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S.B. No. 653

Substitute the following for S.B. No. 653:

By: Madden

C.S.S.B. No. 653

A BILL TO BE ENTITLED

1 AN ACT
2 relating to abolishing the Texas Youth Commission and the Texas
3 Juvenile Probation Commission and transferring the powers and
4 duties of those agencies to the newly created Texas Juvenile
5 Justice Department and to the functions of the independent
6 ombudsman that serves the department.

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

8 ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH
9 COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

10 SECTION 1.001. The Human Resources Code is amended by
11 adding Title 12, and a heading is added to read as follows:

12 TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

13 SECTION 1.002. Title 12, Human Resources Code, as added by
14 this Act, is amended by adding Subtitle A to read as follows:

15 SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE

16 JUSTICE DEPARTMENT

17 CHAPTER 201. GENERAL PROVISIONS

18 Sec. 201.001. DEFINITIONS. (a) In this title:

19 (1) "Board" means the Texas Juvenile Justice Board.

20 (2) "Child" means an individual:

21 (A) 10 years of age or older and younger than 18
22 years of age who is under the jurisdiction of a juvenile court; or

23 (B) 10 years of age or older and younger than 19
24 years of age who is committed to the department under Title 3,

1 Family Code.

2 (3) "Court" means a juvenile court.

3 (4) "Department" means the Texas Juvenile Justice
4 Department.

5 (5) "Executive director" means the executive director
6 of the department.

7 (6) "Juvenile board" means a body established by law
8 to provide juvenile probation services to a county.

9 (7) "State aid" means funds allocated by the
10 department to a juvenile board to financially assist the juvenile
11 board in achieving the purposes of this title and in conforming to
12 the department's standards and policies.

13 (a-1) A reference to the department:

14 (1) in Subtitle B means the Texas Juvenile Probation
15 Commission;

16 (2) in Subtitle C means the Texas Youth Commission;
17 and

18 (3) in any law other than Subtitle B or C means the
19 Texas Juvenile Probation Commission or the Texas Youth Commission,
20 as applicable in context.

21 (a-2) This subsection and Subsection (a-1) expire December
22 1, 2011.

23 (b) Effective December 1, 2011, a reference in other law to:

24 (1) the Texas Juvenile Probation Commission means the
25 department; or

26 (2) the Texas Youth Commission means the department.

27 Sec. 201.002. PURPOSES AND INTERPRETATION. This title

1 shall be construed to have the following public purposes:

2 (1) creating a unified state juvenile justice agency
3 that works in partnership with local county governments, the
4 courts, and communities to promote public safety by providing a
5 full continuum of effective supports and services to youth from
6 initial contact through termination of supervision; and

7 (2) creating a juvenile justice system that produces
8 positive outcomes for youth, families, and communities by:

9 (A) assuring accountability, quality,
10 consistency, and transparency through effective monitoring and the
11 use of systemwide performance measures;

12 (B) promoting the use of program and service
13 designs and interventions proven to be most effective in
14 rehabilitating youth;

15 (C) prioritizing the use of community-based or
16 family-based programs and services for youth over the placement or
17 commitment of youth to a secure facility;

18 (D) operating the state facilities to
19 effectively house and rehabilitate the youthful offenders that
20 cannot be safely served in another setting; and

21 (E) protecting and enhancing the cooperative
22 agreements between state and local county governments.

23 Sec. 201.003. GOALS. The goals of the department and all
24 programs, facilities, and services that are operated, regulated, or
25 funded by the department are to:

26 (1) support the development of a consistent
27 county-based continuum of effective interventions, supports, and

1 services for youth and families that reduce the need for
2 out-of-home placement;

3 (2) increase reliance on alternatives to placement and
4 commitment to secure state facilities, consistent with adequately
5 addressing a youthful offender's treatment needs and protection of
6 the public;

7 (3) locate the facilities as geographically close as
8 possible to necessary workforce and other services while supporting
9 the youths' connection to their families;

10 (4) encourage regional cooperation that enhances
11 county collaboration;

12 (5) enhance the continuity of care throughout the
13 juvenile justice system; and

14 (6) use secure facilities of a size that supports
15 effective youth rehabilitation and public safety.

16 Sec. 201.004. INTERAGENCY AND INTERGOVERNMENTAL
17 COOPERATION. (a) To improve services to youth, the department may
18 cooperate and contract with:

19 (1) the federal government;

20 (2) governmental agencies in this state and other
21 states;

22 (3) political subdivisions of the state; and

23 (4) private agencies and foundations.

24 (b) The executive director, the commissioner of education,
25 the commissioner of family and protective services, the
26 commissioner of state health services, the executive commissioner
27 of health and human services, and the chairman of the workforce

1 commission, or their designees, shall meet at least annually to:

2 (1) discuss mutual issues relating to at-risk youth
3 and youthful offenders, and community support systems for families
4 and youth;

5 (2) resolve conflicts in providing services to youth;
6 and

7 (3) make recommendations to the governor and
8 legislature.

9 CHAPTER 201A. TEMPORARY PROVISIONS

10 SUBCHAPTER A. TRANSITION TEAM

11 Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING
12 OFFICER. (a) The juvenile justice services and facilities
13 transition team is composed of the following seven members:

14 (1) a representative of the Texas Juvenile Probation
15 Commission, appointed by the board of the Texas Juvenile Probation
16 Commission;

17 (2) a representative of the Texas Youth Commission,
18 appointed by the board of the Texas Youth Commission;

19 (3) a representative of the governor;

20 (4) a representative of the lieutenant governor,
21 chosen from a list submitted to the governor by the lieutenant
22 governor;

23 (5) a representative of the speaker of the house of
24 representatives, chosen from a list submitted to the governor by
25 the speaker;

26 (6) one member who represents the interests of:

27 (A) youthful offenders or the families of

1 youthful offenders;

2 (B) an organization that advocates on behalf of
3 youthful offenders or the families of youthful offenders; or

4 (C) an organization that advocates on behalf of
5 the victims of delinquent or criminal conduct; and

6 (7) one member with experience in organizational
7 mergers.

8 (b) The governor shall appoint the members of the transition
9 team listed in Subsections (a)(3)-(7).

10 (c) The members of the transition team shall be appointed as
11 provided by Subsections (a) and (b) as soon as possible after
12 September 1, 2011, and not later than October 1, 2011.

13 (d) The transition team member who is appointed under
14 Subsection (a)(3) serves as the presiding officer of the transition
15 team.

16 (e) The transition team members appointed under Subsections
17 (a)(1) and (2) remain on the transition team after November 30,
18 2011, regardless of the abolition of the agencies named in those
19 subdivisions.

20 (f) A member of the transition team is not a state officer
21 for the purposes of Subchapter B, Chapter 572, Government Code,
22 solely because of the member's service on the transition team.

23 Sec. 201A.002. POWERS AND DUTIES. (a) After September 1,
24 2011, and before December 1, 2011, the transition team shall
25 coordinate and oversee the transition of services and facilities
26 from the Texas Juvenile Probation Commission and the Texas Youth
27 Commission to the Texas Juvenile Justice Department.

1 (b) After November 30, 2011, and before March 1, 2012, the
2 transition team shall:

3 (1) assist the Texas Juvenile Justice Department and
4 advise the Texas Juvenile Justice Board in implementing the
5 transition of services and facilities from the Texas Juvenile
6 Probation Commission and the Texas Youth Commission to the Texas
7 Juvenile Justice Department; and

8 (2) prepare and submit to the Texas Juvenile Justice
9 Department a transition plan that:

10 (A) shall include short-term, medium-term, and
11 long-term transition goals for the department; and

12 (B) may include benchmarks and timelines for
13 completion of certain transition-related tasks, as appropriate.

14 Sec. 201A.003. ASSISTANCE. The following state agencies
15 shall, on request, assist the transition team with the following
16 matters:

17 (1) the Legislative Budget Board and the budget,
18 planning, and policy division of the governor's office, with
19 preparation of a suggested budget for the department;

20 (2) the Department of Information Resources, with the
21 technological needs of the department;

22 (3) the office of the attorney general, with legal
23 matters concerning the transition of services and facilities from
24 the Texas Juvenile Probation Commission and the Texas Youth
25 Commission to the Texas Juvenile Justice Department;

26 (4) the comptroller of public accounts, with suggested
27 accounting practices for the department; and

1 (5) the Texas Facilities Commission, with assistance
2 in efficiently using the office space in which the administrative
3 offices of the Texas Juvenile Probation Commission and the Texas
4 Youth Commission are located and, if necessary, locating additional
5 office space for the administrative offices of the department.

6 [Sections 201A.004-201A.050 reserved for expansion]

7 SUBCHAPTER B. EXPIRATION

8 Sec. 201A.051. EXPIRATION. This chapter expires March 31,
9 2012.

10 CHAPTER 202. ADMINISTRATIVE PROVISIONS

11 Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a)
12 The board is composed of the following 11 members appointed by the
13 governor with the advice and consent of the senate:

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

16 (2) two members who are county judges or county
17 commissioners;

18 (3) one prosecutor in juvenile court;

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

22 (5) one chief juvenile probation officer of a juvenile
23 probation department serving a county with a population that
24 includes at least 7,500 but fewer than 20,000 persons younger than
25 18 years of age;

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

1 includes 20,000 or more persons younger than 18 years of age;

2 (7) one adolescent mental health treatment
3 professional licensed under Subtitle B or I, Title 3, Occupations
4 Code;

5 (8) one educator, as that term is defined by Section
6 5.001, Education Code; and

7 (9) two members of the general public.

8 (b) Members serve staggered six-year terms, with the terms
9 of three or four members expiring on February 1 of each odd-numbered
10 year.

11 (c) The governor shall designate a member of the board as
12 the presiding officer of the board to serve in that capacity at the
13 pleasure of the governor.

14 (d) The governor shall make appointments to the board
15 without regard to the race, color, disability, sex, religion, age,
16 or national origin of the appointees.

17 Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND
18 DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of
19 the board if the person or the person's spouse:

20 (1) is employed in the field of criminal or juvenile
21 justice;

22 (2) is employed by or participates in the management
23 of a business entity or other organization regulated by or
24 receiving money from the department;

25 (3) owns or controls, directly or indirectly, more
26 than a 10 percent interest in a business entity or other
27 organization regulated by or receiving money from the department;

1 or

2 (4) uses or receives a substantial amount of tangible
3 goods, services, or money from the department, other than
4 compensation or reimbursement authorized by law for board
5 membership, attendance, or expenses.

6 (b) A person may not be a board member and may not be a
7 department employee employed in a "bona fide executive,
8 administrative, or professional capacity," as that phrase is used
9 for purposes of establishing an exemption to the overtime
10 provisions of the federal Fair Labor Standards Act of 1938 (29
11 U.S.C. Section 201 et seq.), if:

12 (1) the person is an officer, employee, or paid
13 consultant of a Texas trade association in the field of criminal or
14 juvenile justice; or

15 (2) the person's spouse is an officer, manager, or paid
16 consultant of a Texas trade association in the field of criminal or
17 juvenile justice.

18 (c) A person may not be a board member or act as the general
19 counsel to the board or the department if the person is required to
20 register as a lobbyist under Chapter 305, Government Code, because
21 of the person's activities for compensation on behalf of a
22 profession related to the operation of the department.

23 (d) In this section, "Texas trade association" means a
24 cooperative and voluntarily joined statewide association of
25 business or professional competitors in this state designed to
26 assist its members and its industry or profession in dealing with
27 mutual business or professional problems and in promoting their

1 common interest.

2 Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

3 (a) A judge's place on the board becomes vacant when the judge
4 ceases to hold a judicial office.

5 (b) A judge's service on the board is an additional duty of
6 office.

7 (c) At the time of appointment to the board, a judge must be
8 a judge of:

9 (1) a court designated as a juvenile court; or

10 (2) a court that is one of several courts that rotate
11 being the juvenile court.

12 Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground
13 for removal from the board if a member:

14 (1) does not have at the time of taking office the
15 qualifications required by Sections 202.001 and 202.003;

16 (2) does not maintain during service on the board the
17 qualifications required by Sections 202.001 and 202.003;

18 (3) is ineligible for membership under Section
19 202.002;

20 (4) cannot, because of illness or disability,
21 discharge the member's duties for a substantial part of the term; or

22 (5) is absent from more than half of the regularly
23 scheduled board meetings that the member is eligible to attend
24 during a calendar year unless the absence is excused by majority
25 vote of the board.

26 (b) The validity of an action of the board is not affected by
27 the fact that the action is taken when a ground for removal of a

1 board member exists.

2 (c) If the executive director has knowledge that a potential
3 ground for removal exists, the executive director shall notify the
4 presiding officer of the board of the potential ground. The
5 presiding officer shall then notify the governor and the attorney
6 general that a potential ground for removal exists. If the
7 potential ground for removal involves the presiding officer, the
8 executive director shall notify the next highest ranking officer of
9 the board, who shall then notify the governor and the attorney
10 general that a potential ground for removal exists.

11 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
12 probation officer who is a board member shall avoid the appearance
13 of a conflict of interest by not voting or participating in any
14 decision by the board that solely benefits or penalizes or
15 otherwise solely impacts the juvenile probation department over
16 which the chief juvenile probation officer has authority.

17 (b) The board may adopt recusal requirements in addition to
18 those described by Subsection (a), including requirements that are
19 more restrictive than those described by Subsection (a).

20 Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person who
21 is appointed to and qualifies for office as a member of the board
22 may not vote, deliberate, or be counted as a member in attendance at
23 a meeting of the board until the person completes a training program
24 that complies with this section.

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

27 (1) the legislation that created the department;

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

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

5 (4) the requirements of laws relating to open
6 meetings, public information, administrative procedure, and
7 conflicts of interest; and

8 (5) any applicable ethics policies adopted by the
9 department or the Texas Ethics Commission.

10 (c) A person appointed to the board is entitled to
11 reimbursement, as provided by the General Appropriations Act, for
12 the travel expenses incurred in attending the training program
13 regardless of whether the attendance at the program occurs before
14 or after the person qualifies for office.

15 Sec. 202.007. REIMBURSEMENT. A board member is not
16 entitled to compensation for service on the board but is entitled to
17 reimbursement for actual and necessary expenses incurred in
18 performing official duties as a board member.

19 Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The
20 board shall hold regular quarterly meetings on dates set by the
21 board and special meetings at the call of the presiding officer.

22 (b) The board shall adopt rules regulating the board's
23 proceedings.

24 (c) The board shall keep a public record of the board's
25 decisions at the board's general office.

26 (d) The board shall develop and implement policies that
27 provide the public with a reasonable opportunity to appear before

1 the board and to speak on any issue under the jurisdiction of the
2 department.

3 Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The
4 department is subject to audit by the state auditor in accordance
5 with Chapter 321, Government Code.

6 (b) The state auditor, on request of the office of inspector
7 general, may provide information or other assistance to the office
8 of inspector general that the state auditor determines is
9 appropriate. The office of inspector general may coordinate with
10 the state auditor to review or schedule a plan for an investigation
11 under Subchapter C, Chapter 242, or share other information.

12 (c) The state auditor may access all information maintained
13 by the office of inspector general, such as vouchers, electronic
14 data, and internal records, including information that is otherwise
15 confidential under law. Information obtained by the state auditor
16 under this subsection is confidential and is not subject to
17 disclosure under Chapter 552, Government Code.

18 (d) Any provision of this title relating to the operations
19 of the office of inspector general does not:

20 (1) supersede the authority of the state auditor to
21 conduct an audit under Chapter 321, Government Code; or

22 (2) prohibit the state auditor from:

23 (A) conducting an audit, investigation, or other
24 review; or

25 (B) having full and complete access to all
26 records and other information concerning the department, including
27 any witness statement or electronic data, that the state auditor

1 considers necessary for the audit, investigation, or review.

2 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
3 Board and the Texas Juvenile Justice Department are subject to
4 Chapter 325, Government Code (Texas Sunset Act). Unless continued
5 in existence as provided by that chapter, the board and the
6 department are abolished September 1, 2017.

7 CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND DEPARTMENT

8 Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION.

9 (a) The board is the governing body of the department and is
10 responsible for the operations of the department.

11 (b) The board shall develop and implement policies that
12 clearly separate the policymaking responsibilities of the board and
13 the management responsibilities of the executive director and the
14 staff of the department.

15 (c) The board shall establish the mission of the department
16 with the goal of establishing a cost-effective continuum of youth
17 services that emphasizes keeping youth in their home communities
18 while balancing the interests of rehabilitative needs with public
19 safety. The board shall establish funding priorities for services
20 that support this mission and that do not provide incentives to
21 incarcerate youth.

22 Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:

23 (1) employ an executive director to administer the
24 department; and

25 (2) supervise the director's administration of the
26 department.

27 Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

1 (a) The department shall comply with federal and state laws related
2 to program and facility accessibility.

3 (b) The board shall prepare and maintain a written plan that
4 describes how a person who does not speak English can be provided
5 reasonable access to the department's programs and services.

6 Sec. 203.004. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
7 RESOLUTION. (a) The board shall develop and implement a policy to
8 encourage the use of:

9 (1) negotiated rulemaking procedures under Chapter
10 2008, Government Code, for the adoption of department rules; and

11 (2) appropriate alternative dispute resolution
12 procedures under Chapter 2009, Government Code, to assist in the
13 resolution of internal and external disputes under the department's
14 jurisdiction.

15 (b) The department's procedures relating to alternative
16 dispute resolution must conform, to the extent possible, to any
17 model guidelines issued by the State Office of Administrative
18 Hearings for the use of alternative dispute resolution by state
19 agencies.

20 (c) The department shall:

21 (1) coordinate the implementation of the policy
22 adopted under Subsection (a);

23 (2) provide training as needed to implement the
24 procedures for negotiated rulemaking or alternative dispute
25 resolution; and

26 (3) collect data concerning the effectiveness of those
27 procedures.

1 Sec. 203.005. GIFTS AND GRANTS. (a) The department may
2 apply for and accept gifts and grants from any public or private
3 source.

4 (b) The department shall deposit money received under this
5 section in the state treasury. The department may use the money for
6 the purpose of funding any activity under this title.

7 Sec. 203.006. MEDICAID BENEFITS. The department shall:

8 (1) identify areas in which federal Medicaid program
9 benefits could be used in a manner that is cost-effective for
10 juveniles in the juvenile justice system;

11 (2) develop a program to encourage application for and
12 receipt of Medicaid benefits;

13 (3) provide technical assistance to counties relating
14 to eligibility for Medicaid benefits; and

15 (4) monitor the extent to which counties make use of
16 Medicaid benefits.

17 Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The
18 department may conduct or participate in studies relating to
19 corrections methods and systems and to treatment and therapy
20 programs at the governor's request or on the department's own
21 initiative.

22 (b) The department shall continuously study the problem of
23 juvenile delinquency in this state and the effectiveness of
24 services provided or regulated by the department under Subtitle B
25 or C and shall report the department's findings to the governor and
26 the legislature before each regular legislative session.

27 (c) The department shall keep records relating to juveniles

1 within the juvenile justice system that participate in research
2 programs or studies.

3 (d) The records must show, for each calendar quarter and for
4 each calendar year:

5 (1) the number of juveniles participating in research
6 programs or studies for the appropriate reporting period;

7 (2) the type of research program or study in which each
8 juvenile is participating;

9 (3) the name of the principal investigator conducting
10 the research program or study; and

11 (4) the entity sponsoring the research program or
12 study.

13 (e) The department shall submit a report that contains the
14 information in the records kept under Subsection (d) on or before
15 the 15th day after the last day of the appropriate reporting period
16 to the:

17 (1) governor;

18 (2) lieutenant governor;

19 (3) speaker of the house of representatives; and

20 (4) members of the senate and house of
21 representatives.

22 (f) A report submitted under this section is public
23 information under Chapter 552, Government Code.

24 Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH,
25 RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section,
26 "evidence" means any record, book, paper, document, data, or other
27 evidence maintained by electronic or other means.

1 (b) The department may issue a subpoena requiring the
2 attendance of a witness or the production of evidence that the
3 department considers necessary for the investigation of:

4 (1) abuse, neglect, or exploitation allegations;

5 (2) complaints;

6 (3) financial and programmatic audits of juvenile
7 probation programs, services, and facilities, including juvenile
8 justice alternative education programs; or

9 (4) any other matter under the authority of the
10 department, including a determination of treatment under Section
11 244.005.

12 (c) The department may issue a subpoena under Subsection (b)
13 only if the subpoena is signed by:

14 (1) the presiding officer of the board or, if the
15 presiding officer is unavailable, the presiding officer's
16 designee; and

17 (2) at least two other members of the board, including
18 a board member who is a judge.

19 (d) A hearings examiner appointed by the department may
20 issue a subpoena requiring the attendance of a witness or the
21 production of any record, book, paper, or document the hearings
22 examiner considers necessary for a determination of treatment under
23 Section 244.005. The hearings examiner may sign a subpoena.

24 (e) Any peace officer, department investigator, other
25 department official, or person authorized under Article 24.01, Code
26 of Criminal Procedure, may serve the subpoena in the same manner
27 that similar process in a court of record having original

1 jurisdiction of criminal actions is served.

2 (f) A subpoena under this section shall be served and
3 witness fees and mileage paid as in civil cases in the district
4 court in the county to which the witness is called, unless the
5 proceeding for which the service or payment is made is under Chapter
6 2001, Government Code, in which case the service or payment shall be
7 made as provided in that chapter. Witnesses subpoenaed at the
8 instance of the department shall be paid their fees and mileage by
9 the department out of funds appropriated for that purpose.

10 (g) On application of the department, a court of record
11 having original jurisdiction of criminal actions may compel the
12 attendance of a witness, the production of material, or the giving
13 of testimony before the department, by an attachment for contempt
14 or in the same manner as the court may otherwise compel the
15 production of evidence.

16 (h) The presiding officer or a member of the board may
17 administer an oath to a witness in attendance before the department
18 or before an authorized representative of the department.

19 (i) If a witness in attendance before the department or
20 before an authorized representative refuses without reasonable
21 cause to be examined or answer a legal or pertinent question, or to
22 produce evidence when ordered by the department, the department may
23 apply to the district court for a rule or order returnable in not
24 less than two or in more than five days, directing the witness to
25 show cause before the judge why the witness should not be punished
26 for contempt. The department may apply to the district court of any
27 county where the witness is in attendance, on proof by affidavit of

1 the fact, unless the order of contempt is sought under Chapter 2001,
2 Government Code, in which case the department shall apply to a
3 district court of Travis County, as provided by that chapter. On
4 return of the order, the judge hearing the matter shall examine the
5 witness under oath and the witness shall be given an opportunity to
6 be heard. If the judge determines that the witness has refused,
7 without reasonable cause or legal excuse, to be examined or answer a
8 legal or pertinent question, or to produce evidence that the
9 witness was ordered to bring or produce, the judge may immediately
10 find the witness in contempt of court.

11 (j) The department shall be granted access at any reasonable
12 time to any evidence that is related to any matter the department or
13 executive director considers necessary to administer the
14 department's functions, powers, and duties.

15 Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES. (a)
16 The advisory council on juvenile services consists of:

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

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

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

23 (4) one representative of the county commissioners
24 courts appointed by the board;

25 (5) two juvenile court judges appointed by the board;
26 and

27 (6) seven chief juvenile probation officers appointed

1 by the board as provided by Subsection (b).

2 (b) The board shall appoint to the advisory council one
3 chief juvenile probation officer from each regional chiefs
4 association in this state from a list of nominees submitted to the
5 board by each regional chiefs association. To the greatest extent
6 practicable, a regional chiefs association shall include in its
7 list of nominees:

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

11 (2) one chief juvenile probation officer of a juvenile
12 probation department serving a county with a population that
13 includes at least 7,500 but fewer than 20,000 persons younger than
14 18 years of age; and

15 (3) one chief juvenile probation officer of a juvenile
16 probation department serving a county with a population that
17 includes 20,000 or more persons younger than 18 years of age.

18 (c) Advisory council members, other than ex officio
19 members, serve staggered two-year terms, with the terms of one-half
20 of the members, as nearly as practicable, expiring on February 1 of
21 each year.

22 (d) The advisory council shall report to the board any
23 determinations made under Subsection (e).

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

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

27 (2) conducting long-range strategic planning;

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

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

6 (5) advising the board on any other matter on the
7 request of the board.

8 (f) The advisory council is not subject to Chapter 2110,
9 Government Code.

10 Sec. 203.0082. FEES. If the General Appropriations Act
11 does not specify the amount of the fee, the board by rule may
12 establish fees that:

13 (1) are reasonable and necessary;

14 (2) produce revenue sufficient for the administration
15 of this chapter; and

16 (3) do not produce unnecessary revenue.

17 Sec. 203.009. PUBLIC INTEREST INFORMATION. The department
18 shall prepare information of public interest describing the
19 functions of the department and describing the procedures by which
20 complaints are filed with and resolved by the department. The
21 department shall make the information available to the public and
22 appropriate state agencies.

23 Sec. 203.010. COMPLAINTS. (a) The department shall
24 maintain a system to promptly and efficiently act on complaints
25 received by the department by or on behalf of a juvenile relating to
26 the programs, services, or facilities of the department or a local
27 juvenile probation department.

1 (b) The department shall make information available
2 describing its procedures for complaint investigation and
3 resolution.

4 (c) Criminal complaints initially referred to the office of
5 the inspector general relating to juvenile probation programs,
6 services, or facilities shall be sent to the appropriate local law
7 enforcement agency. Any other complaint shall be referred to the
8 appropriate division of the department. The board by rule shall
9 establish policies for the referral of noncriminal complaints.

10 (d) The department shall provide immediate notice to a local
11 juvenile probation department of a complaint received by the
12 department relating to the programs, services, or facilities of the
13 local juvenile probation department.

14 (e) The department shall periodically notify the complaint
15 parties of the status of the complaint until final disposition,
16 unless the notice would jeopardize an undercover investigation. If
17 the complaint relates to a claim of abuse, neglect, or exploitation
18 involving a local juvenile probation department, the department
19 shall provide monthly updates on the status of the complaint and
20 immediate updates regarding department decisions to the local
21 juvenile probation department.

22 (f) The department shall keep information about each
23 written complaint filed with the department. The information must
24 include:

25 (1) the subject matter of the complaint;

26 (2) the parties to the complaint;

27 (3) a summary of the results of the review or

1 investigation of the complaint;

2 (4) the period of time between the date the complaint
3 is received and the date the complaint is closed; and

4 (5) the disposition of the complaint.

5 Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.

6 A juvenile probation department that is aggrieved by a decision of
7 the executive director, including a decision relating to standards
8 affecting juvenile probation programs, services, or facilities,
9 may appeal the executive director's decision to the board. The
10 decision of the board is final and cannot be appealed.

11 Sec. 203.012. ANNUAL FINANCIAL REPORT. The department
12 shall prepare annually a complete and detailed written report
13 accounting for all funds received and disbursed by the department
14 during the preceding fiscal year. The annual report must meet the
15 reporting requirements applicable to financial reporting provided
16 in the General Appropriations Act.

17 Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department
18 shall regularly conduct internal audits of the department,
19 including audits of:

20 (1) facilities operated by and under contract with
21 the department; and

22 (2) medical services provided to children in the
23 custody of the department.

24 (b) The department shall on a quarterly basis report the
25 results of the audits to:

26 (1) the committees of the senate and house of
27 representatives with primary jurisdiction over matters concerning

1 correctional facilities; and

2 (2) the state auditor.

3 Sec. 203.014. TOLL-FREE NUMBER. (a) The department shall
4 establish a permanent, toll-free number for the purpose of
5 receiving any information concerning the abuse, neglect, or
6 exploitation of children in the custody of the department or housed
7 in a local probation facility.

8 (b) The department shall ensure that:

9 (1) the toll-free number is prominently displayed in
10 each department facility and each local probation facility;

11 (2) children in the custody of the department or
12 housed in a local probation facility and employees of the
13 department and the facility have confidential access to telephones
14 for the purpose of calling the toll-free number; and

15 (3) the toll-free number is in operation and answered
16 by staff 24 hours a day, every day of the year.

17 Sec. 203.015. PROGRAMS AND SERVICES EVALUATION SYSTEM. The
18 department shall establish and implement a system to evaluate the
19 effectiveness of county and state programs and services for youth.

20 SECTION 1.003. Title 12, Human Resources Code, as added by
21 this Act, is amended by adding Subtitle B, and a heading is added to
22 read as follows:

23 SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

24 SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human
25 Resources Code, are transferred to Subtitle B, Title 12, Human
26 Resources Code, as added by this Act, redesignated as Chapters 221,
27 222, and 223, respectively, and amended to read as follows:

1 CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE

2 BOARDS AND JUVENILE PROBATION DEPARTMENTS

3 SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND~~

4 ~~DUTIES OF COMMISSION~~]

5 Sec. 221.001 [~~141.041~~]. PROVISION OF PROBATION AND
6 DETENTION SERVICES. (a) The department [~~commission~~] shall assist
7 counties in providing probation and juvenile detention services by
8 encouraging the continued operation of county and multi-county
9 juvenile boards or probation offices.

10 (b) If a county discontinues the provision of juvenile
11 probation services, the department [~~commission~~] may directly
12 provide probation or detention services in the county.

13 Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE
14 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND
15 FACILITIES. (a) The board [~~commission~~] shall adopt reasonable
16 rules that provide:

17 (1) minimum standards for personnel, staffing, case
18 loads, programs, facilities, record keeping, equipment, and other
19 aspects of the operation of a juvenile board that are necessary to
20 provide adequate and effective probation services;

21 (2) a code of ethics for probation and detention
22 officers and for the enforcement of that code;

23 (3) appropriate educational, preservice and
24 in-service training, and certification standards for probation and
25 detention officers or court-supervised community-based program
26 personnel;

27 (4) subject to Subsection (d), minimum standards for

1 public and private juvenile pre-adjudication secure detention
2 facilities, public juvenile post-adjudication secure correctional
3 facilities that are operated under the authority of a juvenile
4 board or governmental unit, private juvenile post-adjudication
5 secure correctional facilities operated under a contract with a
6 governmental unit, except those facilities exempt from
7 certification by Section 42.052(g), and nonsecure correctional
8 facilities operated by or under contract with a governmental unit;
9 and

10 (5) minimum standards for juvenile justice
11 alternative education programs created under Section 37.011,
12 Education Code, in collaboration and conjunction with the Texas
13 Education Agency, or its designee.

14 (b) In adopting the rules, the board [~~commission~~] shall
15 consider local information and evidence gathered through public
16 review and comment.

17 (c) The department [~~commission~~] shall operate a statewide
18 registry for all public and private juvenile pre-adjudication
19 secure detention facilities and all public and private juvenile
20 post-adjudication secure correctional facilities [~~except a~~
21 ~~facility operated or certified by the Texas Youth Commission~~].

