

By: Schwertner, et al.
(Canales, Dutton)

S.B. No. 1727

Substitute the following for S.B. No. 1727:

By: Dutton

C.S.S.B. No. 1727

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Texas Juvenile
3 Justice Department, the functions of the office of independent
4 ombudsman for the Texas Juvenile Justice Department, and the powers
5 and duties of the office of inspector general of the Texas Juvenile
6 Justice Department.

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

8 SECTION 1. Article 2.12, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
11 officers:

12 (1) sheriffs, their deputies, and those reserve
13 deputies who hold a permanent peace officer license issued under
14 Chapter 1701, Occupations Code;

15 (2) constables, deputy constables, and those reserve
16 deputy constables who hold a permanent peace officer license issued
17 under Chapter 1701, Occupations Code;

18 (3) marshals or police officers of an incorporated
19 city, town, or village, and those reserve municipal police officers
20 who hold a permanent peace officer license issued under Chapter
21 1701, Occupations Code;

22 (4) rangers, officers, and members of the reserve
23 officer corps commissioned by the Public Safety Commission and the
24 Director of the Department of Public Safety;

1 (5) investigators of the district attorneys', criminal
2 district attorneys', and county attorneys' offices;

3 (6) law enforcement agents of the Texas Alcoholic
4 Beverage Commission;

5 (7) each member of an arson investigating unit
6 commissioned by a city, a county, or the state;

7 (8) officers commissioned under Section 37.081,
8 Education Code, or Subchapter E, Chapter 51, Education Code;

9 (9) officers commissioned by the General Services
10 Commission;

11 (10) law enforcement officers commissioned by the
12 Parks and Wildlife Commission;

13 (11) officers commissioned under Chapter 23,
14 Transportation Code;

15 (12) municipal park and recreational patrolmen and
16 security officers;

17 (13) security officers and investigators commissioned
18 as peace officers by the comptroller;

19 (14) officers commissioned by a water control and
20 improvement district under Section 49.216, Water Code;

21 (15) officers commissioned by a board of trustees
22 under Chapter 54, Transportation Code;

23 (16) investigators commissioned by the Texas Medical
24 Board;

25 (17) officers commissioned by:

26 (A) the board of managers of the Dallas County
27 Hospital District, the Tarrant County Hospital District, the Bexar

1 County Hospital District, or the El Paso County Hospital District
2 under Section 281.057, Health and Safety Code;

3 (B) the board of directors of the Ector County
4 Hospital District under Section 1024.117, Special District Local
5 Laws Code;

6 (C) the board of directors of the Midland County
7 Hospital District of Midland County, Texas, under Section 1061.121,
8 Special District Local Laws Code; and

9 (D) the board of hospital managers of the Lubbock
10 County Hospital District of Lubbock County, Texas, under Section
11 1053.113, Special District Local Laws Code;

12 (18) county park rangers commissioned under
13 Subchapter E, Chapter 351, Local Government Code;

14 (19) investigators employed by the Texas Racing
15 Commission;

16 (20) officers commissioned under Chapter 554,
17 Occupations Code;

18 (21) officers commissioned by the governing body of a
19 metropolitan rapid transit authority under Section 451.108,
20 Transportation Code, or by a regional transportation authority
21 under Section 452.110, Transportation Code;

22 (22) investigators commissioned by the attorney
23 general under Section 402.009, Government Code;

24 (23) security officers and investigators commissioned
25 as peace officers under Chapter 466, Government Code;

26 (24) officers appointed by an appellate court under
27 Subchapter F, Chapter 53, Government Code;

1 (25) officers commissioned by the state fire marshal
2 under Chapter 417, Government Code;

3 (26) an investigator commissioned by the commissioner
4 of insurance under Section 701.104, Insurance Code;

5 (27) officers appointed by the inspector general of
6 ~~[apprehension specialists and inspectors general commissioned by]~~
7 the Texas Juvenile Justice Department ~~[as officers]~~ under Section
8 ~~[Sections]~~ 242.102 ~~[and 243.052]~~, Human Resources Code;

9 (28) officers appointed by the inspector general of
10 the Texas Department of Criminal Justice under Section 493.019,
11 Government Code;

12 (29) investigators commissioned by the Texas
13 Commission on Law Enforcement under Section 1701.160, Occupations
14 Code;

15 (30) commission investigators commissioned by the
16 Texas Private Security Board under Section 1702.061, Occupations
17 Code;

18 (31) the fire marshal and any officers, inspectors, or
19 investigators commissioned by an emergency services district under
20 Chapter 775, Health and Safety Code;

21 (32) officers commissioned by the State Board of
22 Dental Examiners under Section 254.013, Occupations Code, subject
23 to the limitations imposed by that section; and

24 (33) ~~[investigators commissioned by the Texas~~
25 ~~Juvenile Justice Department as officers under Section 221.011,~~
26 ~~Human Resources Code, and~~

27 ~~[(34)]~~ the fire marshal and any related officers,

1 inspectors, or investigators commissioned by a county under
2 Subchapter B, Chapter 352, Local Government Code.

3 SECTION 2. Articles 18B.001(1) and (4), Code of Criminal
4 Procedure, are amended to read as follows:

5 (1) "Authorized peace officer" means:

6 (A) a sheriff or deputy sheriff;

7 (B) a constable or deputy constable;

8 (C) a marshal or police officer of a
9 municipality;

10 (D) a ranger or officer commissioned by the
11 Public Safety Commission or the director of the department;

12 (E) an investigator of a prosecutor's office;

13 (F) a law enforcement agent of the Texas
14 Alcoholic Beverage Commission;

15 (G) a law enforcement officer commissioned by the
16 Parks and Wildlife Commission;

17 (H) an enforcement officer appointed by the
18 inspector general of the Texas Department of Criminal Justice under
19 Section 493.019, Government Code;

20 (I) a law enforcement officer appointed by the
21 inspector general of the Texas Juvenile Justice Department under
22 Section 242.102, Human Resources Code;

23 (J) an investigator commissioned by the attorney
24 general under Section 402.009, Government Code; or

25 (K) [~~(J)~~] a member of an arson investigating unit
26 commissioned by a municipality, a county, or the state.

