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S.B. No. 653

A BILL TO BE ENTITLED

AN ACT

1  
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 for the Texas Youth Commission.

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 with a heading 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 10 years of age or  
21 older and under 19 years of age who is committed to a secure  
22 post-adjudication facility operated by the department under  
23 Subtitle C.

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

1           (4) "Department" means the Texas Juvenile Justice  
2 Department.

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

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

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

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

12           (1) in Subtitle B means the Texas Juvenile Probation  
13 Commission;

14           (2) in Subtitle C means the Texas Youth Commission;  
15 and

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

19           (a-2) This subsection and Subsection (a-1) expire September  
20 1, 2012.

21           (b) Effective September 1, 2012, a reference in other law  
22 to:

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

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

1                   CHAPTER 201A. TEMPORARY PROVISIONS

2                   SUBCHAPTER A. TRANSITION TEAM

3           Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING  
4 OFFICER. (a) The juvenile justice services and facilities  
5 transition team is composed of the following 11 members appointed  
6 by the governor:

7                   (1) a representative of the governor;

8                   (2) the executive director of the Texas Juvenile  
9 Probation Commission;

10                   (3) the executive director of the Texas Youth  
11 Commission;

12                   (4) a representative of the lieutenant governor,  
13 chosen from a list submitted to the governor by the lieutenant  
14 governor;

15                   (5) a representative of the speaker of the house of  
16 representatives, chosen from a list submitted to the governor by  
17 the speaker;

18                   (6) one member who represents the interests of a  
19 juvenile probation department that serves a county with a small  
20 population;

21                   (7) one member who represents the interests of a  
22 juvenile probation department that serves a county with a medium  
23 population;

24                   (8) one member who represents the interests of a  
25 juvenile probation department that serves a county with a large  
26 population;

27                   (9) one member who represents the interests of

1 juvenile offenders or the families of juvenile offenders;

2 (10) one member who represents an organization that  
3 advocates on behalf of juvenile offenders or the families of  
4 juvenile offenders; and

5 (11) one member who represents an organization that  
6 advocates on behalf of the victims of delinquent or criminal  
7 conduct.

8 (b) The governor shall make the appointments required by  
9 Subsection (a) as soon as possible after September 1, 2011.

10 (c) The transition team member who is appointed under  
11 Subsection (a)(1) serves as the presiding officer of the transition  
12 team.

13 (d) The transition team members appointed under Subsections  
14 (a)(2) and (3) remain on the transition team after August 31, 2012,  
15 regardless of the abolition of the agencies named in those  
16 subdivisions.

17 Sec. 201A.002. POWERS AND DUTIES. (a) After September 1,  
18 2011, and before September 1, 2012, the transition team shall  
19 coordinate and oversee the transition of services and facilities  
20 from the Texas Juvenile Probation Commission and the Texas Youth  
21 Commission to the Texas Juvenile Justice Department.

22 (b) After August 31, 2012, and before December 31, 2012, the  
23 transition team shall assist the Texas Juvenile Justice Department  
24 in implementing the transition of services and facilities from the  
25 Texas Juvenile Probation Commission and the Texas Youth Commission  
26 to the Texas Juvenile Justice Department.

27 Sec. 201A.003. ASSISTANCE. The following state agencies

1 shall, on request, assist the transition team with the following  
2 matters:

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

6 (2) the Department of Information Resources, with the  
7 technological needs of the department;

8 (3) the office of the attorney general, with legal  
9 matters concerning the transition of services and facilities from  
10 the Texas Juvenile Probation Commission and the Texas Youth  
11 Commission to the Texas Juvenile Justice Department;

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

14 (5) the Texas Facilities Commission, with assistance  
15 in efficiently using the office space in which the administrative  
16 offices of the Texas Juvenile Probation Commission and the Texas  
17 Youth Commission are located and, if necessary, locating additional  
18 office space for the administrative offices of the department.