22 (d) In adopting rules under Subsection (a)(4), the board
23 [~~commission~~] shall ensure that the minimum standards for facilities
24 described by Subsection (a)(4) are designed to ensure that
25 juveniles confined in those facilities are provided the rights,
26 benefits, responsibilities, and privileges to which a juvenile is
27 entitled under the United States Constitution, federal law, and the

1 constitution and laws of this state. The minimum standards must
2 include a humane physical and psychological environment, safe
3 conditions of confinement, protection from harm, adequate
4 rehabilitation and education, adequate medical and mental health
5 treatment, and due process of law.

6 (e) A juvenile board that does not accept state aid funding
7 from the department under Section 223.001 shall report to the
8 department each month on a form provided by the department the same
9 data as that required of counties accepting state aid funding
10 regarding juvenile justice activities under the jurisdiction of the
11 juvenile board. If the department makes available free software to
12 a juvenile board for the automation and tracking of juveniles under
13 the jurisdiction of the juvenile board, the department may require
14 the monthly report to be provided in an electronic format adopted by
15 rule by the board.

16 Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING
17 INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY
18 OF STATEMENTS. (a) The board by rule shall require juvenile [~~e~~]
19 Juvenile] probation departments to [~~shall~~] use the mental health
20 screening instrument selected by the department [~~commission~~] for
21 the initial screening of children under the jurisdiction of
22 probation departments who have been formally referred to a juvenile
23 probation [~~the~~] department. The department [~~commission~~] shall give
24 priority to training in the use of this instrument in any preservice
25 or in-service training that the department [~~commission~~] provides
26 for probation officers. The rules adopted by the board under this
27 section must allow a [A] clinical assessment by a licensed mental

1 health professional to [~~may~~] be substituted for the mental health
2 screening instrument selected by the department [~~commission~~] if the
3 clinical assessment is performed in the time prescribed by the
4 department [~~commission~~].

5 (b) [~~(f)~~] A juvenile probation department must, before the
6 disposition of a child's case and using a validated risk and needs
7 assessment instrument or process provided or approved by the
8 department [~~commission~~], complete a risk and needs assessment for
9 each child under the jurisdiction of the juvenile probation
10 department.

11 (c) [~~(g)~~] Any statement made by a child and any mental
12 health data obtained from the child during the administration of
13 the mental health screening instrument under this section is not
14 admissible against the child at any other hearing. The person
15 administering the mental health screening instrument shall inform
16 the child that any statement made by the child and any mental health
17 data obtained from the child during the administration of the
18 instrument is not admissible against the child at any other
19 hearing.

20 (d) [~~(h)~~] ~~A juvenile board that does not accept state aid~~
21 ~~funding from the commission under Section 141.081 shall report to~~
22 ~~the commission each month on a form provided by the commission the~~
23 ~~same data as that required of counties accepting state aid funding~~
24 ~~regarding juvenile justice activities under the jurisdiction of the~~
25 ~~juvenile board. If the commission makes available free software to~~
26 ~~the juvenile board for the automation and tracking of juveniles~~
27 ~~under the jurisdiction of the juvenile board, the commission may~~

1 ~~require the monthly report to be provided in an electronic format~~
2 ~~adopted by the commission.~~

3 ~~[(i)]~~ A juvenile probation department shall report data
4 from the use of the screening instrument or clinical assessment
5 under Subsection (a) ~~[(e)]~~ and the risk and needs assessment under
6 Subsection (b) ~~[(f)]~~ to the department ~~[commission]~~ in the format
7 and at the time prescribed by the department ~~[commission]~~.

8 (e) ~~[(j)]~~ The board ~~[commission]~~ shall adopt rules to
9 ensure that youth in the juvenile justice system are assessed using
10 the screening instrument or clinical assessment under Subsection
11 (a) ~~[(e)]~~ and the risk and needs assessment under Subsection (b)
12 ~~[(f)]~~.

13 Sec. 221.004 ~~[141.0421]~~. STANDARDS RELATING TO LOCAL
14 PROBATION DEPARTMENTS. (a) The board ~~[commission]~~ shall adopt
15 rules that provide:

16 (1) standards for the collection and reporting of
17 information about juvenile offenders by local probation
18 departments;

19 (2) performance measures to determine the
20 effectiveness of probation services provided by local probation
21 departments; and

22 (3) case management standards for all probation
23 services provided by local probation departments.

24 (b) The department ~~[commission]~~ shall monitor local
25 probation departments for compliance with the standards and
26 measures that the board ~~[commission]~~ adopts.

27 (c) The department ~~[commission]~~ shall provide technical

1 assistance to local probation departments to aid compliance with
2 the standards and measures that the board [~~commission~~] adopts.

3 Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL
4 AUTHORITIES. The department [~~commission~~] shall provide
5 educational training and technical assistance to counties,
6 juvenile boards, and probation offices to:

7 (1) promote compliance with the standards required
8 under this chapter; and

9 (2) assist the local authorities in improving the
10 operation of probation, parole, and detention services.

11 Sec. 221.006 [~~141.0431~~]. VIOLENCE PREVENTION AND CONFLICT
12 RESOLUTION TRAINING. The department [~~commission~~] shall:

13 (1) provide training on request to juvenile probation
14 departments and juvenile boards in violence prevention and conflict
15 resolution programs that include discussion of domestic violence
16 and child abuse issues; and

17 (2) encourage the inclusion of a violence prevention
18 and conflict resolution program as a condition of probation.

19 Sec. 221.007 [~~141.044~~]. JUVENILE BOARD RECORDS AND
20 REPORTS. Each juvenile board in the state shall:

21 (1) keep the financial, programmatic, and statistical
22 records the department [~~commission~~] considers necessary; and

23 (2) submit periodic financial, programmatic, and
24 statistical reports to the department [~~commission~~] as required by
25 the department [~~commission~~] and in the format specified by the
26 department [~~commission~~], including electronic submission.

27 Sec. 221.0071. CHARTER SCHOOL. (a) Notwithstanding any

1 other law and in addition to the number of charters allowed under
2 Subchapter D, Chapter 12, Education Code, the State Board of
3 Education may grant a charter on the application of a detention,
4 correctional, or residential facility established only for
5 juvenile offenders under Section 51.12, 51.125, or 51.126, Family
6 Code.

7 (b) If a local detention, correctional, or residential
8 facility described by Subsection (a) applies for a charter, the
9 facility must provide all educational opportunities and services,
10 including special education instruction and related services, that
11 a school district is required under state or federal law to provide
12 for students residing in the district through a charter school
13 operated in accordance with and subject to Subchapter D, Chapter
14 12, Education Code.

15 ~~[Sec. 141.045. GIFTS AND GRANTS. (a) The commission may~~
16 ~~apply for and accept gifts and grants from any public or private~~
17 ~~source to use in maintaining and improving probation services in~~
18 ~~the state.~~

19 ~~[(b) The commission shall deposit money received under this~~
20 ~~section in the state treasury. The commission may use the money~~
21 ~~only to make payments of state aid under this chapter and to~~
22 ~~administer this chapter.]~~

23 Sec. 221.008 ~~[141.046]~~. INSPECTIONS AND AUDITS. (a) The
24 department ~~[commission]~~ may inspect and evaluate a juvenile board
25 and probation department and audit the juvenile board's ~~[its]~~
26 financial, programmatic, and statistical records at reasonable
27 times to determine compliance with the board's ~~[commission's]~~

1 rules.

2 (b) The department [~~commission~~] may inspect any program or
3 facility operated on behalf of and under the authority of the
4 juvenile board by the probation department, a governmental entity,
5 or private vendor.

6 [~~Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER~~
7 ~~OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this~~
8 ~~section, "evidence" means any record, book, paper, document, data,~~
9 ~~or other evidence maintained by electronic or other means.~~

10 [~~(b) The commission may issue a subpoena requiring the~~
11 ~~attendance of a witness or the production of evidence that the~~
12 ~~commission considers necessary for the investigation of:~~

13 [~~(1) abuse, neglect, or exploitation allegations;~~

14 [~~(2) complaints;~~

15 [~~(3) financial and programmatic audits of juvenile~~
16 ~~probation programs services and facilities, including juvenile~~
17 ~~justice alternative education programs; or~~

18 [~~(4) any matter under the authority of the commission.~~

19 [~~(c) The commission may issue a subpoena under Subsection~~
20 ~~(b) only if the subpoena is signed by:~~

21 [~~(1) the chairman of the commission or, if the~~
22 ~~chairman is unavailable, the vice-chairman of the commission; and~~

23 [~~(2) at least two other members of the commission,~~
24 ~~including a member who is a judge.~~

25 [~~(d) Any peace officer, commission investigator, other~~
26 ~~commission official, or person authorized under Article 24.01, Code~~
27 ~~of Criminal Procedure, may serve the subpoena in the same manner~~

1 ~~that similar process in a court of record having original~~
2 ~~jurisdiction of criminal actions is served.~~

3 ~~[(e) A subpoena under this section shall be served and~~
4 ~~witness fees and mileage paid as in civil cases in the district~~
5 ~~court in the county to which the witness is called, unless the~~
6 ~~proceeding for which the service or payment is made is under Chapter~~
7 ~~2001, Government Code, in which case the service or payment shall be~~
8 ~~made as provided in that chapter. Witnesses subpoenaed at the~~
9 ~~instance of the commission shall be paid their fees and mileage by~~
10 ~~the commission out of funds appropriated for that purpose.~~

11 ~~[(f) On application of the commission, a court of record~~
12 ~~having original jurisdiction of criminal actions may compel the~~
13 ~~attendance of a witness, the production of material, or the giving~~
14 ~~of testimony before the commission, by an attachment for contempt~~
15 ~~or in the same manner as the court may otherwise compel the~~
16 ~~production of evidence.~~

17 ~~[(g) The chairman or another member of the commission may~~
18 ~~administer an oath to a witness in attendance before the commission~~
19 ~~or before an authorized representative of the commission.~~

20 ~~[(h) If a witness in attendance before the commission or~~
21 ~~before an authorized representative refuses without reasonable~~
22 ~~cause to be examined or answer a legal or pertinent question, or to~~
23 ~~produce evidence when ordered by the commission, the commission may~~
24 ~~apply to the district court for a rule or order returnable in not~~
25 ~~less than two or in more than five days, directing the witness to~~
26 ~~show cause before the judge why the witness should not be punished~~
27 ~~for contempt. The commission may apply to the district court of any~~

1 ~~county where the witness is in attendance, on proof by affidavit of~~
2 ~~the fact, unless the order of contempt is sought under Chapter 2001,~~
3 ~~Government Code, in which case the commission shall apply to a~~
4 ~~district court of Travis County, as provided by that chapter. On~~
5 ~~return of the order, the judge hearing the matter shall examine the~~
6 ~~witness under oath and the witness shall be given an opportunity to~~
7 ~~be heard. If the judge determines that the witness has refused,~~
8 ~~without reasonable cause or legal excuse, to be examined or answer a~~
9 ~~legal or pertinent question, or to produce evidence that the~~
10 ~~witness was ordered to bring or produce, the judge may immediately~~
11 ~~find the witness in contempt of court.~~

12 ~~[(i) The commission shall be granted access at any~~
13 ~~reasonable time to any evidence that is related to any matter the~~
14 ~~commission or executive director considers necessary to administer~~
15 ~~the commission's functions, powers, and duties.~~

16 ~~[Sec. 141.047. INTERAGENCY COOPERATION. (a) To improve~~
17 ~~probation services, the commission may cooperate and contract with:~~

18 ~~[(1) the federal government,~~

19 ~~[(2) governmental agencies in this state and other~~
20 ~~states,~~

21 ~~[(3) political subdivisions of the state, and~~

22 ~~[(4) private agencies.~~

23 ~~[(b) The director, the executive commissioner of the Texas~~
24 ~~Youth Commission, and the commissioners of education, mental health~~
25 ~~and mental retardation, and human services shall meet in Austin at~~
26 ~~least quarterly to:~~

27 ~~[(1) discuss mutual problems,~~

1 ~~[(2) resolve conflicts in providing services to~~
2 ~~juveniles; and~~

3 ~~[(3) make recommendations to the governor and~~
4 ~~legislature.~~

5 ~~[Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.~~

6 ~~(a) The director and the executive director of the Texas Youth~~
7 ~~Commission shall jointly appoint a strategic planning committee to~~
8 ~~biennially develop a coordinated strategic plan which shall guide,~~
9 ~~but not substitute for, the strategic plans developed individually~~
10 ~~by the agencies. The director and the executive director of the~~
11 ~~Texas Youth Commission are co-presiding officers of the strategic~~
12 ~~planning committee.~~

13 ~~[(b) The director shall appoint four members to the~~
14 ~~strategic planning committee. The director shall appoint at least:~~

15 ~~[(1) one committee member who represents the interests~~
16 ~~of families of juvenile offenders;~~

17 ~~[(2) one committee member who represents the interests~~
18 ~~of local juvenile probation departments; and~~

19 ~~[(3) one committee member who is a mental health~~
20 ~~treatment professional licensed under Subtitle B or I, Title 3,~~
21 ~~Occupations Code.~~

22 ~~[(c) The executive director of the Texas Youth Commission~~
23 ~~shall appoint four members to the strategic planning committee.~~
24 ~~The executive director shall appoint at least:~~

25 ~~[(1) one committee member who represents the interests~~
26 ~~of juvenile offenders;~~

27 ~~[(2) one committee member who represents the interests~~

1 ~~of the victims of delinquent or criminal conduct, and~~

2 ~~[(3) one committee member who is an educator as~~
3 ~~defined by Section 5.001, Education Code.]~~

4 Sec. 221.009 [~~141.0472~~]. [~~COORDINATED~~] STRATEGIC PLAN;
5 ADOPTION OF PLAN. (a) The board shall develop a [~~coordinated~~]
6 strategic plan. The plan [~~developed by the strategic planning~~
7 ~~committee under Section 141.0471~~] must:

8 (1) identify short-term and long-term policy goals;

9 (2) identify time frames and strategies for meeting
10 the goals identified under Subdivision (1);

11 (3) estimate population projections, including
12 projections of population characteristics;

13 (4) estimate short-term and long-term capacity,
14 programmatic, and funding needs;

15 (5) describe intensive service and surveillance
16 parole pilot programs to be [~~jointly~~] developed;

17 (6) include an evaluation of aftercare services
18 emphasizing concrete outcome measures, including recidivism and
19 educational progress;

20 (7) identify objective criteria for the various
21 decision points throughout the continuum of juvenile justice
22 services and sanctions to guard against disparate treatment of
23 minority youth;

24 (8) identify [~~cross-agency~~] outcome measures by which
25 to evaluate the effectiveness of services provided to youth in the
26 juvenile justice system [~~the system generally~~];

27 (9) include a plan of implementation for the

1 development of common data sources and data sharing among the
2 department [~~commission~~], juvenile probation departments, [~~the~~
3 ~~Texas Youth Commission~~], the Department of Family and Protective
4 Services, the Department of State Health Services, the Health and
5 Human Services Commission, the Texas Education Agency, and other
6 state agencies that serve youth in the juvenile justice system;

7 (10) include the development of new, or the
8 improvement of existing, validated risk assessment instruments;

9 (11) include strategies to determine which programs
10 are most effective in rehabilitating youth in the juvenile justice
11 system;

12 (12) include planning for effective aftercare
13 programs and services, including ensuring that youth in the
14 juvenile justice system have personal identification and
15 appropriate referrals to service providers; and

16 (13) track performance measures to illustrate the
17 costs of different levels of treatment and to identify the most
18 cost-effective programs in each component of the juvenile justice
19 system in this state.

20 (b) [~~In addition to the information described by Subsection~~
21 ~~(a), the coordinated strategic plan must include specific processes~~
22 ~~and procedures for routinely communicating juvenile justice system~~
23 ~~information between the commission and the Texas Youth Commission~~
24 ~~and determining opportunities to coordinate practices for~~
25 ~~improving outcomes for youth.~~

26 [(c)] The board [~~governing boards of the commission and the~~
27 ~~Texas Youth Commission~~] shall review and adopt the [~~coordinated~~

1 strategic plan as provided by Section 2056.002, Government Code ~~[on~~
2 ~~or before December 1st of each odd-numbered year, or before the~~
3 ~~adoption of the agency's individual strategic plan, whichever is~~
4 ~~earlier].~~

5 ~~[Sec. 141.048. STUDIES. (a) The commission may conduct or~~
6 ~~participate in studies relating to corrections methods and systems~~
7 ~~and to treatment and therapy programs at the governor's request or~~
8 ~~on its own motion.~~

9 ~~[(b) The commission shall continuously study the~~
10 ~~effectiveness of probation services and shall report its findings~~
11 ~~to the governor and the legislature before each regular legislative~~
12 ~~session.~~

13 ~~[Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
14 ~~STUDIES. (a) The commission shall keep records relating to~~
15 ~~children within the juvenile probation system that participate in~~
16 ~~research programs or studies.~~

17 ~~[(b) The records must show, for each calendar quarter and~~
18 ~~for each calendar year:~~

19 ~~[(1) the number of children participating in research~~
20 ~~programs or studies for the appropriate reporting period,~~

21 ~~[(2) the type of research program or study in which~~
22 ~~each child is participating,~~

23 ~~[(3) the name of the principal investigator conducting~~
24 ~~the research program or study, and~~

25 ~~[(4) the entity sponsoring the research program or~~
26 ~~study.~~

27 ~~[(c) The commission shall submit a report that contains the~~

1 ~~information in the records kept under Subsection (b) on or before~~
2 ~~the 15th day after the last day of the appropriate reporting period~~
3 ~~to the:~~

- 4 ~~[(1) governor,~~
- 5 ~~[(2) lieutenant governor,~~
- 6 ~~[(3) speaker of the house of representatives, and~~
- 7 ~~[(4) members of the senate and house of~~
- 8 ~~representatives.~~

9 ~~[(d) A report submitted under this section is public~~
10 ~~information under Chapter 552, Government Code.]~~

11 Sec. 221.010 [~~141.049~~]. COMPLAINTS RELATING TO JUVENILE
12 BOARDS. (a) The department [~~commission~~] shall maintain a system to
13 promptly and efficiently act on a complaint filed with the
14 department [~~commission~~] relating to a juvenile board funded by the
15 department [~~commission~~]. The department [~~commission~~] shall
16 maintain information about parties to the complaint, a summary of
17 the results of the review or investigation of the complaint, and the
18 disposition of the complaint.

19 (b) The department [~~commission~~] shall make information
20 available describing the department's [~~commission's~~] procedures
21 for the investigation and resolution of a complaint filed with the
22 department [~~commission~~] relating to a juvenile board funded by the
23 department [~~commission~~].

24 (c) The department [~~commission~~] shall investigate the
25 allegations in the complaint and make a determination of whether
26 there has been a violation of the department's [~~commission's~~] rules
27 relating to juvenile probation programs, services, or facilities.

1 (d) If a written complaint is filed with the department
2 [~~commission~~] relating to a juvenile board funded by the department
3 [~~commission~~], the department [~~commission~~] shall periodically
4 notify the complainant and the juvenile board of the status of the
5 complaint until final disposition, unless notice would jeopardize
6 an undercover investigation.

7 Sec. 221.011. INVESTIGATORS. (a) The department may
8 employ and commission investigators as peace officers for the
9 purpose of investigating allegations of abuse, neglect, and
10 exploitation in juvenile justice programs and facilities under
11 Section 261.405, Family Code.

12 (b) Peace officers employed and commissioned under
13 Subsection (a) must be certified by the Commission on Law
14 Enforcement Officer Standards and Education under Chapter 1701,
15 Occupations Code.

16 Sec. 221.012. ANNUAL REPORTS. (a) The department shall
17 report annually to the governor and the legislature on the
18 department's operations and the condition of probation services in
19 the state during the previous year. The report:

20 (1) may include recommendations; and

21 (2) must include:

22 (A) an evaluation of the effectiveness of the
23 community-based programs operated under Section 54.0401, Family
24 Code; and

25 (B) information comparing the cost of a child
26 participating in a program described by Paragraph (A) with the cost
27 of committing the child to the department.

1 (b) The department shall file annually with the governor,
2 the Legislative Budget Board, and the presiding officer of each
3 house of the legislature a complete and detailed written report
4 accounting for all funds received and disbursed by the department
5 during the preceding fiscal year. The annual report must be in the
6 form and be submitted by the time provided by the General
7 Appropriations Act.

8 SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

9 Sec. 221.051 [~~141.050~~]. CONTRACT STANDARDS. (a) In each
10 contract with counties for local probation services, the department
11 [~~commission~~] shall include:

12 (1) clearly defined contract goals, outputs, and
13 measurable outcomes that relate directly to program objectives;

14 (2) clearly defined sanctions or penalties for failure
15 to comply with or perform contract terms or conditions; and

16 (3) clearly specified accounting, reporting, and
17 auditing requirements applicable to money received under the
18 contract.

19 (b) The department [~~commission~~] shall require each local
20 juvenile probation department:

21 (1) to include the provisions of Subsection (a) in its
22 contracts with private service providers that involve the use of
23 state funds; and

24 (2) to use data relating to the performance of private
25 service providers in prior contracts as a factor in selecting
26 providers to receive contracts.

27 (c) The department [~~commission~~] shall consider the past

1 performance of a juvenile board when contracting with the juvenile
2 board for local probation services other than basic probation
3 services. In addition to the contract standards described by
4 Subsection (a), a contract with a juvenile board for probation
5 services other than basic probation services must:

6 (1) include specific performance targets for the
7 juvenile board based on the juvenile board's historic performance
8 of the services; and

9 (2) require a juvenile board to report on the juvenile
10 board's success in meeting the performance targets described by
11 Subdivision (1).

12 Sec. 221.052 [~~141.051~~]. CONTRACT MONITORING. The
13 department [~~commission~~] shall establish a formal program to monitor
14 contracts under Section 221.051 [~~141.050~~] made by the department
15 [~~commission~~]. The department [~~commission~~] must:

16 (1) monitor compliance with financial and performance
17 requirements using a risk assessment methodology; and

18 (2) obtain and evaluate program cost information to
19 ensure that each cost, including an administrative cost, is
20 reasonable and necessary to achieve program objectives.

21 [~~Sec. 141.052. MEDICAID BENEFITS. The commission shall:~~

22 [~~(1) identify areas in which federal Medicaid program~~
23 ~~benefits could be used in a manner that is cost-effective for~~
24 ~~children in the juvenile justice system;~~

25 [~~(2) develop a program to encourage application for~~
26 ~~and receipt of Medicaid benefits;~~

27 [~~(3) provide technical assistance to counties~~

1 ~~relating to eligibility for Medicaid benefits, and~~

2 ~~[(4) monitor the extent to which counties make use of~~
3 ~~Medicaid benefits.]~~

4 ~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES.~~
5 ~~The commission shall comply with federal and state laws relating to~~
6 ~~program and facility accessibility. The executive director shall~~
7 ~~also prepare and maintain a written plan that describes how a person~~
8 ~~who does not speak English can be provided reasonable access to the~~
9 ~~commission's programs and services.]~~

10 Sec. 221.053 ~~[141.054]~~. CONTRACTS FOR OUT-OF-STATE
11 JUVENILE INMATES. (a) The only entities other than the state
12 authorized to operate a correctional facility to house in this
13 state juvenile inmates convicted of offenses committed against the
14 laws of another state of the United States are:

- 15 (1) a county or municipality; and
16 (2) a private vendor operating a correctional facility
17 under a contract with a county or municipality.

18 (b) The board ~~[commission]~~ shall develop rules, procedures,
19 and minimum standards applicable to county or private correctional
20 facilities housing out-of-state juvenile inmates. A contract made
21 under Subsection (a) ~~[of this section]~~ shall require the county,
22 municipality, or private vendor to operate the facility in
23 compliance with minimum standards adopted by the board
24 ~~[commission]~~.

25 ~~[Sec. 141.055. INVESTIGATORS. (a) The commission may~~
26 ~~employ and commission investigators as peace officers for the~~
27 ~~purpose of investigating allegations of abuse, neglect, and~~

1 ~~exploitation in juvenile justice programs and facilities under~~
2 ~~Section 261.405, Family Code.~~

3 ~~[(b) Peace officers employed and commissioned under~~
4 ~~Subsection (a) must be certified by the Commission on Law~~
5 ~~Enforcement Officer Standards and Education under Chapter 1701,~~
6 ~~Occupations Code.~~

7 ~~[Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE~~
8 ~~SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a) The~~
9 ~~director shall establish a committee to evaluate alternatives to~~
10 ~~the juvenile justice system, such as government programs,~~
11 ~~faith-based programs, and programs offered by nonprofit~~
12 ~~organizations, for children who are accused of engaging in acts of~~
13 ~~prostitution.~~

14 ~~[(b) The director shall determine the size of the committee.~~
15 ~~The committee must be composed of:~~

16 ~~[(1) members of the Texas Juvenile Probation~~
17 ~~Commission, the Texas Youth Commission, and other relevant state~~
18 ~~agencies as determined by the director,~~

19 ~~[(2) members of the legislature,~~

20 ~~[(3) members of nongovernmental organizations that~~
21 ~~provide programs and services to combat and prevent trafficking of~~
22 ~~persons as described by Section 20A.02, Penal Code, in this state,~~
23 ~~including the following with respect to that trafficking:~~

24 ~~[(A) programs to promote public awareness,~~

25 ~~[(B) programs to identify and provide services to~~
26 ~~victims,~~

27 ~~[(C) legal services, and~~

1 ~~[(D) community outreach and training programs,~~
2 ~~and~~
3 ~~[(4) other juvenile justice experts.]~~

4 ~~[(c) Not later than January 1, 2011, the committee shall~~
5 ~~prepare and deliver to each member of the legislature a report that~~
6 ~~includes the results of the study and recommendations for~~
7 ~~alternatives to the juvenile justice system for children who are~~
8 ~~accused of engaging in acts of prostitution.]~~

9 ~~[(d) This section expires June 1, 2011.]~~

10 Sec. 221.054 [~~141.057~~]. DATA COLLECTION. (a) The
11 department [~~commission~~] shall collect comprehensive data
12 concerning the outcomes of local probation programs throughout the
13 state.

14 (b) Data collected under Subsection (a) must include:

15 (1) a description of the types of programs and
16 services offered by a juvenile probation department, including a
17 description of the components of each program or service offered;
18 and

19 (2) to the extent possible, the rate at which
20 juveniles who enter or complete juvenile probation are later
21 committed to the custody of the state.

22 Sec. 221.055 [~~141.058~~]. QUARTERLY REPORT ON ABUSE,
23 NEGLECT, AND EXPLOITATION. (a) The department [~~On January 1, 2010,~~
24 ~~and quarterly after that date, the commission~~] shall prepare and
25 deliver a quarterly report to the board concerning the final
26 outcome of any complaint received under Section 261.405, Family
27 Code, that concerns the abuse, neglect, or exploitation of a

1 juvenile. The report must include a summary of the actions
2 performed by the department [~~commission~~] and any applicable
3 juvenile board or juvenile probation department in resolving the
4 complaint.

5 (b) A report prepared under Subsection (a) is public
6 information under Chapter 552, Government Code, only to the extent
7 authorized by that chapter.

8 Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY.

9 (a) The department [~~commission~~] may contract with a local mental
10 health and mental retardation authority [~~that, on April 1, 2009,~~
11 ~~had an unutilized or underutilized residential treatment~~
12 ~~facility,~~] for the establishment of a residential treatment
13 facility for juveniles with mental illness or emotional injury who,
14 as a condition of juvenile probation, are ordered by a court to
15 reside at the facility and receive education services at the
16 facility. The department [~~commission~~] may work in cooperation with
17 the local mental health and mental retardation authority to provide
18 mental health residential treatment services for juveniles
19 residing at a facility established under this section.

20 (b) A residential treatment facility established under this
21 section must provide juveniles receiving treatment at the facility:

22 (1) a short-term program of mental health
23 stabilization that does not exceed 150 days in duration; and

24 (2) all educational opportunities and services,
25 including special education instruction and related services, that
26 a school district is required under state or federal law to provide
27 for students residing in the district through a charter school

1 operated in accordance with and subject to Subchapter D, Chapter
2 12, Education Code.

3 (c) If a residential treatment facility established under
4 this section is unable to provide adequate and sufficient
5 educational opportunities and services to juveniles residing at the
6 facility, the facility may not continue to operate beyond the end of
7 the school year in which the opportunities or services provided by
8 the facility are determined to be inadequate or insufficient.

9 (d) Notwithstanding any other law and in addition to the
10 number of charters allowed under Subchapter D, Chapter 12,
11 Education Code, the State Board of Education shall grant a charter
12 on the application of a residential treatment facility established
13 under this section for a school chartered for the purposes of this
14 section.

15 CHAPTER 222. STANDARDS FOR AND REGULATION OF ~~[SUBCHAPTER D.~~
16 ~~PROVISIONS RELATING TO]~~ CERTAIN OFFICERS AND EMPLOYEES

17 SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

18 Sec. 222.001 ~~[141.061]~~. MINIMUM STANDARDS FOR PROBATION
19 OFFICERS. (a) To be eligible for appointment as a probation
20 officer, a person who was not employed as a probation officer before
21 September 1, 1981, must:

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

26 (3) have either:
27 (A) one year of graduate study in criminology,

1 corrections, counseling, law, social work, psychology, sociology,
2 or other field of instruction approved by the department
3 [~~commission~~]; 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 [~~commission~~]
10 determines provides the kind of experience necessary to meet this
11 requirement;

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

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

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

19 (b) The board [~~commission~~] by rule may authorize the waiver
20 of the requirement of a year of graduate study or full-time
21 employment experience if the authority responsible for employing
22 the officer establishes to the satisfaction of the department
23 [~~commission~~] that, after a diligent search, the authority cannot
24 locate a person meeting that requirement to fill a job opening.

25 (c) The board [~~commission~~] by rule may authorize the
26 temporary employment of a person who has not completed a course of
27 preservice training, passed the examination, or attained the

1 required level of certification, contingent on the person meeting
2 those requirements within the time specified by the board
3 [~~commission~~].

4 (d) A person must possess the level of training, experience,
5 and certification required by the department [~~commission~~] to be
6 eligible for employment in a probation office in a position
7 supervising other probation officers. The department [~~commission~~]
8 may require several levels of certification to reflect increasing
9 levels of responsibility. A department [~~commission~~] rule relating
10 to levels of certification does not affect the continued employment
11 of a probation officer in a supervisory position if the person holds
12 that position on the date on which the rule takes effect.

13 (e) The department [~~commission~~] may waive any certification
14 requirement, except a fee requirement, for an applicant who has a
15 valid certification from another state that has certification
16 requirements that are substantially equivalent to the requirements
17 in this state.

18 (f) The department [~~commission~~] may waive the degree
19 accreditation requirement in Subsection (a)(2) if the applicant
20 possesses a foreign or other degree that the department
21 [~~commission~~] determines is the substantial equivalent of a
22 bachelor's degree. The board [~~commission~~] shall adopt rules
23 defining the procedures to be used to request a waiver of the
24 accreditation requirement in Subsection (a)(2).

