

1-1 By: Schwertner, et al. S.B. No. 1727
1-2 (In the Senate - Filed March 7, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 March 31, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 31, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1727 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the continuation and functions of the Texas Juvenile
1-20 Justice Department and the functions of the office of independent
1-21 ombudsman for the Texas Juvenile Justice Department.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 51.12(c-1), Family Code, is amended to
1-24 read as follows:

1-25 (c-1) The Texas Juvenile Justice Department shall
1-26 ~~annually~~ inspect each public or private juvenile
1-27 pre-adjudication secure detention facility. The department shall
1-28 provide a report to each juvenile court judge presiding in the same
1-29 county as an inspected facility indicating whether the facility is
1-30 suitable or unsuitable for the detention of children in accordance
1-31 with:

1-32 (1) the requirements of Subsections (a), (f), and (g);
1-33 and

1-34 (2) minimum professional standards for the detention
1-35 of children in pre-adjudication secure confinement promulgated by
1-36 the department or, at the election of the juvenile board of the
1-37 county in which the facility is located, the current standards
1-38 promulgated by the American Correctional Association.

1-39 SECTION 2. Section 51.125(c), Family Code, is amended to
1-40 read as follows:

1-41 (c) The Texas Juvenile Justice Department shall ~~annually~~
1-42 inspect each public or private juvenile post-adjudication secure
1-43 correctional facility that is not operated by the department. The
1-44 department shall provide a report to each juvenile court judge
1-45 presiding in the same county as an inspected facility indicating
1-46 whether the facility is suitable or unsuitable for the confinement
1-47 of children in accordance with minimum professional standards for
1-48 the confinement of children in post-adjudication secure
1-49 confinement promulgated by the department or, at the election of
1-50 the juvenile board of the county in which the facility is located,
1-51 the current standards promulgated by the American Correctional
1-52 Association.

1-53 SECTION 3. Section 51.126(c), Family Code, is amended to
1-54 read as follows:

1-55 (c) The Texas Juvenile Justice Department shall ~~annually~~
1-56 inspect each nonsecure correctional facility. The Texas Juvenile
1-57 Justice Department shall provide a report to each juvenile court
1-58 judge presiding in the same county as an inspected facility
1-59 indicating whether the facility is suitable or unsuitable for the
1-60 confinement of children in accordance with minimum professional

2-1 standards for the confinement of children in nonsecure confinement
 2-2 promulgated by the Texas Juvenile Justice Department or, at the
 2-3 election of the juvenile board of the county in which the facility
 2-4 is located, the current standards promulgated by the American
 2-5 Correctional Association.

2-6 SECTION 4. Sections 51.20(a), (b), (c), and (d), Family
 2-7 Code, are amended to read as follows:

2-8 (a) At any stage of the proceedings under this title,
 2-9 including when a child is initially detained in a pre-adjudication
 2-10 secure detention facility or a post-adjudication secure
 2-11 correctional facility, the juvenile court may, at its discretion or
 2-12 at the request of the child's parent or guardian, order a child who
 2-13 is referred to the juvenile court or who is alleged by a petition or
 2-14 found to have engaged in delinquent conduct or conduct indicating a
 2-15 need for supervision to be examined by a disinterested expert,
 2-16 including a physician, psychiatrist, or psychologist, qualified by
 2-17 education and clinical training in mental health or intellectual
 2-18 disability [~~mental retardation~~] and experienced in forensic
 2-19 evaluation, to determine whether the child has a mental illness, as
 2-20 defined by Section 571.003, Health and Safety Code, is a person with
 2-21 an intellectual disability, [~~mental retardation~~] as defined by
 2-22 Section 591.003, Health and Safety Code, or suffers from chemical
 2-23 dependency, as defined by Section 464.001, Health and Safety Code.
 2-24 If the examination is to include a determination of the child's
 2-25 fitness to proceed, an expert may be appointed to conduct the
 2-26 examination only if the expert is qualified under Subchapter B,
 2-27 Chapter 46B, Code of Criminal Procedure, to examine a defendant in a
 2-28 criminal case, and the examination and the report resulting from an
 2-29 examination under this subsection must comply with the requirements
 2-30 under Subchapter B, Chapter 46B, Code of Criminal Procedure, for
 2-31 the examination and resulting report of a defendant in a criminal
 2-32 case.

2-33 (b) If, after conducting an examination of a child ordered
 2-34 under Subsection (a) and reviewing any other relevant information,
 2-35 there is reason to believe that the child has a mental illness or
 2-36 intellectual disability [~~mental retardation~~] or suffers from
 2-37 chemical dependency, the probation department shall refer the child
 2-38 to the local mental health [~~or mental retardation~~] authority, to
 2-39 the local intellectual and developmental disability authority, or
 2-40 to another appropriate and legally authorized agency or provider
 2-41 for evaluation and services, unless the prosecuting attorney has
 2-42 filed a petition under Section 53.04.

2-43 (c) If, while a child is under deferred prosecution
 2-44 supervision or court-ordered probation, a qualified professional
 2-45 determines that the child has a mental illness or intellectual
 2-46 disability [~~mental retardation~~] or suffers from chemical
 2-47 dependency and the child is not currently receiving treatment
 2-48 services for the mental illness, intellectual disability [~~mental~~
 2-49 ~~retardation~~], or chemical dependency, the probation department
 2-50 shall refer the child to the local mental health [~~or mental~~
 2-51 ~~retardation~~] authority, to the local intellectual and
 2-52 developmental disability authority, or to another appropriate and
 2-53 legally authorized agency or provider for evaluation and services.

2-54 (d) A probation department shall report each referral of a
 2-55 child to a local mental health [~~or mental retardation~~] authority,
 2-56 to a local intellectual and developmental disability authority, or
 2-57 to another agency or provider made under Subsection (b) or (c) to
 2-58 the Texas Juvenile Justice Department in a format specified by the
 2-59 department.

2-60 SECTION 5. Section 56.01(c), Family Code, is amended to
 2-61 read as follows:

2-62 (c) An appeal may be taken:

2-63 (1) except as provided by Subsection (n), by or on
 2-64 behalf of a child from an order entered under:

2-65 (A) Section 54.02 respecting transfer of the
 2-66 child for prosecution as an adult;

2-67 (B) Section 54.03 with regard to delinquent
 2-68 conduct or conduct indicating a need for supervision;

2-69 (C) Section 54.04 disposing of the case;

3-1 (D) Section 54.05 respecting modification of a
3-2 previous juvenile court disposition; or

3-3 (E) Chapter 55 by a juvenile court committing a
3-4 child to a facility for persons with mental illness [~~the mentally~~
3-5 ~~ill~~] or intellectual disabilities [~~intellectually disabled~~]; or

3-6 (2) by a person from an order entered under Section
3-7 54.11(i)(2) transferring the person to the custody of the Texas
3-8 Department of Criminal Justice.