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

20 SUBCHAPTER B. EXPIRATION

21 Sec. 201A.051. EXPIRATION. This chapter expires December  
22 31, 2012.

23 CHAPTER 202. ADMINISTRATIVE PROVISIONS

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

27 (1) four members who are juvenile court judges or

1 county commissioners;

2 (2) one prosecutor in juvenile court;

3 (3) one chief juvenile probation officer of a juvenile  
4 probation department serving a county with a small population;

5 (4) one chief juvenile probation officer of a juvenile  
6 probation department serving a county with a medium population;

7 (5) one chief juvenile probation officer of a juvenile  
8 probation department serving a county with a large population;

9 (6) one treatment professional, who may be a mental  
10 health treatment professional;

11 (7) one educator, as that term is defined by Section  
12 5.001, Education Code;

13 (8) one member who represents an organization that  
14 advocates on behalf of juvenile offenders or victims of delinquent  
15 or criminal conduct; and

16 (9) two members of the general public.

17 (b) Members serve staggered six-year terms, with the terms  
18 of four or five members expiring on February 1 of each odd-numbered  
19 year.

20 (c) The governor shall designate a member of the board as  
21 the presiding officer of the board to serve in that capacity at the  
22 pleasure of the governor.

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

26 Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND  
27 DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of

1 the board if the person or the person's spouse:

2 (1) is registered, certified, or licensed by a  
3 regulatory agency in the field of criminal or juvenile justice;

4 (2) is employed by or participates in the management  
5 of a business entity or other organization regulated by or  
6 receiving money from the department;

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

10 or

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

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

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

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

27 (c) A person may not be a board member or act as the general

1 counsel to the board or the department if the person is required to  
2 register as a lobbyist under Chapter 305, Government Code, because  
3 of the person's activities for compensation on behalf of a  
4 profession related to the operation of the department.

5 (d) In this section, "Texas trade association" means a  
6 cooperative and voluntarily joined statewide association of  
7 business or professional competitors in this state designed to  
8 assist its members and its industry or profession in dealing with  
9 mutual business or professional problems and in promoting their  
10 common interest.

11 Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

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

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

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

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

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

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

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

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

27 (3) is ineligible for membership under Section



1 202.002;

2 (4) cannot, because of illness or disability,  
3 discharge the member's duties for a substantial part of the term; or  
4 (5) is absent from more than half of the regularly  
5 scheduled board meetings that the member is eligible to attend  
6 during a calendar year unless the absence is excused by majority  
7 vote of the board.

8 (b) The validity of an action of the board is not affected by  
9 the fact that the action is taken when a ground for removal of a  
10 board member exists.

11 (c) If the executive director has knowledge that a potential  
12 ground for removal exists, the executive director shall notify the  
13 presiding officer of the board of the potential ground. The  
14 presiding officer shall then notify the governor and the attorney  
15 general that a potential ground for removal exists. If the  
16 potential ground for removal involves the presiding officer, the  
17 executive director shall notify the next highest ranking officer of  
18 the board, who shall then notify the governor and the attorney  
19 general that a potential ground for removal exists.

20 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile  
21 probation officer who is a board member shall avoid the appearance  
22 of a conflict of interest by not voting or participating in any  
23 decision by the board that directly benefits or penalizes or  
24 otherwise directly impacts the juvenile probation department over  
25 which the chief juvenile probation officer has authority.

26 (b) The board may adopt recusal requirements in addition to  
27 those described by Subsection (a), including requirements that are

1 more restrictive than those described by Subsection (a).

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

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

9 (1) the legislation that created the department;

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

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

14 (4) the requirements of laws relating to open  
15 meetings, public information, administrative procedure, and  
16 conflicts of interest; and

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

19 (c) A person appointed to the board is entitled to  
20 reimbursement, as provided by the General Appropriations Act, for  
21 the travel expenses incurred in attending the training program  
22 regardless of whether the attendance at the program occurs before  
23 or after the person qualifies for office.

24 Sec. 202.007. REIMBURSEMENT. A board member is not  
25 entitled to compensation for service on the board but is entitled to  
26 reimbursement for actual and necessary expenses incurred in  
27 performing official duties as a board member.

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

4       (b) The board shall adopt rules regulating the board's  
5 proceedings.

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

8       (d) The board shall develop and implement policies that  
9 provide the public with a reasonable opportunity to appear before  
10 the board and to speak on any issue under the jurisdiction of the  
11 department.

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

15       (b) The state auditor, on request of the office of inspector  
16 general, may provide information or other assistance to the office  
17 of inspector general that the state auditor determines is  
18 appropriate. The office of inspector general may coordinate with  
19 the state auditor to review or schedule a plan for an investigation  
20 under Subchapter C, Chapter 242, or share other information.

