

By: Swanson

H.B. No. 437

A BILL TO BE ENTITLED

AN ACT

relating to the placement of children in a detention or correctional facility according to biological sex.

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

SECTION 1. This Act may be cited as the Juvenile Girls Protection Act.

SECTION 2. Section 51.12(m), Family Code, is amended to read as follows:

(m) The Texas Juvenile Justice Department may deny, suspend, or revoke the registration of any facility required to register under Subsection (i) if the facility fails to:

(1) adhere to all applicable minimum standards for the facility; ~~or~~

(2) timely correct any notice of noncompliance with minimum standards; or

(3) strictly comply with the requirements of Section 51.127.

SECTION 3. Section 51.125(e), Family Code, is amended to read as follows:

(e) The Texas Juvenile Justice Department may deny, suspend, or revoke the registration of any facility required to register under Subsection (d) if the facility fails to:

(1) adhere to all applicable minimum standards for the facility; ~~or~~

1 (2) timely correct any notice of noncompliance with
2 minimum standards; or

3 (3) strictly comply with the requirements of Section
4 51.127.

5 SECTION 4. Chapter 51, Family Code, is amended by adding
6 Section 51.127 to read as follows:

7 Sec. 51.127. PLACEMENT OF JUVENILES BASED ON BIOLOGICAL
8 SEX. (a) In this section, "department" means the Texas Juvenile
9 Justice Department.

10 (b) A juvenile board created under Chapter 152, Human
11 Resources Code, or the department, as applicable, shall place a
12 child in a detention or correctional facility according to the
13 child's biological sex, as determined by:

14 (1) the child's official birth certificate, if the
15 child's biological sex is correctly stated on the certificate as
16 described by Subsection (c); or

17 (2) if the child's official birth certificate
18 described by Subdivision (1) is unobtainable, another government
19 record that states the child's biological sex.

20 (c) For purposes of this section, a statement of a child's
21 biological sex on the child's official birth certificate is
22 considered to have correctly stated the child's biological sex only
23 if the statement was:

24 (1) entered at or near the time of the child's birth;
25 and

26 (2) not modified except as necessary to correct any
27 type of scrivener or clerical error in the child's biological sex.

1 (d) The vital statistics unit of the Department of State
2 Health Services may not charge a juvenile board or the department a
3 fee to issue a birth certificate for use under this section.

4 (e) Except as provided by Subsection (b), a juvenile board
5 or the department, as applicable, shall, in accordance with the
6 Prison Rape Elimination Act National Standards (28 C.F.R. Part 115,
7 Subpart D), consider the unique safety needs of each child and take
8 appropriate action to ensure a child's health and safety.

9 (f) A juvenile board and the Texas Juvenile Justice Board
10 shall adopt any rules necessary to implement this section. The
11 rules must ensure compliance with state and federal law.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2025.