3-9 SECTION 6. Sections 202.001(a) and (b), Human Resources
3-10 Code, are amended to read as follows:

3-11 (a) The board is composed of the following nine [~~13~~] members
3-12 appointed by the governor with the advice and consent of the senate:

3-13 (1) one member who is a district court judge of a court
3-14 designated as a juvenile court;

3-15 (2) one member who is a member [~~three members who are~~
3-16 ~~members~~] of a county commissioners court with juvenile justice
3-17 experience;

3-18 (3) one prosecutor in juvenile court;

3-19 (4) one chief juvenile probation officer of a juvenile
3-20 probation department serving a county with a population that
3-21 includes fewer than 7,500 persons younger than 18 years of age;

3-22 (5) one chief juvenile probation officer of a juvenile
3-23 probation department serving a county with a population that
3-24 includes at least 7,500 but fewer than 80,000 persons younger than
3-25 18 years of age;

3-26 (6) one chief juvenile probation officer of a juvenile
3-27 probation department serving a county with a population that
3-28 includes 80,000 or more persons younger than 18 years of age;

3-29 (7) one adolescent mental health treatment
3-30 professional licensed under Subtitle B or I, Title 3, Occupations
3-31 Code, or a representative from a local mental health authority
3-32 designated under Chapter 533, Health and Safety Code, who has
3-33 experience working with children;

3-34 (8) one member who is:

3-35 (A) an educator, as that term is defined by
3-36 Section 5.001, Education Code, with juvenile justice experience; or

3-37 (B) a juvenile justice professional with
3-38 experience managing a secure juvenile justice facility operated by
3-39 the department or a county; and

3-40 (9) one member [~~three members~~] of the general public.

3-41 (b) Members serve staggered six-year terms, with the terms
3-42 of three [~~four or five~~] members expiring on February 1 of each
3-43 odd-numbered year.

3-44 SECTION 7. Section 202.005, Human Resources Code, is
3-45 amended to read as follows:

3-46 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
3-47 probation officer who is a board member shall avoid the appearance
3-48 of a conflict of interest by not voting or participating in any
3-49 decision by the board that solely benefits or penalizes or
3-50 otherwise solely impacts the juvenile probation department over
3-51 which the chief juvenile probation officer has authority. The
3-52 chief juvenile probation officer may not vote or render any
3-53 decisions regarding matters of officer discipline [~~abuse and~~
3-54 ~~neglect~~] presented to the board regarding the chief juvenile
3-55 probation officer's department.

3-56 (a-1) If a juvenile justice professional is appointed as a
3-57 board member under Section 202.001(a)(8), the member shall avoid
3-58 the appearance of a conflict of interest by not voting or
3-59 participating in any decision by the board that solely benefits or
3-60 penalizes or otherwise solely impacts any juvenile probation
3-61 department or facility the professional is employed by or works for
3-62 under a contract. The professional may not vote or render any
3-63 decisions regarding matters of officer discipline presented to the
3-64 board regarding any juvenile probation department or facility the
3-65 professional is employed by or works for under a contract.

3-66 (b) The board may adopt recusal requirements in addition to
3-67 those described by Subsections [~~Subsection~~] (a) and (a-1),
3-68 including requirements that are more restrictive than those
3-69 described by those subsections [~~Subsection (a)~~].

4-1 SECTION 8. Section 202.006, Human Resources Code, is
4-2 amended by amending Subsection (b) and adding Subsection (d) to
4-3 read as follows:

4-4 (b) The training program must provide the person with
4-5 information regarding:

4-6 (1) the law governing department operations [the
4-7 legislation that created the department];

4-8 (2) the programs, functions, rules, and budget of the
4-9 department;

4-10 (3) the scope of and limitations on the rulemaking
4-11 authority of the board;

4-12 (4) the results of the most recent formal audit of the
4-13 department;

4-14 (5) ~~[(4)]~~ the requirements of:

4-15 (A) laws relating to open meetings, public
4-16 information, administrative procedure, and disclosing conflicts of
4-17 interest; and

4-18 (B) other laws applicable to members of a state
4-19 policymaking body in performing their duties; and

4-20 (6) ~~[(5)]~~ any applicable ethics policies adopted by
4-21 the department or the Texas Ethics Commission.

4-22 (d) The executive director shall create a training manual
4-23 that includes the information required by Subsection (b). The
4-24 executive director shall distribute a copy of the training manual
4-25 annually to each member of the board. Each member of the board shall
4-26 sign and submit to the executive director a statement acknowledging
4-27 that the member received and has reviewed the training manual.

4-28 SECTION 9. Section 202.010, Human Resources Code, is
4-29 amended to read as follows:

4-30 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
4-31 Board and the Texas Juvenile Justice Department are subject to
4-32 Chapter 325, Government Code (Texas Sunset Act). Unless continued
4-33 in existence as provided by that chapter, the board and the
4-34 department are abolished September 1, 2025 [~~2023~~].

4-35 SECTION 10. Section 203.001, Human Resources Code, is
4-36 amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to
4-37 read as follows:

4-38 (b-1) The board may delegate to the executive director the
4-39 board's responsibilities as the board determines appropriate.

4-40 (b-2) In making a delegation under Subsection (b-1), the
4-41 board shall provide, as appropriate:

4-42 (1) to the executive director with respect to each
4-43 delegation:

4-44 (A) clear direction;

4-45 (B) performance measures; and

4-46 (C) reporting requirements; and

4-47 (2) to the department, sufficient oversight to ensure
4-48 that delegated responsibilities are performed according to the
4-49 mission and funding priorities described by Subsection (c).

4-50 (b-3) The executive director is a full-time employee of the
4-51 board and shall:

4-52 (1) perform the regular administrative functions of
4-53 the board and any other duty as the board directs; and

4-54 (2) under the direction of the board, perform the
4-55 duties required by this subtitle or designated by the board.

4-56 (b-4) The executive director may not perform a
4-57 discretionary or decision-making function for which the board is
4-58 solely responsible.

4-59 SECTION 11. Section 203.002, Human Resources Code, is
4-60 amended to read as follows:

4-61 Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

4-62 (1) employ an executive director to administer the
4-63 department; and

4-64 (2) supervise the director's administration of the
4-65 department.

4-66 (b) The executive director must possess the following
4-67 minimum qualifications:

4-68 (1) five years of experience in the field of juvenile
4-69 corrections or congregate care in an administrative capacity;

5-1 (2) three years of experience in the field of juvenile
5-2 corrections or congregate care in an administrative capacity and a
5-3 graduate degree from an institution of higher education in a
5-4 relevant field, including penology, adolescent development,
5-5 behavior management, or rehabilitative services; or
5-6 (3) seven years of experience in management and
5-7 administration of a government agency, institution of higher
5-8 education, or business enterprise of a size comparable to the
5-9 department.

5-10 (c) The department shall track the frequency with which the
5-11 executive director takes the following actions as defined by
5-12 department rule:

- 5-13 (1) selects a child for a conditional placement;
- 5-14 (2) selects a child for a home placement;
- 5-15 (3) waives the requirement for a child with a
5-16 determinate sentence to spend the child's entire minimum period of
5-17 confinement in a high-restriction facility;
- 5-18 (4) waives the requirement for a child to be on
5-19 intensive supervision when initially released on parole;
- 5-20 (5) authorizes early discharges for a child on parole;
- 5-21 or
- 5-22 (6) finalizes an appeal brought by an advocacy group
5-23 or social service provider who was denied certain access to
5-24 department facilities.