25 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION
26 OFFICERS. To be eligible for appointment as a detention officer, a
27 person who was not employed as a detention officer before September

1 1, 2005, must:

2 (1) be of good moral character;

3 (2) be at least 21 years of age;

4 (3) have acquired a high school diploma or its
5 equivalent;

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

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

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

13 Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN
14 EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board
15 [~~commission~~] by rule shall adopt certification standards for
16 persons who are employed in nonsecure correctional facilities that
17 accept only juveniles who are on probation and that are operated by
18 or under contract with a governmental unit, as defined by Section
19 101.001, Civil Practice and Remedies Code.

20 (b) The certification standards adopted under Subsection
21 (a) must be substantially similar to the certification requirements
22 for detention officers under Section 222.002 [~~141.0611~~].

23 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF
24 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A
25 peace officer, prosecuting attorney, or other person who is
26 employed by or who reports directly to a law enforcement or
27 prosecution official may not act as a chief administrative,

1 juvenile probation, or detention officer or be made responsible for
2 supervising a juvenile on probation.

3 (b) For purposes of this section, a chief administrative
4 officer, regardless of title, is the person who is:

5 (1) hired or appointed by or under contract with the
6 juvenile board; and

7 (2) responsible for the oversight of the operations of
8 the juvenile probation department or any juvenile justice program
9 operated by or under the authority of the juvenile board.

10 Sec. 222.005. CARRYING OF FIREARM BY CERTAIN OFFICERS
11 PROHIBITED. (a) A juvenile probation, detention, or corrections
12 officer may not carry a firearm in the course of the person's
13 official duties.

14 (b) This section does not apply to:

15 (1) an employee of the department; or

16 (2) a juvenile probation officer authorized to carry a
17 firearm under Section 142.006.

18 Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A
19 juvenile probation officer whose jurisdiction covers only one
20 county is considered to be an employee of that county.

21 SUBCHAPTER B. CERTIFICATION AND EXAMINATION

22 Sec. 222.051 [141.062]. NOTICE OF CERTIFICATION
23 EXAMINATION RESULTS. (a) Except as provided by Subsection (b) [~~of~~
24 ~~this section~~], the department [~~commission~~] shall notify each person
25 taking a certification examination of the results of the
26 examination not later than the 30th day after the date on which the
27 examination is administered.

1 (b) The department [~~commission~~] shall notify a person
2 taking an examination graded or reviewed by a national testing
3 service of the results not later than the 14th day after the date on
4 which the department [~~commission~~] receives the results from the
5 testing service.

6 (c) If the notice of the examination results graded or
7 reviewed by a national testing service will be delayed for longer
8 than 90 days after the examination date, the department
9 [~~commission~~] shall notify the person of the reason for the delay
10 before that 90th day.

11 Sec. 222.052 [~~141.063~~]. ANALYSIS OF EXAMINATION
12 PERFORMANCE. The department [~~commission~~] shall furnish a person
13 who fails a certification test administered under this chapter with
14 an analysis of the person's performance on the examination if the
15 person requests the analysis in writing.

16 Sec. 222.053 [~~141.064~~]. REVOCATION OR SUSPENSION OF
17 CERTIFICATION. (a) The department [~~commission~~] may revoke or
18 suspend a certification, or reprimand a certified officer:

19 (1) for a violation of this chapter or a department
20 [~~commission~~] rule; or

21 (2) if, under Subsection (c), a panel determines that
22 continued certification of the person threatens juveniles in the
23 juvenile justice system.

24 (b) The department [~~commission~~] may place on probation a
25 person whose certification is suspended. If the suspension is
26 probated, the department [~~commission~~] may require the person to:

27 (1) report regularly to the department [~~commission~~] on

1 matters that are the basis of the probation; and

2 (2) continue or review professional education until
3 the person attains a degree of skill satisfactory to the department
4 [~~commission~~] in those areas that are the basis of the probation.

5 (c) The executive director may convene, in person or
6 telephonically, a panel of three board [~~commission~~] members to
7 determine if a person's continued certification threatens
8 juveniles in the juvenile justice system. If the panel determines
9 that the person's continued certification threatens juveniles in
10 the juvenile justice system, the person's license is temporarily
11 suspended until an administrative hearing is held as soon as
12 possible under Subsection (d). The executive director may convene
13 a panel under this subsection only if the danger posed by the
14 person's continued certification is imminent. The panel may hold a
15 telephonic meeting only if immediate action is required and
16 convening the panel at one location is inconvenient for any member
17 of the panel.

18 (d) A person is entitled to a hearing before the State
19 Office of Administrative Hearings if the department [~~commission~~]
20 proposes to suspend or revoke the person's certification.

21 (e) A person may appeal a ruling or order issued under this
22 section to a district court in the county in which the person
23 resides or in Travis County. The standard of review is under the
24 substantial evidence rule.

25 [~~Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF~~
26 ~~ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A~~
27 ~~peace officer, prosecuting attorney, or other person who is~~

1 ~~employed by or who reports directly to a law enforcement or~~
2 ~~prosecution official may not act as a chief administrative,~~
3 ~~juvenile probation, or detention officer or be made responsible for~~
4 ~~supervising a juvenile on probation.~~

5 ~~[(b) For purposes of this section, a chief administrative~~
6 ~~officer, regardless of title, is the person who is:~~

7 ~~[(1) hired or appointed by or under contract with the~~
8 ~~juvenile board; and~~

9 ~~[(2) responsible for the oversight of the operations~~
10 ~~of the juvenile probation department or any juvenile justice~~
11 ~~program operated by or under the authority of the juvenile board.~~

12 ~~[Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS~~
13 ~~PROHIBITED. (a) A juvenile probation, detention, or corrections~~
14 ~~officer may not carry a firearm in the course of the person's~~
15 ~~official duties.~~

16 ~~[(b) This section does not apply to:~~

17 ~~[(1) an employee of the Texas Youth Commission; or~~

18 ~~[(2) a juvenile probation officer authorized to carry~~
19 ~~a firearm under Section 142.006.~~

20 ~~[Sec. 141.067. PROBATION OFFICER: COUNTY EMPLOYEE. A~~
21 ~~juvenile probation officer whose jurisdiction covers only one~~
22 ~~county is considered to be an employee of that county.]~~

23 CHAPTER 223 [~~SUBCHAPTER E~~]. STATE AID

24 Sec. 223.001 [~~141.081~~]. DETERMINATION OF AMOUNT OF STATE
25 AID. (a) The department [~~commission~~] shall annually allocate
26 funds for financial assistance to juvenile boards to provide
27 juvenile services according to current estimates of the number of

1 juveniles in each county and other factors the department
2 [~~commission~~] determines are appropriate.

3 (b) The legislature may appropriate the amount of state aid
4 necessary to supplement local funds to maintain and improve
5 statewide juvenile services that comply with department
6 [~~commission~~] standards.

7 (c) The department [~~commission~~] may set aside a portion of
8 the funds appropriated to the department [~~commission~~] for state aid
9 to fund programs designed to address special needs or projects of
10 local juvenile boards.

11 [~~(d) The commission by rule shall, not later than September~~
12 ~~1, 2010, establish one or more basic probation services funding~~
13 ~~formulas and one or more community corrections funding formulas.~~
14 ~~The funding formulas established under this subsection must include~~
15 ~~each grant for which the commission, on or before September 1, 2009,~~
16 ~~established an allocation formula.]~~

17 Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL
18 SUPPORT. (a) To receive the full amount of state aid funds for
19 which a juvenile board may be eligible, a juvenile board must
20 demonstrate to the department's [~~commission's~~] satisfaction that
21 the amount of local or county funds budgeted for juvenile services
22 is at least equal to the amount spent, excluding construction and
23 capital outlay expenses, for those services in the 1994 county
24 fiscal year. The department [~~commission~~] may waive this
25 requirement only if the juvenile board demonstrates to the
26 department [~~commission~~] that unusual, catastrophic, or exceptional
27 circumstances existed during the relevant year to affect adversely

1 the level of county funding. If the required amount of local funding
2 is not budgeted and the department [~~commission~~] does not grant a
3 waiver, the department [~~commission~~] shall reduce the allocation of
4 state aid funds to the juvenile board by the amount equal to the
5 amount that the county funding is below the required funding.

6 (b) For purposes of Subsection (a), the [~~The~~] amount spent
7 on juvenile detention and correctional facilities is included in
8 determining the amount of local or county funds. The amount spent
9 for construction or renovation is not included.

10 (c) The department [~~commission~~] must be satisfied at the end
11 of each county fiscal year that the juvenile board actually spent
12 local or county funds for juvenile services in the amount
13 demonstrated to the department [~~commission~~] at the beginning of the
14 fiscal year.

15 (d) The department [~~commission~~] may require a rebate of
16 state aid, or [~~may~~] withhold state aid to which the juvenile board
17 would otherwise be entitled, as necessary to satisfy the
18 requirement that a juvenile board spend funds as demonstrated.

19 Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY
20 JURISDICTIONS. If necessary, the board [~~commission~~] by rule may
21 provide for:

22 (1) the payment of compensation, insurance,
23 retirement, fringe benefits, and related matters to a juvenile
24 probation officer whose jurisdiction covers more than one county;

25 (2) the centralization of administrative
26 responsibility associated with the state aid program in a county
27 included in a multi-county jurisdiction; and

1 (3) the application of Section 223.001 [~~141.081~~ of
2 ~~this code~~] to a multi-county jurisdiction.

3 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When the
4 department [~~commission~~] determines that a juvenile board complies
5 with the department's [~~commission's~~] standards, the department
6 [~~commission~~] shall submit to the comptroller a voucher for payment
7 to a juvenile board of the amount of state aid to which the board is
8 entitled.

9 (b) The juvenile board's fiscal officer shall deposit all
10 state aid received under this chapter in a special fund. The
11 juvenile board may use the funds solely to provide juvenile
12 probation services.

13 (c) A juvenile board receiving state aid under this chapter
14 is subject to audit by:

15 (1) the Legislative Budget Board;

16 (2) [~~✓~~] the governor's budget, policy, and planning
17 office;

18 (3) [~~✓~~] the state auditor; [~~✓~~] and

19 (4) the comptroller.

20 (d) A juvenile board receiving state aid under this chapter
21 shall submit reports as required by the department [~~commission~~].

22 Sec. 223.005 [~~141.085~~]. REFUSAL, REDUCTION, OR SUSPENSION
23 OF STATE AID. (a) The department [~~commission~~] may refuse, reduce,
24 or suspend payment of state aid to:

25 (1) a juvenile board that fails to comply with the
26 department's [~~commission's~~] rules or fails to maintain local
27 financial support; or

1 (2) a county that fails to comply with the minimum
2 standards provided under Section 221.002(a)(4) [~~141.042(a)(4)~~].

3 (b) The department [~~commission~~] shall provide for notice
4 and a hearing in a case in which the department [~~it~~] refuses,
5 reduces, or suspends state aid.

6 Sec. 223.006 [~~141.086~~]. FUNDING AND CONSTRUCTION OF
7 POST-ADJUDICATION FACILITIES. (a) The department [~~commission~~] may
8 provide state aid to a county to acquire, construct, and equip
9 post-adjudication residential or day-treatment centers from money
10 appropriated for those purposes. The facilities may be used for
11 children who are placed on probation by a juvenile court under
12 Section 54.04, Family Code, as an alternative to commitment to the
13 facilities of the department [~~Texas Youth Commission~~].

14 (b) State funds provided to counties under Subsection (a)
15 must be matched by local funds equal to at least one-fourth of the
16 state funds.

17 (c) From money appropriated for construction of the
18 facilities described by Subsection (a), the department
19 [~~commission~~] shall contract with the Texas Department of Criminal
20 Justice for construction management services, including:

21 (1) evaluation of project plans and specifications;
22 and

23 (2) review and comment on the selection of architects
24 and engineers, change orders, and sufficiency of project
25 inspection.

26 (d) On completion of the review of project plans and
27 specifications under Subsection (c), the Texas Department of

1 Criminal Justice shall issue a comprehensive report that states in
2 detail the proposed cost of the project. The department
3 [~~commission~~] shall use the report in making a comparative
4 evaluation of proposed projects and shall give priority to the
5 projects the department [~~commission~~] finds are the most effective
6 and economical.

7 (e) The department [~~commission~~] may not award money for a
8 capital construction project for a facility under this section
9 unless the department [~~commission~~] receives from the commissioners
10 court of the county intending to use the facility a written
11 commitment that the commissioners court has reviewed and accepted
12 the conditions of the award. If more than one county intends to use
13 the facility, the department [~~commission~~] must receive from each
14 county a written commitment that the county will agree with the
15 other counties to an interlocal contract to operate the facility in
16 accordance with the conditions of the award.

17 (f) A county receiving state aid under this section shall
18 adhere to department [~~commission~~] standards for the construction
19 and operation of a post-adjudication secure residential facility.

20 (g) For a facility constructed under this section, not more
21 than 25 percent of the operating costs of the facility may be
22 reimbursed by the department [~~commission~~].

23 (h) It is the intent of the legislature to appropriate the
24 full amount of money authorized under Subsection (g).

25 (i) [~~The commission shall conduct an annual audit of the~~
26 ~~operating costs for a fiscal year of a facility constructed under~~
27 ~~this section for each fiscal year through fiscal year 1999. The~~

1 ~~commission shall submit a report on the results of the audit to the~~
2 ~~Legislative Budget Board and the governor not later than the 60th~~
3 ~~day after the last day of the fiscal year covered by the audit.~~

4 [~~j~~] In this section, "operating costs" means the
5 operating costs of a facility at an 80-percent occupancy rate.

6 SECTION 1.005. Title 12, Human Resources Code, as added by
7 this Act, is amended by adding Subtitle C, and a heading is added to
8 read as follows:

9 SUBTITLE C. SECURE FACILITIES

10 SECTION 1.006. Subchapter G, Chapter 61, Human Resources
11 Code, is transferred to Subtitle C, Title 12, Human Resources Code,
12 as added by this Act, redesignated as Chapter 241, and amended to
13 read as follows:

14 CHAPTER 241. GENERAL [~~SUBCHAPTER G. MISCELLANEOUS~~] PROVISIONS

15 Sec. 241.001 [~~61.091~~]. COOPERATION OF OTHER AGENCIES. To
16 effectuate the purpose of this subtitle [~~chapter~~] and to make
17 maximum use of existing facilities and personnel, all departments
18 and agencies of the state and all officers and employees of the
19 state, when requested by the department [~~commission~~], shall
20 cooperate with the department [~~it~~] in all activities consistent
21 with their proper functions.

22 Sec. 241.0015 [~~61.0911~~]. [~~COORDINATED~~] STRATEGIC PLAN.
23 The department [~~Texas Youth Commission~~] shall biennially develop
24 [~~with the Texas Juvenile Probation Commission~~] a [~~coordinated~~]
25 strategic plan in the manner described by Section 221.009 [~~Sections~~
26 ~~141.0471 and 141.0472~~].

27 Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL

1 RIGHTS. Commitment of a child to the custody of the department
2 [~~commission~~] does not disqualify the child in any future
3 examination, appointment, or application for public service under
4 the government of the state or of any political subdivision of the
5 state.

6 [~~Sec. 61.093. ESCAPE AND APPREHENSION. (a) If a child who~~
7 ~~has been committed to the commission and placed by it in any~~
8 ~~institution or facility has escaped or has been released under~~
9 ~~supervision and broken the conditions of release:~~

10 [~~(1) a sheriff, deputy sheriff, constable, or police~~
11 ~~officer may, without a warrant, arrest the child, or~~

12 [~~(2) a commission employee designated by the executive~~
13 ~~commissioner may, without a warrant or other order, take the child~~
14 ~~into the custody of the commission.~~

15 [~~(b) A child who is arrested or taken into custody under~~
16 ~~Subsection (a) may be detained in any suitable place, including an~~
17 ~~adult jail facility if the person is 17 years of age or older, until~~
18 ~~the child is returned to the custody of the commission or~~
19 ~~transported to a commission facility.~~

20 [~~(c) Notwithstanding Section 58.005, Family Code, the~~
21 ~~commission may disseminate to the public the following information~~
22 ~~relating to a child who has escaped from custody:~~

23 [~~(1) the child's name, including other names by which~~
24 ~~the child is known,~~

25 [~~(2) the child's physical description, including sex,~~
26 ~~weight, height, race, ethnicity, eye color, hair color, scars,~~
27 ~~marks, and tattoos,~~

1 ~~[(3) a photograph of the child, and~~

2 ~~[(4) if necessary to protect the welfare of the~~
3 ~~community, any other information that reveals dangerous~~
4 ~~propensities of the child or expedites the apprehension of the~~
5 ~~child.~~

6 ~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~
7 ~~commission may employ and commission apprehension specialists as~~
8 ~~peace officers for the purpose of apprehending a child under~~
9 ~~Section 61.093.~~

10 ~~[(b) Peace officers employed and commissioned under~~
11 ~~Subsection (a) must be certified by the Commission on Law~~
12 ~~Enforcement Officer Standards and Education under Chapter 415,~~
13 ~~Government Code.]~~

14 Sec. 241.003 ~~[61.094]~~. YOUTH DEVELOPMENT COUNCIL FUND. The
15 youth development council fund exists in the treasury as a special
16 fund for the purposes provided by law.

17 Sec. 241.004 ~~[61.095]~~. REQUEST FOR CERTAIN RECORDS. For
18 the purpose of offering a record as evidence in the punishment phase
19 of a criminal proceeding, a prosecuting attorney may obtain the
20 record of a defendant's adjudication that is admissible under
21 Section 3(a), Article 37.07, Code of Criminal Procedure, by
22 submitting a request for the record to the department ~~[commission]~~.
23 If the department ~~[commission]~~ has a record to which the
24 prosecuting attorney is entitled under this section, the department
25 ~~[commission]~~ shall furnish a copy of the record to the prosecuting
26 attorney. Otherwise, the department ~~[commission]~~ shall notify the
27 prosecuting attorney that the department ~~[commission]~~ does not have

1 a record to which the attorney is entitled under this section.

2 Sec. 241.005 [~~61.096~~]. LIABILITY OF VOLUNTEERS. (a)

3 Except as provided by Subsection (b), a volunteer is not liable for
4 damages arising from an act or omission that results in personal
5 injury, death, or property damage if the act or omission is:

6 (1) in the course and scope of the volunteer's duties
7 as a volunteer; and

8 (2) not intentional or grossly negligent.

9 (b) A volunteer is liable for personal injury, death, or
10 property damage proximately caused by an act or omission related to
11 the operation or use of any motor-driven equipment to the extent of
12 the greater of:

13 (1) the amount of financial responsibility required
14 for the motor-driven equipment, if any, under Chapter 601,
15 Transportation Code; or

16 (2) the amount of any liability insurance coverage
17 that applies to the act or omission.

18 (c) In this section, "volunteer" means an individual
19 rendering services for or on behalf of the department [~~commission~~]
20 who does not receive compensation in excess of reimbursement for
21 expenses incurred.

22 Sec. 241.006 [~~61.097~~]. APPLICATION OF LAW RELATING TO FREE
23 EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice
24 and Remedies Code, an ordinance, rule, order, decision, or practice
25 that applies to a person in the custody of a juvenile detention
26 facility or other correctional facility operated by or under a
27 contract with the department [~~commission~~], a county, or a juvenile

1 probation department is presumed to be in furtherance of a
2 compelling governmental interest and the least restrictive means of
3 furthering that interest. The presumption may be rebutted.

4 Sec. 241.007 [~~61.098~~]. CERTAIN CRIMES CONCERNING THE
5 DEPARTMENT [~~COMMISSION~~]. (a) In this section, "special
6 prosecution unit" means the special prosecution unit established
7 under Subchapter E, Chapter 41, Government Code.

8 (b) As appropriate, the district attorney, criminal
9 district attorney, or county attorney representing the state in
10 criminal matters before the district or inferior courts of the
11 county who would otherwise represent the state in the prosecution
12 of an offense or delinquent conduct concerning the department
13 [~~commission~~] and described by Article 104.003(a), Code of Criminal
14 Procedure, may request that the special prosecution unit prosecute,
15 or assist in the prosecution of, the offense or delinquent conduct.

16 (c) The office of inspector general operated under
17 Subchapter C, Chapter 242, shall on a quarterly basis prepare and
18 deliver to the board of directors of the special prosecution unit a
19 report concerning:

20 (1) any alleged criminal offense or delinquent conduct
21 concerning the department [~~commission~~] and described by Article
22 104.003(a), Code of Criminal Procedure, that occurred during the
23 preceding calendar quarter; and

24 (2) the disposition of any case involving a criminal
25 offense or delinquent conduct concerning the department
26 [~~commission~~] and described by Article 104.003(a), Code of Criminal
27 Procedure, that occurred during the preceding calendar quarter.

1 (d) Notwithstanding Subsection (c), the office of inspector
2 general shall immediately provide the special prosecution unit with
3 a report concerning an alleged criminal offense or delinquent
4 conduct concerning the department [~~commission~~] and described by
5 Article 104.003(a), Code of Criminal Procedure, if the chief
6 inspector general reasonably believes the offense or conduct is
7 particularly serious and egregious.

8 (e) The chief inspector general of the office of inspector
9 general, at the direction of the board of directors of the special
10 prosecution unit, shall notify the foreman of the appropriate grand
11 jury, in the manner provided by Article 20.09, Code of Criminal
12 Procedure, if:

13 (1) the chief inspector general receives credible
14 evidence of illegal or improper conduct by department [~~commission~~]
15 officers, employees, or contractors that the inspector general
16 reasonably believes jeopardizes the health, safety, and welfare of
17 children in the custody of the department [~~commission~~];

18 (2) the chief inspector general reasonably believes
19 the conduct:

20 (A) could constitute an offense under Article
21 104.003(a), Code of Criminal Procedure; and

22 (B) involves the alleged physical or sexual abuse
23 of a child in the custody of a department [~~commission~~] facility or
24 an investigation related to the alleged abuse; and

25 (3) the chief inspector general has reason to believe
26 that information concerning the conduct has not previously been
27 presented to the appropriate grand jury.

1 Sec. 241.008 [~~61.099~~]. DUTY TO FILE COMPLAINT WITH LAW
2 ENFORCEMENT AGENCY. If the executive director [~~commissioner~~] has
3 reasonable cause to believe that a child in the custody of the
4 department [~~commission~~] is the victim of a crime committed at a
5 department [~~commission~~] facility operated under this subtitle, the
6 executive director [~~commissioner~~] shall immediately file a
7 complaint with the appropriate law enforcement agency.

8 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human
9 Resources Code, are transferred to Subtitle C, Title 12, Human
10 Resources Code, as added by this Act, redesignated as Chapters 242,
11 243, 244, and 245, respectively, and amended to read as follows:

12 CHAPTER 242. OPERATION OF SECURE FACILITIES

13 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS [~~SUBCHAPTER C.~~
14 ~~POWERS AND DUTIES~~]

15 Sec. 242.001. STUDY OF TREATMENT METHODS; STATISTICAL
16 RECORDS. (a) The department shall conduct continuing inquiry into
17 the effectiveness of the treatment methods the department employs
18 in the reformation of children. To this end, the department shall
19 maintain a record of arrests and commitments of its wards
20 subsequent to their discharge from the jurisdiction of the
21 department and shall tabulate, analyze, and publish biennially the
22 data for use in evaluating the relative merits of treatment
23 methods.

24 (b) The department shall cooperate with courts and private
25 and public agencies in the collection of statistics and information
26 regarding juvenile delinquency, arrests made, complaints,
27 informations, and petitions filed, and the dispositions made of

1 them, and other information useful in determining the amount and
2 causes of juvenile delinquency in this state.

3 [~~Sec. 61.031. CONTINUING STUDY. The commission shall carry~~
4 ~~on a continuing study of the problem of juvenile delinquency in this~~
5 ~~state and shall seek to focus public attention on special solutions~~
6 ~~to this problem.~~]

7 Sec. 242.002 [~~61.0315~~]. EVALUATION OF TREATMENT PROGRAMS;
8 AVAILABILITY. (a) The department [~~commission~~] shall annually
9 review the effectiveness of the department's [~~commission's~~]
10 programs for the rehabilitation and reestablishment in society of
11 children committed to the department [~~commission~~], including
12 programs for sex offenders, capital offenders, children who are
13 chemically dependent, emotionally disturbed children, and females.

14 (b) On or before December 31 of each year, the department
15 [~~commission~~] shall make a report on the effectiveness of the
16 programs to the Legislative Budget Board.

17 (c) The department [~~commission~~] shall offer or make
18 available programs described by Subsection (a) in an adequate
19 manner so that a child in the custody of the department [~~commission~~]
20 receives appropriate rehabilitation services recommended for the
21 child by the court committing the child to the department
22 [~~commission~~].

23 (d) If the department [~~commission~~] is unable to offer or
24 make available programs described by Subsection (a) in the manner
25 provided by Subsection (c), the department [~~commission~~] shall, not
26 later than January 10 of each odd-numbered year, provide the
27 standing committees of the senate and house of representatives with

1 primary jurisdiction over matters concerning correctional
2 facilities with a report explaining:

3 (1) which programs are not offered or are unavailable;
4 and

5 (2) the reason the programs are not offered or are
6 unavailable.

7 (e) The department [~~commission~~] shall periodically review,
8 document, and compare the accessibility and funding of treatment
9 programs provided to female children committed to the department
10 [~~commission~~] to the accessibility and funding of treatment provided
11 to male children committed to the department [~~commission~~].

12 [~~Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The~~
13 ~~commission shall administer the training, diagnostic treatment,~~
14 ~~and supervisory facilities and services of the state for children~~
15 ~~committed to the commission and shall manage and direct all~~
16 ~~institutions and training school facilities under the authority of~~
17 ~~the commission.~~

18 [~~Sec. 61.033. ANNUAL FINANCIAL REPORT. The commission~~
19 ~~shall prepare annually a complete and detailed written report~~
20 ~~accounting for all funds received and disbursed by the commission~~
21 ~~during the preceding fiscal year. The annual report must meet the~~
22 ~~reporting requirements applicable to financial reporting provided~~
23 ~~in the General Appropriations Act.~~

24 [~~Sec. 61.0331. INTERNAL AUDIT; REPORT. (a) The commission~~
25 ~~shall regularly conduct internal audits of the commission,~~
26 ~~including audits of:~~

27 [~~(1) correctional facilities operated by and under~~

1 ~~contract with the commission; and~~

2 ~~[(2) medical services provided to children in the~~
3 ~~custody of the commission.]~~

4 ~~[(b) The commission shall on a quarterly basis report the~~
5 ~~results of the audits to:~~

6 ~~[(1) the committees of the senate and house of~~
7 ~~representatives with primary jurisdiction over matters concerning~~
8 ~~correctional facilities; and~~

9 ~~[(2) the state auditor.]~~

10 Sec. 242.003 [~~61.034~~]. POLICIES AND RULES. (a) The board
11 [~~executive commissioner~~] is responsible for the review and approval
12 [~~adoption~~] of all policies and shall make rules appropriate to the
13 proper accomplishment of the department's [~~commission's~~]
14 functions. The board may delegate to the executive director the
15 board's responsibility for the adoption of certain policies as
16 appropriate for the proper accomplishment of the department's
17 functions relating to state-operated facilities and the
18 department's personnel.

19 (b) The board [~~executive commissioner~~] shall adopt rules
20 for the government of the schools, facilities, and programs under
21 the department's [~~commission's~~] authority under this subtitle and
22 shall see that the schools, facilities, and programs are conducted
23 according to law and to the board's [~~executive commissioner's~~]
24 rules.

25 (c) The purpose of the rules and of all education, work,
26 training, discipline, and recreation adopted under this section[~~7~~]
27 and of all other activities in the schools, facilities, and

1 programs is to restore and increase the self-respect and
2 self-reliance of the children [~~youth~~] under the authority of the
3 department [~~commission~~] and to qualify those children [~~them~~] for
4 good citizenship and honorable employment.

5 [~~Sec. 61.0345. MISSION STATEMENT. The commission shall~~
6 ~~develop and adopt a statement regarding the role and mission of the~~
7 ~~commission.~~]

8 Sec. 242.004 [~~61.035~~]. EMPLOYEES. (a) Within the limits
9 specified by legislative appropriation, the department
10 [~~commission~~] may employ and compensate personnel necessary to carry
11 out the department's [~~its~~] duties.

12 (b) Except as otherwise provided by this subchapter
13 [~~chapter~~], an employee of the department [~~commission~~] is employed
14 on an at-will basis.

15 (c) The department [~~commission~~] shall establish procedures
16 and practices governing:

17 (1) employment-related grievances submitted by
18 department [~~commission~~] employees; and

19 (2) disciplinary actions within the department
20 [~~commission~~], including a procedure allowing a department
21 [~~commission~~] employee to elect to participate in an independent
22 dismissal mediation if the employee is recommended for dismissal.

23 Sec. 242.005 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR
24 ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director
25 [~~commissioner~~] shall provide to members of any applicable [~~the~~]
26 advisory board and to department [~~commission~~] employees, as often
27 as is necessary, information regarding qualifications [~~their~~]

1 ~~qualification~~] for office or employment under this chapter and
2 [~~their~~] responsibilities under applicable laws relating to
3 standards of conduct for state officers or employees.

4 [~~Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board shall~~
5 ~~develop and implement policies that clearly separate the~~
6 ~~policymaking responsibilities of the board and the management~~
7 ~~responsibilities of the staff of the commission.~~]

8 Sec. 242.006 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER
9 PROGRAM. The program shall require intra-agency posting of all
10 positions concurrently with any public postings.

11 Sec. 242.007 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The
12 executive director [~~commissioner~~] shall develop a system of annual
13 performance evaluations that are based on documented employee
14 performance. All merit pay for department [~~commission~~] employees
15 must be based on the system established under this section.

16 Sec. 242.008 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY
17 POLICY STATEMENT. (a) The executive director [~~commissioner~~] shall
18 prepare and maintain a written policy statement to assure
19 implementation of a program of equal employment opportunity under
20 which all personnel transactions are made without regard to race,
21 color, disability, sex, religion, age, or national origin. The
22 policy statement shall include:

23 (1) personnel policies, including policies relating
24 to recruitment, evaluation, selection, appointment, training, and
25 promotion of personnel that are in compliance with requirements of
26 Chapter 21, Labor Code;

27 (2) a comprehensive analysis of the department's

1 ~~[commission's]~~ work force that meets federal or state laws, rules,
2 and regulations and instructions promulgated directly from those
3 laws, rules, and regulations;

4 (3) procedures by which a determination can be made
5 about the extent of underuse in the department's ~~[commission's]~~
6 work force of all persons of whom federal or state laws, rules, and
7 regulations and instructions promulgated directly from those laws,
8 rules, and regulations encourage a more equitable balance; and

9 (4) reasonable methods to appropriately address those
10 areas of underuse.