27 (4) "Designated law enforcement office or agency"

1 means:

2 (A) the sheriff's department of a county with a
3 population of 3.3 million or more;

4 (B) a police department in a municipality with a
5 population of 200,000 or more; [~~or~~]

6 (C) the office of inspector general of the Texas
7 Department of Criminal Justice; or

8 (D) the office of inspector general of the Texas
9 Juvenile Justice Department.

10 SECTION 3. Article 18B.252(b), Code of Criminal Procedure,
11 is amended to read as follows:

12 (b) If the director of the department or the director's
13 designee approves the policy submitted under Article 18B.251, the
14 inspector general of the Texas Department of Criminal Justice or
15 the inspector general's designee, the inspector general of the
16 Texas Juvenile Justice Department or the inspector general's
17 designee, or the sheriff or chief of a designated law enforcement
18 agency or the sheriff's or chief's designee, as applicable, shall
19 submit to the director a written list of all peace officers in the
20 designated law enforcement office or agency who are authorized to
21 possess, install, operate, or monitor pen registers, ESN readers,
22 or similar equipment.

23 SECTION 4. Article 18B.302(a), Code of Criminal Procedure,
24 is amended to read as follows:

25 (a) The inspector general of the Texas Department of
26 Criminal Justice, the inspector general of the Texas Juvenile
27 Justice Department or the inspector general's designee, or the

1 sheriff or chief of a designated law enforcement agency, as
2 applicable, shall submit to the director of the department a
3 written report of expenditures made by the designated law
4 enforcement office or agency to purchase and maintain a pen
5 register, ESN reader, or similar equipment authorized under this
6 chapter.

7 SECTION 5. Article 18B.451, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 18B.451. SUBPOENA AUTHORITY. The director of the
10 department or the director's designee, the inspector general of the
11 Texas Department of Criminal Justice or the inspector general's
12 designee, the inspector general of the Texas Juvenile Justice
13 Department or the inspector general's designee, or the sheriff or
14 chief of a designated law enforcement agency or the sheriff's or
15 chief's designee may issue an administrative subpoena to a
16 communication common carrier or a provider of an electronic
17 communications service to compel the production of any carrier's or
18 service provider's business records that:

19 (1) disclose information about:

20 (A) the carrier's or service provider's
21 customers; or

22 (B) users of the services offered by the carrier
23 or service provider; and

24 (2) are material to a criminal investigation.

25 SECTION 6. Article 18B.452, Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later

1 than the 30th day after the date on which an administrative subpoena
2 is issued under Article 18B.451, the inspector general of the Texas
3 Department of Criminal Justice, the inspector general of the Texas
4 Juvenile Justice Department or the inspector general's designee, or
5 the sheriff or chief of a designated law enforcement agency, as
6 applicable, shall report to the department the issuance of the
7 subpoena.

8 SECTION 7. Section 51.12(c-1), Family Code, is amended to
9 read as follows:

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

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

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

24 SECTION 8. Section 51.125(c), Family Code, is amended to
25 read as follows:

26 (c) The Texas Juvenile Justice Department shall [~~annually~~]
27 inspect each public or private juvenile post-adjudication secure

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

11 SECTION 9. Section 51.126(c), Family Code, is amended to
12 read as follows:

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

24 SECTION 10. Sections 51.20(a), (b), (c), and (d), Family
25 Code, are amended to read as follows:

26 (a) At any stage of the proceedings under this title,
27 including when a child is initially detained in a pre-adjudication

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

24 (b) If, after conducting an examination of a child ordered
25 under Subsection (a) and reviewing any other relevant information,
26 there is reason to believe that the child has a mental illness or
27 intellectual disability [~~mental retardation~~] or suffers from

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

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

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

24 SECTION 11. Section 56.01(c), Family Code, is amended to
25 read as follows:

26 (c) An appeal may be taken:

27 (1) except as provided by Subsection (n), by or on

1 behalf of a child from an order entered under:

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

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

6 (C) Section 54.04 disposing of the case;

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

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

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

15 SECTION 12. Section 58.009, Family Code, is amended by
16 amending Subsections (a) and (c) and adding Subsections (a-1) and
17 (c-1) to read as follows:

18 (a) For purposes of this section, information is
19 identifiable if the information contains a juvenile offender's name
20 or other personal identifiers or can, by virtue of sample size or
21 other factors, be reasonably interpreted as referring to a
22 particular juvenile offender.

23 (a-1) Except as provided by this section, identifiable
24 juvenile justice information collected and maintained by the Texas
25 Juvenile Justice Department for statistical and research purposes
26 is confidential information for the use of the department and may
27 not be disseminated by the department.

1 (c) The Texas Juvenile Justice Department may grant [~~the~~
2 ~~following entities~~] access to identifiable juvenile justice
3 information:

4 (1) for research and statistical purposes or for any
5 other purpose approved by the department to:

6 (A) [~~(1)~~] criminal justice agencies as defined
7 by Section 411.082, Government Code;

8 (B) [~~(2)~~] the Texas Education Agency, as
9 authorized under Section 37.084, Education Code;

10 (C) [~~(3)~~] any agency under the authority of the
11 Health and Human Services Commission; or

12 (D) [~~(4)~~] the Department of Family and
13 Protective Services; or

14 (2) for a purpose beneficial to and approved by the
15 department to an individual or entity that:

16 (A) is working on a research or statistical
17 project that meets the requirements of and is approved by the
18 department; and

19 (B) has a specific agreement with the department
20 that:

21 (i) specifically authorizes access to
22 identifiable juvenile justice information;

23 (ii) limits the use of the information to
24 the purposes for which the information is given;

25 (iii) ensures the security and
26 confidentiality of the information; and

27 (iv) provides for sanctions if a

1 requirement imposed under Subparagraph (i), (ii), or (iii) is
2 violated [~~(5) a public or private university~~].

3 (c-1) The Texas Juvenile Justice Department shall grant
4 access to juvenile justice information that is not identifiable
5 information for research or statistical purposes or for any other
6 purpose approved by the department to:

7 (1) criminal justice agencies as defined by Section
8 411.082, Government Code;

9 (2) the Texas Education Agency, as authorized under
10 Section 37.084, Education Code;

11 (3) any agency under the authority of the Health and
12 Human Services Commission;

13 (4) the Department of Family and Protective Services;

14 (5) a public or private university; or

15 (6) an individual or entity working on a research or
16 statistical project.