5-25 (d) The executive director shall provide the board and the
5-26 Sunset Advisory Commission at the beginning of each calendar
5-27 quarter aggregated data on the number of times each action
5-28 described by Subsection (c) was taken during the previous calendar
5-29 quarter.

5-30 SECTION 12. Section 203.0081, Human Resources Code, is
5-31 amended by amending Subsections (a) and (e) and adding Subsection
5-32 (c-1) to read as follows:

- 5-33 (a) The advisory council on juvenile services consists of:
- 5-34 (1) the executive director of the department or the
5-35 executive director's designee;
- 5-36 (2) the director of probation services of the
5-37 department or the director's designee;
- 5-38 (3) the director of state programs and facilities of
5-39 the department or the director's designee;
- 5-40 (4) the executive commissioner of the Health and Human
5-41 Services Commission or the commissioner's designee;
- 5-42 (5) one representative of the county commissioners
5-43 courts appointed by the board;
- 5-44 (6) two juvenile court judges appointed by the board;
- 5-45 [~~and~~]
- 5-46 (7) seven chief juvenile probation officers appointed
5-47 by the board as provided by Subsection (b); and
- 5-48 (8) the commissioner of the Department of Family and
5-49 Protective Services or the commissioner's designee.

5-50 (c-1) The board shall adopt rules regarding:

- 5-51 (1) the purpose, role, responsibility, goals, and
5-52 duration of the advisory council;
- 5-53 (2) the quorum requirement for the advisory council;
- 5-54 (3) training requirements for advisory council
5-55 members;
- 5-56 (4) policies to avoid conflicts of interest by
5-57 advisory council members;
- 5-58 (5) a periodic review process to evaluate the
5-59 continuing need for the advisory council;
- 5-60 (6) policies to ensure the advisory council does not
5-61 violate any provision of Chapter 551, Government Code, applicable
5-62 to the board or the advisory council;
- 5-63 (7) the appropriate level of participation from ex
5-64 officio advisory council members designated under Subsections
5-65 (a)(1)-(4); and
- 5-66 (8) reporting requirements and other communication
5-67 procedures between the board and the advisory council.

5-68 (e) The advisory council shall assist the department in:
5-69 (1) determining the needs and problems of county

- 6-1 juvenile boards and probation departments;
- 6-2 (2) conducting long-range strategic planning;
- 6-3 (3) reviewing and proposing revisions to existing or
- 6-4 newly proposed standards affecting juvenile probation programs,
- 6-5 services, or facilities;
- 6-6 (4) analyzing the potential cost impact on juvenile
- 6-7 probation departments of new standards proposed by the board; ~~and~~
- 6-8 (5) assessing and developing recommendations to
- 6-9 improve the sharing of information between agencies that serve
- 6-10 children, including agencies serving children in both the juvenile
- 6-11 justice and child welfare systems; and
- 6-12 (6) advising the board on any other matter on the
- 6-13 request of the board.

6-14 SECTION 13. Chapter 203, Human Resources Code, is amended
 6-15 by adding Sections 203.0083, 203.0084, 203.0085, and 203.0101 to
 6-16 read as follows:

6-17 Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

6-18 (a) The board by rule may establish advisory committees to make
 6-19 recommendations to the board on programs, rules, and policies
 6-20 administered by the board.

6-21 (b) In establishing an advisory committee under this
 6-22 section, the board shall adopt rules, including rules regarding:

6-23 (1) the purpose, role, responsibility, goals, and
 6-24 duration of the committee;

6-25 (2) the size of and quorum requirement for the
 6-26 committee;

6-27 (3) qualifications for committee membership;

6-28 (4) appointment procedures for members;

6-29 (5) terms of service for members;

6-30 (6) training requirements for members;

6-31 (7) policies to avoid conflicts of interest by
 6-32 members;

6-33 (8) a periodic review process to evaluate the
 6-34 continuing need for the committee; and

6-35 (9) policies to ensure the committee does not violate
 6-36 any provision of Chapter 551, Government Code, applicable to the
 6-37 board or the committee.

6-38 (c) The board shall establish a youth career and technical
 6-39 education advisory committee and adopt rules required by Subsection
 6-40 (a) for the committee. The advisory committee shall assist the
 6-41 department with overseeing and coordinating vocational training
 6-42 for youth in the custody of the department, including training
 6-43 provided by community colleges and other local entities with which
 6-44 the department may partner.

6-45 Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
 6-46 The department shall develop a comprehensive set of risk factors to
 6-47 use in assessing the overall risk level of the facilities and
 6-48 entities inspected by the department under:

6-49 (1) Chapter 51, Family Code;

6-50 (2) Section 221.008 of this code; and

6-51 (3) Subtitle C, Title 12, of this code.

6-52 (b) The risk factors described by Subsection (a) may
 6-53 include:

6-54 (1) the entity type;

6-55 (2) available programming;

6-56 (3) past and repeat standards violations;

6-57 (4) the volume and types of complaints received by the
 6-58 department;

6-59 (5) recent leadership changes;

6-60 (6) high staff turnover;

6-61 (7) relevant findings from the office of independent
 6-62 ombudsman and the office of inspector general;

6-63 (8) negative media attention; and

6-64 (9) the number of months since the date of the
 6-65 department's last inspection of the entity.

6-66 (c) The department shall use the risk factors developed
 6-67 under this section to guide the inspections process for facilities
 6-68 and entities described by Subsection (a) by developing risk
 6-69 assessment tools with clear, objective standards to use in

7-1 assessing the overall risk level of each entity.
7-2 (d) The department may develop distinct assessment tools
7-3 under Subsection (c) for different entity types, as appropriate.
7-4 (e) The department shall periodically review the assessment
7-5 tools developed under this section to ensure that the tools remain
7-6 up to date and meaningful, as determined by the department.
7-7 Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department
7-8 shall adopt a policy prioritizing inspections conducted by the
7-9 department under:
7-10 (1) Chapter 51, Family Code;
7-11 (2) Section 221.008 of this code; and
7-12 (3) Subtitle C, Title 12, of this code.
7-13 (b) The policy under Subsection (a) must require the
7-14 department to:
7-15 (1) prioritize the inspection of entities based on the
7-16 relative risk level of each entity; and
7-17 (2) use the risk assessment tools established under
7-18 Section 203.0084 to determine how frequently and intensively the
7-19 department conducts risk-based inspections.
7-20 (c) The policy under Subsection (a) may provide for the
7-21 department to use alternative inspection methods for entities
7-22 determined to be low risk, including the following methods:
7-23 (1) desk audits of key documentation;
7-24 (2) abbreviated inspection procedures;
7-25 (3) videoconference technology; and
7-26 (4) other methods that are an alternative to
7-27 conducting an in-person inspection.
7-28 (d) On request by the department, a juvenile probation
7-29 department or a private facility under the department's
7-30 jurisdiction shall provide information to assist the department in
7-31 implementing a risk-based inspection schedule.
7-32 Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a)
7-33 The department shall make available on the department's Internet
7-34 website a statistical analysis of the complaints received against
7-35 certified officers by the department.
7-36 (b) The complaint analysis under this section must include
7-37 aggregate information on the number, source, type, and disposition
7-38 of complaints received against certified officers during the
7-39 preceding fiscal year and include the following information:
7-40 (1) the number of certified officers by certification
7-41 type;
7-42 (2) the number of complaints against certified
7-43 officers by certification type;
7-44 (3) the number of complaints resolved and the manner
7-45 of resolution, including:
7-46 (A) the total number of agreed, default, and
7-47 board orders entered;
7-48 (B) the total number of cases referred for
7-49 contested case hearings by the State Office of Administrative
7-50 Hearings;
7-51 (C) the total number of contested cases heard by
7-52 the State Office of Administrative Hearings; and
7-53 (D) the total number of contested cases that were
7-54 appealed to a district court;
7-55 (4) the average number of days required to resolve a
7-56 complaint;
7-57 (5) a detailed analysis of the resolution for each
7-58 closed complaint, by the nature of the alleged violation; and
7-59 (6) a detailed analysis of each closed complaint, by
7-60 source.
7-61 SECTION 14. Section 203.013, Human Resources Code, is
7-62 amended by adding Subsection (c) to read as follows:
7-63 (c) The executive director shall acknowledge receipt of and
7-64 discuss the results of internal audits with the board.
7-65 SECTION 15. Section 203.017, Human Resources Code, is
7-66 amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and
7-67 amending Subsection (e) to read as follows:
7-68 (a-1) The department shall update and submit the
7-69 regionalization plan developed under Subsection (a) to the Sunset

