illness [~~the mentally~~
12 ~~ill~~] or intellectual disabilities [~~intellectually disabled~~]; or

13 (2) by a person from an order entered under Section
14 54.11(i)(2) transferring the person to the custody of the Texas
15 Department of Criminal Justice.

16 SECTION 6. Sections 202.001(a) and (b), Human Resources
17 Code, are amended to read as follows:

18 (a) The board is composed of the following nine [~~13~~] members
19 appointed by the governor with the advice and consent of the senate:

20 (1) one member who is a district court judge of a court
21 designated as a juvenile court;

22 (2) one member who is a member [~~three members who are~~
23 ~~members~~] of a county commissioners court with juvenile justice
24 experience;

25 (3) one prosecutor in juvenile court;

26 (4) one chief juvenile probation officer of a juvenile
27 probation department serving a county with a population that

1 includes fewer than 7,500 persons younger than 18 years of age;

2 (5) one chief juvenile probation officer of a juvenile
3 probation department serving a county with a population that
4 includes at least 7,500 but fewer than 80,000 persons younger than
5 18 years of age;

6 (6) one chief juvenile probation officer of a juvenile
7 probation department serving a county with a population that
8 includes 80,000 or more persons younger than 18 years of age;

9 (7) one adolescent mental health treatment
10 professional licensed under Subtitle B or I, Title 3, Occupations
11 Code, or a representative from a local mental health authority
12 designated under Chapter 533, Health and Safety Code, who has
13 experience working with children;

14 (8) one member who is:

15 (A) an educator, as that term is defined by
16 Section 5.001, Education Code, with juvenile justice experience; or

17 (B) a juvenile justice professional with
18 experience managing a secure juvenile justice facility operated by
19 the department or a county; and

20 (9) one member [~~three members~~] of the general public.

21 (b) Members serve staggered six-year terms, with the terms
22 of three [~~four or five~~] members expiring on February 1 of each
23 odd-numbered year.

24 SECTION 7. Section 202.005, Human Resources Code, is
25 amended to read as follows:

26 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
27 probation officer who is a board member shall avoid the appearance

1 of a conflict of interest by not voting or participating in any
2 decision by the board that solely benefits or penalizes or
3 otherwise solely impacts the juvenile probation department over
4 which the chief juvenile probation officer has authority. The
5 chief juvenile probation officer may not vote or render any
6 decisions regarding matters of officer discipline [~~abuse and~~
7 ~~neglect~~] presented to the board regarding the chief juvenile
8 probation officer's department.

9 (a-1) If a juvenile justice professional is appointed as a
10 board member under Section 202.001(a)(8), the member shall avoid
11 the appearance of a conflict of interest by not voting or
12 participating in any decision by the board that solely benefits or
13 penalizes or otherwise solely impacts any juvenile probation
14 department or facility the professional is employed by or works for
15 under a contract. The professional may not vote or render any
16 decisions regarding matters of officer discipline presented to the
17 board regarding any juvenile probation department or facility the
18 professional is employed by or works for under a contract.

19 (b) The board may adopt recusal requirements in addition to
20 those described by Subsections [~~Subsection~~] (a) and (a-1),
21 including requirements that are more restrictive than those
22 described by those subsections [~~Subsection (a)~~].

23 SECTION 8. Section 202.006, Human Resources Code, is
24 amended by amending Subsection (b) and adding Subsection (d) to
25 read as follows:

26 (b) The training program must provide the person with
27 information regarding:

1 (1) the law governing department operations [~~the~~
2 ~~legislation that created the department~~];

3 (2) the programs, functions, rules, and budget of the
4 department;

5 (3) the scope of and limitations on the rulemaking
6 authority of the board;

7 (4) the results of the most recent formal audit of the
8 department;

9 (5) [~~(4)~~] the requirements of:

10 (A) laws relating to open meetings, public
11 information, administrative procedure, and disclosing conflicts of
12 interest; and

13 (B) other laws applicable to members of a state
14 policymaking body in performing their duties; and

15 (6) [~~(5)~~] any applicable ethics policies adopted by
16 the department or the Texas Ethics Commission.

17 (d) The executive director shall create a training manual
18 that includes the information required by Subsection (b). The
19 executive director shall distribute a copy of the training manual
20 annually to each member of the board. Each member of the board shall
21 sign and submit to the executive director a statement acknowledging
22 that the member received and has reviewed the training manual.

23 SECTION 9. Section [202.010](#), Human Resources Code, is
24 amended to read as follows:

25 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
26 Board and the Texas Juvenile Justice Department are subject to
27 Chapter [325](#), Government Code (Texas Sunset Act). Unless continued

1 in existence as provided by that chapter, the board and the
2 department are abolished September 1, 2025 [~~2023~~].

3 SECTION 10. Section 203.001, Human Resources Code, is
4 amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to
5 read as follows:

6 (b-1) The board may delegate to the executive director the
7 board's responsibilities as the board determines appropriate.

8 (b-2) In making a delegation under Subsection (b-1), the
9 board shall provide, as appropriate:

10 (1) to the executive director with respect to each
11 delegation:

12 (A) clear direction;

13 (B) performance measures; and

14 (C) reporting requirements; and

15 (2) to the department, sufficient oversight to ensure
16 that delegated responsibilities are performed according to the
17 mission and funding priorities described by Subsection (c).

18 (b-3) The executive director is a full-time employee of the
19 board and shall:

20 (1) perform the regular administrative functions of
21 the board and any other duty as the board directs; and

22 (2) under the direction of the board, perform the
23 duties required by this subtitle or designated by the board.

24 (b-4) The executive director may not perform a
25 discretionary or decision-making function for which the board is
26 solely responsible.