11 (b) A policy statement prepared under Subsection (a) must
12 cover an annual period, be updated annually, be reviewed by the
13 Texas Workforce Commission ~~[on Human Rights]~~ for compliance with
14 Subsection (a)(1), and be filed with the governor's office.

15 (c) The governor's office shall deliver a biennial report to
16 the legislature based on the information received under Subsection
17 (b). The report may be made separately or as a part of other
18 biennial reports made to the legislature.

19 Sec. 242.009 ~~[61.0356]~~. JUVENILE CORRECTIONAL OFFICERS;
20 STAFFING. (a) In this section, "juvenile correctional officer"
21 means a department ~~[an]~~ employee whose primary duties include ~~[duty~~
22 ~~includes]~~ the custodial supervision of children in the custody of
23 the department ~~[commission]~~.

24 (b) The department ~~[commission]~~ shall provide each juvenile
25 correctional officer employed by the department ~~[commission]~~ with
26 at least 300 hours of training, which must include on-the-job
27 training, before the officer independently commences the officer's

1 duties at the facility. The training must provide the officer with
2 information and instruction related to the officer's duties,
3 including information and instruction concerning:

4 (1) the juvenile justice system of this state,
5 including the juvenile correctional facility system;

6 (2) security procedures;

7 (3) the supervision of children committed to the
8 department [~~commission~~];

9 (4) signs of suicide risks and suicide precautions;

10 (5) signs and symptoms of the abuse, assault, neglect,
11 and exploitation of a child, including sexual abuse and sexual
12 assault, and the manner in which to report the abuse, assault,
13 neglect, or exploitation of a child;

14 (6) the neurological, physical, and psychological
15 development of adolescents;

16 (7) department [~~commission~~] rules and regulations,
17 including rules, regulations, and tactics concerning the use of
18 force;

19 (8) appropriate restraint techniques;

20 (9) the Prison Rape Elimination Act of 2003 (42 U.S.C.
21 Section 15601, et seq.);

22 (10) the rights and responsibilities of children in
23 the custody of the department [~~commission~~];

24 (11) interpersonal relationship skills;

25 (12) the social and cultural lifestyles of children in
26 the custody of the department [~~commission~~];

27 (13) first aid and cardiopulmonary resuscitation;

- 1 (14) counseling techniques;
- 2 (15) conflict resolution and dispute mediation,
3 including de-escalation techniques;
- 4 (16) behavior management;
- 5 (17) mental health issues; and
- 6 (18) employee rights, employment discrimination, and
7 sexual harassment.

8 (c) The department [~~commission~~] may employ part-time
9 juvenile correctional officers. A part-time juvenile correctional
10 officer is subject to the training requirements of this section.

11 (d) In each correctional facility operated by the
12 department [~~commission~~] that has a dormitory, including an open-bay
13 dormitory, the department [~~commission~~] must maintain a ratio of not
14 less than one juvenile correctional officer performing direct
15 supervisory duties for every 12 persons committed to the facility.

16 (e) The department [~~commission~~] shall consider the age of a
17 juvenile correctional officer or other department [~~commission~~]
18 employee who performs direct supervisory duties when determining
19 the placement of the officer or employee in a department
20 [~~commission~~] facility so that, to the extent practicable, an
21 officer or employee is not supervising a child who is not more than
22 three years younger than the officer or employee or is otherwise a
23 similar age to the officer or employee.

24 (f) The department [~~commission~~] shall rotate the assignment
25 of each juvenile correctional officer at an interval determined by
26 the department [~~commission~~] so that a juvenile correctional officer
27 is not assigned to the same station for an extended period of time.

1 (g) The department [~~commission~~] shall ensure that at least
2 one juvenile correctional officer is assigned to supervise in or
3 near a classroom or other location in which children receive
4 education services or training at the time the children are
5 receiving the education services or training.

6 (h) The board [~~commission~~] shall adopt rules necessary to
7 administer this section.

8 Sec. 242.010 [~~61.0357~~]. REQUIRED BACKGROUND AND CRIMINAL
9 HISTORY CHECKS. (a) In this section, "national [~~+~~

10 [~~(1) "Department" means the Department of Public~~
11 ~~Safety.~~

12 [~~(2) "National~~] criminal history record information"
13 means criminal history record information obtained from the
14 Department of Public Safety [~~department~~] under Subchapter F,
15 Chapter 411, Government Code, and from the Federal Bureau of
16 Investigation under Section 411.087, Government Code.

17 (b) The executive director [~~commissioner~~] shall review the
18 national criminal history record information, state criminal
19 history record information maintained by the Department of Public
20 Safety [~~department~~], and previous and current employment
21 references of each person who:

22 (1) is an employee, contractor, volunteer, ombudsman,
23 or advocate working for the department [~~commission~~] or working in a
24 department [~~commission~~] facility or a facility under contract with
25 the department [~~commission~~];

26 (2) provides direct delivery of services to children
27 in the custody of the department [~~commission~~]; or

1 (3) has access to records in department [~~commission~~]
2 facilities or offices.

3 (c) To enable the executive director [~~commissioner~~] to
4 conduct the review, the board [~~commission~~] shall adopt rules
5 requiring a person described by Subsection (b) to electronically
6 provide the Department of Public Safety [~~department~~] with a
7 complete set of the person's fingerprints in a form and of a quality
8 acceptable to the Department of Public Safety [~~department~~] and the
9 Federal Bureau of Investigation.

10 (d) For each person described by Subsection (b), the
11 executive director [~~commissioner~~] shall review on an annual basis
12 the person's national criminal history record information.

13 (e) The department [~~commission~~] shall ensure that the
14 system used to check state criminal history record information
15 maintained by the Department of Public Safety [~~department~~] is
16 capable of providing real time arrest information.

17 (f) The board [~~commission~~] by rule may require a person
18 described by Subsection (b) to pay a fee related to the first
19 national criminal history record information review conducted
20 under this section. The amount of the fee may not exceed the
21 administrative costs incurred by the department [~~commission~~] in
22 conducting the initial review, including the costs of obtaining the
23 person's fingerprints.

24 (g) The board [~~commission~~] shall adopt rules necessary to
25 administer this section.

26 Sec. 242.011. BIENNIAL BUDGET. The executive director
27 shall prepare a biennial budget of all funds necessary to be

1 appropriated by the legislature to the department to carry out the
2 purposes of this subtitle. The budget shall be submitted and filed
3 by the executive director in the form and manner and within the time
4 prescribed by law.

5 SUBCHAPTER B. SECURE FACILITIES; SERVICES

6 Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF
7 CHILDREN. (a) The department shall:

8 (1) administer the training, diagnostic treatment,
9 and supervisory facilities and services of the state for children
10 committed to the department; and

11 (2) manage and direct all institutions and training
12 school facilities under the authority of the department.

13 (b) The department shall have general charge of and be
14 responsible for the welfare, custody, and rehabilitation of the
15 children in a school, facility, or program operated or funded by the
16 department. The department shall seek to establish relationships
17 and to organize a way of life that will meet the spiritual, moral,
18 physical, emotional, intellectual, and social needs of the children
19 under the department's care as those needs would be met in an
20 adequate home.

21 (c) The department shall see that the buildings and premises
22 are kept in good sanitary condition.

23 Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The
24 department may design, construct, equip, furnish, and maintain
25 buildings and improvements at facilities under the department's
26 jurisdiction.

27 (b) The department may employ architects or engineers, or

1 both, to prepare plans and specifications and to supervise the
2 construction and improvements described by Subsection (a).

3 (c) The board shall promulgate rules relating to the award
4 of contracts for the construction of buildings and improvements.
5 The rules shall provide for the award of contracts for the
6 construction of buildings and improvements to the qualified bidder
7 making the lowest and best bid. A construction contract may not be
8 awarded for a sum in excess of the amount of funds available for the
9 project. The department may reject any and all bids submitted.

10 (d) If a project is financed wholly or partly by federal
11 funds, any standards required by the enabling federal statute or
12 required by the rules of the administering federal agency control
13 over this section.

14 (e) The department may employ professional, technical, and
15 clerical personnel to carry out the design and construction
16 functions required by this section.

17 ~~[Sec. 61.036. COOPERATION WITH OTHER AGENCIES. (a) The~~
18 ~~commission shall cooperate with all existing agencies and encourage~~
19 ~~the establishment of new programs, both local and statewide, the~~
20 ~~object of which is services to delinquent and predelinquent youth~~
21 ~~of this state.~~

22 ~~[(b) The commission may assist in developing,~~
23 ~~strengthening, and coordinating educational, welfare, health,~~
24 ~~recreational, and law-enforcement programs which have as their~~
25 ~~object the prevention of juvenile delinquency and crime.]~~

26 Sec. 242.053 ~~[61.037]~~. USE OF EXISTING INSTITUTIONS AND
27 AGENCIES. (a) In carrying out the department's ~~[its]~~ duties, the

1 department [~~commission~~] may make use of law-enforcement,
2 detention, supervisory, medical, educational, correctional, and
3 other facilities, institutions, and agencies in the state. This
4 section does not authorize the department [~~commission~~] to assume
5 control of any other agency, institution, or facility in the state,
6 or to require any agency, institution, or facility to serve the
7 department [~~commission~~] in a manner inconsistent with the [~~its~~]
8 authority or function of the agency, institution, or facility or
9 with any law or regulation governing the [~~its~~] activity of the
10 agency, institution, or facility.

11 (b) When funds are available for the purpose, the department
12 [~~commission~~] may enter into agreements with appropriate public or
13 private agencies for the separate care and treatment of persons
14 subject to the control of the department [~~commission~~]. The
15 department [~~commission~~] may not make use of any private institution
16 or agency without its consent. The department [~~commission~~] shall
17 make reasonable efforts to ensure that the expenditure of
18 appropriations for the purchase of contract residential care for
19 children, not including the purchase of care in foster family
20 homes, be allocated to providers on a fixed monthly basis if that
21 allocation [~~it~~] is cost-effective and the number, type, needs, and
22 conditions of the children to be served is reasonably constant.

23 (c) The department [~~commission~~] shall periodically inspect
24 all public and private institutions and agencies whose facilities
25 the department [~~it~~] is using. Every public and private institution
26 and agency shall allow [~~afford to~~] the department [~~commission~~]
27 reasonable opportunity to examine and consult with children who

1 have been committed to the department [~~commission~~] and who are in
2 the custody of the institution or agency.

3 (d) Placement of a child in, or the release of a child by,
4 any institution not operated by the department [~~commission~~] does
5 not terminate the authority of the department [~~commission~~] over the
6 child. No child placed in an institution or under an agency by the
7 department [~~commission~~] may be released by the institution or
8 agency without the approval of the department [~~commission~~].

9 Sec. 242.054 [~~61.038~~]. HALFWAY HOUSE PROGRAM. (a) The
10 department [~~commission~~] may not develop a halfway house to be
11 operated by the department [~~commission~~] if an appropriate private
12 halfway house program is contractually available and the costs
13 under the contract are less than the costs would be if the
14 department [~~commission~~] provided the services.

15 (b) Before the department [~~commission~~] contracts for the
16 development of a halfway house program, the department [~~commission~~]
17 shall send prospective service providers a request for a proposal
18 that identifies the program services desired, the population to be
19 served, and potential locations for the program. The department
20 [~~commission~~] shall select the service provider that submits the
21 proposal that best meets the department's [~~commission's~~] needs
22 according to standards established by the department [~~commission~~].
23 If the department [~~commission~~] does not receive a proposal that
24 meets its needs, the department [~~commission~~] may request funds from
25 the legislature for the development of a halfway house to be
26 operated by the department [~~commission~~].

27 (c) This section does not apply to halfway houses operated

1 by the department [~~commission~~] on September 1, 1987.

2 Sec. 242.055 [~~61.0385~~]. CRISIS INTERVENTION AND ASSESSMENT
3 CENTERS. The department [~~commission~~] may establish a children's
4 crisis intervention and assessment center at a facility owned or
5 operated by the department [~~commission~~]. The department
6 [~~commission~~] may contract with another entity for the provision or
7 use of services at the center.

8 Sec. 242.056 [~~61.0386~~]. ADVOCACY AND SUPPORT GROUPS. (a)
9 The department [~~commission~~] shall allow advocacy and support groups
10 whose primary functions are to benefit children, inmates, girls and
11 women, the mentally ill, or [~~and~~] victims of sexual assault to
12 provide on-site information, support, and other services for
13 children confined in department [~~commission~~] facilities.

14 (b) The department [~~commission~~] shall adopt security and
15 privacy procedures for advocacy and support groups that provide
16 on-site information, support, and other services under this
17 section. The security and privacy procedures may not be designed
18 to deny an advocacy or support group access to children confined in
19 department [~~commission~~] facilities.

20 (c) The department [~~commission~~] shall adopt standards
21 consistent with standards adopted by the Texas Department of
22 Criminal Justice regarding the confidential correspondence of
23 children confined in department [~~commission~~] facilities with
24 external entities, including advocacy and support groups.

25 Sec. 242.057 [~~61.039~~]. DEPARTMENT [~~COMMISSION~~] PROGRAMS.

26 (a) The department [~~commission~~] shall develop and use standards
27 based on performance to evaluate and compare programs operated by

1 the department [~~commission~~].

2 (b) When practicable and feasible, the department
3 [~~commission~~] shall provide specific performance standards for a
4 program serving 10 or more children through an agreement entered
5 into under Section 242.053 [~~61.037 of this chapter~~]. In the
6 performance standards, the department [~~commission~~] shall include
7 outcome measures for evaluating the quality of services provided
8 under the agreement.

9 (c) For the purposes of comparison, the department
10 [~~commission~~] shall use performance standards that are as consistent
11 as practicable with those used to evaluate and compare programs
12 operated by the department [~~commission~~], that measure the benefits
13 and cost-effectiveness of the respective programs, and that measure
14 the average length of stay and rate of recidivism of the children in
15 the program.

16 Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT
17 COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department
18 [~~commission~~] may provide services to a child not committed to the
19 department [~~commission~~] if the department [~~commission~~] contracts
20 with a local juvenile probation department, the Health and [~~Texas~~
21 ~~Department of~~] Human Services Commission, or the Department of
22 Family and Protective [~~and Regulatory~~] Services to provide services
23 to the child.

24 Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE
25 SUPERVISION. When funds are available, the department [~~commission~~]
26 may:

27 (1) establish and operate places for detention and

1 diagnosis of children committed to it;

2 (2) establish and operate additional treatment and
3 training facilities, including forestry or parks-maintenance camps
4 and ranches, necessary to classify and treat children committed to
5 the department [~~commission~~] according to their needs;

6 (3) establish active parole supervision to aid
7 children given conditional release to find homes and employment and
8 to become reestablished in the community; and

9 (4) assist in establishing training facilities and
10 programs owned and operated by private individuals or organizations
11 which agree to provide services to children committed to the
12 department [~~commission~~], including programs for children needing
13 long-term residential care.

14 Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF
15 FACILITY. In computing the daily costs of a residential facility
16 operated by the department [~~commission~~], the department
17 [~~commission~~] shall use a standard method that is:

18 (1) consistent with methods used by other state
19 agencies; and

20 (2) [~~that is~~] designed to reflect the actual cost to
21 the state of operating the facility.

22 Sec. 242.061 [~~61.041. STUDY OF TREATMENT METHODS,~~
23 ~~STATISTICAL RECORDS.~~ (a) ~~The commission shall conduct continuing~~
24 ~~inquiry into the effectiveness of the treatment methods it employs~~
25 ~~in the reformation of children. To this end, the commission shall~~
26 ~~maintain a record of arrests and commitments of its wards~~
27 ~~subsequent to their discharge from the jurisdiction of the~~

1 ~~commission and shall tabulate, analyze, and publish biennially~~
2 ~~these data for use in evaluating the relative merits of treatment~~
3 ~~methods.~~

4 ~~[(b) The commission shall cooperate with courts and private~~
5 ~~and public agencies in the collection of statistics and information~~
6 ~~regarding juvenile delinquency, arrests made, complaints,~~
7 ~~informations, and petitions filed, and the dispositions made of~~
8 ~~them, and other information useful in determining the amount and~~
9 ~~causes of juvenile delinquency in this state.~~

10 ~~[Sec. 61.042].~~ REFERRALS FROM FEDERAL COURT. The
11 department ~~[commission]~~ may enter into agreements with the federal
12 government to accept children from the federal court for an agreed
13 compensation.

14 Sec. 242.062 ~~[61.0421. PUBLIC INTEREST INFORMATION. The~~
15 ~~commission shall prepare information of public interest describing~~
16 ~~the functions of the commission and describing the procedures by~~
17 ~~which complaints are filed with and resolved by the commission. The~~
18 ~~commission shall make the information available to the general~~
19 ~~public and appropriate state agencies.~~

20 ~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The~~
21 ~~commission shall maintain a system to promptly and efficiently act~~
22 ~~on a complaint filed with the commission by a person, other than a~~
23 ~~child receiving services from the commission or the child's parent~~
24 ~~or guardian, that the commission has authority to resolve. The~~
25 ~~commission shall maintain information about parties to the~~
26 ~~complaint, the subject matter of the complaint, a summary of the~~
27 ~~results of the review or investigation of the complaint, and the~~

1 ~~disposition of the complaint.~~

2 ~~[(b) The commission shall make information available~~
3 ~~describing the commission's procedures for complaint investigation~~
4 ~~and resolution.~~

5 ~~[(c) The commission shall periodically notify the complaint~~
6 ~~parties of the status of the complaint until final disposition,~~
7 ~~unless the notice would jeopardize an undercover investigation.~~

8 ~~[(d) The commission shall keep information about each~~
9 ~~written complaint filed with the commission by a child receiving~~
10 ~~services from the commission or the child's parent or guardian. The~~
11 ~~information must include:~~

12 ~~[(1) the subject matter of the complaint,~~

13 ~~[(2) a summary of the results of the review or~~
14 ~~investigation of the complaint, and~~

15 ~~[(3) the period of time between the date the complaint~~
16 ~~is received and the date the complaint is closed.~~

17 ~~[Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall~~
18 ~~develop and implement policies that provide the public with a~~
19 ~~reasonable opportunity to appear before the board and to speak on~~
20 ~~any issue under the jurisdiction of the commission.~~

21 ~~[(b) The board shall ensure that the location of public~~
22 ~~hearings held in accordance with this section is rotated between~~
23 ~~municipalities in which a commission facility is located or that~~
24 ~~are in proximity to a commission facility.~~

25 ~~[Sec. 61.043. GIFTS, GRANTS. The commission may accept~~
26 ~~gifts, grants, or donations of money or property from private~~
27 ~~sources to effectuate the purpose of this chapter. Donated funds~~

1 ~~shall be placed in the state treasury in a special fund called the~~
2 ~~Texas Youth Commission Fund and expended as other state money is~~
3 ~~expended, on warrants drawn by the comptroller on the order of the~~
4 ~~commission. At the end of each state fiscal year, any unexpended~~
5 ~~balance in the fund shall be carried over in the same fund.~~

6 ~~[Sec. 61.0431]~~. SPECIAL ACCOUNTS. (a) Proceeds from the
7 operation of canteens and vending machines at facilities under the
8 jurisdiction of the department ~~[commission]~~ shall be deposited to
9 the credit of a special account in the General Revenue Fund called
10 the canteen revolving fund. The proceeds shall be used to pay the
11 actual expenses of maintaining and operating the canteens and
12 vending machines.

13 (b) Proceeds in excess of the amount required for the
14 ~~[these]~~ expenses described by Subsection (a), donations for student
15 activities, and proceeds from children's fundraising projects
16 shall be deposited to the credit of a special account in the General
17 Revenue Fund called the student benefit fund and may be used only
18 to:

19 (1) provide education, recreation, and entertainment
20 to children committed to the department ~~[commission]~~; or

21 (2) reimburse children committed to the department
22 ~~[commission]~~ for personal property lost or damaged as a result of
23 negligence by the staff of the department ~~[commission]~~.

24 (c) ~~(b)~~ Proceeds from shop projects at the facilities
25 under the department's ~~[commission's]~~ jurisdiction shall be
26 deposited to the credit of a special account in the General Revenue
27 Fund called the vocational shop fund and may be used only to:

1 (1) purchase and maintain parts, tools, and other
2 supplies necessary for the shop projects; and

3 (2) [~~to~~] compensate the students who participate in
4 the projects.

5 (d) [~~(c)~~] Registration fees from seminars and conferences
6 conducted by the department [~~commission~~] shall be deposited to the
7 credit of a special account in the General Revenue Fund called the
8 conference account and may be used only to pay the costs of
9 conducting seminars and conferences.

10 (e) [~~(d)~~] Money in the special accounts described by this
11 section is appropriated for the purposes indicated in this section
12 and shall be expended on warrants drawn by the comptroller on the
13 order of the department [~~commission~~].

14 Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND
15 MONEY. (a) Except as provided by Subsection (b), money belonging
16 to a child committed to the department [~~commission~~] in excess of the
17 amount the department [~~commission~~] allows in a child's possession
18 shall be deposited in a trust fund established by the facility
19 operated by the department [~~commission~~] to which the child is
20 assigned. The board [~~commission~~] shall adopt rules governing the
21 administration of the trust fund.

22 (b) Money possessed by a child committed to the department
23 [~~commission~~] that is determined to be contraband money as defined
24 by department [~~commission~~] rule shall be deposited in the student
25 benefit fund described by Section 242.062(b) [~~61.0431~~]. The
26 department [~~commission~~] shall notify each child committed to the
27 department [~~commission~~] that the possession of contraband money is

1 subject to confiscation by the department [~~commission~~] under this
2 subsection.

3 Sec. 242.064 [~~61.0433~~]. DEBIT CARD SUSPENSE ACCOUNTS. (a)
4 The department [~~commission~~] may establish debit card suspense
5 accounts necessary to operate magnetic debit card systems at
6 facilities under the jurisdiction of the department [~~commission~~] to
7 enable the students, employees, and visitors to make purchases of:

8 (1) merchandise from vending machines or canteens
9 within the facilities;

10 (2) meals from cafeterias within the facilities; and

11 (3) services that the facilities are authorized to
12 provide.

13 (b) Cash received from cash-to-card machines and amounts
14 electronically transferred for card use from the students' trust
15 fund accounts shall be deposited to debit card suspense accounts in
16 local depositories and held pending card purchases.

17 (c) Transfers of cash based on card use for purchases of
18 merchandise or services shall be made from the debit card suspense
19 accounts to the appropriate vendors and to accounts in the state
20 treasury in accordance with laws governing receipt of state
21 revenues.

22 (d) Unused debit card balances shall be refunded to the card
23 holders from the debit card suspense accounts.

24 Sec. 242.065 [~~61.044. BIENNIAL BUDGET. The executive~~
25 ~~commissioner shall prepare a biennial budget of all funds necessary~~
26 ~~to be appropriated by the legislature to the commission to carry out~~
27 ~~the purposes of this chapter. The budget shall be submitted and~~

1 ~~filed by the executive commissioner in the form and manner and~~
2 ~~within the time prescribed by law.~~

3 ~~[Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES. (a)~~
4 ~~The commission shall have general charge of and be responsible for~~
5 ~~the welfare, custody, and rehabilitation of the children in a~~
6 ~~school, facility, or program operated or funded by the commission.~~
7 ~~The commission shall seek to establish relationships and to~~
8 ~~organize a way of life that will meet the spiritual, moral,~~
9 ~~physical, emotional, intellectual, and social needs of the children~~
10 ~~under its care as those needs would be met in an adequate home.~~

11 ~~[(b) The commission shall see that the buildings and~~
12 ~~premises are kept in good sanitary order.~~

13 ~~[Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office~~
14 ~~of inspector general is established at the commission for the~~
15 ~~purpose of investigating:~~

16 ~~[(1) crimes committed by commission employees,~~
17 ~~including parole officers employed by or under a contract with the~~
18 ~~commission; and~~

19 ~~[(2) crimes and delinquent conduct committed at a~~
20 ~~facility operated by the commission, a residential facility~~
21 ~~operated by another entity under a contract with the commission, or~~
22 ~~any facility in which a child committed to the custody of the~~
23 ~~commission is housed or receives medical or mental health~~
24 ~~treatment.~~

25 ~~[(b) The office of inspector general shall prepare and~~
26 ~~deliver a report concerning the results of any investigation~~
27 ~~conducted under this section to:~~

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

13 ~~[(c) The report prepared under Subsection (b) must include a~~
14 ~~summary of the actions performed by the office of inspector general~~
15 ~~in conducting the investigation, a statement of whether the~~
16 ~~investigation resulted in a finding that a criminal offense or~~
17 ~~delinquent conduct occurred, and a description of the finding. The~~
18 ~~report is public information under Chapter 552, Government Code,~~
19 ~~only to the extent authorized under that chapter and other law.~~

20 ~~[(d) The office of inspector general may employ and~~
21 ~~commission inspectors general as peace officers for the purpose of~~
22 ~~carrying out the duties described by this section. An inspector~~
23 ~~general shall have all of the powers and duties given to peace~~
24 ~~officers under Article 2.13, Code of Criminal Procedure.~~

25 ~~[(e) Peace officers employed and commissioned under~~
26 ~~Subsection (d) must:~~

- 27 ~~[(1) be certified by the Commission on Law Enforcement~~

1 ~~Officer Standards and Education under Chapter 1701, Occupations~~
2 ~~Code, and~~

3 ~~[(2) complete advanced courses relating to the duties~~
4 ~~of peace officers employed and commissioned under Subsection (d) as~~
5 ~~part of any continuing education requirements for the peace~~
6 ~~officers.~~

7 ~~[(f) The executive commissioner shall select a commissioned~~
8 ~~peace officer as chief inspector general. The chief inspector~~
9 ~~general is subject to the requirements of this section and may only~~
10 ~~be discharged for cause.~~

11 ~~[(g) The chief inspector general shall on a quarterly basis~~
12 ~~prepare and deliver a report concerning the operations of the~~
13 ~~office of inspector general to:~~

14 ~~[(1) the executive commissioner,~~

15 ~~[(2) the advisory board,~~

16 ~~[(3) the governor,~~

17 ~~[(4) the lieutenant governor,~~

18 ~~[(5) the speaker of the house of representatives,~~

19 ~~[(6) the standing committees of the senate and house~~
20 ~~of representatives with primary jurisdiction over correctional~~
21 ~~facilities,~~

22 ~~[(7) the state auditor, and~~

23 ~~[(8) the comptroller.~~

24 ~~[(h) A report prepared under Subsection (g) is public~~
25 ~~information under Chapter 552, Government Code, to the extent~~
26 ~~authorized under that chapter and other law, and the commission~~
27 ~~shall publish the report on the commission's Internet website. A~~

1 ~~report must be both aggregated and disaggregated by individual~~
2 ~~facility and include information relating to:~~

3 ~~[(1) the types of investigations conducted by the~~
4 ~~office of inspector general, such as whether an investigation~~
5 ~~concerned narcotics or an alleged incident of sexual abuse,~~

6 ~~[(2) the relationship of a victim to a perpetrator, if~~
7 ~~applicable; and~~

8 ~~[(3) the number of investigations conducted~~
9 ~~concerning suicides, deaths, and hospitalizations of children in~~
10 ~~the custody of the commission.~~

11 ~~[(i) The office of inspector general shall immediately~~
12 ~~report to the executive director, the board, the governor's general~~
13 ~~counsel, and the state auditor:~~

14 ~~[(1) any particularly serious or flagrant problem~~
15 ~~concerning the administration of a commission program or operation;~~
16 ~~or~~

17 ~~[(2) any interference by the executive director, an~~
18 ~~employee of the commission, a facility described by Subsection~~
19 ~~(a)(2), or an officer or employee of a facility described by~~
20 ~~Subsection (a)(2) with an investigation conducted by the office.~~

21 ~~[Sec. 61.0452. TOLL-FREE NUMBER. (a) The commission shall~~
22 ~~establish a permanent, toll-free number for the purpose of~~
23 ~~receiving any information concerning the abuse, neglect, or~~
24 ~~exploitation of children in the custody of the commission.~~

25 ~~[(b) The office of inspector general shall ensure that:~~

26 ~~[(1) the toll-free number is prominently displayed in~~
27 ~~each commission facility; and~~

1 ~~[(2) children in the custody of the commission and~~
2 ~~commission employees have confidential access to telephones for the~~
3 ~~purpose of calling the toll-free number.~~

4 ~~[Sec. 61.046]~~. RELIGIOUS TRAINING. The department
5 ~~[commission]~~ shall provide for the religious and spiritual training
6 of children in its custody according to the children's individual
7 choices.

8 Sec. 242.066 ~~[61.0461]~~. EMPLOYMENT OR DESIGNATION OF
9 CHAPLAIN AT CERTAIN DEPARTMENT ~~[COMMISSION]~~ FACILITIES. The
10 department ~~[commission]~~ shall ensure that a chaplain is employed or
11 formally designated for each department ~~[commission]~~ correctional
12 facility that is an institution.

13 Sec. 242.067 ~~[61.047]~~. VIOLENCE PREVENTION AND CONFLICT
14 RESOLUTION EDUCATION. The department ~~[commission]~~ shall provide
15 education in violence prevention and conflict resolution that
16 includes discussion of domestic violence and child abuse issues to
17 all children in its custody.

18 Sec. 242.068 ~~[61.048. BUILDINGS AND IMPROVEMENTS. (a) The~~
19 ~~commission may design, construct, equip, furnish, and maintain~~
20 ~~buildings and improvements at facilities under its jurisdiction.~~
21 ~~The commission may employ architects or engineers, or both, to~~
22 ~~prepare plans and specifications and to supervise the construction~~
23 ~~and improvements. The commission shall promulgate rules relating~~
24 ~~to the award of contracts for the construction of buildings and~~
25 ~~improvements. The rules shall provide for the award of contracts~~
26 ~~for the construction of buildings and improvements to the qualified~~
27 ~~bidder making the lowest and best bid. A construction contract may~~

1 ~~not be awarded for a sum in excess of the amount of funds available~~
2 ~~for the project. The commission may reject any and all bids~~
3 ~~submitted.~~

4 ~~[(b) If a project is financed in whole or in part by federal~~
5 ~~funds, any standards required by the enabling federal statute or~~
6 ~~required by the rules of the administering federal agency control~~
7 ~~over this section.~~

8 ~~[(c) The commission may employ professional, technical, and~~
9 ~~clerical personnel to carry out the design and construction~~
10 ~~functions required by this section.~~

11 ~~[Sec. 61.050]~~. FIRE PROTECTION ACTIVITIES. (a) The
12 department ~~[commission]~~ may perform fire protection, fire
13 prevention, and fire suppression activities at department
14 ~~[commission]~~ facilities.