8-1 Advisory Commission and standing legislative committees with
 8-2 primary jurisdiction over juvenile justice matters by December 1 of
 8-3 each even-numbered year. Before submitting the plan, the
 8-4 department must present an updated draft of the regionalization
 8-5 plan to the board for public comment and board approval.

8-6 (a-2) The department may incorporate relevant suggestions,
 8-7 needs, or recommendations from the regionalization plan into
 8-8 subsequent strategic plans, legislative appropriation requests,
 8-9 and any other necessary document to support the plan's
 8-10 implementation.

8-11 (b-1) In addition to the requirements of Subsection (b), in
 8-12 developing the regionalization plan, the department shall consult
 8-13 with:

8-14 (1) the advisory council on juvenile services;
 8-15 (2) juvenile probation departments;
 8-16 (3) regional juvenile probation associations;
 8-17 (4) advocacy groups;
 8-18 (5) parents and guardians of children under the
 8-19 jurisdiction of the department;

8-20 (6) individuals formerly involved in the juvenile
 8-21 justice system; and

8-22 (7) any other stakeholder the department determines
 8-23 may be helpful.

8-24 (e) The regionalization plan must, as applicable:

8-25 (1) include a budget review, redirection of staff, and
 8-26 funding mechanisms necessary to support the plan;

8-27 (2) create a new division of the department
 8-28 responsible for administering the regionalization plan and
 8-29 monitoring program quality and accountability;

8-30 (3) [~~include sufficient mechanisms to divert at least:~~
 8-31 ~~[(A) 30 juveniles from commitment to secure~~
 8-32 ~~facilities operated by the department for the state fiscal year~~
 8-33 ~~beginning September 1, 2015; and~~

8-34 ~~[(B) 150 juveniles from commitment to secure~~
 8-35 ~~facilities operated by the department for the state fiscal year~~
 8-36 ~~beginning September 1, 2016; and~~

8-37 ~~[(4)] for the state fiscal year beginning September 1,~~
 8-38 2017, and each subsequent state fiscal year, include any savings
 8-39 that are generated by the decreases in the population of the secure
 8-40 facilities operated by the department under Subtitle C that exceed
 8-41 the cost of implementing the plan;

8-42 (4) include information on:

8-43 (A) the department's compliance with statutory
 8-44 regionalization requirements; and

8-45 (B) internal goals for diverting children from
 8-46 commitment to the department; and

8-47 (5) include specific, actionable steps regarding how
 8-48 the department will enhance regional capacity, coordination, and
 8-49 collaboration among juvenile probation departments to keep
 8-50 children closer to home as an alternative to commitment to the
 8-51 department's facilities while ensuring access to programs and the
 8-52 supervision necessary to maintain public safety.

8-53 (e-1) In developing the steps under Subsection (e)(5), the
 8-54 department shall consider:

8-55 (1) options to target or expand funding for juvenile
 8-56 probation departments to enhance community-based programs and
 8-57 maximize the use of existing juvenile justice beds;

8-58 (2) opportunities to use financial and other
 8-59 incentives to encourage diversion, facilitate cooperation within
 8-60 and across the regions established under Subsection (c), and
 8-61 emphasize the benefits of sharing available resources among
 8-62 counties;

8-63 (3) plans for creating additional capacity to minimize
 8-64 gaps in juvenile justice beds and services at the local level,
 8-65 including the expansion or development of beds and facilities
 8-66 designated specifically for regional use; and

8-67 (4) processes for downsizing, closing, or repurposing
 8-68 large state secure facilities to shift toward a more regionally
 8-69 based juvenile justice system.

9-1 SECTION 16. Section 203.018(e), Human Resources Code, is
9-2 amended to read as follows:

9-3 (e) The department or any local probation department may
9-4 ~~[not]~~ use or contract with a facility that was constructed or
9-5 previously used for the confinement of adult offenders if the
9-6 department determines that the facility is appropriately
9-7 retrofitted to accommodate youth-specific requirements and needs.

9-8 SECTION 17. Chapter 203, Human Resources Code, is amended
9-9 by adding Section 203.0185 to read as follows:

9-10 Sec. 203.0185. RESOURCE MAPPING. (a) The department shall
9-11 partner with one or more public or private institutions of higher
9-12 education to inventory and map resources available for children in
9-13 the juvenile justice system. To determine the types of information
9-14 the department requires to timely identify and address resource,
9-15 program, and service gaps in probation regions that result in
9-16 commitments to department secure facilities, the department shall
9-17 consult with:

- 9-18 (1) institutions of higher education;
- 9-19 (2) the advisory council on juvenile services; and
- 9-20 (3) other relevant stakeholders.

9-21 (b) The board shall adopt rules requiring juvenile
9-22 probation departments, at useful and reasonable intervals, to
9-23 report to the department relevant information on resource, program,
9-24 and service gaps identified under Subsection (a), including
9-25 information on:

- 9-26 (1) the needs of children committed to the department
9-27 that are not being met with community resources; and
- 9-28 (2) the types of resources, programs, and services
9-29 that, if available in the community, may allow juvenile probation
9-30 departments to keep children closer to home as an alternative to
9-31 commitment to the department.

9-32 SECTION 18. Section 221.002, Human Resources Code, is
9-33 amended by adding Subsection (d-1) to read as follows:

9-34 (d-1) In adopting rules under Subsection (a)(4), the board
9-35 shall authorize a juvenile probation department to house a child
9-36 committed to the department in a pre-adjudication secure detention
9-37 facility or a post-adjudication secure correctional facility as the
9-38 child awaits transfer to the department.

9-39 SECTION 19. Section 221.056(a), Human Resources Code, is
9-40 amended to read as follows:

9-41 (a) The department may contract with a local mental health
9-42 ~~[and mental retardation]~~ authority for the establishment of a
9-43 residential treatment facility for juveniles with mental illness or
9-44 emotional injury who, as a condition of juvenile probation, are
9-45 ordered by a court to reside at the facility and receive education
9-46 services at the facility. The department may work in cooperation
9-47 with the local mental health ~~[and mental retardation]~~ authority to
9-48 provide mental health residential treatment services for juveniles
9-49 residing at a facility established under this section.