17 SECTION 13. Section 59.009(a), Family Code, is amended to
18 read as follows:

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

24 (1) require the child to participate in a highly
25 structured residential program that emphasizes discipline,
26 accountability, fitness, training, and productive work for not less
27 than nine months or more than 24 months unless the department,

1 board, or probation department reduces or extends the period and
2 the reason for the reduction or [~~an~~] extension is documented;

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

8 (3) require the child and the child's parents or
9 guardians to participate in programs and services for their
10 particular needs and circumstances; and

11 (4) if appropriate, impose additional sanctions.

12 SECTION 14. Section 661.918(a), Government Code, is amended
13 to read as follows:

14 (a) This section applies to a peace officer under Article
15 2.12, Code of Criminal Procedure, who is commissioned or appointed,
16 as applicable, as a law enforcement officer or agent, including a
17 ranger, by:

18 (1) the Public Safety Commission and the director of
19 the Department of Public Safety;

20 (2) the Parks and Wildlife Commission;

21 (3) the Texas Alcoholic Beverage Commission;

22 (4) the attorney general; [~~or~~]

23 (5) the insurance fraud unit of the Texas Department
24 of Insurance; or

25 (6) the office of inspector general of the Texas
26 Juvenile Justice Department.

27 SECTION 15. Section 662.005(b), Government Code, is amended

1 to read as follows:

2 (b) Except as provided by Section 662.010, and
3 notwithstanding Section 659.015 or another law, a state employee
4 who is a peace officer commissioned or appointed, as applicable, by
5 a state officer or state agency listed under Article 2.12, Code of
6 Criminal Procedure, or who is employed by the Department of Public
7 Safety either to perform communications or dispatch services
8 related to traffic law enforcement or as a public security officer,
9 as that term is defined by Section 1701.001, Occupations Code, or
10 who is employed by the Parks and Wildlife Department to perform
11 communications and dispatch services to assist law enforcement
12 officers commissioned by the Parks and Wildlife Commission in
13 performing law enforcement duties, or who is employed by the Texas
14 Juvenile Justice Department to perform communication service
15 duties for the incident reporting center and to assist law
16 enforcement officers appointed by the office of inspector general
17 of the Texas Juvenile Justice Department in performing
18 investigative duties, or who is employed as a security officer
19 providing security and entry searches for secure correctional
20 facilities operated by the Texas Juvenile Justice Department, and
21 who is required to work on a national or state holiday that falls on
22 a Saturday or Sunday is entitled to compensatory time off at the
23 rate of one hour for each hour worked on the holiday.

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

26 (a) The board is composed of the following 11 [~~13~~] members
27 appointed by the governor with the advice and consent of the senate:

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

3 (2) two [~~three~~] members who are members of a county
4 commissioners court with juvenile justice experience;

5 (3) one prosecutor in juvenile court;

6 (4) one chief juvenile probation officer of a juvenile
7 probation department serving a county with a population that
8 includes fewer than 7,500 persons younger than 18 years of age;

9 (5) one chief juvenile probation officer of a juvenile
10 probation department serving a county with a population that
11 includes at least 7,500 but fewer than 80,000 persons younger than
12 18 years of age;

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

16 (7) one adolescent mental health treatment
17 professional licensed under Subtitle B or I, Title 3, Occupations
18 Code, or a representative from a local mental health authority
19 designated under Chapter 533, Health and Safety Code, who has
20 experience working with children;

21 (8) one member who is:

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

24 (B) a juvenile justice professional with
25 experience managing a secure juvenile justice facility operated by
26 the department or a county; and

27 (9) two [~~three~~] members of the general public.

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

4 SECTION 17. Section 202.005, Human Resources Code, is
5 amended to read as follows:

6 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
7 probation officer who is a board member shall avoid the appearance
8 of a conflict of interest by not voting or participating in any
9 decision by the board that solely benefits or penalizes or
10 otherwise solely impacts the juvenile probation department over
11 which the chief juvenile probation officer has authority. The
12 chief juvenile probation officer may not vote or render any
13 decisions regarding matters of officer discipline [~~abuse and~~
14 ~~neglect~~] presented to the board regarding the chief juvenile
15 probation officer's department.

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

26 (b) The board may adopt recusal requirements in addition to
27 those described by Subsections [~~Subsection~~] (a) and (a-1),

1 including requirements that are more restrictive than those
2 described by those subsections [~~Subsection (a)~~].

3 SECTION 18. Section 202.006, Human Resources Code, is
4 amended by amending Subsection (b) and adding Subsection (d) to
5 read as follows:

6 (b) The training program must provide the person with
7 information regarding:

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

10 (2) the programs, functions, rules, and budget of the
11 department;

12 (3) the scope of and limitations on the rulemaking
13 authority of the board;

14 (4) the results of the most recent formal audit of the
15 department;

16 (5) [~~(4)~~] the requirements of:

17 (A) laws relating to open meetings, public
18 information, administrative procedure, and disclosing conflicts of
19 interest; and

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

22 (6) [~~(5)~~] any applicable ethics policies adopted by
23 the department or the Texas Ethics Commission.

24 (d) The executive director shall create a training manual
25 that includes the information required by Subsection (b). The
26 executive director shall distribute a copy of the training manual
27 annually to each member of the board. Each member of the board shall

1 sign and submit to the executive director a statement acknowledging
2 that the member received and has reviewed the training manual.

3 SECTION 19. Section 202.010, Human Resources Code, is
4 amended to read as follows:

5 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
6 Board and the Texas Juvenile Justice Department are subject to
7 Chapter 325, Government Code (Texas Sunset Act). Unless continued
8 in existence as provided by that chapter, the board and the
9 department are abolished September 1, 2029 [~~2023~~].

10 SECTION 20. Section 203.001, Human Resources Code, is
11 amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to
12 read as follows:

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

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

17 (1) to the executive director with respect to each
18 delegation:

19 (A) clear direction;

20 (B) performance measures; and

21 (C) reporting requirements; and

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

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

27 (1) perform the regular administrative functions of

1 the board and any other duty as the board directs; and

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

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

7 SECTION 21. Section 203.002, Human Resources Code, is
8 amended to read as follows:

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

10 (1) employ an executive director to administer the
11 department; and

12 (2) supervise the director's administration of the
13 department.