21       (c) The state auditor may access all information maintained  
22 by the office of inspector general, such as vouchers, electronic  
23 data, and internal records, including information that is otherwise  
24 confidential under law. Information obtained by the state auditor  
25 under this subsection is confidential and is not subject to  
26 disclosure under Chapter 552, Government Code.

27       (d) Any provision of this title relating to the operations

1 of the office of inspector general does not:

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

4 (2) prohibit the state auditor from:

5 (A) conducting an audit, investigation, or other  
6 review; or

7 (B) having full and complete access to all  
8 records and other information concerning the department, including  
9 any witness statement or electronic data, that the state auditor  
10 considers necessary for the audit, investigation, or review.

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

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

17 Sec. 203.001. CONTROL OVER DEPARTMENT; PRIORITIZATION OF  
18 SERVICES. (a) The board is the governing body of the department  
19 and is responsible for the operations of the department.

20 (b) The board shall develop and implement policies that  
21 clearly separate the policymaking responsibilities of the board and  
22 the management responsibilities of the executive director and the  
23 staff of the department.

24 (c) A mission of the department is to achieve the goal of  
25 prioritizing the use of probation services for juveniles over the  
26 commitment of juveniles to state facilities. The board shall  
27 develop and implement policies that prioritize the provision of:

1           (1) probation services under Subtitle B over  
2 commitment under Subtitle C; and

3           (2) funding and assistance to juvenile probation  
4 departments operated in accordance with Chapter 142.

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

6           (1) employ an executive director to administer the  
7 department; and

8           (2) supervise the director's administration of the  
9 department.

10          Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

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

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

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

19                 (1) negotiated rulemaking procedures under Chapter  
20 2008, Government Code, for the adoption of department rules; and

21                 (2) appropriate alternative dispute resolution  
22 procedures under Chapter 2009, Government Code, to assist in the  
23 resolution of internal and external disputes under the department's  
24 jurisdiction.

25                 (b) The department's procedures relating to alternative  
26 dispute resolution must conform, to the extent possible, to any  
27 model guidelines issued by the State Office of Administrative

1 Hearings for the use of alternative dispute resolution by state  
2 agencies.

3 (c) The department shall:

4 (1) coordinate the implementation of the policy  
5 adopted under Subsection (a);

6 (2) provide training as needed to implement the  
7 procedures for negotiated rulemaking or alternative dispute  
8 resolution; and

9 (3) collect data concerning the effectiveness of those  
10 procedures.

11 Sec. 203.005. GIFTS AND GRANTS. (a) The department may  
12 apply for and accept gifts and grants from any public or private  
13 source to use in maintaining and improving services provided under  
14 this title.

15 (b) The department shall deposit money received under this  
16 section in the state treasury. The department may use the money  
17 only to make payments of state aid under Subtitle B and to  
18 administer this title.

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

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

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

25 (3) provide technical assistance to counties relating  
26 to eligibility for Medicaid benefits; and

27 (4) monitor the extent to which counties make use of

1 Medicaid benefits.

2 Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The  
3 department may conduct or participate in studies relating to  
4 corrections methods and systems and to treatment and therapy  
5 programs at the governor's request or on the department's own  
6 initiative.

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

12 (c) The department shall keep records relating to juveniles  
13 within the juvenile justice system that participate in research  
14 programs or studies.

15 (d) The records must show, for each calendar quarter and for  
16 each calendar year:

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

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

21 (3) the name of the principal investigator conducting  
22 the research program or study; and

23 (4) the entity sponsoring the research program or  
24 study.

25 (e) The department shall submit a report that contains the  
26 information in the records kept under Subsection (d) on or before  
27 the 15th day after the last day of the appropriate reporting period

1 to the:

2 (1) governor;

3 (2) lieutenant governor;

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

5 (4) members of the senate and house of  
6 representatives.

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

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

13 (b) The department may issue a subpoena requiring the  
14 attendance of a witness or the production of evidence that the  
15 department considers necessary for the investigation of:

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

17 (2) complaints;

18 (3) financial and programmatic audits of juvenile  
19 probation programs, services, and facilities, including juvenile  
20 justice alternative education programs; or

21 (4) any other matter under the authority of the  
22 department, including a determination of treatment under Section  
23 244.005.