9-50 SECTION 20. Section 222.001, Human Resources Code, is
9-51 amended by amending Subsection (a) and adding Subsection (b-1) to
9-52 read as follows:

9-53 (a) To be eligible for appointment as a probation officer, a
9-54 person who was not employed as a probation officer before September
9-55 1, 1981, must:

- 9-56 ~~(1) [be of good moral character,~~
- 9-57 ~~(2) have acquired a bachelor's degree conferred by a~~
9-58 ~~college or university accredited by an accrediting organization~~
9-59 ~~recognized by the Texas Higher Education Coordinating Board,~~
- 9-60 ~~(3) have either:~~
 - 9-61 ~~[(A) one year of graduate study in criminology,~~
 - 9-62 ~~corrections, counseling, law, social work, psychology, sociology,~~
 - 9-63 ~~or other field of instruction approved by the department; or~~
 - 9-64 ~~[(B) one year of experience in full-time case~~
 - 9-65 ~~work, counseling, or community or group work:~~
 - 9-66 ~~[(i) in a social service, community,~~
 - 9-67 ~~corrections, or juvenile agency that deals with offenders or~~
 - 9-68 ~~disadvantaged persons; and~~
 - 9-69 ~~[(ii) that the department determines~~

10-1 ~~provides the kind of experience necessary to meet this requirement,~~
 10-2 ~~[(4)]~~ have satisfactorily completed the course of
 10-3 preservice training or instruction and any continuing education
 10-4 required by the department;
 10-5 ~~(2) [(5)]~~ have passed the tests or examinations
 10-6 required by the department; and
 10-7 ~~(3) [(6)]~~ possess the level of certification required
 10-8 by the department.

10-9 (b-1) The department by rule shall establish, with input
 10-10 from the advisory council on juvenile services and other relevant
 10-11 stakeholders, the minimum education and experience requirements a
 10-12 person must meet to be eligible for a juvenile probation officer
 10-13 certification. Rules adopted by the department under this
 10-14 subsection must be the least restrictive rules possible to ensure
 10-15 certified juvenile probation officers are qualified to protect
 10-16 children and public safety without creating barriers to entry into
 10-17 the profession.

10-18 SECTION 21. Section 222.002, Human Resources Code, is
 10-19 amended to read as follows:

10-20 Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. To
 10-21 be eligible for appointment as a detention officer, a person who was
 10-22 not employed as a detention officer before September 1, 2005, must:

- 10-23 ~~(1) [be of good moral character,~~
- 10-24 ~~[(2)]~~ be at least 21 years of age;
- 10-25 ~~(2) [(3)]~~ have acquired a high school diploma or its
- 10-26 equivalent;
- 10-27 ~~(3) [(4)]~~ have satisfactorily completed the course of
- 10-28 preservice training or instruction required by the department;
- 10-29 ~~(4) [(5)]~~ have passed the tests or examinations
- 10-30 required by the department; and
- 10-31 ~~(5) [(6)]~~ possess the level of certification required
- 10-32 by the department.

10-33 SECTION 22. Subchapter B, Chapter 222, Human Resources
 10-34 Code, is amended by adding Sections 222.0521 and 222.0522 to read as
 10-35 follows:

10-36 Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53,
 10-37 Occupations Code, applies to the issuance of a certification issued
 10-38 by the department.

10-39 Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The
 10-40 department may issue a provisional certification to an employee of
 10-41 a juvenile probation department or a private facility that houses
 10-42 youth on probation until the employee is certified under Section
 10-43 222.001, 222.002, or 222.003, as applicable.

10-44 (b) The department shall adopt rules to implement
 10-45 Subsection (a), including rules regarding eligibility for
 10-46 provisional certification and application procedures.

10-47 SECTION 23. Section 223.001, Human Resources Code, is
 10-48 amended by adding Subsections (a-1), (a-2), and (d-1) and amending
 10-49 Subsection (c) to read as follows:

10-50 (a-1) The department may incorporate as factors in the basic
 10-51 probation funding formula under Subsection (a) measures that create
 10-52 incentives for diverting children from the juvenile justice system.
 10-53 The department may prioritize factors for which the department
 10-54 collects relevant information. The board may adopt rules
 10-55 establishing and defining the factors under this subsection.

10-56 (a-2) When revising the basic probation funding formula
 10-57 under Subsection (a), the department shall consult and coordinate
 10-58 with relevant stakeholders, including:

- 10-59 (1) the advisory council on juvenile services; and
- 10-60 (2) the Legislative Budget Board.

10-61 (c) The department shall set aside a portion of the funds
 10-62 appropriated to the department for discretionary state aid to fund
 10-63 programs designed to address special needs or projects of local
 10-64 juvenile boards, including projects dedicated to specific target
 10-65 populations based on risk and needs, and with established
 10-66 recidivism reduction goals. The department shall develop
 10-67 discretionary grant funding protocols based on documented,
 10-68 data-driven, and research-based practices. The department may
 10-69 incorporate incentives into the discretionary grant funding

11-1 protocols that encourage collaboration between juvenile probation
 11-2 departments.

11-3 (d-1) The board, in consultation with the advisory council
 11-4 on juvenile services, shall adopt rules requiring a juvenile
 11-5 probation department to apply for the placement of a child in a
 11-6 regional specialized program before a juvenile court commits the
 11-7 child to the department's custody under Chapter 54, Family Code.
 11-8 The board by rule may establish exceptions to this requirement for
 11-9 offenses or circumstances the department considers inappropriate
 11-10 for diversion from commitment to state custody.

11-11 SECTION 24. Chapter 241, Human Resources Code, is amended
 11-12 by adding Section 241.009 to read as follows:

11-13 Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than
 11-14 October 1 of each year, the department shall publish on the
 11-15 department's Internet website aggregated information on the number
 11-16 of children committed to the department during the previous fiscal
 11-17 year, categorized by:

11-18 (1) committing offense level;

11-19 (2) sentence type;

11-20 (3) age; and

11-21 (4) sex.

11-22 (b) The department shall publish quarterly on the
 11-23 department's Internet website end-of-month data described by
 11-24 Subsection (a), aggregated for all children committed to the
 11-25 department and for children placed in each secure facility and
 11-26 halfway house.

11-27 (c) The department shall ensure that information regarding
 11-28 an individual child cannot be identified in any of the aggregated
 11-29 information published under this section.

11-30 SECTION 25. The heading to Section 242.002, Human Resources
 11-31 Code, is amended to read as follows:

11-32 Sec. 242.002. [EVALUATION OF] TREATMENT PROGRAMS;
 11-33 AVAILABILITY.

11-34 SECTION 26. Sections 242.002(c) and (d), Human Resources
 11-35 Code, are amended to read as follows:

11-36 (c) The department shall offer or make available programs
 11-37 for the rehabilitation and reestablishment in society of children
 11-38 committed to the department, including programs for females and for
 11-39 sex offenders, capital offenders, children who are chemically
 11-40 dependent, and children with mental illness, [described by
 11-41 Subsection (a)] in an adequate manner so that a child in the custody
 11-42 of the department receives appropriate rehabilitation services
 11-43 recommended for the child by the court committing the child to the
 11-44 department.