14 (b) The executive director must possess the following
15 minimum qualifications:

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

18 (2) three years of experience in the field of juvenile
19 corrections or congregate care in an administrative capacity and a
20 graduate degree from an institution of higher education in a
21 relevant field, including penology, adolescent development,
22 behavior management, or rehabilitative services; or

23 (3) seven years of experience in management and
24 administration of a government agency, institution of higher
25 education, or business enterprise of a size comparable to the
26 department.

27 (c) The department shall track the frequency with which the

1 executive director takes the following actions as defined by
2 department rule:

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

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

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

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

10 (5) authorizes early discharges for a child on parole;

11 or

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

15 (d) The executive director shall provide the board and the
16 Sunset Advisory Commission at the beginning of each calendar
17 quarter aggregated data on the number of times each action
18 described by Subsection (c) was taken during the previous calendar
19 quarter.

20 SECTION 22. Section [203.0081](#), Human Resources Code, is
21 amended by amending Subsections (a) and (e) and adding Subsection
22 (c-1) to read as follows:

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

24 (1) the executive director of the department or the
25 executive director's designee;

26 (2) the director of probation services of the
27 department or the director's designee;

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

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

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

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

8 [~~and~~]

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

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

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

14 (1) the purpose, role, responsibility, goals, and
15 duration of the advisory council;

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

17 (3) training requirements for advisory council
18 members;

19 (4) policies to avoid conflicts of interest by
20 advisory council members;

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

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

26 (7) the appropriate level of participation from ex
27 officio advisory council members designated under Subsections

1 (a)(1)-(4) and (8); and
2 (8) reporting requirements and other communication
3 procedures between the board and the advisory council.

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

5 (1) determining the needs and problems of county
6 juvenile boards and probation departments;

7 (2) conducting long-range strategic planning;

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

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

13 (5) assessing and developing recommendations to
14 improve the sharing of information between agencies that serve
15 children, including agencies serving children in both the juvenile
16 justice and child welfare systems; and

17 (6) advising the board on any other matter on the
18 request of the board.

19 SECTION 23. Chapter 203, Human Resources Code, is amended
20 by adding Sections 203.0083, 203.0084, and 203.0085 to read as
21 follows:

22 Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

23 (a) The board by rule may establish advisory committees to make
24 recommendations to the board on programs, rules, and policies
25 administered by the board.

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

- 1 (1) the purpose, role, responsibility, goals, and
2 duration of the committee;
- 3 (2) the size of and quorum requirement for the
4 committee;
- 5 (3) qualifications for committee membership;
- 6 (4) appointment procedures for members;
- 7 (5) terms of service for members;
- 8 (6) training requirements for members;
- 9 (7) policies to avoid conflicts of interest by
10 members;
- 11 (8) a periodic review process to evaluate the
12 continuing need for the committee; and
- 13 (9) policies to ensure the committee does not violate
14 any provision of Chapter 551, Government Code, applicable to the
15 board or the committee.

16 (c) The board shall establish a youth career and technical
17 education advisory committee and adopt rules required by Subsection
18 (b) for the committee. The advisory committee shall assist the
19 department with overseeing and coordinating vocational training
20 for youth in the custody of the department, including training
21 provided by community colleges and other local entities with which
22 the department may partner.

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

- 27 (1) Chapter 51, Family Code;

1 (2) Section 221.008 of this code; and

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

3 (b) The risk factors described by Subsection (a) may
4 include:

5 (1) the entity type;

6 (2) available programming;

7 (3) past and repeat standards violations;

8 (4) the volume and types of complaints received by the
9 department;

10 (5) recent leadership changes;

11 (6) high staff turnover;

12 (7) relevant findings from the office of independent
13 ombudsman and the office of inspector general;

14 (8) negative media attention; and

15 (9) the number of months since the date of the
16 department's last inspection of the entity.

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

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

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

27 Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department

1 shall adopt a policy prioritizing inspections conducted by the
2 department under:

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

6 (b) The policy under Subsection (a) must require the
7 department to:

- 8 (1) prioritize the inspection of entities based on the
9 relative risk level of each entity; and
- 10 (2) use the risk assessment tools established under
11 Section 203.0084 to determine how frequently and intensively the
12 department conducts risk-based inspections.

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

- 16 (1) desk audits of key documentation;
- 17 (2) abbreviated inspection procedures;
- 18 (3) videoconference technology; and
- 19 (4) other methods that are an alternative to
20 conducting an in-person inspection.

21 (d) On request by the department, a juvenile probation
22 department or a private facility under the department's
23 jurisdiction shall provide information on a routine basis, as
24 determined by the department, to assist the department in
25 implementing a risk-based inspection schedule.

26 SECTION 24. Section 203.010(c), Human Resources Code, is
27 amended to read as follows:

1 (c) Criminal complaints initially referred to the office of
2 [~~the~~] inspector general relating to juvenile probation programs,
3 services, or facilities shall be sent to the appropriate local law
4 enforcement agency. The office of inspector general has concurrent
5 jurisdiction on agreement with the local law enforcement agency to
6 conduct a criminal investigation under Section 242.102. Any other
7 complaint shall be referred to the appropriate division of the
8 department. The board by rule shall establish policies for the
9 referral of noncriminal complaints.

10 SECTION 25. Chapter 203, Human Resources Code, is amended
11 by adding Section 203.0101 to read as follows:

12 Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a)
13 The department shall make available on the department's Internet
14 website a statistical analysis of the complaints received against
15 certified officers by the department.

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

20 (1) the number of certified officers by certification
21 type;

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

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

26 (A) the total number of agreed, default, and
27 board orders entered;

1 (B) the total number of cases referred for
2 contested case hearings by the State Office of Administrative
3 Hearings;

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

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

8 (4) the average number of days required to resolve a
9 complaint;

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

12 (6) a detailed analysis of each closed complaint, by
13 source.

14 SECTION 26. Section 203.013, Human Resources Code, is
15 amended by adding Subsection (c) to read as follows:

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

18 SECTION 27. Section 203.014(c), Human Resources Code, is
19 amended to read as follows:

20 (c) The office of inspector general shall operate the
21 toll-free number required by Subsection (a) and the 24-hour
22 incident reporting center and [department] shall share the
23 complaints received with the appropriate department entity [on the
24 toll-free number with the office of inspector general and the
25 office of the independent ombudsman].