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

26 (1) the presiding officer of the board or, if the  
27 presiding officer is unavailable, the presiding officer's



1 designee; and

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

4 (d) Any peace officer, department investigator, other  
5 department official, or person authorized under Article 24.01, Code  
6 of Criminal Procedure, may serve the subpoena in the same manner  
7 that similar process in a court of record having original  
8 jurisdiction of criminal actions is served.

9 (e) A subpoena under this section shall be served and  
10 witness fees and mileage paid as in civil cases in the district  
11 court in the county to which the witness is called, unless the  
12 proceeding for which the service or payment is made is under Chapter  
13 2001, Government Code, in which case the service or payment shall be  
14 made as provided in that chapter. Witnesses subpoenaed at the  
15 instance of the department shall be paid their fees and mileage by  
16 the department out of funds appropriated for that purpose.

17 (f) On application of the department, a court of record  
18 having original jurisdiction of criminal actions may compel the  
19 attendance of a witness, the production of material, or the giving  
20 of testimony before the department, by an attachment for contempt  
21 or in the same manner as the court may otherwise compel the  
22 production of evidence.

23 (g) The presiding officer or a member of the board may  
24 administer an oath to a witness in attendance before the department  
25 or before an authorized representative of the department.

26 (h) If a witness in attendance before the department or  
27 before an authorized representative refuses without reasonable

1 cause to be examined or answer a legal or pertinent question, or to  
2 produce evidence when ordered by the department, the department may  
3 apply to the district court for a rule or order returnable in not  
4 less than two or in more than five days, directing the witness to  
5 show cause before the judge why the witness should not be punished  
6 for contempt. The department may apply to the district court of any  
7 county where the witness is in attendance, on proof by affidavit of  
8 the fact, unless the order of contempt is sought under Chapter 2001,  
9 Government Code, in which case the department shall apply to a  
10 district court of Travis County, as provided by that chapter. On  
11 return of the order, the judge hearing the matter shall examine the  
12 witness under oath and the witness shall be given an opportunity to  
13 be heard. If the judge determines that the witness has refused,  
14 without reasonable cause or legal excuse, to be examined or answer a  
15 legal or pertinent question, or to produce evidence that the  
16 witness was ordered to bring or produce, the judge may immediately  
17 find the witness in contempt of court.

18 (i) The department shall be granted access at any reasonable  
19 time to any evidence that is related to any matter the department or  
20 executive director considers necessary to administer the  
21 department's functions, powers, and duties.

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

- 24 (1) two juvenile court judges, appointed by the board;  
25 (2) three juvenile probation officers, appointed by  
26 the board;  
27 (3) two citizens who are knowledgeable of juvenile

1 services, appointed by the board;

2 (4) the executive director of the department or the  
3 executive director's designee;

4 (5) the commissioner of education or the  
5 commissioner's designee; and

6 (6) the commissioner of human services or the  
7 commissioner's designee.

8 (b) The advisory council shall report any determinations  
9 made under Subsection (c) to the members of the board appointed  
10 under Section 202.001.

11 (c) The advisory council shall determine the needs and  
12 problems of county juvenile boards and departments and shall assist  
13 the department in long-range planning.

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

17 (1) are reasonable and necessary;

18 (2) produce revenue sufficient for the administration  
19 of this chapter; and

20 (3) do not produce unnecessary revenue.

21 Sec. 203.0083. ANNUAL REPORTS. (a) The department shall  
22 report annually to the governor and the legislature on the  
23 department's operations and the condition of probation services in  
24 the state during the previous year. The report:

25 (1) may include recommendations; and

26 (2) must include:

27 (A) an evaluation of the effectiveness of the

1 community-based programs operated under Section 54.0401, Family  
2 Code; and

3 (B) information comparing the cost of a child  
4 participating in a program described by Paragraph (A) with the cost  
5 of committing the child to the department.

6 (b) The department shall file annually with the governor and  
7 the presiding officer of each house of the legislature a complete  
8 and detailed written report accounting for all funds received and  
9 disbursed by the department during the preceding fiscal year. The  
10 annual report must be in the form and be submitted by the time  
11 provided by the General Appropriations Act.