11-45 (d) If the department is unable to offer or make available
 11-46 programs described by [Subsection (a) in the manner provided by]
 11-47 Subsection (c), the department shall, not later than December 31 of
 11-48 each even-numbered year, provide the standing committees of the
 11-49 senate and house of representatives with primary jurisdiction over
 11-50 matters concerning correctional facilities with a report
 11-51 explaining:

11-52 (1) which programs are not offered or are unavailable;

11-53 and

11-54 (2) the reason the programs are not offered or are
 11-55 unavailable.

11-56 SECTION 27. Section 242.056(a), Human Resources Code, is
 11-57 amended to read as follows:

11-58 (a) The department shall allow advocacy and support groups
 11-59 whose primary functions are to benefit children, inmates, girls and
 11-60 women, persons with mental illness [the mentally ill], or victims
 11-61 of sexual assault to provide on-site information, support, and
 11-62 other services for children confined in department facilities.

11-63 SECTION 28. Section 242.102, Human Resources Code, is
 11-64 amended by adding Subsection (c-1) to read as follows:

11-65 (c-1) The board by rule shall require any findings related
 11-66 to an administrative investigation under Subsection (a)(2) to be
 11-67 reviewed for legal sufficiency before being made public.

11-68 SECTION 29. Section 243.001, Human Resources Code, is
 11-69 amended by adding Subsection (d) to read as follows:

12-1 (d) The department shall place a child in the most
 12-2 restrictive setting appropriate as the child awaits an adjudication
 12-3 or prosecution for conduct constituting a felony of the first or
 12-4 second degree while in the department's custody. The board by rule
 12-5 shall establish placement procedures that guide the department in
 12-6 determining the most appropriate setting for the child based on
 12-7 rehabilitative needs while preserving due process rights.

12-8 SECTION 30. The heading to Section 244.011, Human Resources
 12-9 Code, is amended to read as follows:

12-10 Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL
 12-11 DISABILITIES [~~MENTAL RETARDATION~~].

12-12 SECTION 31. Sections 244.011(a), (b), (e), (f), and (g),
 12-13 Human Resources Code, are amended to read as follows:

12-14 (a) The department shall accept a child with mental illness
 12-15 or intellectual disabilities who is committed to the department
 12-16 [~~who is mentally ill or mentally retarded~~].

12-17 (b) Unless the [~~a~~] child is committed to the department
 12-18 under a determinate sentence under Section 54.04(d)(3), 54.04(m),
 12-19 or 54.05(f), Family Code, the department shall discharge a child
 12-20 with mental illness or intellectual disabilities [~~who is mentally~~
 12-21 ~~ill or mentally retarded~~] from its custody if:

12-22 (1) the child has completed the minimum length of stay
 12-23 for the child's committing offense; and

12-24 (2) the department determines that the child is unable
 12-25 to progress in the department's rehabilitation programs because of
 12-26 the child's mental illness or intellectual disabilities [~~mental~~
 12-27 ~~retardation~~].

12-28 (e) If a child who is discharged from the department under
 12-29 Subsection (b) as a result of an intellectual disability [~~mental~~
 12-30 ~~retardation~~] is not receiving intellectual disability [~~mental~~
 12-31 ~~retardation~~] services, the child's discharge is effective on the
 12-32 earlier of:

12-33 (1) the date the court enters an order regarding an
 12-34 application for intellectual disability [~~mental retardation~~]
 12-35 services filed under Section 244.012(b); or

12-36 (2) the 30th day after the date that the application is
 12-37 filed.

12-38 (f) If a child who is discharged from the department under
 12-39 Subsection (b) as a result of an intellectual disability [~~mental~~
 12-40 ~~retardation~~] is receiving intellectual disability [~~mental~~
 12-41 ~~retardation~~] services, the child's discharge from the department
 12-42 is effective immediately.

12-43 (g) If a child with mental illness or intellectual
 12-44 disabilities [~~who is mentally ill or mentally retarded~~] is
 12-45 discharged from the department under Subsection (b), the child is
 12-46 eligible to receive continuity of care services from the Texas
 12-47 Correctional Office on Offenders with Medical or Mental Impairments
 12-48 under Chapter 614, Health and Safety Code.

12-49 SECTION 32. Section 244.012, Human Resources Code, is
 12-50 amended to read as follows:

12-51 Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The
 12-52 department shall establish a system that identifies children with
 12-53 mental illness or intellectual disabilities in the department's
 12-54 custody [~~who are mentally ill or mentally retarded~~].

12-55 (b) Before a child with mental illness [~~who is identified as~~
 12-56 ~~mentally ill~~] is discharged from the department's custody under
 12-57 Section 244.011(b), a department psychiatrist shall examine the
 12-58 child. The department shall refer a child requiring outpatient
 12-59 psychiatric treatment to the appropriate mental health authority.
 12-60 For a child requiring inpatient psychiatric treatment, the
 12-61 department shall file a sworn application for court-ordered mental
 12-62 health services, as provided in Subchapter C, Chapter 574, Health
 12-63 and Safety Code, if:

12-64 (1) the child is not receiving court-ordered mental
 12-65 health services; and

12-66 (2) the psychiatrist who examined the child determines
 12-67 that the child is a child with mental illness [~~mentally ill~~] and the
 12-68 child meets at least one of the criteria listed in Section 574.034
 12-69 or 574.0345, Health and Safety Code.

13-1 (c) Before a child who is identified as having an
 13-2 intellectual disability [~~mentally retarded~~] under Chapter 593,
 13-3 Health and Safety Code, is discharged from the department's custody
 13-4 under Section 244.011(b), the department shall refer the child for
 13-5 intellectual disability [~~mental retardation~~] services if the child
 13-6 is not receiving intellectual disability [~~mental retardation~~]
 13-7 services.

13-8 SECTION 33. Section 244.014, Human Resources Code, is
 13-9 amended by adding Subsection (a-1) to read as follows:

13-10 (a-1) After a child sentenced to commitment under Section
 13-11 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years
 13-12 of age but before the child becomes 19 years of age, the department
 13-13 shall refer the child to the juvenile court that entered the order
 13-14 of commitment for approval of the child's transfer to the Texas
 13-15 Department of Criminal Justice for confinement if:

- 13-16 (1) the child has not completed the sentence;
- 13-17 (2) while the child was committed to the custody of the
 13-18 department, the child was subsequently adjudicated or convicted for
 13-19 conduct constituting a felony of the first or second degree or an
 13-20 offense punishable under Section 22.01(b)(1), Penal Code; and
- 13-21 (3) the child was at least 16 years of age at the time
 13-22 the conduct occurred.

13-23 SECTION 34. Sections 245.0535(h) and (i), Human Resources
 13-24 Code, are amended to read as follows:

13-25 (h) The department shall conduct and coordinate research:

- 13-26 (1) to determine whether the comprehensive reentry and
 13-27 reintegration plan developed under this section reduces recidivism
 13-28 rates; and
- 13-29 (2) to review the effectiveness of the department's
 13-30 programs for the rehabilitation and reestablishment in society of
 13-31 children committed to the department, including programs for
 13-32 females and for sex offenders, capital offenders, children who are
 13-33 chemically dependent, and children with mental illness.