26 SECTION 28. Section 203.017, Human Resources Code, is
27 amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and

1 amending Subsection (e) to read as follows:

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

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

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

17 (1) the advisory council on juvenile services;

18 (2) juvenile probation departments;

19 (3) regional juvenile probation associations;

20 (4) advocacy groups;

21 (5) parents and guardians of children under the
22 jurisdiction of the department;

23 (6) individuals formerly involved in the juvenile
24 justice system; and

25 (7) any other stakeholder the department determines
26 may be helpful.

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

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

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

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

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

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

18 (4) include:

19 (A) information on the department's compliance
20 with statutory regionalization requirements;

21 (B) information on internal goals for diverting
22 children from commitment to the department; and

23 (C) an analysis of rates of commitment to the
24 custody of the department, broken down by region and county, and any
25 relevant recommendations regarding trends in these rates; and

26 (5) include specific, actionable steps regarding how
27 the department will enhance regional capacity, coordination, and

1 collaboration among juvenile probation departments to keep
2 children closer to home as an alternative to commitment to the
3 department's facilities while ensuring access to programs and the
4 supervision necessary to maintain public safety.

5 (e-1) In developing the steps under Subsection (e)(5), the
6 department shall consider:

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

10 (2) opportunities to use financial and other
11 incentives to encourage diversion, facilitate cooperation within
12 and across the regions established under Subsection (c), and
13 emphasize the benefits of sharing available resources among
14 counties;

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

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

22 SECTION 29. Section 203.018(e), Human Resources Code, is
23 amended to read as follows:

24 (e) The department or any local probation department may
25 ~~[not]~~ use or contract with a facility that was constructed or
26 previously used for the confinement of adult offenders if the
27 department determines that the facility is appropriately

1 retrofitted to accommodate youth-specific requirements and needs.

2 SECTION 30. Chapter 203, Human Resources Code, is amended
3 by adding Section 203.0185 to read as follows:

4 Sec. 203.0185. RESOURCE MAPPING. (a) The department shall
5 partner with one or more public or private institutions of higher
6 education to inventory and map resources available for children in
7 the juvenile justice system. To determine the types of information
8 the department requires to timely identify and address resource,
9 program, and service gaps in probation regions that result in
10 commitments to department secure facilities, the department shall
11 consult with:

- 12 (1) institutions of higher education;
- 13 (2) the advisory council on juvenile services; and
- 14 (3) other relevant stakeholders.

15 (b) The board shall adopt rules requiring juvenile
16 probation departments, at useful and reasonable intervals, to
17 report to the department relevant information on resource, program,
18 and service gaps identified under Subsection (a), including
19 information on:

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

26 SECTION 31. Section 221.002, Human Resources Code, is
27 amended by adding Subsection (d-1) to read as follows:

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

6 SECTION 32. Section 221.056(a), Human Resources Code, is
7 amended to read as follows:

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

17 SECTION 33. Section 222.001, Human Resources Code, is
18 amended by amending Subsection (a) and adding Subsection (b-1) to
19 read as follows:

20 (a) To be eligible for appointment as a probation officer, a
21 person who was not employed as a probation officer before September
22 1, 1981, must:

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

27 [~~(3) have either:~~

1 ~~[(A) one year of graduate study in criminology,~~
2 ~~corrections, counseling, law, social work, psychology, sociology,~~
3 ~~or other field of instruction approved by the department; or~~

4 ~~[(B) one year of experience in full-time case~~
5 ~~work, counseling, or community or group work:~~

6 ~~[(i) in a social service, community,~~
7 ~~corrections, or juvenile agency that deals with offenders or~~
8 ~~disadvantaged persons; and~~

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

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

14 (2) ~~[(5)]~~ have passed the tests or examinations
15 required by the department; and

16 (3) ~~[(6)]~~ possess the level of certification required
17 by the department.

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

27 SECTION 34. Section [222.002](#), Human Resources Code, is

1 amended to read as follows:

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

- 5 (1) ~~[be of good moral character,~~
6 ~~[(2)]~~ be at least 21 years of age;
7 (2) ~~[(3)]~~ have acquired a high school diploma or its
8 equivalent;
9 (3) ~~[(4)]~~ have satisfactorily completed the course of
10 preservice training or instruction required by the department;
11 (4) ~~[(5)]~~ have passed the tests or examinations
12 required by the department; and
13 (5) ~~[(6)]~~ possess the level of certification required
14 by the department.

15 SECTION 35. Subchapter B, Chapter 222, Human Resources
16 Code, is amended by adding Sections 222.0521 and 222.0522 to read as
17 follows:

18 Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53,
19 Occupations Code, applies to the issuance of a certification issued
20 by the department.

21 Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The
22 department may issue a provisional certification to an employee of
23 a juvenile probation department or a private facility that houses
24 youth on probation until the employee is certified under Section
25 222.001, 222.002, or 222.003, as applicable.

26 (b) The department shall adopt rules to implement
27 Subsection (a), including rules regarding eligibility for

1 provisional certification and application procedures.

2 SECTION 36. Section 223.001, Human Resources Code, is
3 amended by adding Subsections (a-1), (a-2), and (d-1) and amending
4 Subsection (c) to read as follows:

5 (a-1) The department may incorporate as factors in the basic
6 probation funding formula under Subsection (a) measures that create
7 incentives for diverting children from the juvenile justice system.
8 The department may prioritize factors for which the department
9 collects relevant information. The board may adopt rules
10 establishing and defining the factors under this subsection.

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

- 14 (1) the advisory council on juvenile services; and
15 (2) the Legislative Budget Board.

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

27 (d-1) The board, in consultation with the advisory council

1 on juvenile services, shall adopt rules requiring a juvenile
2 probation department to apply for the placement of a child in a
3 regional specialized program before a juvenile court commits the
4 child to the department's custody under Chapter 54, Family Code.
5 The board by rule may establish exceptions to this requirement for
6 offenses or circumstances the department considers inappropriate
7 for diversion from commitment to state custody.

8 SECTION 37. Chapter 241, Human Resources Code, is amended
9 by adding Section 241.009 to read as follows:

10 Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than
11 October 1 of each year, the department shall publish on the
12 department's Internet website aggregated information on the number
13 of children committed to the department during the previous fiscal
14 year, categorized by:

- 15 (1) committing offense level;
- 16 (2) sentence type;
- 17 (3) age; and
- 18 (4) sex.