15 (b) The department ~~[commission]~~ may prescribe circumstances
16 under which, for the benefit of the public safety and welfare,
17 department ~~[commission]~~ employees using department ~~[commission]~~
18 equipment may assist municipal or volunteer fire departments in the
19 performance of fire protection, fire prevention, or fire
20 suppression activities near department ~~[commission]~~ facilities.

21 Sec. 242.069 ~~[61.051]~~. CLIENT SERVICE CONTRACT STANDARDS.
22 In each contract for the purchase of residential program-related
23 client services, the department ~~[commission]~~ shall include:

24 (1) clearly defined contract goals, outputs, and
25 measurable outcomes that relate directly to program objectives;

26 (2) clearly defined sanctions or penalties for failure
27 to comply with or perform contract terms or conditions; and

1 (3) clearly specified accounting, reporting, and
2 auditing requirements applicable to money received under the
3 contract.

4 Sec. 242.070 [~~61.052~~]. CONTRACT MONITORING. The
5 department [~~commission~~] shall establish a formal program to monitor
6 residential program-related client services contracts made by the
7 department [~~commission~~]. The department [~~commission~~] must:

8 (1) monitor compliance with financial and performance
9 requirements using a risk assessment methodology; and

10 (2) obtain and evaluate program cost information to
11 ensure that each cost, including an administrative cost, is
12 reasonable and necessary to achieve program objectives.

13 Sec. 242.071 [~~61.053. MEDICAID BENEFITS. The commission~~
14 ~~shall apply for benefits under the federal Medicaid program if~~
15 ~~application is cost effective in reducing health care costs~~
16 ~~incurred by the commission.~~

17 [~~Sec. 61.054~~]. SALE OR LICENSE OF TREATMENT PROGRAMS. (a)
18 The department [~~commission~~] may sell or license to an individual or
19 a private or public entity the right to use a treatment program
20 developed by the department [~~commission~~].

21 (b) Proceeds from the sale or license of a treatment program
22 shall be deposited to the credit of the fund that provided the money
23 to finance the development of the treatment program.

24 (c) At the end of each fiscal year, any unexpended proceeds
25 from the sale or license of a treatment program shall be carried
26 over to the next fiscal year to the credit of the fund that provided
27 the money to finance the development of the treatment program.

1 SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT

2 FACILITIES OR BY DEPARTMENT EMPLOYEES

3 Sec. 242.101 [~~61.055~~]. ZERO-TOLERANCE POLICY. (a) The
4 department [~~commission~~] shall adopt and enforce a zero-tolerance
5 policy concerning the detection, prevention, and punishment of the
6 sexual abuse, including consensual sexual contact, of children in
7 the custody of the department [~~commission~~].

8 (b) The department [~~commission~~] shall establish standards
9 for reporting and collecting data on the sexual abuse of children in
10 the custody of the department [~~commission~~].

11 (c) The department [~~commission~~] shall establish a procedure
12 for children in the custody of the department [~~commission~~] and
13 department [~~commission~~] employees to report incidents of sexual
14 abuse involving a child in the custody of the department
15 [~~commission~~]. The procedure must designate a person employed at
16 the department [~~commission~~] facility in which the abuse is alleged
17 to have occurred as well as a person who is employed at the
18 department's [~~commission's~~] headquarters to whom a person may
19 report an incident of sexual abuse.

20 (d) The department [~~commission~~] shall prominently display
21 the following notice in the office of the chief administrator of
22 each department [~~commission~~] facility, the employees' break room of
23 each department [~~commission~~] facility, the cafeteria of each
24 department [~~commission~~] facility, and at least six additional
25 locations in each department [~~commission~~] facility:

26 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY
27 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF

1 A CHILD IN THE CUSTODY OF THE DEPARTMENT [~~COMMISSION~~]. ANY SUCH
2 VIOLATION MUST BE REPORTED TO _____.

3 Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office
4 of inspector general is established at the department under the
5 direction of the board for the purpose of investigating:

6 (1) crimes committed by department employees,
7 including parole officers employed by or under a contract with the
8 department; and

9 (2) crimes and delinquent conduct committed at a
10 facility operated by the department, a residential facility
11 operated by another entity under a contract with the department, or
12 any facility in which a child committed to the custody of the
13 department is housed or receives medical or mental health
14 treatment.

15 (b) The office of inspector general shall prepare and
16 deliver a report concerning the results of any investigation
17 conducted under this section to:

18 (1) the board;

19 (2) the executive director;

20 (3) any applicable advisory board;

21 (4) the governor;

22 (5) the lieutenant governor;

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

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

27 (8) the special prosecution unit;

1 (9) the state auditor; and

2 (10) any other appropriate state agency responsible
3 for licensing or certifying department employees or facilities.

4 (c) The report prepared under Subsection (b) must include a
5 summary of the actions performed by the office of inspector general
6 in conducting the investigation, a statement of whether the
7 investigation resulted in a finding that a criminal offense or
8 delinquent conduct occurred, and a description of the finding. The
9 report is public information under Chapter 552, Government Code,
10 only to the extent authorized under that chapter and other law.

11 (d) The office of inspector general may employ and
12 commission inspectors general as peace officers for the purpose of
13 carrying out the duties described by this section. An inspector
14 general shall have all of the powers and duties given to peace
15 officers under Article 2.13, Code of Criminal Procedure.

16 (e) Peace officers employed and commissioned under
17 Subsection (d) must:

18 (1) be certified by the Commission on Law Enforcement
19 Officer Standards and Education under Chapter 1701, Occupations
20 Code; and

21 (2) complete advanced courses relating to the duties
22 of peace officers employed and commissioned under Subsection (d) as
23 part of any continuing education requirements for the peace
24 officers.

25 (f) The board shall select a commissioned peace officer as
26 chief inspector general. The chief inspector general:

27 (1) operates directly under the authority of the

1 board;

2 (2) is subject to the requirements of this section;

3 and

4 (3) may only be discharged by the board for cause.

5 (g) The chief inspector general shall on a quarterly basis
6 prepare and deliver a report concerning the operations of the
7 office of inspector general to:

8 (1) the board;

9 (2) the executive director;

10 (3) any applicable advisory board;

11 (4) the governor;

12 (5) the lieutenant governor;

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

14 (7) the standing committees of the senate and house of
15 representatives with primary jurisdiction over correctional
16 facilities;

17 (8) the state auditor; and

18 (9) the comptroller.

19 (h) A report prepared under Subsection (g) is public
20 information under Chapter 552, Government Code, to the extent
21 authorized under that chapter and other law, and the department
22 shall publish the report on the department's Internet website. A
23 report must be both aggregated and disaggregated by individual
24 facility and include information relating to:

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

1 (2) the relationship of a victim to a perpetrator, if
2 applicable; and

3 (3) the number of investigations conducted concerning
4 suicides, deaths, and hospitalizations of children in the custody
5 of the department.

6 (i) The office of inspector general shall immediately
7 report to the board, the governor's general counsel, and the state
8 auditor:

9 (1) any particularly serious or flagrant problem
10 concerning the administration of a department program or operation;
11 or

12 (2) any interference by the executive director, an
13 employee of the department, a facility described by Subsection
14 (a)(2), or an officer or employee of a facility described by
15 Subsection (a)(2) with an investigation conducted by the office.

16 Sec. 242.103 [~~61.0455~~]. DETECTION AND MONITORING OF
17 CELLULAR TELEPHONES. (a) The department [~~commission~~] may own and
18 the office of the inspector general may possess, install, operate,
19 or monitor an electronic, mechanical, or other device, as defined
20 by Article 18.20, Code of Criminal Procedure.

21 (b) The inspector general shall designate in writing the
22 commissioned officers of the office of inspector general who are
23 authorized to possess, install, operate, and monitor electronic,
24 mechanical, or other devices for the department [~~commission~~].

25 (c) An investigative or law enforcement officer or other
26 person, on request of the office of inspector general, may assist
27 the office in the operation and monitoring of an interception of

1 wire, oral, or electronic communications if the investigative or
2 law enforcement officer or other person:

3 (1) is designated by the executive director
4 [~~commissioner~~] for that purpose; and

5 (2) acts in the presence and under the direction of a
6 commissioned officer of the inspector general.

7 CHAPTER 243 [~~SUBCHAPTER D~~]. ADMISSION AND COMMITMENT; ESCAPE

8 SUBCHAPTER A. ADMISSION AND COMMITMENT

9 Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT

10 [~~COMMISSION~~] FACILITIES. (a) The department [~~commission~~] may not
11 assign a child younger than 15 years of age to the same correctional
12 facility dormitory as a person who is at least 17 years of age
13 unless the department [~~commission~~] determines that the placement is
14 necessary to ensure the safety of children in the custody of the
15 department [~~commission~~]. This subsection does not apply to a
16 dormitory that is used exclusively for short-term assessment and
17 orientation purposes.

18 (b) The board [~~commission~~] by rule shall adopt scheduling,
19 housing, and placement procedures for the purpose of protecting
20 vulnerable children in the custody of the department [~~commission~~].
21 The procedures must address the age, physical condition, and
22 treatment needs of a child as well as any other relevant factor.

23 (c) The department [~~commission~~] shall consider the
24 proximity of the residence of a child's family in determining the
25 appropriate department [~~commission~~] facility in which to place a
26 child.

27 Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF

1 STAY. (a) The department [~~commission~~] shall establish a minimum
2 length of stay for each child committed to the department
3 [~~commission~~] without a determinate sentence.

4 (b) In establishing a minimum length of stay for a child,
5 the department [~~commission~~] shall consider:

6 (1) the nature of and seriousness of the conduct
7 engaged in by the child; and

8 (2) the danger the child poses to the community.

9 Sec. 243.003 [~~61.064~~]. CONVEYANCE OF CHILD TO DEPARTMENT
10 [~~COMMISSION~~]. (a) When a child is to be conveyed to a facility
11 designated by the department [~~commission~~], the juvenile court shall
12 assign an officer or other suitable person to accompany the child.
13 The person assigned to accompany a female must be a woman.

14 (b) The cost of conveying the child shall be paid by the
15 county from which the child is committed, except that [~~However,~~]
16 no compensation shall be allowed other than [~~except~~] for the actual
17 and necessary expenses of the child and the person accompanying the
18 child.

19 Sec. 243.004 [~~61.065~~]. NOTIFICATION AND DUTY TO FURNISH
20 INFORMATION. (a) When a juvenile court commits a child to the
21 department [~~commission~~], the court shall forward to the department
22 [~~commission~~] a certified copy of the order of commitment.

23 (b) The court, the probation officer, the prosecuting and
24 police authorities, the school authorities, and other public
25 officials shall make available to the department [~~commission~~] all
26 pertinent information in their possession regarding the case.

27 (c) If requested by the department [~~commission~~], the

1 reports required by this section shall be made on forms furnished by
2 the department [~~commission~~] or according to an outline furnished by
3 the department [~~commission~~].

4 Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING
5 COURT. In addition to the information provided under Section
6 243.004 [~~61.065~~], a court that commits a child to the department
7 [~~commission~~] shall provide the department [~~commission~~] with a copy
8 of the following documents:

9 (1) the petition and the adjudication and disposition
10 orders for the child, including the child's thumbprint;

11 (2) if the commitment is a result of revocation of
12 probation, a copy of the conditions of probation and the revocation
13 order;

14 (3) the social history report for the child;

15 (4) any psychological or psychiatric reports
16 concerning the child;

17 (5) the contact information sheet for the child's
18 parents or guardian;

19 (6) any law enforcement incident reports concerning
20 the offense for which the child is committed;

21 (7) any sex offender registration information
22 concerning the child;

23 (8) any juvenile probation department progress
24 reports concerning the child;

25 (9) any assessment documents concerning the child;

26 (10) the computerized referral and case history for
27 the child, including case disposition;

- 1 (11) the child's birth certificate;
- 2 (12) the child's social security number or social
3 security card, if available;
- 4 (13) the name, address, and telephone number of the
5 court administrator in the committing county;
- 6 (14) Title IV-E eligibility screening information for
7 the child, if available;
- 8 (15) the address in the committing county for
9 forwarding funds collected to which the committing county is
10 entitled;
- 11 (16) any of the child's school or immunization records
12 that the committing county possesses;
- 13 (17) any victim information concerning the case for
14 which the child is committed; and
- 15 (18) any of the child's pertinent medical records that
16 the committing court possesses.

17 Sec. 243.006 [~~61.066~~]. COMMITMENT RECORDS. A commitment to
18 the department [~~commission~~] may not be received in evidence or used
19 in any way in any proceedings in any court except in:

- 20 (1) subsequent proceedings under Title 3 of the Family
21 Code against the same child;
- 22 (2) imposing sentence in any criminal proceedings
23 against the same person; or
- 24 (3) subsequent civil commitment proceedings under
25 Chapter 841, Health and Safety Code, regarding the same person.

26 Sec. 243.007 [~~61.067~~]. INFORMATION PROVIDED TO COMMITTING
27 COURT. (a) If a court that commits a child to the department

1 ~~[commission]~~ requests, in the commitment order, that the department
2 ~~[commission]~~ keep the court informed of the progress the child is
3 making while committed to the department ~~[commission]~~, the
4 department ~~[commission]~~ shall provide the court with periodic
5 updates on the child's progress.

6 (b) A report provided under Subsection (a) may include any
7 information the department ~~[commission]~~ determines to be relevant
8 in evaluating the child's progress, including, as applicable,
9 information concerning the child's treatment, education, and
10 health.

11 (c) A report provided under this section may not include
12 information that is protected from disclosure under state or
13 federal law.

14 SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

15 Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF
16 RELEASE CONDITIONS. (a) If a child who has been committed to the
17 department and placed by the department in any institution or
18 facility has escaped or has been released under supervision and
19 broken the conditions of release:

20 (1) a sheriff, deputy sheriff, constable, or police
21 officer may, without a warrant, arrest the child; or

22 (2) a department employee designated by the executive
23 director may, without a warrant or other order, take the child into
24 the custody of the department.

25 (b) A child who is arrested or taken into custody under
26 Subsection (a) may be detained in any suitable place, including an
27 adult jail facility if the person is 17 years of age or older, until

1 the child is returned to the custody of the department or
2 transported to a department facility.

3 (c) Notwithstanding Section 58.005, Family Code, the
4 department may disseminate to the public the following information
5 relating to a child who has escaped from custody:

6 (1) the child's name, including other names by which
7 the child is known;

8 (2) the child's physical description, including sex,
9 weight, height, race, ethnicity, eye color, hair color, scars,
10 marks, and tattoos;

11 (3) a photograph of the child; and

12 (4) if necessary to protect the welfare of the
13 community, any other information that reveals dangerous
14 propensities of the child or expedites the apprehension of the
15 child.

16 Sec. 243.052. APPREHENSION SPECIALISTS. (a) The
17 department may employ and commission apprehension specialists as
18 peace officers for the purpose of apprehending a child under
19 Section 243.051.

20 (b) Peace officers employed and commissioned under
21 Subsection (a) must be certified by the Texas Commission on Law
22 Enforcement Officer Standards and Education under Chapter 1701,
23 Occupations Code.

24 CHAPTER 244 [~~SUBCHAPTER E~~]. CARE AND TREATMENT OF CHILDREN

25 SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

26 Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The
27 department [~~commission~~] shall examine and make a study of each

1 child committed to it as soon as possible after commitment. The
2 study shall be made according to rules established by the board
3 [~~commission~~] and shall include:

- 4 (1) long-term planning for the child; and
- 5 (2) consideration of the child's medical, substance
6 abuse, and treatment history, including the child's psychiatric
7 history and substance abuse history.

8 (b) For a child for whom a minimum length of stay is
9 established under Section 243.002 [~~61.062~~] of one year or longer,
10 the initial examination must include a comprehensive psychiatric
11 evaluation unless the department has received the results of a
12 comprehensive psychiatric evaluation of the child conducted not
13 more than 90 days before the date of the initial examination.

14 (c) The department [~~commission~~] shall administer
15 comprehensive psychological assessments to a child as part of the
16 child's initial examination, including assessments designed to
17 identify whether a child is in need of a psychiatric evaluation. If
18 the results of a child's psychological assessments indicate that
19 the child is in need of a psychiatric evaluation, the department
20 [~~commission~~] shall as soon as practicable conduct a psychiatric
21 evaluation of the child.

22 Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~] (a)
23 ~~In providing medical care, behavioral health care, or~~
24 ~~rehabilitation services, the commission shall integrate the~~
25 ~~provision of those services in an integrated comprehensive delivery~~
26 ~~system.~~

27 [~~(b) The delivery system may be used to deliver any medical,~~

1 ~~behavioral health, or rehabilitation services provided to a child~~
2 ~~in the custody of the commission, including:~~

3 ~~(1) health care;~~

4 ~~(2) dental care;~~

5 ~~(3) behavioral health care;~~

6 ~~(4) substance abuse treatment;~~

7 ~~(5) nutrition;~~

8 ~~(6) programming;~~

9 ~~(7) case management; and~~

10 ~~(8) general rehabilitation services, including~~
11 ~~educational, spiritual, daily living, recreational, and security~~
12 ~~services.~~

13 ~~[Sec. 61.072]~~. REEXAMINATION. (a) The department
14 ~~[commission]~~ shall periodically reexamine each child under its
15 control, except those on release under supervision or in foster
16 homes, for the purpose of determining whether a rehabilitation plan
17 made by the department ~~[commission]~~ concerning the child should be
18 modified or continued.

19 (b) The reexamination ~~[examination]~~ must include a study of
20 all current circumstances of a child's personal and family
21 situation and an evaluation of the progress made by the child since
22 the child's last examination.

23 (c) The reexamination ~~[examination]~~ of a child may be made
24 as frequently as the department ~~[commission]~~ considers necessary,
25 but shall be made at intervals not exceeding six months.

26 Sec. 244.003 ~~[61.073]~~. RECORDS OF EXAMINATIONS AND
27 TREATMENT. (a) The department ~~[commission]~~ shall keep written

1 records of all examinations and conclusions based on them and of all
2 orders concerning the disposition or treatment of each child
3 subject to its control.

4 (b) Except as provided by Section 243.051(c) [~~61.093(c)~~],
5 these records and all other information concerning a child,
6 including personally identifiable information, are not public and
7 are available only according to the provisions of Section 58.005,
8 Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and
9 Chapter 61, Code of Criminal Procedure.

10 Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN,~~
11 ~~PARENTS, AND OTHERS.~~ (a) ~~In the interest of achieving the purpose~~
12 ~~of the commission and protecting the public, the commission may~~
13 ~~disclose records and other information concerning a child to the~~
14 ~~child and the child's parent or guardian only if disclosure would~~
15 ~~not materially harm the treatment and rehabilitation of the child~~
16 ~~and would not substantially decrease the likelihood of the~~
17 ~~commission receiving information from the same or similar sources~~
18 ~~in the future. Information concerning a person who is age 18 or~~
19 ~~older may not be disclosed to the person's parent or guardian~~
20 ~~without the person's consent.~~

21 [~~(b) The commission may disclose information regarding a~~
22 ~~child's location and committing court to a person having a~~
23 ~~legitimate need for the information.~~

24 [~~(c) The commission may disclose to a peace officer or law~~
25 ~~enforcement agency images of children recorded by an electronic~~
26 ~~recording device and incident reporting and investigation~~
27 ~~documents containing the names of children if the information is~~

1 ~~relevant to the investigation of a criminal offense alleged to have~~
2 ~~occurred in a facility operated by or under contract with the~~
3 ~~commission.~~

4 ~~[(d) Notwithstanding Subsection (a), if the Department of~~
5 ~~Family and Protective Services has been appointed managing~~
6 ~~conservator for a child, the commission shall disclose records and~~
7 ~~other information concerning the child to the department as~~
8 ~~provided by department rules.~~

9 ~~[Sec. 61.074]. FAILURE TO EXAMINE OR REEXAMINE. (a)~~
10 Failure of the department [~~commission~~] to examine or reexamine a
11 child as required by this subchapter [~~chapter~~] does not entitle the
12 child to be discharged from the control of the department
13 [~~commission~~], but the child may petition the committing court for
14 discharge.

15 (b) After due notice to the department [~~commission~~], the
16 committing court shall discharge the child from the control of the
17 department [~~commission~~] unless the department [~~commission~~]
18 satisfies the court that further control is necessary.

19 Sec. 244.005 [~~61.075~~]. DETERMINATION OF TREATMENT. When a
20 child has been committed to the department [~~commission~~], the
21 department [~~commission~~] may:

22 (1) permit the child liberty under supervision and on
23 conditions the department [~~it~~] believes conducive to acceptable
24 behavior;

25 (2) order the child's confinement under conditions the
26 department [~~it~~] believes best designed for the child's welfare and
27 the interests of the public;

1 (3) order reconfinement or renewed release as often as
2 conditions indicate to be desirable;

3 (4) revoke or modify any order of the department
4 [~~commission~~] affecting a child, except an order of final discharge,
5 as often as conditions indicate; or

6 (5) discharge the child from control when the
7 department [~~it~~] is satisfied that discharge will best serve the
8 child's welfare and the protection of the public.

9 Sec. 244.006 [~~61.0751. SUBPOENAS.~~] (a) ~~A hearings examiner~~
10 ~~appointed by the commission may issue a subpoena requiring the~~
11 ~~attendance of a witness or the production of any record, book,~~
12 ~~paper, or document the hearings examiner considers necessary for a~~
13 ~~determination of treatment under Section 61.075.~~

14 ~~[(b) The hearings examiner may sign a subpoena and~~
15 ~~administer an oath.~~

16 ~~[(c) A peace officer, apprehension specialist, parole~~
17 ~~officer, or other commission official may serve the subpoena in the~~
18 ~~same manner as similar process in a court of record having original~~
19 ~~jurisdiction of criminal actions is served.~~

20 ~~[(d) A person who testifies falsely, fails to appear when~~
21 ~~subpoenaed, or fails or refuses to produce material under the~~
22 ~~subpoena is subject to the same orders and penalties to which a~~
23 ~~person taking those actions before a court is subject.~~

24 ~~[(e) On application of the commission, a court of record~~
25 ~~having original jurisdiction of criminal actions may compel the~~
26 ~~attendance of a witness, the production of material, or the giving~~
27 ~~of testimony before the hearings examiner, by an attachment for~~

1 ~~contempt or in the same manner as the court may otherwise compel the~~
2 ~~production of evidence.~~

3 ~~[Sec. 61.076]~~. TYPE OF TREATMENT PERMITTED. (a) As a
4 means of correcting the socially harmful tendencies of a child
5 committed to the department ~~[it]~~, the department ~~[commission]~~ may:

6 (1) require the child to participate in moral,
7 academic, vocational, physical, and correctional training and
8 activities;

9 (2) require the modes of life and conduct that seem
10 best adapted to fit the child for return to full liberty without
11 danger to the public;

12 (3) provide any medical or psychiatric treatment that
13 is necessary; and

14 (4) place physically fit children in
15 parks-maintenance camps, forestry camps, or ranches owned by the
16 state or the United States and require the performance of suitable
17 conservation and maintenance work.

18 (b) The dominant purpose of placing children in camps is to
19 benefit and rehabilitate the children rather than to make the camps
20 self-sustaining. Children placed in camps may not be exploited.

21 Sec. 244.007 ~~[61.0761]~~. FAMILY PROGRAMS. The department
22 ~~[commission]~~ shall develop programs that encourage family
23 involvement in the rehabilitation of the child.

24 Sec. 244.0075 ~~[61.07611]~~. RESTRAINT OF PREGNANT JUVENILE.

25 (a) The department ~~[commission]~~ may not use restraints to control
26 the movement of a pregnant child who is committed to the department
27 ~~[commission]~~ at any time during which the child is in labor or

1 delivery or recovering from delivery, unless the executive director
2 or executive director's designee determines that the use of
3 restraints is necessary to:

4 (1) ensure the safety and security of the child or her
5 infant, department [~~commission~~] or medical personnel, or any member
6 of the public; or

7 (2) prevent a substantial risk that the child will
8 attempt escape.

9 (b) If a determination to use restraints is made under
10 Subsection (a), the type of restraint used and the manner in which
11 the restraint is used must be the least restrictive available under
12 the circumstances to ensure safety and security or to prevent
13 escape.

14 Sec. 244.008 [~~61.0762~~]. INFANT CARE AND PARENTING PROGRAM.

15 (a) In this section, "child" means the child of a person who is
16 committed to the department [~~commission~~].

17 (b) The department [~~commission~~] may establish child care
18 and parenting programs for persons committed to the department
19 [~~commission~~] who are parents.

20 (c) The department [~~commission~~] may permit a mother to have
21 possession of her child in a residential program that has an infant
22 care and parenting program or to have possession of her child in a
23 department-funded [~~commission-funded~~] independent living
24 residence for up to six months if:

25 (1) the child's father or another relative or guardian
26 of the child agrees in advance of the child's placement with the
27 child's mother to assume possession of the child immediately upon

1 notice by the department [~~commission~~] to do so;

2 (2) the child's parents and any other person having a
3 duty of support acknowledge that by permitting the mother to have
4 possession of the child while the mother is confined in a
5 residential facility or placed in an independent living residence,
6 the department [~~commission~~] assumes no responsibility for the
7 child's care beyond the responsibility of care that is ordinarily
8 due the child's mother and the reasonable accommodations that are
9 necessary for the mother's care of her child;

10 (3) the child's parents and any other person having a
11 duty of support agree to indemnify and hold the department
12 [~~commission~~] harmless from any claims that may be made against the
13 department [~~commission~~] for the child's support, including medical
14 support; and

15 (4) the department [~~commission~~] determines that the
16 placement is in the best interest of both the mother and her child.

17 Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In
18 providing medical care, behavioral health care, or rehabilitation
19 services, the department shall integrate the provision of those
20 services in an integrated comprehensive delivery system.

21 (b) The delivery system may be used to deliver any medical,
22 behavioral health, or rehabilitation services provided to a child
23 in the custody of the department, including:

- 24 (1) health care;
- 25 (2) dental care;
- 26 (3) behavioral health care;
- 27 (4) substance abuse treatment;

- 1 (5) nutrition;
- 2 (6) programming;
- 3 (7) case management; and
- 4 (8) general rehabilitation services, including
5 educational, spiritual, daily living, recreational, and security
6 services.

7 Sec. 244.010 [~~61.0763. RIGHTS OF PARENTS.~~ (a) ~~The~~
8 ~~commission, in consultation with advocacy and support groups such~~
9 ~~as those described in Section 61.0386(a), shall develop a parent's~~
10 ~~bill of rights for distribution to the parent or guardian of a child~~
11 ~~who is under 18 years of age and committed to the commission. The~~
12 ~~parent's bill of rights must include:~~

13 ~~[(1) a description of the commission's grievance~~
14 ~~policies and procedures, including contact information for the~~
15 ~~office of inspector general and the office of the independent~~
16 ~~ombudsman established under Chapter 64,~~

17 ~~[(2) a list of possible incidents that require~~
18 ~~parental notification,~~

19 ~~[(3) policies concerning visits and telephone~~
20 ~~conversations with a child committed to the commission,~~

21 ~~[(4) a description of commission caseworker~~
22 ~~responsibilities,~~

23 ~~[(5) a statement that the commission caseworker~~
24 ~~assigned to a child may assist the child's parent or guardian in~~
25 ~~obtaining information and services from the commission and other~~
26 ~~resources concerning:~~

27 ~~[(A) counseling, including substance abuse and~~

1 ~~mental health counseling;~~

2 ~~[(B) assistance programs, including financial~~
3 ~~and travel assistance programs for visiting a child committed to~~
4 ~~the commission;~~

5 ~~[(C) workforce preparedness programs;~~

6 ~~[(D) parenting programs; and~~

7 ~~[(E) commission seminars; and~~

8 ~~[(6) information concerning the indeterminate~~
9 ~~sentencing structure at the commission, an explanation of reasons~~
10 ~~that a child's commitment at the commission could be extended, and~~
11 ~~an explanation of the review process under Sections 61.0815 and~~
12 ~~61.0816 for a child committed to the commission without a~~
13 ~~determinate sentence.~~

14 ~~[(b) Not later than 48 hours after the time a child is~~
15 ~~admitted to a commission facility, the commission shall mail to the~~
16 ~~child's parent or guardian at the last known address of the parent~~
17 ~~or guardian:~~

18 ~~[(1) the parent's bill of rights; and~~

19 ~~[(2) the contact information of the commission~~
20 ~~caseworker assigned to the child.~~

21 ~~[(c) The commission shall on a quarterly basis provide to~~
22 ~~the parent, guardian, or designated advocate of a child who is in~~
23 ~~the custody of the commission a report concerning the progress of~~
24 ~~the child at the commission, including:~~

25 ~~[(1) the academic and behavioral progress of the~~
26 ~~child; and~~

27 ~~[(2) the results of any reexamination of the child~~

1 ~~conducted under Section 61.072.~~

2 ~~[(d) The commission shall ensure that written information~~
3 ~~provided to a parent or guardian regarding the rights of a child in~~
4 ~~the custody of the commission or the rights of a child's parent or~~
5 ~~guardian, including the parent's bill of rights, is clear and easy~~
6 ~~to understand.~~

7 ~~[(e) The commission shall ensure that if the Department of~~
8 ~~Family and Protective Services has been appointed managing~~
9 ~~conservator of a child, the department is given the same rights as~~
10 ~~the child's parent under the parent's bill of rights developed under~~
11 ~~this section.~~

12 ~~[Sec. 61.0764].~~ DEPARTMENT ~~[COMMISSION]~~ CASEWORKERS. (a)
13 The department ~~[commission]~~ shall assign a caseworker to a child
14 committed to the department ~~[commission]~~. A department
15 ~~[commission]~~ caseworker shall:

16 (1) explore family issues and needs with the parent or
17 guardian of a child committed to the department ~~[commission]~~;

18 (2) as needed, provide the parent or guardian of a
19 child committed to the department ~~[commission]~~ with information
20 concerning programs and services provided by the department
21 ~~[commission]~~ or another resource; and

22 (3) perform other duties required by the department
23 ~~[commission]~~.

24 (b) A department ~~[commission]~~ caseworker shall:

25 (1) at least once a month, attempt to contact the
26 child's parent or guardian by phone, in person while the parent or
27 guardian is visiting the facility, or, if necessary, by mail;

1 (2) if unsuccessful in contacting the child's parent
2 or guardian under Subdivision (1), attempt at least one additional
3 time each month to contact the child's parent or guardian; and

4 (3) document successful as well as unsuccessful
5 attempts to contact the child's parent or guardian.

6 (c) To the extent practicable, a caseworker or another
7 facility administrator shall attempt to communicate with a parent
8 or guardian who does not speak English in the language of choice of
9 the parent or guardian.