13-34 (i) Not later than December 31 of each even-numbered year,
 13-35 the department shall deliver a report of the results of research
 13-36 conducted or coordinated under Subsection (h) to the lieutenant
 13-37 governor, the speaker of the house of representatives, the
 13-38 Legislative Budget Board, and the standing committees of each house
 13-39 of the legislature with primary jurisdiction over juvenile justice
 13-40 and corrections.

13-41 SECTION 35. Section 261.002, Human Resources Code, is
 13-42 amended to read as follows:

13-43 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of
 13-44 independent ombudsman is a state agency established for the purpose
 13-45 of investigating, evaluating, and securing the rights of ~~the~~
 13-46 children:

- 13-47 (1) committed to the department, including a child
 13-48 released under supervision before final discharge; and
- 13-49 (2) adjudicated for conduct that constitutes an
 13-50 offense and placed in a facility operated by or contracted with a
 13-51 juvenile probation department or juvenile board.

13-52 SECTION 36. Section 261.056(a), Human Resources Code, is
 13-53 amended to read as follows:

13-54 (a) The department shall allow any child committed to the
 13-55 department or adjudicated for conduct that constitutes an offense
 13-56 and placed in a facility operated by or contracted with a juvenile
 13-57 probation department or juvenile board to communicate with the
 13-58 independent ombudsman or an assistant to the ombudsman. The
 13-59 communication:

- 13-60 (1) may be in person, by mail, or by any other means;
 13-61 and
- 13-62 (2) is confidential and privileged.

13-63 SECTION 37. Section 261.057, Human Resources Code, is
 13-64 amended to read as follows:

13-65 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The
 13-66 independent ombudsman shall promote awareness among the public and
 13-67 the children committed to the department or adjudicated for conduct
 13-68 that constitutes an offense and placed in a facility operated by or
 13-69 contracted with a juvenile probation department or juvenile board

14-1 of:

- 14-2 (1) how the office may be contacted;
 14-3 (2) the purpose of the office; and
 14-4 (3) the services the office provides.

14-5 SECTION 38. Section 261.061(c), Human Resources Code, is
 14-6 amended to read as follows:

14-7 (c) The office shall periodically notify the complaint
 14-8 parties of the status of the complaint until final disposition
 14-9 unless the notice would jeopardize an investigation.

14-10 SECTION 39. Section 261.101, Human Resources Code, is
 14-11 amended by amending Subsection (a) and adding Subsection (g) to
 14-12 read as follows:

14-13 (a) The independent ombudsman shall:

14-14 (1) review the procedures established by the board and
 14-15 evaluate the delivery of services to children to ensure that the
 14-16 rights of children are fully observed;

14-17 (2) review complaints filed with the independent
 14-18 ombudsman concerning the actions of the department, juvenile
 14-19 probation departments, or other entities operating facilities in
 14-20 which children adjudicated for conduct that constitutes an offense
 14-21 are placed and investigate each complaint in which it appears that a
 14-22 child may be in need of assistance from the independent ombudsman;

14-23 (3) conduct investigations of complaints, other than
 14-24 complaints alleging criminal behavior, if the office determines
 14-25 that:

14-26 (A) a child committed to the department, a child
 14-27 adjudicated for conduct that constitutes an offense and placed in a
 14-28 facility operated by or contracted with a juvenile probation
 14-29 department or juvenile board, or the child's family may be in need
 14-30 of assistance from the office; or

14-31 (B) a systemic issue raised in a complaint about
 14-32 the ~~[department's]~~ provision of services to children by the
 14-33 department, juvenile probation departments, or other entities
 14-34 operating facilities in which children adjudicated for conduct that
 14-35 constitutes an offense are placed ~~[is raised by a complaint];~~

14-36 (4) review or inspect periodically the facilities and
 14-37 procedures of any institution or residence in which a child
 14-38 adjudicated for conduct that constitutes an offense has been placed
 14-39 by the department or a juvenile probation department, whether
 14-40 public or private, to ensure that the rights of children are fully
 14-41 observed;

14-42 (5) provide assistance to a child or family who the
 14-43 independent ombudsman determines is in need of assistance,
 14-44 including advocating with an agency, provider, or other person in
 14-45 the best interests of the child;

14-46 (6) review court orders as necessary to fulfill its
 14-47 duties;

14-48 (7) recommend changes in any procedure relating to the
 14-49 treatment of children committed to the department or adjudicated
 14-50 for conduct that constitutes an offense and placed in a facility
 14-51 operated by or contracted with a juvenile probation department or
 14-52 juvenile board;

14-53 (8) make appropriate referrals under any of the duties
 14-54 and powers listed in this subsection;

14-55 (9) supervise assistants who are serving as advocates
 14-56 in internal administrative and disciplinary hearings by
 14-57 representing ~~[in their representation of]~~ children committed to the
 14-58 department or adjudicated for conduct that constitutes an offense
 14-59 and placed in a facility operated by or contracted with a juvenile
 14-60 probation department or juvenile board ~~[internal administrative~~
 14-61 ~~and disciplinary hearings];~~

14-62 (10) review reports received by the department
 14-63 relating to complaints regarding juvenile probation programs,
 14-64 services, or facilities and analyze the data contained in the
 14-65 reports to identify trends in complaints;

14-66 (11) report a possible standards violation by a
 14-67 ~~[local]~~ juvenile probation department to the appropriate division
 14-68 of the department; and

14-69 (12) immediately report the findings of any

15-1 investigation related to the operation of a post-adjudication
 15-2 correctional facility in a county to the chief juvenile probation
 15-3 officer and the juvenile board of the county.

15-4 (g) The department and juvenile probation departments shall
 15-5 notify the office regarding any private facility described by
 15-6 Subsection (f)(1) with which the department or the juvenile
 15-7 probation department contracts to place children adjudicated as
 15-8 having engaged in conduct indicating a need for supervision or
 15-9 delinquent conduct. The report under this subsection must be made
 15-10 annually and updated at the time a new contract is entered into with
 15-11 a facility described by this subsection. The office shall adopt
 15-12 rules to implement the reporting requirements under this
 15-13 subsection, including the specific times the report must be made.

15-14 SECTION 40. Section 261.102, Human Resources Code, is
 15-15 amended to read as follows:

15-16 Sec. 261.102. TREATMENT OF [DEPARTMENT] EMPLOYEES WHO
 15-17 COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile
 15-18 probation department, or another entity operating a facility in
 15-19 which children adjudicated for conduct that constitutes an offense
 15-20 are placed may not discharge or in any manner discriminate or
 15-21 retaliate against an employee who in good faith makes a complaint to
 15-22 the office of independent ombudsman or cooperates with the office
 15-23 in an investigation.

15-24 SECTION 41. Subchapter C, Chapter 261, Human Resources
 15-25 Code, is amended by adding Sections 261.105 and 261.106 to read as
 15-26 follows:

15-27 Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
 15-28 The office shall develop a comprehensive set of risk factors to use
 15-29 in assessing the overall risk level of facilities and entities
 15-30 described by Section 261.101(f) and of department parole offices.
 15-31 The risk factors may include:

15-32 (1) the entity type;
 15-33 (2) past and repeat children's rights violations;
 15-34 (3) the volume and types of complaints received by the
 15-35 office;
 15-36 (4) recent changes in a facility or parole office
 15-37 leadership;
 15-38 (5) high staff turnover;
 15-39 (6) relevant investigations by the office of the
 15-40 inspector general of the department;
 15-41 (7) negative media attention; and
 15-42 (8) the number of months since the date of the office's
 15-43 last inspection of the entity.