27 SECTION 11. Section 203.002, Human Resources Code, is

1 amended to read as follows:

2 Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

3 (1) employ an executive director to administer the
4 department; and

5 (2) supervise the director's administration of the
6 department.

7 (b) The executive director must possess the following
8 minimum qualifications:

9 (1) five years of experience in the field of juvenile
10 corrections or congregate care in an administrative capacity;

11 (2) three years of experience in the field of juvenile
12 corrections or congregate care in an administrative capacity and a
13 graduate degree from an institution of higher education in a
14 relevant field, including penology, adolescent development,
15 behavior management, or rehabilitative services; or

16 (3) seven years of experience in management and
17 administration of a government agency, institution of higher
18 education, or business enterprise of a size comparable to the
19 department.

20 (c) The department shall track the frequency with which the
21 executive director takes the following actions as defined by
22 department rule:

23 (1) selects a child for a conditional placement;

24 (2) selects a child for a home placement;

25 (3) waives the requirement for a child with a
26 determinate sentence to spend the child's entire minimum period of
27 confinement in a high-restriction facility;

1 (4) waives the requirement for a child to be on
2 intensive supervision when initially released on parole;

3 (5) authorizes early discharges for a child on parole;
4 or

5 (6) finalizes an appeal brought by an advocacy group
6 or social service provider who was denied certain access to
7 department facilities.

8 (d) The executive director shall provide the board and the
9 Sunset Advisory Commission at the beginning of each calendar
10 quarter aggregated data on the number of times each action
11 described by Subsection (c) was taken during the previous calendar
12 quarter.

13 SECTION 12. Section [203.0081](#), Human Resources Code, is
14 amended by amending Subsections (a) and (e) and adding Subsection
15 (c-1) to read as follows:

16 (a) The advisory council on juvenile services consists of:

17 (1) the executive director of the department or the
18 executive director's designee;

19 (2) the director of probation services of the
20 department or the director's designee;

21 (3) the director of state programs and facilities of
22 the department or the director's designee;

23 (4) the executive commissioner of the Health and Human
24 Services Commission or the commissioner's designee;

25 (5) one representative of the county commissioners
26 courts appointed by the board;

27 (6) two juvenile court judges appointed by the board;

1 [~~and~~]

2 (7) seven chief juvenile probation officers appointed
3 by the board as provided by Subsection (b); and

4 (8) the commissioner of the Department of Family and
5 Protective Services or the commissioner's designee.

6 (c-1) The board shall adopt rules regarding:

7 (1) the purpose, role, responsibility, goals, and
8 duration of the advisory council;

9 (2) the quorum requirement for the advisory council;

10 (3) training requirements for advisory council
11 members;

12 (4) policies to avoid conflicts of interest by
13 advisory council members;

14 (5) a periodic review process to evaluate the
15 continuing need for the advisory council;

16 (6) policies to ensure the advisory council does not
17 violate any provision of Chapter 551, Government Code, applicable
18 to the board or the advisory council;

19 (7) the appropriate level of participation from ex
20 officio advisory council members designated under Subsections
21 (a)(1)-(4); and

22 (8) reporting requirements and other communication
23 procedures between the board and the advisory council.

24 (e) The advisory council shall assist the department in:

25 (1) determining the needs and problems of county
26 juvenile boards and probation departments;

27 (2) conducting long-range strategic planning;

1 (3) reviewing and proposing revisions to existing or
2 newly proposed standards affecting juvenile probation programs,
3 services, or facilities;

4 (4) analyzing the potential cost impact on juvenile
5 probation departments of new standards proposed by the board; ~~and~~

6 (5) assessing and developing recommendations to
7 improve the sharing of information between agencies that serve
8 children, including agencies serving children in both the juvenile
9 justice and child welfare systems; and

10 (6) advising the board on any other matter on the
11 request of the board.

12 SECTION 13. Chapter 203, Human Resources Code, is amended
13 by adding Sections 203.0083, 203.0084, 203.0085, and 203.0101 to
14 read as follows:

15 Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

16 (a) The board by rule may establish advisory committees to make
17 recommendations to the board on programs, rules, and policies
18 administered by the board.

19 (b) In establishing an advisory committee under this
20 section, the board shall adopt rules, including rules regarding:

21 (1) the purpose, role, responsibility, goals, and
22 duration of the committee;

23 (2) the size of and quorum requirement for the
24 committee;

25 (3) qualifications for committee membership;

26 (4) appointment procedures for members;

27 (5) terms of service for members;

1 (6) training requirements for members;

2 (7) policies to avoid conflicts of interest by
3 members;

4 (8) a periodic review process to evaluate the
5 continuing need for the committee; and

6 (9) policies to ensure the committee does not violate
7 any provision of Chapter 551, Government Code, applicable to the
8 board or the committee.

9 (c) The board shall establish a youth career and technical
10 education advisory committee and adopt rules required by Subsection
11 (a) for the committee. The advisory committee shall assist the
12 department with overseeing and coordinating vocational training
13 for youth in the custody of the department, including training
14 provided by community colleges and other local entities with which
15 the department may partner.

16 Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
17 The department shall develop a comprehensive set of risk factors to
18 use in assessing the overall risk level of the facilities and
19 entities inspected by the department under:

20 (1) Chapter 51, Family Code;

21 (2) Section 221.008 of this code; and

22 (3) Subtitle C, Title 12, of this code.

23 (b) The risk factors described by Subsection (a) may
24 include:

25 (1) the entity type;

26 (2) available programming;

27 (3) past and repeat standards violations;

- 1 (4) the volume and types of complaints received by the
2 department;
- 3 (5) recent leadership changes;
- 4 (6) high staff turnover;
- 5 (7) relevant findings from the office of independent
6 ombudsman and the office of inspector general;
- 7 (8) negative media attention; and
- 8 (9) the number of months since the date of the
9 department's last inspection of the entity.