10 ~~[Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
11 ~~STUDIES. (a) The commission shall keep records relating to~~
12 ~~children committed to it that participate in research programs or~~
13 ~~studies.~~

14 ~~[(b) The records must show, for each calendar quarter and~~
15 ~~for each calendar year:~~

16 ~~[(1) the number of children participating in research~~
17 ~~programs or studies for the appropriate reporting period;~~

18 ~~[(2) the type of research program or study in which~~
19 ~~each child is participating;~~

20 ~~[(3) the name of the principal investigator conducting~~
21 ~~the research program or study; and~~

22 ~~[(4) the entity sponsoring the research program or~~
23 ~~study.~~

24 ~~[(c) The commission shall submit a report that contains the~~
25 ~~information in the records kept under Subsection (b) on or before~~
26 ~~the 15th day after the last day of the appropriate reporting period~~
27 ~~to the:~~

- 1 ~~[(1) governor,~~
- 2 ~~[(2) lieutenant governor,~~
- 3 ~~[(3) speaker of the house of representatives, and~~
- 4 ~~[(4) members of the legislature.]~~

5 ~~[(d) A report submitted under this section is public~~
6 ~~information under Chapter 552, Government Code.]~~

7 Sec. 244.0105 [~~61.0766~~]. REPORT CONCERNING FOSTER CHILDREN
8 COMMITTED TO DEPARTMENT [~~COMMISSION~~]. (a) Not later than the 10th
9 day before the date of a permanency hearing under Subchapter D,
10 Chapter 263, Family Code, or a placement review hearing under
11 Subchapter F, Chapter 263, Family Code, regarding a child for whom
12 the Department of Family and Protective Services has been appointed
13 managing conservator, a department [~~commission~~] caseworker shall
14 submit a written report regarding the child's commitment to the
15 department [~~commission~~] to:

- 16 (1) the court;
- 17 (2) the Department of Family and Protective Services;
- 18 (3) any attorney ad litem or guardian ad litem
19 appointed for the child; and
- 20 (4) any volunteer advocate appointed for the child.

21 (b) The report required by Subsection (a) must include:

22 (1) the results of any assessments of the child during
23 the child's commitment to the department [~~commission~~], including
24 assessments of the child's emotional, mental, educational,
25 psychological, psychiatric, medical, or physical needs;

26 (2) information regarding the child's placement in
27 particular programs administered by the department [~~commission~~];

1 and

2 (3) a description of the child's progress in programs
3 administered by the department [~~commission~~].

4 Sec. 244.0106 [~~61.0767~~]. RULES REGARDING SERVICES FOR
5 FOSTER CHILDREN. (a) The board [~~commission~~] and the executive
6 commissioner of the Health and Human Services Commission shall
7 jointly adopt rules to ensure that a child for whom the Department
8 of Family and Protective Services has been appointed managing
9 conservator receives appropriate services while the child is
10 committed to the department [~~commission~~] or released under
11 supervision by the department [~~commission~~].

12 (b) The rules adopted under this section must require the
13 department [~~commission~~] and the Department of Family and Protective
14 Services to cooperate in providing appropriate services to a child
15 for whom the Department of Family and Protective Services has been
16 appointed managing conservator while the child is committed to the
17 department [~~commission~~] or released under supervision by the
18 department [~~commission~~], including:

- 19 (1) medical care, as defined by Section 266.001,
20 Family Code;
- 21 (2) mental health treatment and counseling;
- 22 (3) education, including special education;
- 23 (4) case management;
- 24 (5) drug and alcohol abuse assessment or treatment;
- 25 (6) sex offender treatment; and
- 26 (7) trauma informed care.

27 (c) The rules adopted under this section must require:

1 (1) the Department of Family and Protective Services
2 to:

3 (A) provide the department [~~commission~~] with
4 access to relevant health and education information regarding a
5 child; and

6 (B) require a child's caseworker to visit the
7 child in person at least once each month while the child is
8 committed to the department [~~commission~~];

9 (2) the department [~~commission~~] to:

10 (A) provide the Department of Family and
11 Protective Services with relevant health and education information
12 regarding a child;

13 (B) permit communication, including in person,
14 by telephone, and by mail, between a child committed to the
15 department [~~commission~~] and:

16 (i) the Department of Family and Protective
17 Services; and

18 (ii) the attorney ad litem, the guardian ad
19 litem, and the volunteer advocate for the child; and

20 (C) provide the Department of Family and
21 Protective Services and any attorney ad litem or guardian ad litem
22 for the child with timely notice of the following events relating to
23 the child:

24 (i) a meeting designed to develop or revise
25 the individual case plan for the child;

26 (ii) in accordance with any participation
27 protocols to which the Department of Family and Protective Services

1 and the department [~~commission~~] agree, a medical appointment at
2 which a person authorized to consent to medical care must
3 participate as required by Section 266.004(i), Family Code;

4 (iii) an education meeting, including
5 admission, review, or dismissal meetings for a child receiving
6 special education;

7 (iv) a grievance or disciplinary hearing
8 for the child;

9 (v) a report of abuse or neglect of the
10 child; and

11 (vi) a significant medical condition of the
12 child, as defined by Section 266.005, Family Code; and

13 (3) the Department of Family and Protective Services
14 and the department [~~commission~~] to participate in transition
15 planning for the child through release from detention, release
16 under supervision, and discharge.

17 Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR
18 MENTAL RETARDATION. (a) The department [~~commission~~] shall accept
19 a child committed to the department [~~commission~~] who is mentally
20 ill or mentally retarded.

21 (b) Unless a child is committed to the department
22 [~~commission~~] under a determinate sentence under Section
23 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department
24 [~~commission~~] shall discharge a child who is mentally ill or
25 mentally retarded from its custody if:

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

1 (2) the department [~~commission~~] determines that the
2 child is unable to progress in the department's [~~commission's~~]
3 rehabilitation programs because of the child's mental illness or
4 mental retardation.

5 (c) If a child who is discharged from the department
6 [~~commission~~] under Subsection (b) as a result of mental illness is
7 not receiving court-ordered mental health services, the child's
8 discharge is effective on the earlier of:

9 (1) the date the court enters an order regarding an
10 application for mental health services filed under Section
11 244.012(b) [~~61.0772(b)~~]; or

12 (2) the 30th day after the date the application is
13 filed.

14 (d) If a child who is discharged from the department
15 [~~commission~~] under Subsection (b) as a result of mental illness is
16 receiving court-ordered mental health services, the child's
17 discharge from the department [~~commission~~] is effective
18 immediately. If the child is receiving mental health services
19 outside the child's home county, the department [~~commission~~] shall
20 notify the mental health authority located in that county of the
21 discharge not later than the 30th day after the date that the
22 child's discharge is effective.

23 (e) If a child who is discharged from the department
24 [~~commission~~] under Subsection (b) as a result of mental retardation
25 is not receiving mental retardation services, the child's discharge
26 is effective on the earlier of:

27 (1) the date the court enters an order regarding an

1 application for mental retardation services filed under Section
2 244.012(b) [~~61.0772(e)~~]; or

3 (2) the 30th day after the date that the application is
4 filed.

5 (f) If a child who is discharged from the department
6 [~~commission~~] under Subsection (b) as a result of mental retardation
7 is receiving mental retardation services, the child's discharge
8 from the department [~~commission~~] is effective immediately.

9 (g) If a child who is mentally ill or mentally retarded is
10 discharged from the department [~~commission~~] under Subsection (b),
11 the child is eligible to receive continuity of care services from
12 the Texas Correctional Office on Offenders with Medical or Mental
13 Impairments under Chapter 614, Health and Safety Code.

14 Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE. (a)
15 The department [~~commission~~] shall establish a system that
16 identifies children in the department's [~~commission's~~] custody who
17 are mentally ill or mentally retarded.

18 (b) Before a child who is identified as mentally ill is
19 discharged from the department's [~~commission's~~] custody under
20 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]
21 psychiatrist shall examine the child. The department [~~commission~~]
22 shall refer a child requiring outpatient psychiatric treatment to
23 the appropriate mental health authority. For a child requiring
24 inpatient psychiatric treatment, the department [~~commission~~] shall
25 file a sworn application for court-ordered mental health services,
26 as provided in Subchapter C, Chapter 574, Health and Safety Code,
27 if:

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

3 (2) the psychiatrist who examined the child determines
4 that the child is mentally ill and the child meets at least one of
5 the criteria listed in Section 574.034, Health and Safety Code.

6 (c) Before a child who is identified as mentally retarded
7 under Chapter 593, Health and Safety Code, is discharged from the
8 department's [~~commission's~~] custody under Section 244.011(b)
9 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for
10 mental retardation services if the child is not receiving mental
11 retardation services.

12 Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN
13 SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The
14 department [~~commission~~] may petition the juvenile court that
15 entered the order of commitment for a child for the initiation of
16 mental health commitment proceedings if the child is committed to
17 the department [~~commission~~] under a determinate sentence under
18 Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

19 (b) A petition made by the department [~~commission~~] shall be
20 treated as a motion under Section 55.11, Family Code, and the
21 juvenile court shall proceed in accordance with Subchapter B,
22 Chapter 55, Family Code.

23 (c) The department [~~commission~~] shall cooperate with the
24 juvenile court in any proceeding under this section.

25 (d) The juvenile court shall credit to the term of the
26 child's commitment to the department [~~commission~~] any time the
27 child is committed to an inpatient mental health facility.

1 (e) A child committed to an inpatient mental health facility
2 as a result of a petition filed under this section may not be
3 released from the facility on a pass or furlough.

4 (f) If the term of an order committing a child to an
5 inpatient mental health facility is scheduled to expire before the
6 end of the child's sentence and another order committing the child
7 to an inpatient mental health facility is not scheduled to be
8 entered, the inpatient mental health facility shall notify the
9 juvenile court that entered the order of commitment committing the
10 child to the department [~~commission~~]. The juvenile court may
11 transfer the child to the custody of the department [~~commission~~],
12 transfer the child to the Texas Department of Criminal Justice, or
13 release the child under supervision, as appropriate.

14 Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As
15 soon as practicable after the department [~~commission~~] makes a
16 decision to discharge a child or authorize the child's absence from
17 the department's [~~its~~] custody, the department [~~commission~~] shall
18 give notice of the department's [~~its~~] decision to the juvenile
19 court and the office of the prosecuting attorney of the county in
20 which the adjudication that the child engaged in delinquent conduct
21 was made.

22 Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL
23 OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment
24 under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,
25 becomes 16 years of age but before the child becomes 19 years of
26 age, the department [~~commission~~] may refer the child to the
27 juvenile court that entered the order of commitment for approval of

1 the child's transfer to the Texas Department of Criminal Justice
2 for confinement if:

3 (1) the child has not completed the sentence; and

4 (2) the child's conduct, regardless of whether the
5 child was released under supervision under Section 245.051
6 [~~61.081~~], indicates that the welfare of the community requires the
7 transfer.

8 (b) The department [~~commission~~] shall cooperate with the
9 court on any proceeding on the transfer of the child.

10 (c) If a child is released under supervision, a juvenile
11 court adjudication that the child engaged in delinquent conduct
12 constituting a felony offense, a criminal court conviction of the
13 child for a felony offense, or a determination under Section
14 244.005(4) [~~61.075(4)~~] revoking the child's release under
15 supervision is required before referral of the child to the
16 juvenile court under Subsection (a).

17 Sec. 244.015 [~~61.0791~~]. EVALUATION OF CERTAIN CHILDREN
18 SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced
19 to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
20 Family Code, becomes 18 years of age, the department [~~commission~~]
21 shall evaluate whether the child is in need of additional services
22 that can be completed in the six-month period after the child's 18th
23 birthday to prepare the child for release from the custody of the
24 department [~~commission~~] or transfer to the Texas Department of
25 Criminal Justice.

26 (b) This section does not apply to a child who is released
27 from the custody of the department [~~commission~~] or who is

1 transferred to the Texas Department of Criminal Justice before the
2 child's 18th birthday.

3 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

4 Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,

5 AND OTHERS. (a) In the interest of achieving the purpose of the
6 department and protecting the public, the department may disclose
7 records and other information concerning a child to the child and
8 the child's parent or guardian only if disclosure would not
9 materially harm the treatment and rehabilitation of the child and
10 would not substantially decrease the likelihood of the department
11 receiving information from the same or similar sources in the
12 future. Information concerning a person who is age 18 or older may
13 not be disclosed to the person's parent or guardian without the
14 person's consent.

15 (b) The department may disclose information regarding a
16 child's location and committing court to a person having a
17 legitimate need for the information.

18 (c) The department may disclose to a peace officer or law
19 enforcement agency images of children recorded by an electronic
20 recording device and incident reporting and investigation
21 documents containing the names of children if the information is
22 relevant to the investigation of a criminal offense alleged to have
23 occurred in a facility operated by or under contract with the
24 department.

25 (d) Notwithstanding Subsection (a), if the Department of
26 Family and Protective Services has been appointed managing
27 conservator for a child, the department shall disclose records and

1 other information concerning the child to the Department of Family
2 and Protective Services as provided by the rules of the Department
3 of Family and Protective Services.

4 Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in
5 consultation with advocacy and support groups such as those
6 described in Section 242.056(a), shall develop a parent's bill of
7 rights for distribution to the parent or guardian of a child who is
8 under 18 years of age and committed to the department. The parent's
9 bill of rights must include:

10 (1) a description of the department's grievance
11 policies and procedures, including contact information for the
12 office of inspector general and the office of the independent
13 ombudsman established under Chapter 261;

14 (2) a list of possible incidents that require parental
15 notification;

16 (3) policies concerning visits and telephone
17 conversations with a child committed to the department;

18 (4) a description of department caseworker
19 responsibilities;

20 (5) a statement that the department caseworker
21 assigned to a child may assist the child's parent or guardian in
22 obtaining information and services from the department and other
23 resources concerning:

24 (A) counseling, including substance abuse and
25 mental health counseling;

26 (B) assistance programs, including financial and
27 travel assistance programs for visiting a child committed to the

1 department;

2 (C) workforce preparedness programs;

3 (D) parenting programs; and

4 (E) department seminars; and

5 (6) information concerning the indeterminate
6 sentencing structure at the department, an explanation of reasons
7 that a child's commitment at the department could be extended, and
8 an explanation of the review process under Sections 245.101 and
9 245.104 for a child committed to the department without a
10 determinate sentence.

11 (b) Not later than 48 hours after the time a child is
12 admitted to a department facility, the department shall mail to the
13 child's parent or guardian at the last known address of the parent
14 or guardian:

15 (1) the parent's bill of rights; and

16 (2) the contact information of the department
17 caseworker assigned to the child.

18 (c) The department shall on a quarterly basis provide to the
19 parent, guardian, or designated advocate of a child who is in the
20 custody of the department a report concerning the progress of the
21 child at the department, including:

22 (1) the academic and behavioral progress of the child;
23 and

24 (2) the results of any reexamination of the child
25 conducted under Section 244.002.

26 (d) The department shall ensure that written information
27 provided to a parent or guardian regarding the rights of a child in

1 the custody of the department or the rights of a child's parent or
2 guardian, including the parent's bill of rights, is clear and easy
3 to understand.

4 (e) The department shall ensure that if the Department of
5 Family and Protective Services has been appointed managing
6 conservator of a child, the Department of Family and Protective
7 Services is given the same rights as the child's parent under the
8 parent's bill of rights developed under this section.

9 CHAPTER 245 [SUBCHAPTER F]. RELEASE

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The
12 department may employ parole officers to investigate, place,
13 supervise, and direct the activities of a parolee to ensure the
14 parolee's adjustment to society in accordance with the rules
15 adopted by the board.

16 (b) Parole officers may work with local organizations,
17 clubs, and agencies to formulate plans and procedures for the
18 prevention of juvenile delinquency.

19 (c) The department shall develop a management system for
20 parole services that objectively measures and provides for:

21 (1) the systematic examination of children's needs and
22 the development of treatment plans to address those needs;

23 (2) the evaluation of homes, foster homes, and public
24 and private institutions as constructive parole placements;

25 (3) the classification of children based on the level
26 of children's needs and the degree of risk presented to the public;

27 (4) the objective measurement of parole officer

1 workloads; and

2 (5) the gathering and analysis of information related
3 to the effectiveness of parole services and to future parole
4 requirements.

5 Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department
6 may make a contract with a county to use the services of the
7 county's juvenile probation department for the supervision of
8 children within the county who are on furlough from a department
9 facility or who are released under supervision from a department
10 facility.

11 (b) Payments under a contract described by Subsection (a)
12 shall be made to the county treasurer on a quarterly schedule.

13 (c) The department may not pay a county for supervision of a
14 child for any time after the child:

15 (1) is discharged from the department's custody;

16 (2) is returned to a department facility; or

17 (3) transfers the child's residence to another county
18 or state.

19 (d) A county that has a contract with the department must
20 report to the department on the status and progress of each child
21 for whom the county is receiving payments. The reports shall be
22 made at the time and in the manner specified by the contract.

23 SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

24 Sec. 245.051 [61.081]. RELEASE UNDER SUPERVISION. (a) The
25 department [commission] may release under supervision any child in
26 the department's [its] custody and place the child in the child's
27 [his or her] home or in any situation or family approved by the

1 department [~~commission~~]. Prior to placing a child in the child's
2 [~~his or her~~] home, the department [~~commission~~] shall evaluate the
3 home setting to determine the level of supervision and quality of
4 care that is available in the home.

5 (b) [~~Subject to legislative appropriation, the commission~~
6 ~~may employ parole officers to investigate, place, supervise, and~~
7 ~~direct the activities of a parolee to ensure the parolee's~~
8 ~~adjustment to society in accordance with the rules adopted by the~~
9 ~~commission.~~

10 [(c) ~~Parole officers may work with local organizations,~~
11 ~~clubs, and agencies to formulate plans and procedures for the~~
12 ~~prevention of juvenile delinquency.~~

13 [(d) ~~The commission may resume the care and custody of any~~
14 ~~child released under supervision at any time before the final~~
15 ~~discharge of the child.~~

16 [(e)] Not later than 10 days before the day the department
17 [~~commission~~] releases a child under this section, the department
18 [~~commission~~] shall give notice of the release to the juvenile court
19 and the office of the prosecuting attorney of the county in which
20 the adjudication that the child engaged in delinquent conduct was
21 made.

22 (c) [(f)] If a child is committed to the department
23 [~~commission~~] under a determinate sentence under Section
24 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
25 the department [~~commission~~] may not release the child under
26 supervision without approval of the juvenile court that entered the
27 order of commitment unless the child has served at least:

1 (1) 10 years, if the child was sentenced to commitment
2 for conduct constituting capital murder;

3 (2) 3 years, if the child was sentenced to commitment
4 for conduct constituting an aggravated controlled substance felony
5 or a felony of the first degree;

6 (3) 2 years, if the child was sentenced to commitment
7 for conduct constituting a felony of the second degree; or

8 (4) 1 year, if the child was sentenced to commitment
9 for conduct constituting a felony of the third degree.

10 (d) [~~(g)~~] The department [~~commission~~] may request the
11 approval of the court under this section at any time.

12 (e) The department may resume the care and custody of any
13 child released under supervision at any time before the final
14 discharge of the child.

15 (f) [~~(h)~~] If the department [~~commission~~] finds that a child
16 has violated an order under which the child is released under
17 supervision, on notice by any reasonable method to all persons
18 affected, the department [~~commission~~] may order the child:

19 (1) to return to an institution;

20 (2) if the violation resulted in property damage or
21 personal injury:

22 (A) to make full or partial restitution to the
23 victim of the offense; or

24 (B) if the child is financially unable to make
25 full or partial restitution, to perform services for a charitable
26 or educational institution; or

27 (3) to comply with any other conditions the department

1 ~~[commission]~~ considers appropriate.

2 (g) ~~[(i)]~~ Notwithstanding Subsection (c) ~~[(f)]~~, if a child
3 is committed to the department ~~[commission]~~ under a determinate
4 sentence under Section 54.04(d)(3), Section 54.04(m), or Section
5 54.05(f), Family Code, the department ~~[commission]~~ may release the
6 child under supervision without approval of the juvenile court that
7 entered the order of commitment if not more than nine months remain
8 before the child's discharge under Section 245.151(b) ~~[61.084(b)]~~.

9 Sec. 245.052 ~~[61.0811. PAROLE MANAGEMENT. The commission~~
10 ~~shall develop a management system for parole services that~~
11 ~~objectively measures and provides for:~~

12 ~~[(1) the systematic examination of children's needs~~
13 ~~and the development of treatment plans to address those needs;~~

14 ~~[(2) the evaluation of homes, foster homes, and public~~
15 ~~and private institutions as constructive parole placements;~~

16 ~~[(3) the classification of children based on the level~~
17 ~~of children's needs and the degree of risk presented to the public;~~

18 ~~[(4) the objective measurement of parole officer~~
19 ~~workloads; and~~

20 ~~[(5) the gathering and analysis of information related~~
21 ~~to the effectiveness of parole services and to future parole~~
22 ~~requirements.~~

23 ~~[Sec. 61.0812].~~ SUBSTANCE ABUSE TREATMENT ~~[FOR SUBSTANCE~~
24 ~~ABUSE]~~. Subject to an express appropriation to fund the treatment
25 programs required by this section, the department ~~[commission]~~ may
26 not release a child under supervision or parole a child if:

27 (1) the child has a substance abuse problem, including

1 the use of a controlled substance, hazardous inhalable substances,
2 or alcohol habitually; and

3 (2) the child has not completed a treatment program
4 for the problem.

5 Sec. 245.053 [~~61.0813~~]. SEX OFFENDER COUNSELING AND
6 TREATMENT. (a) Before releasing a child described by Subsection
7 (b) under supervision, the department [~~commission~~]:

8 (1) may require as a condition of release that the
9 child:

10 (A) attend psychological counseling sessions for
11 sex offenders as provided by Subsection (e); and

12 (B) submit to a polygraph examination as provided
13 by Subsection (f) for purposes of evaluating the child's treatment
14 progress; and

15 (2) shall require as a condition of release that the
16 child:

17 (A) register under Chapter 62, Code of Criminal
18 Procedure; and

19 (B) submit a blood sample or other specimen to
20 the Department of Public Safety under Subchapter G, Chapter 411,
21 Government Code, for the purpose of creating a DNA record of the
22 child, unless the child has already submitted the required specimen
23 under other state law.

24 (b) This section applies to a child adjudicated for engaging
25 in delinquent conduct constituting an offense for which the child
26 is required to register as a sex offender under Chapter 62, Code of
27 Criminal Procedure.

1 (c) Psychological counseling required as a condition of
2 release under Subsection (a) must be with an individual or
3 organization that:

- 4 (1) provides sex offender treatment or counseling;
5 (2) is specified by the department [~~commission~~]; and
6 (3) meets minimum standards of counseling established
7 by the department [~~commission~~].

8 (d) A polygraph examination required as a condition of
9 release under Subsection (a) must be administered by an individual
10 who is:

- 11 (1) specified by the department [~~commission~~]; and
12 (2) licensed as a polygraph examiner under Chapter
13 1703, Occupations Code.

14 (e) In addition to specifying a sex offender treatment
15 provider to provide counseling to a child described by Subsection
16 (b), the department [~~commission~~] shall:

17 (1) establish with the cooperation of the treatment
18 provider the date, time, and place of the first counseling session
19 between the child and the treatment provider;

20 (2) notify the child and the treatment provider before
21 the release of the child of the date, time, and place of the first
22 counseling session between the child and the treatment provider;
23 and

24 (3) require the treatment provider to notify the
25 department [~~commission~~] immediately if the child fails to attend
26 any scheduled counseling session.

27 (f) If the department [~~commission~~] specifies a polygraph

1 examiner under Subsection (d) to administer a polygraph examination
2 to a child, the department [~~commission~~] shall arrange for a
3 polygraph examination to be administered to the child:

4 (1) not later than the 60th day after the date the
5 child attends the first counseling session established under
6 Subsection (e); and

7 (2) after the initial polygraph examination, as
8 required by Subdivision (1), on the request of the treatment
9 provider specified under Subsection (c).

10 (g) If the department [~~commission~~] requires as a condition
11 of release that a child attend psychological counseling under
12 Subsection (a), the department [~~commission~~] shall notify the court
13 that committed the child to the department [~~commission~~]. After
14 receiving notification from the department [~~commission~~] under this
15 subsection, the court may order the parent or guardian of the child
16 to:

17 (1) attend four sessions of instruction with an
18 individual or organization specified by the department
19 [~~commission~~] relating to:

- 20 (A) sexual offenses;
- 21 (B) family communication skills;
- 22 (C) sex offender treatment;
- 23 (D) victims' rights;
- 24 (E) parental supervision; and
- 25 (F) appropriate sexual behavior; and

26 (2) during the time the child attends psychological
27 counseling, participate in monthly treatment groups conducted by

1 the child's treatment provider relating to the child's
2 psychological counseling.

3 (h) A court that orders a parent or guardian of a child to
4 attend instructional sessions and participate in treatment groups
5 under Subsection (g) shall require:

6 (1) the individual or organization specified by the
7 department [~~commission~~] under Subsection (g) to notify the court
8 immediately if the parent or guardian fails to attend any scheduled
9 instructional session; and

10 (2) the child's treatment provider specified under
11 Subsection (c) to notify the court immediately if the parent or
12 guardian fails to attend a session in which the parent or guardian
13 is required to participate in a scheduled treatment group.

14 (i) If the department [~~commission~~] requires as a condition
15 of release that a child attend psychological counseling under
16 Subsection (a), the department [~~commission~~] may, before the date
17 the period of release ends, petition the appropriate court to
18 request the court to extend the period of release for an additional
19 period necessary to complete the required counseling as determined
20 by the treatment provider, except that the release period may not be
21 extended to a date after the date of the child's 18th birthday.

22 Sec. 245.0535 [~~61.08131~~]. COMPREHENSIVE REENTRY AND
23 REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The
24 department [~~commission~~] shall develop a comprehensive plan for each
25 child committed to the custody of the department to reduce
26 recidivism and ensure the successful reentry and reintegration of
27 the child [~~children~~] into the community following the [~~a~~] child's

1 release under supervision or final discharge, as applicable, from
2 the department [~~commission~~]. The plan for a child must be designed
3 to ensure that the child receives an extensive continuity of care in
4 services from the time the child is committed to the department to
5 the time of the child's final discharge from the department. The
6 plan for a child must include, as applicable:

7 (1) housing assistance;

8 (2) a step-down program, such as placement in a
9 halfway house;

10 (3) family counseling;

11 (4) academic and vocational mentoring;

12 (5) trauma counseling for a child who is a victim of
13 abuse while in the custody of the department; and

14 (6) other specialized treatment services appropriate
15 for the child.

16 (b) The comprehensive reentry and reintegration plan
17 developed under this section must provide for:

18 (1) an assessment of each child committed to the
19 department [~~commission~~] to determine which skills the child needs
20 to develop to be successful in the community following release
21 under supervision or final discharge;

22 (2) programs that address the assessed needs of each
23 child;

24 (3) a comprehensive network of transition programs to
25 address the needs of children released under supervision or finally
26 discharged from the department [~~commission~~];

27 (4) the identification of providers of existing local

1 programs and transitional services with whom the department
2 [~~commission~~] may contract under this section to implement the
3 reentry and reintegration plan; and

4 (5) subject to Subsection (c), the sharing of
5 information between local coordinators, persons with whom the
6 department [~~commission~~] contracts under this section, and other
7 providers of services as necessary to adequately assess and address
8 the needs of each child.

9 (c) A child's personal health information may be disclosed
10 under Subsection (b)(5) only in the manner authorized by Section
11 244.051 [~~61.0731~~] or other state or federal law, provided that the
12 disclosure does not violate the Health Insurance Portability and
13 Accountability Act of 1996 (Pub. L. No. 104-191).

14 (d) The programs provided under Subsections (b)(2) and (3)
15 must:

16 (1) be implemented by highly skilled staff who are
17 experienced in working with reentry and reintegration programs for
18 children;

19 (2) provide children with:

20 (A) individualized case management and a full
21 continuum of care;

22 (B) life-skills training, including information
23 about budgeting, money management, nutrition, and exercise;

24 (C) education and, if a child has a learning
25 disability, special education;

26 (D) employment training;

27 (E) appropriate treatment programs, including

1 substance abuse and mental health treatment programs; and

2 (F) parenting and relationship-building classes;
3 and

4 (3) be designed to build for children post-release and
5 post-discharge support from the community into which the child is
6 released under supervision or finally discharged, including
7 support from agencies and organizations within that community.

8 (e) The department [~~commission~~] may contract and coordinate
9 with private vendors, units of local government, or other entities
10 to implement the comprehensive reentry and reintegration plan
11 developed under this section, including contracting to:

12 (1) coordinate the supervision and services provided
13 to children during the time children are in the custody of the
14 department [~~commission~~] with any supervision or services provided
15 children who have been released under supervision or finally
16 discharged from the department [~~commission~~];

17 (2) provide children awaiting release under
18 supervision or final discharge with documents that are necessary
19 after release or discharge, including identification papers,
20 medical prescriptions, job training certificates, and referrals to
21 services; and

22 (3) provide housing and structured programs,
23 including programs for recovering substance abusers, through which
24 children are provided services immediately following release under
25 supervision or final discharge.

26 (f) To ensure accountability, any contract entered into
27 under this section must contain specific performance measures that

1 the department [~~commission~~] shall use to evaluate compliance with
2 the terms of the contract.

3 ~~[(g) The commission shall ensure that each reentry and~~
4 ~~reintegration plan developed for a child under Section 61.0814 is~~
5 ~~coordinated with the comprehensive reentry and reintegration plan~~
6 ~~developed under this section.]~~

7 (h) The department [~~commission~~] shall conduct and
8 coordinate research to determine whether the comprehensive reentry
9 and reintegration plan developed under this section reduces
10 recidivism rates.

11 (i) Not later than December 1 of each even-numbered year,
12 the department [~~commission~~] shall deliver a report of the results
13 of research conducted or coordinated under Subsection (h) to the
14 lieutenant governor, the speaker of the house of representatives,
15 and the standing committees of each house of the legislature with
16 primary jurisdiction over juvenile justice and corrections.

17 (j) If a program or service in the child's comprehensive
18 reentry and reintegration plan is not available at the time the
19 child is to be released, the department shall find a suitable
20 alternative program or service so that the child's release is not
21 postponed.

22 (k) The department shall:

23 (1) clearly explain the comprehensive reentry and
24 reintegration plan and any conditions of supervision to a child who
25 will be released on supervision; and

26 (2) require each child committed to the department
27 that is to be released on supervision to acknowledge and sign a

1 document containing any conditions of supervision.

2 Sec. 245.054 [~~61.08141~~]. INFORMATION PROVIDED TO COURT
3 BEFORE RELEASE. (a) In addition to providing the court with notice
4 of release of a child under Section 245.051(b) [~~61.081(e)~~], as soon
5 as possible but not later than the 30th day before the date the
6 department [~~commission~~] releases the child, the department
7 [~~commission~~] shall provide the court that committed the child to
8 the department [~~commission~~]:

9 (1) a copy of the child's reentry and reintegration
10 plan developed under Section 245.0535 [~~61.0814~~]; and

11 (2) a report concerning the progress the child has
12 made while committed to the department [~~commission~~].