19 (b) The department shall publish quarterly on the
20 department's Internet website end-of-month data described by
21 Subsection (a), aggregated for all children committed to the
22 department and for children placed in each secure facility and
23 halfway house.

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

27 SECTION 38. The heading to Section 242.002, Human Resources

1 Code, is amended to read as follows:

2 Sec. 242.002. [~~EVALUATION OF~~] TREATMENT PROGRAMS;
3 AVAILABILITY.

4 SECTION 39. Sections 242.002(c) and (d), Human Resources
5 Code, are amended to read as follows:

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

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

22 (1) which programs are not offered or are unavailable;
23 and

24 (2) the reason the programs are not offered or are
25 unavailable.

26 SECTION 40. Section 242.056(a), Human Resources Code, is
27 amended to read as follows:

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

6 SECTION 41. Section 242.102, Human Resources Code, is
7 amended by amending Subsections (a), (b), (c), (d), (e), (g), and
8 (h) and adding Subsections (a-1), (a-2), (b-1), (c-1), and (j) to
9 read as follows:

10 (a) The office of inspector general is established at the
11 department under the direction of the board as a law enforcement
12 agency for the purpose of:

13 (1) preventing, detecting, and investigating:

14 (A) crimes committed by department employees,
15 including parole officers employed by or under a contract with the
16 department; and

17 (B) crimes and delinquent conduct committed at a
18 facility operated by the department, a residential facility
19 operated by another entity under a contract with the department, or
20 any facility in which a child committed to the custody of the
21 department is housed or receives medical or mental health
22 treatment, including:

23 (i) unauthorized or illegal entry into a
24 department facility;

25 (ii) the introduction of contraband into a
26 department facility;

27 (iii) escape from a secure facility; and

(iv) organized criminal activity; ~~and~~

(2) investigating complaints received under Section 203.010 involving allegations of abuse, neglect, or exploitation of children in juvenile justice programs or facilities under Section 261.405, Family Code;

(3) investigating complaints of abuse, neglect, or exploitation of:

(A) juveniles housed in a pre-adjudication or post-adjudication public or private secure or nonsecure facility regardless of licensing entity; and

(B) juveniles committed to the department;

(4) apprehending juveniles after escape or violation of release conditions as described by Section 243.051;

(5) investigating gang-related activity within the juvenile justice system; and

(6) performing entry security and exterior perimeter security searches for a department-operated secure correctional facility, as defined by Section 51.02, Family Code.

(a-1) The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Subsection (a)(3).

(a-2) The office of inspector general shall operate the incident reporting center for the department under Section 203.014.

(b) The office of inspector general shall prepare an investigative ~~[and deliver a]~~ report concerning the results of investigations ~~[any investigation]~~ conducted under this section and may deliver the report to any of the following:

- 1 (1) the department [~~board~~];
- 2 (2) the appropriate district or county attorney
- 3 [~~executive director~~];
- 4 (3) any applicable advisory board;
- 5 (4) the governor;
- 6 (5) the lieutenant governor;
- 7 (6) the speaker of the house of representatives;
- 8 (7) the standing committees of the senate and house of
- 9 representatives with primary jurisdiction over matters concerning
- 10 correctional facilities;
- 11 (8) the special prosecution unit;
- 12 (9) the state auditor; or [~~and~~]
- 13 (10) any other appropriate state agency responsible
- 14 for licensing or certifying department employees or facilities.

15 (b-1) An individual or entity that receives a report under

16 Subsection (b) may not disclose the information unless otherwise

17 authorized by law.

18 (c) The report prepared under Subsection (b) must include a

19 summary of the actions performed by the office of inspector general

20 in conducting the investigation, a statement of whether the

21 investigation resulted in a determination [~~finding~~] that abuse,

22 neglect, or exploitation, a criminal offense, or delinquent conduct

23 occurred, and a description of the determination [~~finding~~]. The

24 report is public information under Chapter 552, Government Code,

25 only to the extent authorized under that chapter and other law.

26 (c-1) The board by rule shall require any findings related

27 to an administrative investigation under Subsection (a)(2) to be

1 reviewed for legal sufficiency before being made public.

2 (d) The office of inspector general may employ
3 investigators and security officers and employ and appoint
4 ~~[commission]~~ inspectors general as peace officers for the purpose
5 of carrying out the duties described by this section. An inspector
6 general shall have all of the powers and duties given to peace
7 officers under Article 2.13, Code of Criminal Procedure.

8 (e) Peace officers employed and appointed ~~[commissioned]~~
9 under Subsection (d) must:

10 (1) be certified by the Texas Commission on Law
11 Enforcement under Chapter 1701, Occupations Code; and

12 (2) complete advanced courses relating to the duties
13 of peace officers employed and appointed ~~[commissioned]~~ under
14 Subsection (d) as part of any continuing education requirements for
15 the peace officers.

16 (g) The chief inspector general shall on a quarterly basis
17 prepare and deliver a report concerning the operations of the
18 office of inspector general to:

19 (1) the board;

20 (2) the executive director;

21 (3) any applicable advisory board;

22 (4) the governor;

23 (5) the lieutenant governor;

24 (6) the speaker of the house of representatives;

25 (7) the standing committees of the senate and house of
26 representatives with primary jurisdiction over correctional
27 facilities;

- 1 (8) the state auditor; [~~and~~]
- 2 (9) the comptroller; and
- 3 (10) the special prosecution unit.

4 (h) A report prepared under Subsection (g) is public
5 information under Chapter 552, Government Code, to the extent
6 authorized under that chapter and other law, and the department
7 shall publish the report on the department's Internet website. A
8 report must be both aggregated and disaggregated by individual
9 facility and include information relating to:

10 (1) the types of investigations conducted by the
11 office of inspector general, such as whether an investigation
12 concerned narcotics or an alleged incident of sexual abuse;

13 (2) the relationship of a victim to a perpetrator, if
14 applicable; [~~and~~]

15 (3) the number of investigations conducted concerning
16 suicides, deaths, and hospitalizations of children in the custody
17 of the department at secure facilities, on parole, or at other
18 placement locations; and

19 (4) the final disposition of any complaint received
20 under Section 203.010 related to juvenile probation departments and
21 Section 261.405, Family Code, that concerns the abuse, neglect, or
22 exploitation of a juvenile.