10 (c) The department shall use the risk factors developed
11 under this section to guide the inspections process for facilities
12 and entities described by Subsection (a) by developing risk
13 assessment tools with clear, objective standards to use in
14 assessing the overall risk level of each entity.

15 (d) The department may develop distinct assessment tools
16 under Subsection (c) for different entity types, as appropriate.

17 (e) The department shall periodically review the assessment
18 tools developed under this section to ensure that the tools remain
19 up to date and meaningful, as determined by the department.

20 Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department
21 shall adopt a policy prioritizing inspections conducted by the
22 department under:

- 23 (1) Chapter 51, Family Code;
- 24 (2) Section 221.008 of this code; and
- 25 (3) Subtitle C, Title 12, of this code.

26 (b) The policy under Subsection (a) must require the
27 department to:

1 (1) prioritize the inspection of entities based on the
2 relative risk level of each entity; and

3 (2) use the risk assessment tools established under
4 Section 203.0084 to determine how frequently and intensively the
5 department conducts risk-based inspections.

6 (c) The policy under Subsection (a) may provide for the
7 department to use alternative inspection methods for entities
8 determined to be low risk, including the following methods:

9 (1) desk audits of key documentation;

10 (2) abbreviated inspection procedures;

11 (3) videoconference technology; and

12 (4) other methods that are an alternative to
13 conducting an in-person inspection.

14 (d) On request by the department, a juvenile probation
15 department or a private facility under the department's
16 jurisdiction shall provide information to assist the department in
17 implementing a risk-based inspection schedule.

18 Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a)
19 The department shall make available on the department's Internet
20 website a statistical analysis of the complaints received against
21 certified officers by the department.

22 (b) The complaint analysis under this section must include
23 aggregate information on the number, source, type, and disposition
24 of complaints received against certified officers during the
25 preceding fiscal year and include the following information:

26 (1) the number of certified officers by certification
27 type;

1 (2) the number of complaints against certified
2 officers by certification type;

3 (3) the number of complaints resolved and the manner
4 of resolution, including:

5 (A) the total number of agreed, default, and
6 board orders entered;

7 (B) the total number of cases referred for
8 contested case hearings by the State Office of Administrative
9 Hearings;

10 (C) the total number of contested cases heard by
11 the State Office of Administrative Hearings; and

12 (D) the total number of contested cases that were
13 appealed to a district court;

14 (4) the average number of days required to resolve a
15 complaint;

16 (5) a detailed analysis of the resolution for each
17 closed complaint, by the nature of the alleged violation; and

18 (6) a detailed analysis of each closed complaint, by
19 source.

20 SECTION 14. Section [203.013](#), Human Resources Code, is
21 amended by adding Subsection (c) to read as follows:

22 (c) The executive director shall acknowledge receipt of and
23 discuss the results of internal audits with the board.

24 SECTION 15. Section [203.017](#), Human Resources Code, is
25 amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and
26 amending Subsection (e) to read as follows:

27 (a-1) The department shall update and submit the

1 regionalization plan developed under Subsection (a) to the Sunset
2 Advisory Commission and standing legislative committees with
3 primary jurisdiction over juvenile justice matters by December 1 of
4 each even-numbered year. Before submitting the plan, the
5 department must present an updated draft of the regionalization
6 plan to the board for public comment and board approval.

7 (a-2) The department may incorporate relevant suggestions,
8 needs, or recommendations from the regionalization plan into
9 subsequent strategic plans, legislative appropriation requests,
10 and any other necessary document to support the plan's
11 implementation.

12 (b-1) In addition to the requirements of Subsection (b), in
13 developing the regionalization plan, the department shall consult
14 with:

15 (1) the advisory council on juvenile services;
16 (2) juvenile probation departments;
17 (3) regional juvenile probation associations;
18 (4) advocacy groups;
19 (5) parents and guardians of children under the
20 jurisdiction of the department;

21 (6) individuals formerly involved in the juvenile
22 justice system; and

23 (7) any other stakeholder the department determines
24 may be helpful.

25 (e) The regionalization plan must, as applicable:

26 (1) include a budget review, redirection of staff, and
27 funding mechanisms necessary to support the plan;

1 (2) create a new division of the department
2 responsible for administering the regionalization plan and
3 monitoring program quality and accountability;

4 (3) ~~[include sufficient mechanisms to divert at least,
5 [(A) 30 juveniles from commitment to secure
6 facilities operated by the department for the state fiscal year
7 beginning September 1, 2015; and~~

8 ~~[(B) 150 juveniles from commitment to secure
9 facilities operated by the department for the state fiscal year
10 beginning September 1, 2016; and~~

11 ~~[(4)]~~ for the state fiscal year beginning September 1,
12 2017, and each subsequent state fiscal year, include any savings
13 that are generated by the decreases in the population of the secure
14 facilities operated by the department under Subtitle C that exceed
15 the cost of implementing the plan;

16 (4) include information on:

17 (A) the department's compliance with statutory
18 regionalization requirements; and

19 (B) internal goals for diverting children from
20 commitment to the department; and

21 (5) include specific, actionable steps regarding how
22 the department will enhance regional capacity, coordination, and
23 collaboration among juvenile probation departments to keep
24 children closer to home as an alternative to commitment to the
25 department's facilities while ensuring access to programs and the
26 supervision necessary to maintain public safety.