15-44 (b) The office shall use the risk factors developed under
 15-45 this section to guide the inspections of facilities and entities
 15-46 described by Section 261.101(f), and of department parole offices,
 15-47 by developing risk assessment tools with clear, objective standards
 15-48 to use in assessing the overall risk level of each facility, entity,
 15-49 or parole office.

15-50 (c) The office may develop distinct assessment tools under
 15-51 Subsection (b) for different entity types, as appropriate.

15-52 (d) The office shall periodically review the assessment
 15-53 tools developed under this section to ensure that the tools remain
 15-54 up to date and meaningful, as determined by the office.

15-55 Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office
 15-56 shall adopt a policy prioritizing the inspection of facilities
 15-57 conducted under Section 261.101(f) and of department parole offices
 15-58 based on the relative risk level of each entity.

15-59 (b) The policy under Subsection (a) must require the office
 15-60 to use the risk assessment tools established under Section 261.105
 15-61 to determine how frequently and intensively the office conducts
 15-62 risk-based inspections.

15-63 (c) The policy under Subsection (a) may provide for the
 15-64 office to use alternative inspection methods for entities
 15-65 determined to be low risk, including the following methods:

15-66 (1) desk audits of key documentation;
 15-67 (2) abbreviated inspection procedures;
 15-68 (3) videoconference technology; and
 15-69 (4) other methods that are an alternative to

16-1 conducting an in-person inspection.

16-2 (d) On request by the office, the department, a juvenile
16-3 probation department, or a private facility under the office's
16-4 jurisdiction shall provide information to assist the office in
16-5 implementing a risk-based inspection schedule.

16-6 SECTION 42. Section 261.151(c), Human Resources Code, is
16-7 amended to read as follows:

16-8 (c) A local law enforcement agency shall allow the
16-9 independent ombudsman access to its records relating to any child
16-10 in the care or custody of the department or any child adjudicated
16-11 for conduct that constitutes an offense and placed in a facility
16-12 operated by or contracted with a juvenile probation department or
16-13 juvenile board.

16-14 SECTION 43. Section 261.152, Human Resources Code, is
16-15 amended to read as follows:

16-16 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.
16-17 The independent ombudsman shall have access to the records of a
16-18 private entity that relate to a child committed to the department or
16-19 a child adjudicated for conduct that constitutes an offense and
16-20 placed in a private facility contracted with a juvenile probation
16-21 department or juvenile board.

16-22 SECTION 44. Subchapter D, Chapter 261, Human Resources
16-23 Code, is amended by adding Section 261.153 to read as follows:

16-24 Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION
16-25 DEPARTMENTS. The independent ombudsman shall have access to the
16-26 records of a juvenile probation department that relate to a child
16-27 adjudicated for conduct that constitutes an offense and placed in a
16-28 facility operated by or contracted with a juvenile probation
16-29 department or juvenile board.

16-30 SECTION 45. The following provisions of the Human Resources
16-31 Code are repealed:

- 16-32 (1) Sections 222.001(b) and (f);
- 16-33 (2) Sections 242.002(a) and (b); and
- 16-34 (3) Section 246.002.

16-35 SECTION 46. (a) Not later than January 1, 2024, the Texas
16-36 Juvenile Justice Department shall repeal any rule requiring that an
16-37 individual must be of good moral character to qualify for a
16-38 department certification.

16-39 (b) Not later than December 1, 2024, the Texas Juvenile
16-40 Justice Department shall submit the first updated regionalization
16-41 plan required by Section 203.017(a-1), Human Resources Code, as
16-42 added by this Act.

16-43 SECTION 47. (a) Notwithstanding Section 202.001(b), Human
16-44 Resources Code, as amended by this Act, and except as otherwise
16-45 provided by this subsection, the term for a member of the Texas
16-46 Juvenile Justice Board serving on September 1, 2023, expires on
16-47 that date. A board member serving on that date may continue to
16-48 serve as a member of the board until a majority of appointments to
16-49 the board are made under Subsection (b) of this section. A member
16-50 of the board described by this subsection is eligible for
16-51 reappointment under Subsection (b) of this section.

16-52 (b) In making the initial appointments to the board
16-53 according to the changes in law made by this Act to Section 202.001,
16-54 Human Resources Code, the governor shall designate:

- 16-55 (1) three members to serve terms expiring February 1,
16-56 2025;
- 16-57 (2) three members to serve terms expiring February 1,
16-58 2027; and
- 16-59 (3) three members to serve terms expiring February 1,
16-60 2029.

16-61 SECTION 48. (a) Except as provided by Subsection (b) of
16-62 this section, Section 202.006, Human Resources Code, as amended by
16-63 this Act, applies to a member of the Texas Juvenile Justice Board
16-64 appointed before, on, or after the effective date of this Act.

16-65 (b) A member of the Texas Juvenile Justice Board who before
16-66 the effective date of this Act completed the training program
16-67 required by Section 202.006, Human Resources Code, as that law
16-68 existed before the effective date of this Act, is only required to
16-69 complete additional training on the subjects added by this Act to

17-1 the training program required by Section 202.006, Human Resources
17-2 Code. A board member described by this subsection may not vote,
17-3 deliberate, or be counted as a member in attendance at a meeting of
17-4 the board held on or after December 1, 2023, until the member
17-5 completes the additional training.

17-6 SECTION 49. (a) For purposes of Section 202.010, Human
17-7 Resources Code, as amended by this Act, the Sunset Advisory
17-8 Commission shall conduct a limited-scope review of the Texas
17-9 Juvenile Justice Department for the 89th Legislature.

17-10 (b) In conducting the limited-scope review under this
17-11 section, the Sunset Advisory Commission staff evaluation and report
17-12 must:

17-13 (1) review the implementation of the Sunset Advisory
17-14 Commission's recommendations adopted by the commission and
17-15 statutory recommendations for the Texas Juvenile Justice
17-16 Department and the office of independent ombudsman for the Texas
17-17 Juvenile Justice Department made to the 88th Legislature;

17-18 (2) identify the barriers to implementing the
17-19 recommendations under Subdivision (1) of this subsection;

17-20 (3) identify any changes needed to improve
17-21 coordination between the Texas Juvenile Justice Department and the
17-22 Texas Department of Criminal Justice, particularly for children
17-23 transferred from the custody of the Texas Juvenile Justice
17-24 Department to the custody of the Texas Department of Criminal
17-25 Justice; and

17-26 (4) review the decision-making processes involving
17-27 the Texas Juvenile Justice Board and executive director to evaluate
17-28 any needed changes in board engagement, delegation of duties, staff
17-29 discretion, and transparency.

17-30 (c) The Sunset Advisory Commission's recommendations to the
17-31 89th Legislature may include any recommendation the commission
17-32 considers appropriate based on the limited-scope review conducted
17-33 under this section.

17-34 SECTION 50. This Act takes effect September 1, 2023.

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