13 (b) If, on release, the department [~~commission~~] places a
14 child in a county other than the county served by the court that
15 committed the child to the department [~~commission~~], the department
16 [~~commission~~] shall provide the information described by Subsection
17 (a) to both the committing court and the juvenile court in the
18 county where the child is placed after release.

19 (c) If, on release, a child's residence is located in
20 another state, the department [~~commission~~] shall provide the
21 information described by Subsection (a) to both the committing
22 court and a juvenile court of the other state that has jurisdiction
23 over the area in which the child's residence is located.

24 SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

25 Sec. 245.101 [~~61.0814. REENTRY AND REINTEGRATION PLAN.~~ (a)
26 ~~The commission shall develop a reentry and reintegration plan for~~
27 ~~each child committed to the custody of the commission. The plan for~~

1 ~~a child must be designed to ensure that the child receives an~~
2 ~~extensive continuity of care in services from the time the child is~~
3 ~~committed to the commission to the time of the child's final~~
4 ~~discharge from the commission. The plan for a child must include,~~
5 ~~as applicable:~~

6 ~~[(1) housing assistance;~~

7 ~~[(2) a step-down program, such as placement in a~~
8 ~~halfway house;~~

9 ~~[(3) family counseling;~~

10 ~~[(4) academic and vocational mentoring;~~

11 ~~[(5) trauma counseling for a child who is a victim of~~
12 ~~abuse while in the custody of the commission; and~~

13 ~~[(6) other specialized treatment services appropriate~~
14 ~~for the child.~~

15 ~~[(b) If a program or service in the child's reentry and~~
16 ~~reintegration plan is not available at the time the child is to be~~
17 ~~released, the commission shall find a suitable alternative program~~
18 ~~or service so that the child's release is not postponed.~~

19 ~~[Sec. 61.0815]. COMPLETION OF MINIMUM LENGTH OF STAY;~~
20 PANEL. (a) After a child who is committed to the department
21 ~~[commission]~~ without a determinate sentence completes the minimum
22 length of stay established by the department ~~[commission]~~ for the
23 child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~
24 shall, in the manner provided by this section and Section 245.102:

25 (1) discharge the child from the custody of the
26 department ~~[commission]~~;

27 (2) release the child under supervision under Section

1 245.051 [~~61.081~~]; or

2 (3) extend the length of the child's stay in the
3 custody of the department [~~commission~~].

4 (b) The board [~~commission~~] by rule shall establish a panel
5 whose function is to review and determine whether a child who has
6 completed the child's minimum length of stay should be discharged
7 from the custody of the department [~~commission~~] as provided by
8 Subsection (a)(1), be released under supervision under Section
9 245.051 [~~61.081~~] as provided by Subsection (a)(2), or remain in the
10 custody of the department [~~commission~~] for an additional period of
11 time as provided by Subsection (a)(3).

12 (c) The executive director [~~commissioner~~] shall determine
13 the size of the panel described by Subsection (b) and the length of
14 the members' terms of service on the panel. The panel must consist
15 of an odd number of members and the terms of the panel's members
16 must last for at least two years. The executive director
17 [~~commissioner~~] shall adopt policies that ensure the transparency,
18 consistency, and objectivity of the panel's composition,
19 procedures, and decisions. The executive director [~~commissioner~~]
20 shall appoint persons to serve as members of the panel. A person
21 appointed to the panel must be a department [~~commission~~] employee
22 who works at the department's [~~commission's~~] central office. A
23 member of the panel may not be involved in any supervisory decisions
24 concerning children in the custody of the department [~~commission~~].

25 Sec. 245.102. EXTENSION ORDER. (a) A [~~(d)~~—The] panel may
26 extend the length of the child's stay as provided by Section
27 245.101(a)(3) [~~Subsection (a)(3)~~] only if the panel determines by

1 majority vote and on the basis of clear and convincing evidence
2 that:

3 (1) the child is in need of additional rehabilitation
4 from the department; [~~commission~~] and

5 (2) [~~that~~] the department [~~commission~~] will provide
6 the most suitable environment for that rehabilitation.

7 (b) In extending the length of a child's stay, the panel
8 must specify the additional period of time that the child is to
9 remain in the custody of the department [~~commission~~] and must
10 conduct an additional review and determination as provided by
11 Section 245.101 [~~this section~~] on the child's completion of the
12 additional term of stay.

13 (c) If the panel determines that the child's length of stay
14 should not be extended, the department [~~commission~~] must discharge
15 the child from the custody of the department [~~commission~~] as
16 provided by Section 245.101(a)(1) [~~Subsection (a)(1)~~] or release
17 the child under supervision under Section 245.051 [~~Section 61.081~~]
18 as provided by Section 245.101(a)(2) [~~Subsection (a)(2)~~].

19 Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION
20 ORDERS. (a) [~~(e)~~] The department [~~commission~~] shall maintain
21 statistics of the number of extensions granted by a [~~the~~] panel
22 under Section 245.102. The statistics must include aggregated
23 information concerning:

24 (1) the race, age, sex, specialized treatment needs,
25 and county of origin for each child for whom an extension order is
26 requested;

27 (2) the facility in which the child is confined; and

1 (3) if applicable, any allegations concerning the
2 abuse, mistreatment, or neglect of the child, aggregated by the
3 type of misconduct to which the child was subjected.

4 (b) [~~(f)~~] To the extent authorized under law, the
5 statistics maintained under Subsection (a) [~~(e)~~] are public
6 information under Chapter 552, Government Code, and the department
7 [~~commission~~] shall post the statistics on the department's
8 [~~commission's~~] Internet website.

9 (c) The department [~~commission~~] shall prepare and deliver
10 to the standing committees of the senate and house of
11 representatives with primary jurisdiction over matters concerning
12 correctional facilities a report concerning the statistics
13 maintained under Subsection (a) [~~(e)~~].

14 (d) [~~(g)~~] The department [~~commission~~] shall provide a
15 report to the parent, guardian, or designated advocate of a child
16 whose length of stay is extended under Section 245.102 [~~this~~
17 ~~section~~] explaining the panel's reason for the extension.

18 Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF
19 EXTENSION ORDER. (a) The board [~~commission~~] by rule shall
20 establish a process to request the reconsideration of an extension
21 order issued by a [~~the~~] panel [~~established~~] under Section 245.102
22 [~~61.0815~~].

23 (b) The process to request reconsideration must provide
24 that:

25 (1) a child, a parent, guardian, or designated
26 advocate of a child, an employee of the department [~~commission~~], or
27 a person who provides volunteer services at a department

1 [~~commission~~] facility may submit a request for reconsideration of
2 an extension order;

3 (2) the person submitting the request for
4 reconsideration of an extension order must state in the request the
5 reason for the request;

6 (3) after receiving a request for reconsideration of
7 an extension order, the panel shall reconsider an extension order
8 that:

9 (A) extends the child's stay in the custody of
10 the department [~~commission~~] by six months or more; or

11 (B) combined with previous extension orders will
12 result in an extension of the child's stay in the custody of the
13 department [~~commission~~] by six months or more;

14 (4) the panel's reconsideration of an extension order
15 includes consideration of the information submitted in the request;
16 and

17 (5) the panel shall send a written reply to the child,
18 the parent, guardian, or designated advocate of the child, and the
19 person who made the request for reconsideration of an extension
20 order that includes an explanation of the panel's decision after
21 reconsidering the extension order, including an indication that the
22 panel has considered the information submitted in the request.

23 (c) The department [~~commission~~] shall create a form for a
24 request for reconsideration of an extension order that is clear and
25 easy to understand. The department [~~commission~~] shall ensure that
26 a child may request assistance in completing a request for
27 reconsideration of an extension order.

1 Sec. 245.105. STATISTICS AND REPORTS CONCERNING
2 RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department
3 [~~commission~~] shall maintain statistics of the number of requests
4 for reconsideration of an extension order that are submitted under
5 Section 245.104 and the action taken on reconsideration of the
6 extension order. The statistics must include aggregated
7 information concerning:

8 (1) the race, age, sex, specialized treatment needs,
9 and county of origin for each child for whom a request for
10 reconsideration of an extension order is submitted;

11 (2) whether a request for reconsideration of an
12 extension order results in:

13 (A) a discharge or release under supervision; or

14 (B) the original extension order being upheld;

15 (3) the facility in which the child is confined; and

16 (4) if applicable, any allegations concerning the
17 abuse, mistreatment, or neglect of the child, aggregated by the
18 type of misconduct to which the child was subjected.

19 (b) [~~(e)~~] To the extent authorized under law, the
20 statistics maintained under Subsection (a) [~~(d)~~] are public
21 information under Chapter 552, Government Code, and the department
22 [~~commission~~] shall post the statistics on the department's
23 [~~commission's~~] Internet website.

24 (c) The department [~~commission~~] shall prepare and deliver
25 to the standing committees of the senate and house of
26 representatives with primary jurisdiction over matters concerning
27 correctional facilities a report concerning the statistics

1 maintained under Subsection (a) [~~(d)~~].

2 Sec. 245.106 [~~61.082~~]. TRANSPORTATION, CLOTHING, MONEY.

3 The department [~~commission~~] shall ensure that each child it
4 releases under supervision has:

5 (1) suitable clothing;

6 (2) [~~7~~] transportation to his or her home or to the
7 county in which a suitable home or employment has been found; [~~7~~]
8 and

9 (3) money in an amount authorized by the rules of the
10 department [~~commission~~].

11 SUBCHAPTER D. TERMINATION OF CONTROL

12 Sec. 245.151 [~~61.083. CONTRACTS WITH COUNTIES.~~ (a) ~~The~~
13 ~~commission may make a contract with a county to use the services of~~
14 ~~the county's juvenile probation department for the supervision of~~
15 ~~children within the county who are on furlough from a commission~~
16 ~~facility or who are released under supervision from a commission~~
17 ~~facility.~~

18 [~~(b) The payments shall be made to the county treasurer on a~~
19 ~~quarterly schedule.~~

20 [~~(c) The commission may not pay a county for supervision of~~
21 ~~a child for any time after the child:~~

22 [~~(1) is discharged from the commission's custody,~~

23 [~~(2) is returned to a commission facility, or~~

24 [~~(3) transfers his or her residence to another county~~
25 ~~or state.~~

26 [~~(d) A county that has a contract with the commission must~~
27 ~~report to the commission on the status and progress of each child~~

1 ~~for whom the county is receiving payments. The reports shall be~~
2 ~~made at the time and in the manner specified by the contract.~~

3 ~~[Sec. 61.084]~~. TERMINATION OF CONTROL. (a) Except as
4 provided by Subsections (b) and (c), if a person is committed to the
5 department ~~[commission]~~ under a determinate sentence under Section
6 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
7 the department ~~[commission]~~ may not discharge the person from its
8 custody.

9 (b) The department ~~[commission]~~ shall discharge without a
10 court hearing a person committed to the department ~~[it]~~ for a
11 determinate sentence under Section 54.04(d)(3), Section 54.04(m),
12 or Section 54.05(f), Family Code, who has not been transferred to
13 the Texas Department of Criminal Justice under a court order on the
14 date that the time spent by the person in detention in connection
15 with the committing case plus the time spent at the department
16 ~~[Texas Youth Commission]~~ under the order of commitment equals the
17 period of the sentence.

18 (c) The department ~~[commission]~~ shall transfer to the Texas
19 Department of Criminal Justice a person who is the subject of an
20 order under Section 54.11(i)(2), Family Code, transferring the
21 person to the custody of the Texas Department of Criminal Justice
22 for the completion of the person's sentence.

23 (d) ~~[(e)]~~ Except as provided by Subsection (e) ~~[(g)]~~, the
24 department ~~[commission]~~ shall discharge from its custody a person
25 not already discharged on the person's 19th birthday.

26 (e) ~~[(g)]~~ The department ~~[commission]~~ shall transfer a
27 person who has been sentenced under a determinate sentence to

1 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
2 Family Code, or who has been returned to the department
3 [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody
4 of the Texas Department of Criminal Justice on the person's 19th
5 birthday, if the person has not already been discharged or
6 transferred, to serve the remainder of the person's sentence on
7 parole as provided by Section 508.156, Government Code.

8 Sec. 245.152 [~~61.0841~~]. DETERMINATE SENTENCE PAROLE. (a)
9 Not later than the 90th day before the date the department
10 [~~commission~~] transfers a person to the custody of the Texas
11 Department of Criminal Justice for release on parole under Section
12 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department
13 [~~commission~~] shall submit to the Texas Department of Criminal
14 Justice [~~department~~] all pertinent information relating to the
15 person, including:

- 16 (1) the juvenile court judgment;
- 17 (2) the circumstances of the person's offense;
- 18 (3) the person's previous social history and juvenile
19 court records;
- 20 (4) the person's physical and mental health record;
- 21 (5) a record of the person's conduct, employment
22 history, and attitude while committed to the department
23 [~~commission~~];
- 24 (6) a record of the sentence time served by the person
25 at the department [~~commission~~] and in a juvenile detention facility
26 in connection with the conduct for which the person was
27 adjudicated; and

1 (7) any written comments or information provided by
2 the department [~~commission~~], local officials, family members of the
3 person, victims of the offense, or the general public.

4 (b) The department [~~commission~~] shall provide instruction
5 for parole officers of the Texas Department of Criminal Justice
6 relating to juvenile programs at the department [~~commission~~]. The
7 department [~~commission~~] and the Texas Department of Criminal
8 Justice [~~department~~] shall enter into a memorandum of understanding
9 relating to the administration of this subsection.

10 (c) The Texas Department of Criminal Justice shall grant
11 credit for sentence time served by a person at the department
12 [~~commission~~] and in a juvenile detention facility, as recorded by
13 the department [~~commission~~] under Subsection (a)(6), in computing
14 the person's eligibility for parole and discharge from the Texas
15 Department of Criminal Justice [~~department~~].

16 SECTION 1.008. Subchapter I, Chapter 61, Human Resources
17 Code, is transferred to Subtitle C, Title 12, Human Resources Code,
18 as added by this Act, redesignated as Chapter 246, and amended to
19 read as follows:

20 CHAPTER 246 [~~SUBCHAPTER I~~]. INDUSTRIES PROGRAM

21 Sec. 246.001 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The
22 purposes of the department [~~commission~~] industries program are:

23 (1) to provide adequate employment and vocational
24 training for children; and

25 (2) to develop and expand public and private
26 department [~~commission~~] industries.

27 Sec. 246.002 [~~61.122~~]. ADVISORY COMMITTEE. (a) A

1 department [~~commission~~] industries advisory committee is created
2 consisting of nine members appointed by the board [~~commission~~].

3 (b) Members serve staggered three-year terms, with the
4 terms of three members expiring February 1 of each odd-numbered
5 year.

6 (c) In making appointments under this section, the board
7 [~~commission~~] shall endeavor to include representatives of
8 industries appropriate for hiring children committed to the
9 department [~~commission~~].

10 Sec. 246.003 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The
11 department [~~commission~~] shall apportion wages earned by a child
12 working under the industries program in amounts determined at the
13 discretion of the department [~~commission~~], in the following
14 priority:

15 (1) a person to whom the child has been ordered by a
16 court or to whom the child has agreed to pay restitution;

17 (2) a person to whom the child has been ordered by a
18 court to pay child support;

19 (3) the compensation to victims of crime fund or the
20 compensation to victims of crime auxiliary fund; and

21 (4) the child's student account.

22 Sec. 246.004 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas
23 Juvenile Justice Department [~~Youth Commission~~] industries program
24 fund is created in the state treasury.

25 (b) Proceeds from the operation of the industries program
26 shall be deposited in the fund.

27 (c) Money from the fund may be appropriated only for use by

1 the department [~~commission~~] for the administration of this
2 subchapter.

3 [~~(d) Sections 403.094 and 403.095, Government Code, do not~~
4 ~~apply to the fund.~~]

5 Sec. 246.005 [~~61.125~~]. CONTRACTS. To encourage the
6 development and expansion of the industries program, the department
7 [~~commission~~] may enter into necessary contracts related to the
8 program.

9 Sec. 246.006 [~~61.126~~]. DONATIONS. The industries program
10 may be financed through contributions donated for this purpose by
11 private businesses contracting with the department [~~commission~~].

12 Sec. 246.007 [~~61.127~~]. GRANTS. (a) The department
13 [~~commission~~] may accept a grant for the vocational rehabilitation
14 of children.

15 (b) The department [~~commission~~] shall maintain a record of
16 the receipt and disbursement of a grant and shall annually report to
17 the lieutenant governor and the speaker of the house of
18 representatives on the administration of grant funds.

19 Sec. 246.008 [~~61.128~~]. LEASE OF LAND. (a) The department
20 [~~commission~~] may lease land owned by the department [~~commission~~] to
21 a private business to expand and develop the industries program.

22 (b) The term of the lease may not exceed 20 years.

23 (c) The business must lease the land at fair market value.

24 (d) The business may construct a new facility on the land or
25 convert an existing facility.

26 Sec. 246.009 [~~Sec. 61.129. CERTIFICATION FOR FRANCHISE~~
27 ~~CREDIT. The commission shall prepare and issue a certification~~

1 ~~that a corporation requires for the franchise tax credit for wages~~
2 ~~paid as provided by Subchapter M, Chapter 171, Tax Code.~~

3 ~~[Sec. 61.130]~~. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A
4 business contracting with the department ~~[commission]~~ may enter
5 into an ad valorem tax abatement agreement under Subchapters B and
6 C, Chapter 312, Tax Code, with the governing body of the
7 municipality and county in which the business is located.

8 (b) If an area in which businesses contracting with the
9 department ~~[commission]~~ under this subchapter is designated as a
10 reinvestment zone under Chapter 312, Tax Code, the area satisfies
11 Section 312.202(a)(6), Tax Code, in that the area would be
12 reasonably likely as a result of the designation to contribute to
13 the retention or expansion of primary employment or to attract
14 major investment in the zone that would be a benefit to the property
15 and that would contribute to the economic development of the entity
16 designating the area as a reinvestment zone.

17 SECTION 1.009. Title 12, Human Resources Code, as added by
18 this Act, is amended by adding Subtitle D, and a heading is added to
19 read as follows:

20 SUBTITLE D. INDEPENDENT OMBUDSMAN

21 SECTION 1.010. Chapter 64, Human Resources Code, is
22 transferred to Subtitle D, Title 12, Human Resources Code, as added
23 by this Act, redesignated as Chapter 261, and amended to read as
24 follows:

25 CHAPTER 261 ~~[64]~~. ~~[OFFICE OF]~~ INDEPENDENT OMBUDSMAN

26 ~~[OF THE TEXAS YOUTH COMMISSION]~~

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

(1) [~~"Commission" means the Texas Youth Commission.~~

(2) [~~2~~] "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

(3) [~~3~~] "Office" means the office of independent ombudsman created under this chapter.

Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the department [~~commission~~], including a child released under supervision before final discharge.

Sec. 261.003 [~~64.003~~]. INDEPENDENCE. (a) The independent ombudsman in the performance of its duties and powers under this chapter acts independently of the department [~~commission~~].

(b) Funding for the independent ombudsman is appropriated separately from funding for the department [~~commission~~].

SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT OMBUDSMAN. (a) The governor shall appoint the independent ombudsman with the advice and consent of the senate for a term of two years, expiring February 1 of odd-numbered years.

(b) A person appointed as independent ombudsman is eligible for reappointment but may not serve more than three terms in that capacity.

Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent

1 ombudsman may hire assistants to perform, under the direction of
2 the independent ombudsman, the same duties and exercise the same
3 powers as the independent ombudsman.

4 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person
5 may not serve as independent ombudsman or as an assistant to the
6 independent ombudsman if the person or the person's spouse:

7 (1) is employed by or participates in the management
8 of a business entity or other organization receiving funds from the
9 department [~~commission~~];

10 (2) owns or controls, directly or indirectly, any
11 interest in a business entity or other organization receiving funds
12 from the department [~~commission~~]; or

13 (3) uses or receives any amount of tangible goods,
14 services, or funds from the department [~~commission~~].

15 (b) A person may not serve as independent ombudsman or as an
16 assistant to the independent ombudsman if the person or the
17 person's spouse is required to register as a lobbyist under Chapter
18 305, Government Code, because of the person's activities for
19 compensation on behalf of a profession related to the operation of
20 the department [~~commission~~].

21 (c) A person may not serve as independent ombudsman or as an
22 assistant to the independent ombudsman if the person or the
23 person's spouse is an officer, employee, manager, or paid
24 consultant of a Texas trade association in the field of criminal or
25 juvenile justice.

26 (d) For the purposes of this section, a Texas trade
27 association is a nonprofit, cooperative, and voluntarily joined

1 association of business or professional competitors in this state
2 designed to assist its members and its industry or profession in
3 dealing with mutual business or professional problems and in
4 promoting their common interest.

5 Sec. 261.054 [~~64.054~~]. SUNSET PROVISION. [~~(a)~~] The office
6 is subject to review under Chapter 325, Government Code (Texas
7 Sunset Act), but is not abolished under that chapter. The office
8 shall be reviewed during the periods in which the Texas Juvenile
9 Justice Department or its successor agency [~~Texas Youth Commission~~]
10 is reviewed.

11 [~~(b) Notwithstanding Subsection (a), the Sunset Advisory~~
12 ~~Commission shall focus its review of the office on compliance with~~
13 ~~requirements placed on the office by legislation enacted by the~~
14 ~~81st Legislature, Regular Session, 2009, that becomes law. This~~
15 ~~subsection expires September 1, 2011.~~]

16 Sec. 261.055 [~~64.055~~]. REPORT. (a) The independent
17 ombudsman shall submit on a quarterly basis to the board, the
18 governor, the lieutenant governor, the state auditor, and each
19 member of the legislature a report that is both aggregated and
20 disaggregated by individual facility and describes:

21 (1) the work of the independent ombudsman;
22 (2) the results of any review or investigation
23 undertaken by the independent ombudsman, including reviews or
24 investigation of services contracted by the department
25 [~~commission~~]; and

26 (3) any recommendations that the independent
27 ombudsman has in relation to the duties of the independent

1 ombudsman.

2 (b) The independent ombudsman shall immediately report to
3 the board, the governor, the lieutenant governor, the speaker of
4 the house of representatives, the state auditor, and the office of
5 the inspector general of the department [~~commission~~] any
6 particularly serious or flagrant:

7 (1) case of abuse or injury of a child committed to the
8 department [~~commission~~];

9 (2) problem concerning the administration of a
10 department [~~commission~~] program or operation;

11 (3) problem concerning the delivery of services in a
12 facility operated by or under contract with the department
13 [~~commission~~]; or

14 (4) interference by the department [~~commission~~] with
15 an investigation conducted by the office.

16 Sec. 261.056 [~~64.056~~]. COMMUNICATION AND CONFIDENTIALITY.

17 (a) The department [~~commission~~] shall allow any child committed to
18 the department [~~commission~~] to communicate with the independent
19 ombudsman or an assistant to the ombudsman. The communication:

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

22 (2) is confidential and privileged.

23 (b) The records of the independent ombudsman are
24 confidential, except that the independent ombudsman shall:

25 (1) share with the office of inspector general of the
26 department [~~commission~~] a communication with a child that may
27 involve the abuse or neglect of the child; and

1 (2) disclose its nonprivileged records if required by
2 a court order on a showing of good cause.

3 (c) The independent ombudsman may make reports relating to
4 an investigation public after the investigation is complete but
5 only if the names of all children, parents, and employees are
6 redacted from the report and remain confidential.

7 (d) The name, address, or other personally identifiable
8 information of a person who files a complaint with the office of
9 independent ombudsman, information generated by the office of
10 independent ombudsman in the course of an investigation, and
11 confidential records obtained by the office of independent
12 ombudsman are confidential and not subject to disclosure under
13 Chapter 552, Government Code, except that the information and
14 records, other than confidential information and records
15 concerning a pending law enforcement investigation or criminal
16 action, may be disclosed to the appropriate person if the office
17 determines that disclosure is:

18 (1) in the general public interest;

19 (2) necessary to enable the office to perform the
20 responsibilities provided under this section; or

21 (3) necessary to identify, prevent, or treat the abuse
22 or neglect of a child.

23 Sec. 261.057 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.
24 The independent ombudsman shall promote awareness among the public
25 and the children committed to the department [~~commission~~] of:

26 (1) how the office may be contacted;

27 (2) the purpose of the office; and

1 (3) the services the office provides.

2 Sec. 261.058 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The
3 office by rule shall establish policies and procedures for the
4 operations of the office of independent ombudsman.

5 (b) The office and the board [~~commission~~] shall adopt rules
6 necessary to implement Section 261.060 [~~64.060~~], including rules
7 that establish procedures for the department [~~commission~~] to review
8 and comment on reports of the office and for the department
9 [~~commission~~] to expedite or eliminate review of and comment on a
10 report due to an emergency or a serious or flagrant circumstance
11 described by Section 261.055(b) [~~64.055(b)~~].

12 Sec. 261.059 [~~64.059~~]. AUTHORITY OF STATE AUDITOR. The
13 office is subject to audit by the state auditor in accordance with
14 Chapter 321, Government Code.

15 Sec. 261.060 [~~64.060~~]. REVIEW AND FORMAT OF REPORTS. (a)
16 The office shall accept, both before and after publication,
17 comments from the board [~~commission~~] concerning the following types
18 of reports published by the office under this chapter:

19 (1) the office's quarterly report under Section
20 261.055(a) [~~64.055(a)~~];

21 (2) reports concerning serious or flagrant
22 circumstances under Section 261.055(b) [~~64.055(b)~~]; and

23 (3) any other formal reports containing findings and
24 making recommendations concerning systemic issues that affect the
25 department [~~commission~~].

26 (b) The board [~~commission~~] may not submit comments under
27 Subsection (a) after the 30th day after the date the report on which

1 the board [~~commission~~] is commenting is published.

2 (c) The office shall ensure that reports described by
3 Subsection (a) are in a format to which the board [~~commission~~] can
4 easily respond.

5 (d) After receipt of comments under this section, the office
6 is not obligated to change any report or change the manner in which
7 the office performs the duties of the office.

8 Sec. 261.061 [~~64.061~~]. COMPLAINTS. (a) The office shall
9 maintain a system to promptly and efficiently act on complaints
10 filed with the office that relate to the operations or staff of the
11 office. The office shall maintain information about parties to the
12 complaint, the subject matter of the complaint, a summary of the
13 results of the review or investigation of the complaint, and the
14 disposition of the complaint.

15 (b) The office shall make information available describing
16 its procedures for complaint investigation and resolution.

17 (c) The office shall periodically notify the complaint
18 parties of the status of the complaint until final disposition.

19 SUBCHAPTER C. DUTIES AND POWERS

20 Sec. 261.101 [~~64.101~~]. DUTIES AND POWERS. (a) The
21 independent ombudsman shall:

22 (1) review the procedures established by the board
23 [~~commission~~] and evaluate the delivery of services to children to
24 ensure that the rights of children are fully observed;

25 (2) review complaints filed with the independent
26 ombudsman concerning the actions of the department [~~commission~~] and
27 investigate each complaint in which it appears that a child may be

1 in need of assistance from the independent ombudsman;

2 (3) conduct investigations of complaints, other than
3 complaints alleging criminal behavior, if the office determines
4 that:

5 (A) a child committed to the department
6 [~~commission~~] or the child's family may be in need of assistance from
7 the office; or

8 (B) a systemic issue in the department's
9 [~~commission's~~] provision of services is raised by a complaint;

10 (4) review or inspect periodically the facilities and
11 procedures of any institution or residence in which a child has been
12 placed by the department [~~commission~~], whether public or private,
13 to ensure that the rights of children are fully observed;

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

18 (6) review court orders as necessary to fulfill its
19 duties;

20 (7) recommend changes in any procedure relating to the
21 treatment of children committed to the department [~~commission~~];

22 (8) make appropriate referrals under any of the duties
23 and powers listed in this subsection; [~~and~~]

24 (9) supervise assistants who are serving as advocates
25 in their representation of children committed to the department
26 [~~commission~~] in internal administrative and disciplinary hearings;

27 (10) review reports received by the department

1 relating to complaints regarding juvenile probation programs,
2 services, or facilities and analyze the data contained in the
3 reports to identify trends in complaints; and

4 (11) report a possible standards violation by a local
5 probation department to the appropriate division of the department.

6 (b) The independent ombudsman may apprise persons who are
7 interested in a child's welfare of the rights of the child.

8 (c) To assess if a child's rights have been violated, the
9 independent ombudsman may, in any matter that does not involve
10 alleged criminal behavior, contact or consult with an
11 administrator, employee, child, parent, expert, or any other
12 individual in the course of its investigation or to secure
13 information.

14 (d) Notwithstanding any other provision of this chapter,
15 the independent ombudsman may not investigate alleged criminal
16 behavior.

17 (e) Notwithstanding any other provision of this chapter,
18 the powers of the office are limited to facilities operated and
19 services provided by the department under Subtitle C.

20 Sec. 261.102 [~~64.102~~]. TREATMENT OF DEPARTMENT
21 [~~COMMISSION~~] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.
22 The department [~~commission~~] may not discharge or in any manner
23 discriminate or retaliate against an employee who in good faith
24 makes a complaint to the office of independent ombudsman or
25 cooperates with the office in an investigation.

26 Sec. 261.103 [~~64.103~~]. TRAINING. The independent
27 ombudsman shall attend annual sessions, including the training

1 curriculum for juvenile correctional officers required under
2 Section 242.009 [~~61.0356~~], and may participate in other appropriate
3 professional training.

4 Sec. 261.104 [~~64.104~~]. MEMORANDUM OF UNDERSTANDING. (a)
5 The office and the department [~~commission~~] shall enter into a
6 memorandum of understanding concerning:

7 (1) the most efficient manner in which to share
8 information with one another; and

9 (2) the procedures for handling overlapping
10 monitoring duties and activities performed by the office and the
11 department [~~commission~~].

12 (b) The memorandum of understanding entered into under
13 Subsection (a), at a minimum, must:

14 (1) address the interaction of the office with that
15 portion of the department [~~commission~~] that conducts an internal
16 audit under Section 203.013 [~~61.0331~~];

17 (2) address communication between the office and the
18 department [~~commission~~] concerning individual situations involving
19 children committed to the department [~~commission~~] and how those
20 situations will be documented and handled;

21 (3) contain guidelines on the office's role in
22 relevant working groups and policy development decisions at the
23 department [~~commission~~];

24 (4) ensure opportunities for sharing information
25 between the office and the department [~~commission~~] for the purposes
26 of assuring quality and improving programming within the department
27 [~~commission~~]; and

1 (5) preserve the independence of the office by
2 authorizing the office to withhold information concerning matters
3 under active investigation by the office from the department
4 [~~commission~~] and department [~~commission~~] staff and to report the
5 information to the board and the governor.