27 (e-1) In developing the steps under Subsection (e)(5), the

1 department shall consider:

2 (1) options to target or expand funding for juvenile
3 probation departments to enhance community-based programs and
4 maximize the use of existing juvenile justice beds;

5 (2) opportunities to use financial and other
6 incentives to encourage diversion, facilitate cooperation within
7 and across the regions established under Subsection (c), and
8 emphasize the benefits of sharing available resources among
9 counties;

10 (3) plans for creating additional capacity to minimize
11 gaps in juvenile justice beds and services at the local level,
12 including the expansion or development of beds and facilities
13 designated specifically for regional use; and

14 (4) processes for downsizing, closing, or repurposing
15 large state secure facilities to shift toward a more regionally
16 based juvenile justice system.

17 SECTION 16. Section 203.018(e), Human Resources Code, is
18 amended to read as follows:

19 (e) The department or any local probation department may
20 ~~[not]~~ use or contract with a facility that was constructed or
21 previously used for the confinement of adult offenders if the
22 department determines that the facility is appropriately
23 retrofitted to accommodate youth-specific requirements and needs.

24 SECTION 17. Chapter 203, Human Resources Code, is amended
25 by adding Section 203.0185 to read as follows:

26 Sec. 203.0185. RESOURCE MAPPING. (a) The department shall
27 partner with one or more public or private institutions of higher

1 education to inventory and map resources available for children in
2 the juvenile justice system. To determine the types of information
3 the department requires to timely identify and address resource,
4 program, and service gaps in probation regions that result in
5 commitments to department secure facilities, the department shall
6 consult with:

- 7 (1) institutions of higher education;
- 8 (2) the advisory council on juvenile services; and
- 9 (3) other relevant stakeholders.

10 (b) The board shall adopt rules requiring juvenile
11 probation departments, at useful and reasonable intervals, to
12 report to the department relevant information on resource, program,
13 and service gaps identified under Subsection (a), including
14 information on:

- 15 (1) the needs of children committed to the department
16 that are not being met with community resources; and
- 17 (2) the types of resources, programs, and services
18 that, if available in the community, may allow juvenile probation
19 departments to keep children closer to home as an alternative to
20 commitment to the department.

21 SECTION 18. Section [221.002](#), Human Resources Code, is
22 amended by adding Subsection (d-1) to read as follows:

23 (d-1) In adopting rules under Subsection (a)(4), the board
24 shall authorize a juvenile probation department to house a child
25 committed to the department in a pre-adjudication secure detention
26 facility or a post-adjudication secure correctional facility as the
27 child awaits transfer to the department.

1 SECTION 19. Section 221.056(a), Human Resources Code, is
2 amended to read as follows:

3 (a) The department may contract with a local mental health
4 ~~[and mental retardation]~~ authority for the establishment of a
5 residential treatment facility for juveniles with mental illness or
6 emotional injury who, as a condition of juvenile probation, are
7 ordered by a court to reside at the facility and receive education
8 services at the facility. The department may work in cooperation
9 with the local mental health ~~[and mental retardation]~~ authority to
10 provide mental health residential treatment services for juveniles
11 residing at a facility established under this section.

12 SECTION 20. Section 222.001, Human Resources Code, is
13 amended by amending Subsection (a) and adding Subsection (b-1) to
14 read as follows:

15 (a) To be eligible for appointment as a probation officer, a
16 person who was not employed as a probation officer before September
17 1, 1981, must:

18 (1) ~~[be of good moral character,~~
19 ~~[(2) have acquired a bachelor's degree conferred by a~~
20 ~~college or university accredited by an accrediting organization~~
21 ~~recognized by the Texas Higher Education Coordinating Board,~~

22 ~~[(3) have either:~~
23 ~~[(A) one year of graduate study in criminology,~~
24 ~~corrections, counseling, law, social work, psychology, sociology,~~
25 ~~or other field of instruction approved by the department, or~~

26 ~~[(B) one year of experience in full-time case~~
27 ~~work, counseling, or community or group work.~~

1 ~~[(i) in a social service, community,~~
2 ~~corrections, or juvenile agency that deals with offenders or~~
3 ~~disadvantaged persons; and~~

4 ~~[(ii) that the department determines~~
5 ~~provides the kind of experience necessary to meet this requirement;~~

6 ~~[(4)]~~ have satisfactorily completed the course of
7 preservice training or instruction and any continuing education
8 required by the department;

9 (2) ~~[(5)]~~ have passed the tests or examinations
10 required by the department; and

11 (3) ~~[(6)]~~ possess the level of certification required
12 by the department.

13 (b-1) The department by rule shall establish, with input
14 from the advisory council on juvenile services and other relevant
15 stakeholders, the minimum education and experience requirements a
16 person must meet to be eligible for a juvenile probation officer
17 certification. Rules adopted by the department under this
18 subsection must be the least restrictive rules possible to ensure
19 certified juvenile probation officers are qualified to protect
20 children and public safety without creating barriers to entry into
21 the profession.

22 SECTION 21. Section [222.002](#), Human Resources Code, is
23 amended to read as follows:

24 Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. To
25 be eligible for appointment as a detention officer, a person who was
26 not employed as a detention officer before September 1, 2005, must:

27 (1) ~~[be of good moral character;~~

- 1 ~~(1)~~ be at least 21 years of age;
- 2 (2) ~~(3)~~ have acquired a high school diploma or its
- 3 equivalent;
- 4 (3) ~~(4)~~ have satisfactorily completed the course of
- 5 preservice training or instruction required by the department;
- 6 (4) ~~(5)~~ have passed the tests or examinations
- 7 required by the department; and
- 8 (5) ~~(6)~~ possess the level of certification required
- 9 by the department.

10 SECTION 22. Subchapter B, Chapter 222, Human Resources

11 Code, is amended by adding Sections 222.0521 and 222.0522 to read as

12 follows:

13 Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53,

14 Occupations Code, applies to the issuance of a certification issued

15 by the department.

