

Amend CSSB 2878 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 53.01(b-1), Family Code, is amended to read as follows:

(b-1) The person who is conducting the preliminary investigation shall, as appropriate, refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services under Section 53.011, if the person determines that:

(1) ~~[the child is younger than 12 years of age,~~
~~[+2+]~~ there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;

(2) ~~[+3+]~~ the child's case does not require referral to the prosecuting attorney under Subsection (d) or (f);

(3) ~~[+4+]~~ the child is eligible for deferred prosecution under Section 53.03; and

(4) ~~[+5+]~~ the child:
(A) is younger than 12 years of age, and the child and the child's family are not currently receiving services under Section 53.011 and would benefit from receiving the services;
or

(B) resides in a general residential operation,
as that term is defined by Section 42.002, Human Resources Code.

SECTION _____. Section 42.0426(b), Human Resources Code, is amended to read as follows:

(b) A residential child-care facility shall implement a behavior intervention program approved by the department for the benefit of a child served by the facility who needs assistance in managing the child's conduct. The program must include:

(1) behavior intervention instruction for staff members who work directly with children served by the facility,
including crisis response training for emergency behavior intervention with a goal of limiting law enforcement involvement;
and

(2) training for all employees regarding the risks

associated with the use of prone restraints.

SECTION _____. Section 152.00145, Human Resources Code, is amended to read as follows:

Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN JUVENILES. (a) In this section, "general residential operation" has the meaning assigned by Section 42.002.

(b) A juvenile board shall establish policies that prioritize:

(1) the diversion from referral to a prosecuting attorney under Chapter 53, Family Code, of children who are:

(A) younger than 12 years of age [~~from referral to a prosecuting attorney under Chapter 53, Family Code~~]; or

(B) residing in a general residential operation, particularly children alleged to have engaged in conduct constituting a misdemeanor involving violence to a person; and

(2) the limitation of detention, to circumstances of last resort, of children who are:

(A) younger than 12 years of age; or

(B) residing in a general residential operation [~~to circumstances of last resort~~].

(c) To monitor the success of policies implemented under Subsection (b) for children who reside in general residential operations, a juvenile board shall track:

(1) the number of children referred to the board who reside in a general residential operation;

(2) the number of children described by Subdivision (1) who receive deferred prosecution or are referred to the juvenile probation department; and

(3) the general residential operation where a child described by Subdivision (1) resides.

SECTION _____. Section 53.01(b-1), Family Code, as amended by this Act, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For the purposes of this section, conduct occurred before the effective date of this Act if any element of the

conduct occurred before that date.