6 SUBCHAPTER D. ACCESS TO INFORMATION

7 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF
8 GOVERNMENTAL ENTITIES. (a) The [~~commission shall allow the~~]
9 independent ombudsman has access to the department's [~~its~~] records
10 relating to the children committed to the department [~~commission~~].

11 (b) The Department of Public Safety shall allow the
12 independent ombudsman access to the juvenile justice information
13 system established under Subchapter B, Chapter 58, Family Code.

14 (c) A local law enforcement agency shall allow the
15 independent ombudsman access to its records relating to any child
16 in the care or custody of the department [~~commission~~].

17 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE
18 ENTITIES. The independent ombudsman shall have access to the
19 records of a private entity that relate to a child committed to the
20 department [~~commission~~].

21 SECTION 1.011. Section 61.020(a), Human Resources Code, is
22 amended to read as follows:

23 (a) The Texas Youth Commission [~~is subject to Chapter 325,~~
24 ~~Government Code (Texas Sunset Act). Unless continued in existence~~
25 ~~as provided by that chapter, the commission~~] is abolished on
26 December [~~and this chapter expires September~~] 1, 2011.

27 SECTION 1.012. Section 141.012(a), Human Resources Code, is

1 amended to read as follows:

2 (a) The Texas Juvenile Probation Commission [~~is subject to~~
3 ~~Chapter 325, Government Code (Texas Sunset Act). Unless continued~~
4 ~~in existence as provided by that chapter, the commission]~~ is
5 abolished on December [~~and this chapter expires September~~] 1, 2011.

6 ARTICLE 2. MISCELLANEOUS PROVISIONS

7 SECTION 2.001. Section 51.126, Family Code, is amended by
8 amending Subsections (b), (c), (d), and (e) and adding Subsection
9 (f) to read as follows:

10 (b) In each county, each judge of the juvenile court and a
11 majority of the members of the juvenile board shall personally
12 inspect, at least annually, all nonsecure correctional facilities
13 that are located in the county and shall certify in writing to the
14 authorities responsible for operating and giving financial support
15 to the facilities and to the Texas Juvenile Justice Department
16 [~~Probation Commission~~] that the facility or facilities are suitable
17 or unsuitable for the confinement of children. In determining
18 whether a facility is suitable or unsuitable for the confinement of
19 children, the juvenile court judges and juvenile board members
20 shall consider:

21 (1) current monitoring and inspection reports and any
22 noncompliance citation reports issued by the Texas Juvenile Justice
23 Department [~~Probation Commission~~], including the report provided
24 under Subsection (c), and the status of any required corrective
25 actions; and

26 (2) the other factors described under Sections
27 51.12(c)(2)-(7).

1 (c) The Texas Juvenile Justice Department [~~Probation~~
2 ~~Commission~~] shall annually inspect each nonsecure correctional
3 facility. The Texas Juvenile Justice Department [~~Probation~~
4 ~~Commission~~] shall provide a report to each juvenile court judge
5 presiding in the same county as an inspected facility indicating
6 whether the facility is suitable or unsuitable for the confinement
7 of children in accordance with minimum professional standards for
8 the confinement of children in nonsecure confinement promulgated by
9 the Texas Juvenile Justice Department [~~Probation Commission~~] or, at
10 the election of the juvenile board of the county in which the
11 facility is located, the current standards promulgated by the
12 American Correctional Association.

13 (d) A governmental unit or private entity that operates or
14 contracts for the operation of a juvenile nonsecure correctional
15 facility in this state under Subsection (a), except for a facility
16 operated by or under contract with the Texas Juvenile Justice
17 Department [~~Texas Youth Commission~~], shall:

- 18 (1) register the facility annually with the Texas
19 Juvenile Justice Department [~~Probation Commission~~]; and
20 (2) adhere to all applicable minimum standards for the
21 facility.

22 (e) The Texas Juvenile Justice Department [~~Probation~~
23 ~~Commission~~] may deny, suspend, or revoke the registration of any
24 facility required to register under Subsection (d) if the facility
25 fails to:

- 26 (1) adhere to all applicable minimum standards for the
27 facility; or

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

3 (f) In this section, "Texas Juvenile Justice Department"
4 means the Texas Juvenile Probation Commission. This subsection
5 expires December 1, 2011.

6 SECTION 2.002. Section 58.403, Family Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) Subchapter L, Chapter 2054, Government Code, does not
9 apply to the statewide juvenile information and case management
10 system created under this subchapter.

11 SECTION 2.003. Section 614.017(c)(1), Health and Safety
12 Code, is amended to read as follows:

13 (1) "Agency" includes any of the following entities
14 and individuals, a person with an agency relationship with one of
15 the following entities or individuals, and a person who contracts
16 with one or more of the following entities or individuals:

17 (A) the Texas Department of Criminal Justice and
18 the Correctional Managed Health Care Committee;

19 (B) the Board of Pardons and Paroles;

20 (C) the Department of State Health Services;

21 (D) the Texas Juvenile Justice Department
22 [~~Probation Commission~~];

23 (E) [~~the Texas Youth Commission,~~

24 [~~(F)~~] the Department of Assistive and
25 Rehabilitative Services;

26 (F) [~~(G)~~] the Texas Education Agency;

27 (G) [~~(H)~~] the Commission on Jail Standards;

1 (H) [~~(I)~~] the Department of Aging and Disability
2 Services;

3 (I) [~~(J)~~] the Texas School for the Blind and
4 Visually Impaired;

5 (J) [~~(K)~~] community supervision and corrections
6 departments and local juvenile probation departments;

7 (K) [~~(L)~~] personal bond pretrial release offices
8 established under Article 17.42, Code of Criminal Procedure;

9 (L) [~~(M)~~] local jails regulated by the
10 Commission on Jail Standards;

11 (M) [~~(N)~~] a municipal or county health
12 department;

13 (N) [~~(O)~~] a hospital district;

14 (O) [~~(P)~~] a judge of this state with jurisdiction
15 over juvenile or criminal cases;

16 (P) [~~(Q)~~] an attorney who is appointed or
17 retained to represent a special needs offender or a juvenile with a
18 mental impairment;

19 (Q) [~~(R)~~] the Health and Human Services
20 Commission;

21 (R) [~~(S)~~] the Department of Information
22 Resources;

23 (S) [~~(T)~~] the bureau of identification and
24 records of the Department of Public Safety, for the sole purpose of
25 providing real-time, contemporaneous identification of individuals
26 in the Department of State Health Services client data base; and

27 (T) [~~(U)~~] the Department of Family and

1 Protective Services.

2 SECTION 2.004. Sections 614.018(a) and (b), Health and
3 Safety Code, are amended to read as follows:

4 (a) The Texas Juvenile Justice Department [~~Probation~~
5 ~~Commission, the Texas Youth Commission~~], the Department of Public
6 Safety, the Department of State Health Services, the Department of
7 Aging and Disability Services, the Department of Family and
8 Protective Services, the Texas Education Agency, and local juvenile
9 probation departments shall adopt a memorandum of understanding
10 that establishes their respective responsibilities to institute a
11 continuity of care and service program for juveniles with mental
12 impairments in the juvenile justice system. The Texas Correctional
13 Office on Offenders with Medical and Mental Impairments shall
14 coordinate and monitor the development and implementation of the
15 memorandum of understanding.

16 (b) The memorandum of understanding must establish methods
17 for:

18 (1) identifying juveniles with mental impairments in
19 the juvenile justice system and collecting and reporting relevant
20 data to the office;

21 (2) developing interagency rules, policies, and
22 procedures for the coordination of care of and the exchange of
23 information on juveniles with mental impairments who are committed
24 to or treated, served, or supervised by the [~~Texas Youth~~
25 ~~Commission, the~~] Texas Juvenile Justice Department [~~Probation~~
26 ~~Commission~~], the Department of Public Safety, the Department of
27 State Health Services, the Department of Family and Protective

1 Services, the Department of Aging and Disability Services, the
2 Texas Education Agency, local juvenile probation departments,
3 local mental health or mental retardation authorities, and
4 independent school districts; and

5 (3) identifying the services needed by juveniles with
6 mental impairments in the juvenile justice system.

7 ARTICLE 3. CONFORMING AMENDMENTS

8 SECTION 3.001. 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 and officers commissioned by the Public
23 Safety Commission and the Director of the Department of Public
24 Safety;

25 (5) investigators of the district attorneys', criminal
26 district attorneys', and county attorneys' offices;

27 (6) law enforcement agents of the Texas Alcoholic

- 1 Beverage Commission;
- 2 (7) each member of an arson investigating unit
3 commissioned by a city, a county, or the state;
- 4 (8) officers commissioned under Section 37.081,
5 Education Code, or Subchapter E, Chapter 51, Education Code;
- 6 (9) officers commissioned by the General Services
7 Commission;
- 8 (10) law enforcement officers commissioned by the
9 Parks and Wildlife Commission;
- 10 (11) airport police officers commissioned by a city
11 with a population of more than 1.18 million that operates an airport
12 that serves commercial air carriers;
- 13 (12) airport security personnel commissioned as peace
14 officers by the governing body of any political subdivision of this
15 state, other than a city described by Subdivision (11), that
16 operates an airport that serves commercial air carriers;
- 17 (13) municipal park and recreational patrolmen and
18 security officers;
- 19 (14) security officers and investigators commissioned
20 as peace officers by the comptroller;
- 21 (15) officers commissioned by a water control and
22 improvement district under Section 49.216, Water Code;
- 23 (16) officers commissioned by a board of trustees
24 under Chapter 54, Transportation Code;
- 25 (17) investigators commissioned by the Texas Medical
26 Board;
- 27 (18) officers commissioned by the board of managers of

1 the Dallas County Hospital District, the Tarrant County Hospital
2 District, or the Bexar County Hospital District under Section
3 281.057, Health and Safety Code;

4 (19) county park rangers commissioned under
5 Subchapter E, Chapter 351, Local Government Code;

6 (20) investigators employed by the Texas Racing
7 Commission;

8 (21) officers commissioned under Chapter 554,
9 Occupations Code;

10 (22) officers commissioned by the governing body of a
11 metropolitan rapid transit authority under Section 451.108,
12 Transportation Code, or by a regional transportation authority
13 under Section 452.110, Transportation Code;

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

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

18 (25) an officer employed by the Department of State
19 Health Services under Section 431.2471, Health and Safety Code;

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

22 (27) officers commissioned by the state fire marshal
23 under Chapter 417, Government Code;

24 (28) an investigator commissioned by the commissioner
25 of insurance under Section 701.104, Insurance Code;

26 (29) apprehension specialists and inspectors general
27 commissioned by the Texas Juvenile Justice Department [~~Texas Youth~~

1 ~~Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451~~
2 ~~and 61.0931~~], Human Resources Code;

3 (30) officers appointed by the inspector general of
4 the Texas Department of Criminal Justice under Section 493.019,
5 Government Code;

6 (31) investigators commissioned by the Commission on
7 Law Enforcement Officer Standards and Education under Section
8 1701.160, Occupations Code;

9 (32) commission investigators commissioned by the
10 Texas Private Security Board under Section 1702.061(f),
11 Occupations Code;

12 (33) the fire marshal and any officers, inspectors, or
13 investigators commissioned by an emergency services district under
14 Chapter 775, Health and Safety Code;

15 (34) officers commissioned by the State Board of
16 Dental Examiners under Section 254.013, Occupations Code, subject
17 to the limitations imposed by that section;

18 (35) investigators commissioned by the Texas Juvenile
19 Justice Department [~~Probation Commission~~] as officers under
20 Section 221.011 [~~141.055~~], Human Resources Code; and

21 (36) the fire marshal and any related officers,
22 inspectors, or investigators commissioned by a county under
23 Subchapter B, Chapter 352, Local Government Code.

24 SECTION 3.002. Section 5(d), Article 18.20, Code of
25 Criminal Procedure, is amended to read as follows:

26 (d) The Texas Juvenile Justice Department [~~Youth~~
27 ~~Commission~~] may own electronic, mechanical, or other devices for a

1 use or purpose authorized by Section 242.103 [~~61.0455~~], Human
2 Resources Code, and the inspector general of the Texas Juvenile
3 Justice Department [~~Youth Commission~~], a commissioned officer of
4 that office, or another person acting in the presence and under the
5 direction of a commissioned officer of that office may possess,
6 install, operate, or monitor those devices as provided by Section
7 242.103 [~~61.0455~~].

8 SECTION 3.003. Section 29.012(e), Education Code, is
9 amended to read as follows:

10 (e) This section does not apply to a residential treatment
11 facility for juveniles established under Section 221.056
12 [~~141.059~~], Human Resources Code.

13 SECTION 3.004. Section 51.13(c), Family Code, is amended to
14 read as follows:

15 (c) A child may not be committed or transferred to a penal
16 institution or other facility used primarily for the execution of
17 sentences of persons convicted of crime, except:

18 (1) for temporary detention in a jail or lockup
19 pending juvenile court hearing or disposition under conditions
20 meeting the requirements of Section 51.12 of this code;

21 (2) after transfer for prosecution in criminal court
22 under Section 54.02 of this code; or

23 (3) after transfer from the Texas Juvenile Justice
24 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],
25 Human Resources Code.

26 SECTION 3.005. Section 51.21(a), Family Code, is amended to
27 read as follows:

1 (a) A probation department that administers the mental
2 health screening instrument or clinical assessment required by
3 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the
4 child to the local mental health authority for assessment and
5 evaluation if:

6 (1) the child's scores on the screening instrument or
7 clinical assessment indicate a need for further mental health
8 assessment and evaluation; and

9 (2) the department and child do not have access to an
10 internal, contract, or private mental health professional.

11 SECTION 3.006. Section 53.045(d), Family Code, is amended
12 to read as follows:

13 (d) If the grand jury approves of the petition, the fact of
14 approval shall be certified to the juvenile court, and the
15 certification shall be entered in the record of the case. For the
16 purpose of the transfer of a child to the Texas Department of
17 Criminal Justice as provided by Section 245.151(c) [~~61.084(e)~~],
18 Human Resources Code, a juvenile court petition approved by a grand
19 jury under this section is an indictment presented by the grand
20 jury.

21 SECTION 3.007. Sections 54.11(a), (h), (i), and (j), Family
22 Code, are amended to read as follows:

23 (a) On receipt of a referral under Section 244.014(a)
24 [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas
25 Department of Criminal Justice of a person committed to the Texas
26 Juvenile Justice Department [~~Youth Commission~~] under Section
27 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by

1 the Texas Juvenile Justice Department [~~commission~~] under Section
2 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the
3 release under supervision of a person committed to the Texas
4 Juvenile Justice Department [~~commission~~] under Section
5 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and
6 place for a hearing on the release of the person.

7 (h) The hearing on a person who is referred for transfer
8 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall
9 be held not later than the 60th day after the date the court
10 receives the referral.

11 (i) On conclusion of the hearing on a person who is referred
12 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources
13 Code, the court may order:

14 (1) the return of the person to the Texas Juvenile
15 Justice Department [~~Youth Commission~~]; or

16 (2) the transfer of the person to the custody of the
17 Texas Department of Criminal Justice for the completion of the
18 person's sentence.

19 (j) On conclusion of the hearing on a person who is referred
20 for release under supervision under Section 245.051(c)
21 [~~61.081(f)~~], Human Resources Code, the court may order the return
22 of the person to the Texas Juvenile Justice Department [~~Youth~~
23 ~~Commission~~]:

24 (1) with approval for the release of the person under
25 supervision; or

26 (2) without approval for the release of the person
27 under supervision.

1 SECTION 3.008. Section 58.003(g-1), Family Code, is amended
2 to read as follows:

3 (g-1) Any records collected or maintained by the Texas
4 Juvenile Justice Department [~~Probation Commission~~], including
5 statistical data submitted under Section 221.007 [~~141.044~~], Human
6 Resources Code, are not subject to a sealing order issued under this
7 section.

8 SECTION 3.009. Section 58.0072(b), Family Code, is amended
9 to read as follows:

10 (b) Juvenile justice information consists of information of
11 the type described by Section 58.104, including statistical data in
12 any form or medium collected, maintained, or submitted to the Texas
13 Juvenile Justice Department [~~Probation Commission~~] under Section
14 221.007 [~~141.044~~], Human Resources Code.

15 SECTION 3.010. Section 41.310(b), Government Code, is
16 amended to read as follows:

17 (b) In addition to the duties prescribed by Subsection (a),
18 the counsellor shall on a quarterly basis provide the board of
19 directors and the standing committees of the senate and house of
20 representatives with primary jurisdiction over matters concerning
21 correctional facilities with a report concerning offenses or
22 delinquent conduct prosecuted by the unit on receiving a request
23 for assistance under Section 241.007 [~~61.098~~], Human Resources
24 Code, or a request for assistance otherwise from a prosecuting
25 attorney. A report under this subsection is public information
26 under Chapter 552, Government Code, and the board of directors
27 shall request that the commission publish the report on the

1 commission's Internet website. A report must be both aggregated
2 and disaggregated by individual facility and include information
3 relating to:

4 (1) the number of requests for assistance received
5 under Section 241.007 [~~61.098~~], Human Resources Code, and requests
6 for assistance otherwise received from prosecuting attorneys;

7 (2) the number of cases investigated and the number of
8 cases prosecuted;

9 (3) the types and outcomes of cases prosecuted, such
10 as whether the case concerned narcotics or an alleged incident of
11 sexual abuse; and

12 (4) the relationship of a victim to a perpetrator, if
13 applicable.

14 SECTION 3.011. Section 411.1141(a), Government Code, is
15 amended to read as follows:

16 (a) The Texas Juvenile Justice Department [~~Youth~~
17 ~~Commission~~] is entitled to obtain from the department criminal
18 history record information maintained by the department that
19 relates to a person described by Section 242.010(b) [~~61.0357(b)~~],
20 Human Resources Code.

21 SECTION 3.012. Section 493.017(d), Government Code, is
22 amended to read as follows:

23 (d) A sex offender correction program that provides
24 counseling sessions for a child who is released under supervision
25 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report
26 to the Texas Juvenile Justice Department [~~Youth Commission~~], not
27 later than the 15th day of each month, the following information

1 about the child:

2 (1) the total number of counseling sessions attended
3 by the child during the preceding month; and

4 (2) if during the preceding month the child terminates
5 participation in the program before completing counseling, the
6 reason for the child's termination of counseling or that the reason
7 for the termination of counseling is unknown.

8 SECTION 3.013. Section 499.053, Government Code, is amended
9 to read as follows:

10 Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE
11 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional~~
12 ~~division~~] shall accept persons transferred to the department
13 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
14 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

15 (b) A person transferred to the department [~~institutional~~
16 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
17 ~~Commission~~] is entitled to credit on the person's sentence for the
18 time served in the custody of the Texas Juvenile Justice Department
19 [~~youth commission~~].

20 (c) All laws relating to good conduct time and eligibility
21 for release on parole or mandatory supervision apply to a person
22 transferred to the department [~~institutional division~~] by the Texas
23 Juvenile Justice Department [~~youth commission~~] as if the time the
24 person was detained in a detention facility and the time the person
25 served in the custody of the Texas Juvenile Justice Department
26 [~~youth commission~~] was time served in the custody of the department
27 [~~division~~].

1 (d) A person transferred from the Texas Juvenile Justice
2 Department [~~Youth Commission~~] for the offense of capital murder
3 shall become eligible for parole as provided in Section 508.145(d)
4 for an offense listed in Section 3g, Article 42.12, Code of Criminal
5 Procedure, or an offense for which a deadly weapon finding has been
6 made.

7 SECTION 3.014. Section 508.156(a), Government Code, is
8 amended to read as follows:

9 (a) Before the release of a person who is transferred under
10 Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], Human
11 Resources Code, to the department [~~division~~] for release on parole,
12 a parole panel shall review the person's records and may interview
13 the person or any other person the panel considers necessary to
14 determine the conditions of parole. The panel may impose any
15 reasonable condition of parole on the person that the panel may
16 impose on an adult inmate under this chapter.

17 SECTION 3.015. Section 614.019(c), Health and Safety Code,
18 is amended to read as follows:

19 (c) A child with mental illness or mental retardation who is
20 discharged from the Texas Juvenile Justice Department [~~Youth~~
21 ~~Commission~~] under Section 244.011 [~~61.077~~], Human Resources Code,
22 may receive continuity of care services from the office for a
23 minimum of 90 days after discharge from the commission and for as
24 long as necessary for the child to demonstrate sufficient stability
25 to transition successfully to mental health or mental retardation
26 services provided by a local mental health or mental retardation
27 authority.

1 SECTION 3.016. Section 152.0007(b), Human Resources Code,
2 is amended to read as follows:

3 (b) The board may establish guidelines for the initial
4 assessment of a child by the juvenile probation department. The
5 guidelines shall provide a means for assessing a child's mental
6 health status, family background, and level of education. The
7 guidelines shall assist the probation department in determining
8 whether a comprehensive psychological evaluation of the child
9 should be conducted. The board shall require that probation
10 department personnel use assessment information compiled by the
11 child's school, if the information is available, before conducting
12 a comprehensive psychological evaluation of the child. The board
13 may adopt all or part of the Texas Juvenile Justice Department's
14 [~~Juvenile Probation Commission's~~] minimum standards for assessment
15 under Section 221.002 [~~141.042~~] in complying with this subsection.

16 SECTION 3.017. Section 152.0011, Human Resources Code, is
17 amended to read as follows:

18 Sec. 152.0011. LOCAL YOUTH BOOT CAMPS; CONTRACTS WITH
19 PRIVATE VENDORS. (a) The juvenile board or local juvenile
20 probation department may establish a youth boot camp and employ
21 necessary personnel to operate the camp.

22 (b) The juvenile board or local juvenile probation
23 department may contract with a private vendor for the financing,
24 construction, operation, maintenance, or management of a youth boot
25 camp [~~in the same manner as the state. The juvenile board may not~~
26 ~~award a contract under this subsection unless the board requests~~
27 ~~proposals and receives a proposal that meets or exceeds, in~~

1 ~~addition to requirements specified in the request for proposals,~~
2 ~~the requirements specified in Section 141.0434.~~

3 ~~[(c) A juvenile board youth boot camp must offer a program~~
4 ~~that complies with the requirements of the youth boot camps set~~
5 ~~forth in Section 141.0432].~~

6 (c) ~~[(d)]~~ If a juvenile board or its designee determines
7 that a child is not complying with the rules of conduct promulgated
8 by the board ~~[commission]~~ or is medically or psychologically
9 unsuitable for the program, the board shall terminate the child's
10 participation in the program and request the sentencing court to
11 reassume custody of the child.

12 SECTION 3.018. Section 152.0301(f), Human Resources Code,
13 is amended to read as follows:

14 (f) The juvenile board shall ensure that the chief juvenile
15 officer and fiscal officer:

16 (1) keep the financial and statistical records and
17 submit reports to the Texas Juvenile Justice Department ~~[Probation~~
18 ~~Commission]~~ as prescribed by Section 221.007 ~~[141.044]~~; and

19 (2) submit periodic financial and statistical reports
20 to the county commissioners court.

21 SECTION 3.019. Section 152.0791(g), Human Resources Code,
22 is amended to read as follows:

23 (g) The juvenile board shall ensure that the chief juvenile
24 officer and fiscal officer:

25 (1) keep the financial and statistical records and
26 submit reports to the Texas Juvenile Justice Department ~~[Probation~~
27 ~~Commission]~~ as prescribed by Section 221.007 ~~[141.044]~~; and

1 (2) submit periodic financial and statistical reports
2 to the commissioners courts.

3 SECTION 3.020. Section 152.1371(f), Human Resources Code,
4 is amended to read as follows:

5 (f) The juvenile board shall ensure that the chief juvenile
6 officer and fiscal officer:

7 (1) keep the financial and statistical records and
8 submit reports to the Texas Juvenile Justice Department [~~Probation~~
9 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

10 (2) submit periodic financial and statistical reports
11 to the county commissioners court.

12 SECTION 3.021. Section 152.1431(f), Human Resources Code,
13 is amended to read as follows:

14 (f) The juvenile board shall ensure that the chief juvenile
15 officer and fiscal officer:

16 (1) keep the financial and statistical records and
17 submit reports to the Texas Juvenile Justice Department [~~Probation~~
18 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

19 (2) submit periodic financial and statistical reports
20 to the county commissioners court.

21 SECTION 3.022. Section 152.2511(f), Human Resources Code,
22 is amended to read as follows:

23 (f) The juvenile board shall ensure that the chief juvenile
24 officer and fiscal officer:

25 (1) keep the financial and statistical records and
26 submit reports to the Texas Juvenile Justice Department [~~Probation~~
27 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

1 (2) submit periodic financial and statistical reports
2 to the county commissioners court.

3 SECTION 3.023. Section 16.02(e-1), Penal Code, is amended
4 to read as follows:

5 (e-1) It is a defense to prosecution under Subsection (d)(1)
6 that the electronic, mechanical, or other device is possessed by a
7 person authorized to possess the device under Section 500.008,
8 Government Code, or Section 242.103 [~~61.0455~~], Human Resources
9 Code.

10 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

11 SECTION 4.001. (a) Effective December 1, 2011, Subchapters
12 A, B, and H, Chapter 61, Human Resources Code, and Subchapters A and
13 B, Chapter 141, Human Resources Code, are repealed.

14 (b) Effective December 1, 2011, the Texas Youth Commission
15 and the Texas Juvenile Probation Commission are abolished and the
16 powers and duties of those agencies are transferred to the Texas
17 Juvenile Justice Board and the Texas Juvenile Justice Department in
18 accordance with Title 12, Human Resources Code, as added by this
19 Act.

20 SECTION 4.002. (a) Not later than December 1, 2011, the
21 governor shall appoint the initial members of the Texas Juvenile
22 Justice Board under Section 202.001, Human Resources Code, as added
23 by this Act. The governor shall appoint:

- 24 (1) four members whose terms expire February 1, 2013;
25 (2) four members whose terms expire February 1, 2015;
26 and
27 (3) three members whose terms expire February 1, 2017.

1 (b) The initial members of the Advisory Council on Juvenile
2 Services shall be appointed as provided by Section 203.0081, Human
3 Resources Code, as added by this Act, not later than December 1,
4 2011. At the first advisory council meeting, the members, other
5 than the ex officio members, shall draw lots to determine the length
6 of each member's initial term and which members' terms expire each
7 year.

8 SECTION 4.003. (a) All money, records, property, and
9 equipment in the possession of the Texas Youth Commission or the
10 Texas Juvenile Probation Commission on December 1, 2011, shall be
11 transferred to the possession of the Texas Juvenile Justice
12 Department on December 1, 2011, or as soon as possible after that
13 date.

14 (b) Effective December 1, 2011, a rule adopted by the Texas
15 Youth Commission or the Texas Juvenile Probation Commission is a
16 rule of the Texas Juvenile Justice Department until and unless the
17 Texas Juvenile Justice Board amends or repeals the rule.

18 (c) Effective December 1, 2011, a memorandum of
19 understanding entered into by the Texas Youth Commission or the
20 Texas Juvenile Probation Commission is binding against the Texas
21 Juvenile Justice Department to the same extent that the memorandum
22 bound the agency that entered into the memorandum of understanding,
23 until and unless the department enters into a new memorandum of
24 understanding that modifies the department's responsibilities.

25 SECTION 4.004. As soon as practicable after September 1,
26 2011, the Texas Juvenile Justice Department shall establish the
27 toll-free number for complaints, as required under Section 203.014,

1 Human Resources Code, as added by this Act.

2 SECTION 4.005. Unless another provision of this Act
3 specifically provides otherwise, the Texas Youth Commission and the
4 Texas Juvenile Probation Commission, as applicable, shall
5 implement each change in law made by this Act, including adopting
6 any necessary or required rule, not later than December 1, 2011.

7 SECTION 4.006. (a) The validity of a disposition of a child
8 under Title 3, Family Code, made before, on, or after the effective
9 date of this Act is not affected solely because:

10 (1) the terms of the disposition refer to the Texas
11 Youth Commission or the Texas Juvenile Probation Commission; and

12 (2) during the time for which the disposition is in
13 effect, the Texas Youth Commission and the Texas Juvenile Probation
14 Commission cease to exist and their powers and duties are
15 transferred, as provided by this Act, to the Texas Juvenile Justice
16 Department.

17 (b) The action of a juvenile probation department taken in
18 relation to a child before, on, or after the effective date of this
19 Act is not affected solely because:

20 (1) the terms of the action refer to the Texas Youth
21 Commission or the Texas Juvenile Probation Commission; and

22 (2) during the time for which the action is in effect,
23 the Texas Youth Commission and the Texas Juvenile Probation
24 Commission cease to exist and their powers and duties are
25 transferred, as provided by this Act, to the Texas Juvenile Justice
26 Department.

27 (c) The changes in law made by this Act to Title 3, Family

1 Code, are not substantive in nature and apply to conduct by a child
2 that occurs before, on, or after the effective date of this Act.

3 (d) The disposition of an individual 10 years of age or
4 older and under 21 years of age who was committed to the Texas Youth
5 Commission under Title 3, Family Code, before June 8, 2007, is not
6 affected by Section 201.001(a)(2), Human Resources Code, as added
7 by this Act.

8 SECTION 4.007. (a) This section applies only to a closed
9 facility on real property owned by the Texas Youth Commission or the
10 Texas Juvenile Justice Department that is located wholly or partly
11 in a county that has a population of less than 100,000.

12 (b) The Texas Youth Commission or the Texas Juvenile Justice
13 Department may transfer a closed facility to the county or
14 municipality in which the facility is located.

15 (c) The consideration for the transfer authorized by
16 Subsection (b) of this section is the requirement that the county or
17 municipality use the property transferred only for a purpose that
18 benefits the public interest of the state. If the county or
19 municipality no longer uses the property for a public purpose,
20 ownership of the property automatically reverts to the Texas
21 Juvenile Justice Department.

22 (d) The Texas Youth Commission or the Texas Juvenile Justice
23 Department shall transfer the property by an appropriate instrument
24 of transfer, executed on the agency's behalf by the commissioner of
25 the General Land Office. The instrument of transfer must:

26 (1) provide that:

27 (A) the transferee shall use the property only

1 for a purpose that benefits the public interest of the state; and

2 (B) ownership of the property will automatically
3 revert to the Texas Juvenile Justice Department if the transferee
4 uses the property for any purpose other than a purpose that benefits
5 the interest of the state;

6 (2) describe the property to be transferred by metes
7 and bounds; and

8 (3) exclude from the transfer all mineral interests in
9 and under the property and prohibit any exploration, drilling, or
10 other similar intrusion on the property related to mineral
11 interests.

12 (e) The Texas Juvenile Justice Department shall retain
13 custody of the instrument of transfer after the instrument of
14 transfer is filed in the real property records of the county in
15 which the property is located.

16 (f) This section expires September 1, 2017.

17 SECTION 4.008. This Act takes effect September 1, 2011.