16 Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The

17 department may issue a provisional certification to an employee of

18 a juvenile probation department or a private facility that houses

19 youth on probation until the employee is certified under Section

20 222.001, 222.002, or 222.003, as applicable.

21 (b) The department shall adopt rules to implement

22 Subsection (a), including rules regarding eligibility for

23 provisional certification and application procedures.

24 SECTION 23. Section 223.001, Human Resources Code, is

25 amended by adding Subsections (a-1), (a-2), and (d-1) and amending

26 Subsection (c) to read as follows:

27 (a-1) The department may incorporate as factors in the basic

1 probation funding formula under Subsection (a) measures that create
2 incentives for diverting children from the juvenile justice system.
3 The department may prioritize factors for which the department
4 collects relevant information. The board may adopt rules
5 establishing and defining the factors under this subsection.

6 (a-2) When revising the basic probation funding formula
7 under Subsection (a), the department shall consult and coordinate
8 with relevant stakeholders, including:

9 (1) the advisory council on juvenile services; and

10 (2) the Legislative Budget Board.

11 (c) The department shall set aside a portion of the funds
12 appropriated to the department for discretionary state aid to fund
13 programs designed to address special needs or projects of local
14 juvenile boards, including projects dedicated to specific target
15 populations based on risk and needs, and with established
16 recidivism reduction goals. The department shall develop
17 discretionary grant funding protocols based on documented,
18 data-driven, and research-based practices. The department may
19 incorporate incentives into the discretionary grant funding
20 protocols that encourage collaboration between juvenile probation
21 departments.

22 (d-1) The board, in consultation with the advisory council
23 on juvenile services, shall adopt rules requiring a juvenile
24 probation department to apply for the placement of a child in a
25 regional specialized program before a juvenile court commits the
26 child to the department's custody under Chapter 54, Family Code.
27 The board by rule may establish exceptions to this requirement for

1 offenses or circumstances the department considers inappropriate
2 for diversion from commitment to state custody.

3 SECTION 24. Chapter 241, Human Resources Code, is amended
4 by adding Section 241.009 to read as follows:

5 Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than
6 October 1 of each year, the department shall publish on the
7 department's Internet website aggregated information on the number
8 of children committed to the department during the previous fiscal
9 year, categorized by:

- 10 (1) committing offense level;
- 11 (2) sentence type;
- 12 (3) age; and
- 13 (4) sex.

14 (b) The department shall publish quarterly on the
15 department's Internet website end-of-month data described by
16 Subsection (a), aggregated for all children committed to the
17 department and for children placed in each secure facility and
18 halfway house.

19 (c) The department shall ensure that information regarding
20 an individual child cannot be identified in any of the aggregated
21 information published under this section.

22 SECTION 25. The heading to Section 242.002, Human Resources
23 Code, is amended to read as follows:

24 Sec. 242.002. [~~EVALUATION OF~~] TREATMENT PROGRAMS;
25 AVAILABILITY.

26 SECTION 26. Sections 242.002(c) and (d), Human Resources
27 Code, are amended to read as follows:

1 (c) The department shall offer or make available programs
2 for the rehabilitation and reestablishment in society of children
3 committed to the department, including programs for females and for
4 sex offenders, capital offenders, children who are chemically
5 dependent, and children with mental illness, [~~described by~~
6 ~~Subsection (a)]~~ in an adequate manner so that a child in the custody
7 of the department receives appropriate rehabilitation services
8 recommended for the child by the court committing the child to the
9 department.

10 (d) If the department is unable to offer or make available
11 programs described by [~~Subsection (a) in the manner provided by~~]
12 Subsection (c), the department shall, not later than December 31 of
13 each even-numbered year, provide the standing committees of the
14 senate and house of representatives with primary jurisdiction over
15 matters concerning correctional facilities with a report
16 explaining:

17 (1) which programs are not offered or are unavailable;
18 and

19 (2) the reason the programs are not offered or are
20 unavailable.

21 SECTION 27. Section 242.056(a), Human Resources Code, is
22 amended to read as follows:

23 (a) The department shall allow advocacy and support groups
24 whose primary functions are to benefit children, inmates, girls and
25 women, persons with mental illness [~~the mentally ill~~], or victims
26 of sexual assault to provide on-site information, support, and
27 other services for children confined in department facilities.

1 SECTION 28. Section 242.102, Human Resources Code, is
2 amended by adding Subsection (c-1) to read as follows:

3 (c-1) The board by rule shall require any findings related
4 to an administrative investigation under Subsection (a)(2) to be
5 reviewed for legal sufficiency before being made public.

6 SECTION 29. Section 243.001, Human Resources Code, is
7 amended by adding Subsection (d) to read as follows:

8 (d) The department shall place a child in the most
9 restrictive setting appropriate as the child awaits an adjudication
10 or prosecution for conduct constituting a felony of the first or
11 second degree while in the department's custody. The board by rule
12 shall establish placement procedures that guide the department in
13 determining the most appropriate setting for the child based on
14 rehabilitative needs while preserving due process rights.

15 SECTION 30. The heading to Section 244.011, Human Resources
16 Code, is amended to read as follows:

17 Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL
18 DISABILITIES [~~MENTAL RETARDATION~~].

19 SECTION 31. Sections 244.011(a), (b), (e), (f), and (g),
20 Human Resources Code, are amended to read as follows:

21 (a) The department shall accept a child with mental illness
22 or intellectual disabilities who is committed to the department
23 [~~who is mentally ill or mentally retarded~~].