23 (j) The department shall ensure that a peace officer
24 appointed under Subsection (d) is compensated according to Schedule
25 C of the position classification salary schedule prescribed by the
26 General Appropriations Act.

27 SECTION 42. Section 243.001, Human Resources Code, is

1 amended by adding Subsection (d) to read as follows:

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

9 SECTION 43. The heading to Section 244.011, Human Resources
10 Code, is amended to read as follows:

11 Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL
12 DISABILITIES [~~MENTAL RETARDATION~~].

13 SECTION 44. Sections 244.011(a), (b), (e), (f), and (g),
14 Human Resources Code, are amended to read as follows:

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

18 (b) Unless the [~~a~~] child is committed to the department
19 under a determinate sentence under Section 54.04(d)(3), 54.04(m),
20 or 54.05(f), Family Code, the department shall discharge a child
21 with mental illness or intellectual disabilities [~~who is mentally~~
22 ~~ill or mentally retarded~~] from its custody if:

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

25 (2) the department determines that the child is unable
26 to progress in the department's rehabilitation programs because of
27 the child's mental illness or intellectual disabilities [~~mental~~

1 ~~retardation]~~.

2 (e) If a child who is discharged from the department under
3 Subsection (b) as a result of an intellectual disability [~~mental~~
4 ~~retardation]~~ is not receiving intellectual disability [~~mental~~
5 ~~retardation]~~ services, the child's discharge is effective on the
6 earlier of:

7 (1) the date the court enters an order regarding an
8 application for intellectual disability [~~mental-retardation]~~
9 services filed under Section 244.012(b); or

10 (2) the 30th day after the date that the application is
11 filed.

12 (f) If a child who is discharged from the department under
13 Subsection (b) as a result of an intellectual disability [~~mental~~
14 ~~retardation]~~ is receiving intellectual disability [~~mental~~
15 ~~retardation]~~ services, the child's discharge from the department
16 is effective immediately.

17 (g) If a child with mental illness or intellectual
18 disabilities [~~who is mentally ill or mentally retarded]~~ is
19 discharged from the department under Subsection (b), the child is
20 eligible to receive continuity of care services from the Texas
21 Correctional Office on Offenders with Medical or Mental Impairments
22 under Chapter 614, Health and Safety Code.

23 SECTION 45. Section 244.012, Human Resources Code, is
24 amended to read as follows:

25 Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The
26 department shall establish a system that identifies children with
27 mental illness or intellectual disabilities in the department's

1 custody [~~who are mentally ill or mentally retarded~~].

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

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

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

17 (c) Before a child who is identified as having an
18 intellectual disability [~~mentally retarded~~] under Chapter 593,
19 Health and Safety Code, is discharged from the department's custody
20 under Section 244.011(b), the department shall refer the child for
21 intellectual disability [~~mental retardation~~] services if the child
22 is not receiving intellectual disability [~~mental retardation~~]
23 services.

24 SECTION 46. Sections 245.0535(h) and (i), Human Resources
25 Code, are amended to read as follows:

26 (h) The department shall conduct and coordinate research:

27 (1) to determine whether the comprehensive reentry and

1 reintegration plan developed under this section reduces recidivism
2 rates; and

3 (2) to review the effectiveness of the department's
4 programs for the rehabilitation and reestablishment in society of
5 children committed to the department, including programs for
6 females and for sex offenders, capital offenders, children who are
7 chemically dependent, and children with mental illness.

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

15 SECTION 47. Section 261.002, Human Resources Code, is
16 amended to read as follows:

17 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of
18 independent ombudsman is a state agency established for the purpose
19 of investigating, evaluating, and securing the rights of [~~the~~
20 children:

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

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

26 SECTION 48. Section 261.056(a), Human Resources Code, is
27 amended to read as follows:

1 (a) The department shall allow any child committed to the
2 department or adjudicated for conduct that constitutes an offense
3 and placed in a facility operated by or contracted with a juvenile
4 probation department or juvenile board to communicate with the
5 independent ombudsman or an assistant to the ombudsman. The
6 communication:

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

9 (2) is confidential and privileged.

10 SECTION 49. Section 261.057, Human Resources Code, is
11 amended to read as follows:

12 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The
13 independent ombudsman shall promote awareness among the public and
14 the children committed to the department or adjudicated for conduct
15 that constitutes an offense and placed in a facility operated by or
16 contracted with a juvenile probation department or juvenile board
17 of:

18 (1) how the office may be contacted;

19 (2) the purpose of the office; and

20 (3) the services the office provides.

21 SECTION 50. Section 261.061(c), Human Resources Code, is
22 amended to read as follows:

23 (c) The office shall periodically notify the complaint
24 parties of the status of the complaint until final disposition
25 unless the notice would jeopardize an investigation.

26 SECTION 51. Section 261.101, Human Resources Code, is
27 amended by amending Subsection (a) and adding Subsection (g) to

1 read as follows:

2 (a) The independent ombudsman shall:

3 (1) review the procedures established by the board and
4 evaluate the delivery of services to children to ensure that the
5 rights of children are fully observed;

6 (2) review complaints filed with the independent
7 ombudsman concerning the actions of the department, juvenile
8 probation departments, or other entities operating facilities in
9 which children adjudicated for conduct that constitutes an offense
10 are placed and investigate each complaint in which it appears that a
11 child may be in need of assistance from the independent ombudsman;

12 (3) conduct investigations of complaints, other than
13 complaints alleging criminal behavior, if the office determines
14 that:

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

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

25 (4) review or inspect periodically the facilities and
26 procedures of any institution or residence in which a child
27 adjudicated for conduct that constitutes an offense has been placed

1 by the department or a juvenile probation department, whether
2 public or private, to ensure that the rights of children are fully
3 observed;

4 (5) provide assistance to a child or family who the
5 independent ombudsman determines is in need of assistance,
6 including advocating with an agency, provider, or other person in
7 the best interests of the child;

8 (6) review court orders as necessary to fulfill its
9 duties;

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

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

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

24 (10) review reports received by the department
25 relating to complaints regarding juvenile probation programs,
26 services, or facilities and analyze the data contained in the
27 reports to identify trends in complaints;

1 (11) report a possible standards violation by a
2 [~~local~~] juvenile probation department to the appropriate division
3 of the department; and

4 (12) immediately report the findings of any
5 investigation related to the operation of a post-adjudication
6 correctional facility in a county to the chief juvenile probation
7 officer and the juvenile board of the county.