24 (b) Unless the [~~a~~] child is committed to the department
25 under a determinate sentence under Section 54.04(d)(3), 54.04(m),
26 or 54.05(f), Family Code, the department shall discharge a child
27 with mental illness or intellectual disabilities [~~who is mentally~~

1 ~~ill or mentally retarded~~] from its custody if:

2 (1) the child has completed the minimum length of stay
3 for the child's committing offense; and

4 (2) the department determines that the child is unable
5 to progress in the department's rehabilitation programs because of
6 the child's mental illness or intellectual disabilities [~~mental~~
7 ~~retardation~~].

8 (e) If a child who is discharged from the department under
9 Subsection (b) as a result of an intellectual disability [~~mental~~
10 ~~retardation~~] is not receiving intellectual disability [~~mental~~
11 ~~retardation~~] services, the child's discharge is effective on the
12 earlier of:

13 (1) the date the court enters an order regarding an
14 application for intellectual disability [~~mental—retardation~~]
15 services filed under Section 244.012(b); or

16 (2) the 30th day after the date that the application is
17 filed.

18 (f) If a child who is discharged from the department under
19 Subsection (b) as a result of an intellectual disability [~~mental~~
20 ~~retardation~~] is receiving intellectual disability [~~mental~~
21 ~~retardation~~] services, the child's discharge from the department
22 is effective immediately.

23 (g) If a child with mental illness or intellectual
24 disabilities [~~who is mentally ill or mentally retarded~~] is
25 discharged from the department under Subsection (b), the child is
26 eligible to receive continuity of care services from the Texas
27 Correctional Office on Offenders with Medical or Mental Impairments

1 under Chapter 614, Health and Safety Code.

2 SECTION 32. Section 244.012, Human Resources Code, is
3 amended to read as follows:

4 Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The
5 department shall establish a system that identifies children with
6 mental illness or intellectual disabilities in the department's
7 custody [~~who are mentally ill or mentally retarded~~].

8 (b) Before a child with mental illness [~~who is identified as~~
9 ~~mentally ill~~] is discharged from the department's custody under
10 Section 244.011(b), a department psychiatrist shall examine the
11 child. The department shall refer a child requiring outpatient
12 psychiatric treatment to the appropriate mental health authority.
13 For a child requiring inpatient psychiatric treatment, the
14 department shall file a sworn application for court-ordered mental
15 health services, as provided in Subchapter C, Chapter 574, Health
16 and Safety Code, if:

17 (1) the child is not receiving court-ordered mental
18 health services; and

19 (2) the psychiatrist who examined the child determines
20 that the child is a child with mental illness [~~mentally ill~~] and the
21 child meets at least one of the criteria listed in Section 574.034
22 or 574.0345, Health and Safety Code.

23 (c) Before a child who is identified as having an
24 intellectual disability [~~mentally retarded~~] under Chapter 593,
25 Health and Safety Code, is discharged from the department's custody
26 under Section 244.011(b), the department shall refer the child for
27 intellectual disability [~~mental retardation~~] services if the child

1 is not receiving intellectual disability [~~mental retardation~~]
2 services.

3 SECTION 33. Section 244.014, Human Resources Code, is
4 amended by adding Subsection (a-1) to read as follows:

5 (a-1) After a child sentenced to commitment under Section
6 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years
7 of age but before the child becomes 19 years of age, the department
8 shall refer the child to the juvenile court that entered the order
9 of commitment for approval of the child's transfer to the Texas
10 Department of Criminal Justice for confinement if:

- 11 (1) the child has not completed the sentence;
12 (2) while the child was committed to the custody of the
13 department, the child was subsequently adjudicated or convicted for
14 conduct constituting a felony of the first or second degree or an
15 offense punishable under Section 22.01(b)(1), Penal Code; and
16 (3) the child was at least 16 years of age at the time
17 the conduct occurred.

18 SECTION 34. Sections 245.0535(h) and (i), Human Resources
19 Code, are amended to read as follows:

- 20 (h) The department shall conduct and coordinate research:
21 (1) to determine whether the comprehensive reentry and
22 reintegration plan developed under this section reduces recidivism
23 rates; and
24 (2) to review the effectiveness of the department's
25 programs for the rehabilitation and reestablishment in society of
26 children committed to the department, including programs for
27 females and for sex offenders, capital offenders, children who are

1 chemically dependent, and children with mental illness.

2 (i) Not later than December 31 of each even-numbered year,
3 the department shall deliver a report of the results of research
4 conducted or coordinated under Subsection (h) to the lieutenant
5 governor, the speaker of the house of representatives, the
6 Legislative Budget Board, and the standing committees of each house
7 of the legislature with primary jurisdiction over juvenile justice
8 and corrections.

9 SECTION 35. Section 261.002, Human Resources Code, is
10 amended to read as follows:

11 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of
12 independent ombudsman is a state agency established for the purpose
13 of investigating, evaluating, and securing the rights of [~~the~~]
14 children:

15 (1) committed to the department, including a child
16 released under supervision before final discharge; and

17 (2) adjudicated for conduct that constitutes an
18 offense and placed in a facility operated by or contracted with a
19 juvenile probation department or juvenile board.

20 SECTION 36. Section 261.056(a), Human Resources Code, is
21 amended to read as follows:

22 (a) The department shall allow any child committed to the
23 department or adjudicated for conduct that constitutes an offense
24 and placed in a facility operated by or contracted with a juvenile
25 probation department or juvenile board to communicate with the
26 independent ombudsman or an assistant to the ombudsman. The
27 communication:

1 (1) may be in person, by mail, or by any other means;
2 and

3 (2) is confidential and privileged.

4 SECTION 37. Section 261.057, Human Resources Code, is
5 amended to read as follows:

6 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The
7 independent ombudsman shall promote awareness among the public and
8 the children committed to the department or adjudicated for conduct
9 that constitutes an offense and placed in a facility operated by or
10 contracted with a juvenile probation department or juvenile board
11 of:

- 12 (1) how the office may be contacted;
13 (2) the purpose of the office; and
14 (3) the services the office provides.

15 SECTION 38. Section 261.061(c), Human Resources Code, is
16 amended to read as follows:

17 (c) The office shall periodically notify the complaint
18 parties of the status of the complaint until final disposition
19 unless the notice would jeopardize an investigation.

20 SECTION 39. Section 261.101, Human Resources Code, is
21 amended by amending Subsection (a) and adding Subsection (g) to
22 read as follows:

23 (a) The independent ombudsman shall:

24 (1) review the procedures established by the board and
25 evaluate the delivery of services to children to ensure that the
26 rights of children are fully observed;

27 (2) review complaints filed with the independent

1 ombudsman concerning the actions of the department, juvenile
2 probation departments, or other entities operating facilities in
3 which children adjudicated for conduct that constitutes an offense
4 are placed and investigate each complaint in which it appears that a
5 child may be in need of assistance from the independent ombudsman;

6 (3) conduct investigations of complaints, other than
7 complaints alleging criminal behavior, if the office determines
8 that:

9 (A) a child committed to the department, a child
10 adjudicated for conduct that constitutes an offense and placed in a
11 facility operated by or contracted with a juvenile probation
12 department or juvenile board, or the child's family may be in need
13 of assistance from the office; or

14 (B) a systemic issue raised in a complaint about
15 the ~~[department's]~~ provision of services to children by the
16 department, juvenile probation departments, or other entities
17 operating facilities in which children adjudicated for conduct that
18 constitutes an offense are placed ~~[is raised by a complaint]~~;

19 (4) review or inspect periodically the facilities and
20 procedures of any institution or residence in which a child
21 adjudicated for conduct that constitutes an offense has been placed
22 by the department or a juvenile probation department, whether
23 public or private, to ensure that the rights of children are fully
24 observed;

25 (5) provide assistance to a child or family who the
26 independent ombudsman determines is in need of assistance,
27 including advocating with an agency, provider, or other person in

1 the best interests of the child;

2 (6) review court orders as necessary to fulfill its
3 duties;

4 (7) recommend changes in any procedure relating to the
5 treatment of children committed to the department or adjudicated
6 for conduct that constitutes an offense and placed in a facility
7 operated by or contracted with a juvenile probation department or
8 juvenile board;

9 (8) make appropriate referrals under any of the duties
10 and powers listed in this subsection;

11 (9) supervise assistants who are serving as advocates
12 in internal administrative and disciplinary hearings by
13 representing [~~in their representation of~~] children committed to the
14 department or adjudicated for conduct that constitutes an offense
15 and placed in a facility operated by or contracted with a juvenile
16 probation department or juvenile board [~~internal administrative~~
17 ~~and disciplinary hearings~~];

18 (10) review reports received by the department
19 relating to complaints regarding juvenile probation programs,
20 services, or facilities and analyze the data contained in the
21 reports to identify trends in complaints;

22 (11) report a possible standards violation by a
23 [~~local~~] juvenile probation department to the appropriate division
24 of the department; and

25 (12) immediately report the findings of any
26 investigation related to the operation of a post-adjudication
27 correctional facility in a county to the chief juvenile probation

1 officer and the juvenile board of the county.

2 (g) The department and juvenile probation departments shall
3 notify the office regarding any private facility described by
4 Subsection (f)(1) with which the department or the juvenile
5 probation department contracts to place children adjudicated as
6 having engaged in conduct indicating a need for supervision or
7 delinquent conduct. The report under this subsection must be made
8 annually and updated at the time a new contract is entered into with
9 a facility described by this subsection. The office shall adopt
10 rules to implement the reporting requirements under this
11 subsection, including the specific times the report must be made.

12 SECTION 40. Section [261.102](#), Human Resources Code, is
13 amended to read as follows:

14 Sec. 261.102. TREATMENT OF [~~DEPARTMENT~~] EMPLOYEES WHO
15 COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile
16 probation department, or another entity operating a facility in
17 which children adjudicated for conduct that constitutes an offense
18 are placed may not discharge or in any manner discriminate or
19 retaliate against an employee who in good faith makes a complaint to
20 the office of independent ombudsman or cooperates with the office
21 in an investigation.

22 SECTION 41. Subchapter [C](#), Chapter [261](#), Human Resources
23 Code, is amended by adding Sections 261.105 and 261.106 to read as
24 follows:

25 Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
26 The office shall develop a comprehensive set of risk factors to use
27 in assessing the overall risk level of facilities and entities

1 described by Section 261.101(f) and of department parole offices.

2 The risk factors may include:

3 (1) the entity type;

4 (2) past and repeat children's rights violations;

5 (3) the volume and types of complaints received by the
6 office;

7 (4) recent changes in a facility or parole office
8 leadership;

9 (5) high staff turnover;

10 (6) relevant investigations by the office of the
11 inspector general of the department;

12 (7) negative media attention; and

13 (8) the number of months since the date of the office's
14 last inspection of the entity.

15 (b) The office shall use the risk factors developed under
16 this section to guide the inspections of facilities and entities
17 described by Section 261.101(f), and of department parole offices,
18 by developing risk assessment tools with clear, objective standards
19 to use in assessing the overall risk level of each facility, entity,
20 or parole office.

21 (c) The office may develop distinct assessment tools under
22 Subsection (b) for different entity types, as appropriate.

23 (d) The office shall periodically review the assessment
24 tools developed under this section to ensure that the tools remain
25 up to date and meaningful, as determined by the office.