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

18 SECTION 52. Section 261.102, Human Resources Code, is
19 amended to read as follows:

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

1 SECTION 53. Subchapter C, Chapter 261, Human Resources
2 Code, is amended by adding Sections 261.105 and 261.106 to read as
3 follows:

4 Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
5 The office shall develop a comprehensive set of risk factors to use
6 in assessing the overall risk level of facilities and entities
7 described by Section 261.101(f) and of department parole offices.

8 The risk factors may include:

- 9 (1) the entity type;
- 10 (2) past and repeat children's rights violations;
- 11 (3) the volume and types of complaints received by the
12 office;
- 13 (4) recent changes in a facility or parole office
14 leadership;
- 15 (5) high staff turnover;
- 16 (6) relevant investigations by the office of the
17 inspector general of the department;
- 18 (7) negative media attention; and
- 19 (8) the number of months since the date of the office's
20 last inspection of the entity.

21 (b) The office shall use the risk factors developed under
22 this section to guide the inspections of facilities and entities
23 described by Section 261.101(f), and of department parole offices,
24 by developing risk assessment tools with clear, objective standards
25 to use in assessing the overall risk level of each facility, entity,
26 or parole office.

27 (c) The office may develop distinct assessment tools under

1 Subsection (b) for different entity types, as appropriate.

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

5 Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office
6 shall adopt a policy prioritizing the inspection of facilities
7 conducted under Section 261.101(f) and of department parole offices
8 based on the relative risk level of each entity.

9 (b) The policy under Subsection (a) must require the office
10 to use the risk assessment tools established under Section 261.105
11 to determine how frequently and intensively the office conducts
12 risk-based inspections.

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

- 16 (1) desk audits of key documentation;
17 (2) abbreviated inspection procedures;
18 (3) videoconference technology; and
19 (4) other methods that are an alternative to
20 conducting an in-person inspection.

21 (d) On request by the office, the department, a juvenile
22 probation department, or a private facility under the office's
23 jurisdiction shall provide information on a routine basis, as
24 determined by the office, to assist the office in implementing a
25 risk-based inspection schedule.

26 SECTION 54. Section 261.151(c), Human Resources Code, is
27 amended to read as follows:

1 (c) A local law enforcement agency shall allow the
2 independent ombudsman access to its records relating to any child
3 in the care or custody of the department or any child adjudicated
4 for conduct that constitutes an offense and placed in a facility
5 operated by or contracted with a juvenile probation department or
6 juvenile board.

7 SECTION 55. Section 261.152, Human Resources Code, is
8 amended to read as follows:

9 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.
10 The independent ombudsman shall have access to the records of a
11 private entity that relate to a child committed to the department or
12 a child adjudicated for conduct that constitutes an offense and
13 placed in a private facility contracted with a juvenile probation
14 department or juvenile board.

15 SECTION 56. Subchapter D, Chapter 261, Human Resources
16 Code, is amended by adding Section 261.153 to read as follows:

17 Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION
18 DEPARTMENTS. The independent ombudsman shall have access to the
19 records of a juvenile probation department that relate to a child
20 adjudicated for conduct that constitutes an offense and placed in a
21 facility operated by or contracted with a juvenile probation
22 department or juvenile board.

23 SECTION 57. The following provisions are repealed:

- 24 (1) Sections 58.009(d), (f), and (g), Family Code;
- 25 (2) Section 221.011, Human Resources Code;
- 26 (3) Section 221.055, Human Resources Code;
- 27 (4) Sections 222.001(b) and (f), Human Resources Code;

1 (5) Sections 242.002(a) and (b), Human Resources Code;

2 (6) Section 243.052, Human Resources Code; and

3 (7) Section 246.002, Human Resources Code.

4 SECTION 58. (a) Not later than January 1, 2024, the Texas
5 Juvenile Justice Department shall repeal any rule requiring that an
6 individual must be of good moral character to qualify for a
7 department certification.

8 (b) Not later than December 1, 2024, the Texas Juvenile
9 Justice Department shall submit the first updated regionalization
10 plan required by Section 203.017(a-1), Human Resources Code, as
11 added by this Act.

12 SECTION 59. (a) Notwithstanding Section 202.001(b), Human
13 Resources Code, as amended by this Act, and except as otherwise
14 provided by this subsection, the term for a member of the Texas
15 Juvenile Justice Board serving on September 1, 2023, expires on
16 that date. A board member serving on that date may continue to
17 serve as a member of the board until a majority of appointments to
18 the board are made under Subsection (b) of this section. A member
19 of the board described by this subsection is eligible for
20 reappointment under Subsection (b) of this section.

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

24 (1) three members to serve terms expiring February 1,
25 2025;

26 (2) four members to serve terms expiring February 1,
27 2027; and

1 (3) four members to serve terms expiring February 1,
2 2029.

3 SECTION 60. (a) Except as provided by Subsection (b) of
4 this section, Section 202.006, Human Resources Code, as amended by
5 this Act, applies to a member of the Texas Juvenile Justice Board
6 appointed before, on, or after the effective date of this Act.

7 (b) A member of the Texas Juvenile Justice Board who before
8 the effective date of this Act completed the training program
9 required by Section 202.006, Human Resources Code, as that law
10 existed before the effective date of this Act, is only required to
11 complete additional training on the subjects added by this Act to
12 the training program required by Section 202.006, Human Resources
13 Code. A board member described by this subsection may not vote,
14 deliberate, or be counted as a member in attendance at a meeting of
15 the board held on or after December 1, 2023, until the member
16 completes the additional training.

17 SECTION 61. (a) The classification officer in the office
18 of the state auditor shall classify the position of appointed peace
19 officer employed by the office of inspector general of the Texas
20 Juvenile Justice Department as a Schedule C position under the
21 Texas Position Classification Plan.

22 (b) The change made by the classification officer as
23 required by this section applies beginning with the state fiscal
24 biennium beginning September 1, 2023.

25 (c) This section expires September 1, 2025.

26 SECTION 62. Section 661.918(a), Government Code, as amended
27 by this Act, applies only to an injury that occurs on or after the

1 effective date of this Act.

2 SECTION 63. This Act takes effect September 1, 2023.