26 Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office
27 shall adopt a policy prioritizing the inspection of facilities

1 conducted under Section 261.101(f) and of department parole offices
2 based on the relative risk level of each entity.

3 (b) The policy under Subsection (a) must require the office
4 to use the risk assessment tools established under Section 261.105
5 to determine how frequently and intensively the office conducts
6 risk-based inspections.

7 (c) The policy under Subsection (a) may provide for the
8 office to use alternative inspection methods for entities
9 determined to be low risk, including the following methods:

- 10 (1) desk audits of key documentation;
11 (2) abbreviated inspection procedures;
12 (3) videoconference technology; and
13 (4) other methods that are an alternative to
14 conducting an in-person inspection.

15 (d) On request by the office, the department, a juvenile
16 probation department, or a private facility under the office's
17 jurisdiction shall provide information to assist the office in
18 implementing a risk-based inspection schedule.

19 SECTION 42. Section 261.151(c), Human Resources Code, is
20 amended to read as follows:

21 (c) A local law enforcement agency shall allow the
22 independent ombudsman access to its records relating to any child
23 in the care or custody of the department or any child adjudicated
24 for conduct that constitutes an offense and placed in a facility
25 operated by or contracted with a juvenile probation department or
26 juvenile board.

27 SECTION 43. Section 261.152, Human Resources Code, is

1 amended to read as follows:

2 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.
3 The independent ombudsman shall have access to the records of a
4 private entity that relate to a child committed to the department or
5 a child adjudicated for conduct that constitutes an offense and
6 placed in a private facility contracted with a juvenile probation
7 department or juvenile board.

8 SECTION 44. Subchapter D, Chapter 261, Human Resources
9 Code, is amended by adding Section 261.153 to read as follows:

10 Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION
11 DEPARTMENTS. The independent ombudsman shall have access to the
12 records of a juvenile probation department that relate to a child
13 adjudicated for conduct that constitutes an offense and placed in a
14 facility operated by or contracted with a juvenile probation
15 department or juvenile board.

16 SECTION 45. The following provisions of the Human Resources
17 Code are repealed:

- 18 (1) Sections 222.001(b) and (f);
19 (2) Sections 242.002(a) and (b); and
20 (3) Section 246.002.

21 SECTION 46. (a) Not later than January 1, 2024, the Texas
22 Juvenile Justice Department shall repeal any rule requiring that an
23 individual must be of good moral character to qualify for a
24 department certification.

25 (b) Not later than December 1, 2024, the Texas Juvenile
26 Justice Department shall submit the first updated regionalization
27 plan required by Section 203.017(a-1), Human Resources Code, as

1 added by this Act.

2 SECTION 47. (a) Notwithstanding Section 202.001(b), Human
3 Resources Code, as amended by this Act, and except as otherwise
4 provided by this subsection, the term for a member of the Texas
5 Juvenile Justice Board serving on September 1, 2023, expires on
6 that date. A board member serving on that date may continue to
7 serve as a member of the board until a majority of appointments to
8 the board are made under Subsection (b) of this section. A member
9 of the board described by this subsection is eligible for
10 reappointment under Subsection (b) of this section.

11 (b) In making the initial appointments to the board
12 according to the changes in law made by this Act to Section 202.001,
13 Human Resources Code, the governor shall designate:

14 (1) three members to serve terms expiring February 1,
15 2025;

16 (2) three members to serve terms expiring February 1,
17 2027; and

18 (3) three members to serve terms expiring February 1,
19 2029.

20 SECTION 48. (a) Except as provided by Subsection (b) of
21 this section, Section 202.006, Human Resources Code, as amended by
22 this Act, applies to a member of the Texas Juvenile Justice Board
23 appointed before, on, or after the effective date of this Act.

24 (b) A member of the Texas Juvenile Justice Board who before
25 the effective date of this Act completed the training program
26 required by Section 202.006, Human Resources Code, as that law
27 existed before the effective date of this Act, is only required to

1 complete additional training on the subjects added by this Act to
2 the training program required by Section 202.006, Human Resources
3 Code. A board member described by this subsection may not vote,
4 deliberate, or be counted as a member in attendance at a meeting of
5 the board held on or after December 1, 2023, until the member
6 completes the additional training.

7 SECTION 49. (a) For purposes of Section 202.010, Human
8 Resources Code, as amended by this Act, the Sunset Advisory
9 Commission shall conduct a limited-scope review of the Texas
10 Juvenile Justice Department for the 89th Legislature.

11 (b) In conducting the limited-scope review under this
12 section, the Sunset Advisory Commission staff evaluation and report
13 must:

14 (1) review the implementation of the Sunset Advisory
15 Commission's recommendations adopted by the commission and
16 statutory recommendations for the Texas Juvenile Justice
17 Department and the office of independent ombudsman for the Texas
18 Juvenile Justice Department made to the 88th Legislature;

19 (2) identify the barriers to implementing the
20 recommendations under Subdivision (1) of this subsection;

21 (3) identify any changes needed to improve
22 coordination between the Texas Juvenile Justice Department and the
23 Texas Department of Criminal Justice, particularly for children
24 transferred from the custody of the Texas Juvenile Justice
25 Department to the custody of the Texas Department of Criminal
26 Justice; and

27 (4) review the decision-making processes involving

1 the Texas Juvenile Justice Board and executive director to evaluate
2 any needed changes in board engagement, delegation of duties, staff
3 discretion, and transparency.

4 (c) The Sunset Advisory Commission's recommendations to the
5 89th Legislature may include any recommendation the commission
6 considers appropriate based on the limited-scope review conducted
7 under this section.

8 SECTION 50. This Act takes effect September 1, 2023.