12 Sec. 203.009. PUBLIC INTEREST INFORMATION. The department  
13 shall prepare information of public interest describing the  
14 functions of the department and describing the procedures by which  
15 complaints are filed with and resolved by the department. The  
16 department shall make the information available to the general  
17 public and appropriate state agencies.

18 Sec. 203.010. DEPARTMENT COMPLAINTS. (a) The department  
19 shall maintain a system to promptly and efficiently act on  
20 complaints filed with the department, other than complaints  
21 received under Section 221.010. The department shall maintain  
22 information about parties to the complaint, the subject matter of  
23 the complaint, a summary of the results of the review or  
24 investigation of the complaint, and its disposition.

25 (b) The department shall make information available  
26 describing its procedures for complaint investigation and  
27 resolution.

1        (c) The department shall periodically notify the complaint  
2 parties of the status of the complaint until final disposition.

3        Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.  
4 A juvenile probation department that is aggrieved by a decision of  
5 the executive director may appeal the executive director's decision  
6 to the board. The decision of the board is final and cannot be  
7 appealed.

8        SECTION 1.003. Title 12, Human Resources Code, as added by  
9 this Act, is amended by adding Subtitle B with a heading to read as  
10 follows:

11        SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

12        SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human  
13 Resources Code, are transferred to Subtitle B, Title 12, Human  
14 Resources Code, as added by this Act, redesignated as Chapters 221,  
15 222, and 223, respectively, and amended to read as follows:

16        CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE

17                BOARDS AND JUVENILE PROBATION DEPARTMENTS

18        SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND~~  
19                                ~~DUTIES OF COMMISSION~~]

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

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

1           Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE  
2 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND  
3 FACILITIES.   (a)    The department [~~commission~~] shall adopt  
4 reasonable rules that provide:

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

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

11                   (3) appropriate educational, preservice and  
12 in-service training, and certification standards for probation and  
13 detention officers or court-supervised community-based program  
14 personnel;

15                   (4) subject to Subsection (d), minimum standards for  
16 public and private juvenile pre-adjudication secure detention  
17 facilities, public juvenile post-adjudication secure correctional  
18 facilities that are operated under the authority of a juvenile  
19 board or governmental unit, private juvenile post-adjudication  
20 secure correctional facilities operated under a contract with a  
21 governmental unit, except those facilities exempt from  
22 certification by Section 42.052(g), and nonsecure correctional  
23 facilities operated by or under contract with a governmental unit;  
24 and

25                   (5) minimum standards for juvenile justice  
26 alternative education programs created under Section 37.011,  
27 Education Code, in collaboration and conjunction with the Texas

1 Education Agency, or its designee.

2 (b) In adopting the rules, the department [~~commission~~]  
3 shall consider local information and evidence gathered through  
4 public review and comment.

5 (c) The department [~~commission~~] shall operate a statewide  
6 registry for all public and private juvenile pre-adjudication  
7 secure detention facilities and all public and private juvenile  
8 post-adjudication secure correctional facilities [~~except a~~  
9 ~~facility operated or certified by the Texas Youth Commission~~].

10 (d) In adopting rules under Subsection (a)(4), the  
11 department [~~commission~~] shall ensure that the minimum standards for  
12 facilities described by Subsection (a)(4) are designed to ensure  
13 that juveniles confined in those facilities are provided the  
14 rights, benefits, responsibilities, and privileges to which a  
15 juvenile is entitled under the United States Constitution, federal  
16 law, and the constitution and laws of this state. The minimum  
17 standards must include a humane physical and psychological  
18 environment, safe conditions of confinement, protection from harm,  
19 adequate rehabilitation and education, adequate medical and mental  
20 health treatment, and due process of law.

21 (e) A juvenile board that does not accept state aid funding  
22 from the department under Section 223.001 shall report to the  
23 department each month on a form provided by the department the same  
24 data as that required of counties accepting state aid funding  
25 regarding juvenile justice activities under the jurisdiction of the  
26 juvenile board. If the department makes available free software to  
27 a juvenile board for the automation and tracking of juveniles under

1 the jurisdiction of the juvenile board, the department may require  
2 the monthly report to be provided in an electronic format adopted by  
3 rule by the department.

4 Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING  
5 INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY  
6 OF STATEMENTS. (a) The department by rule shall require juvenile  
7 [~~(e)~~ Juvenile] probation departments to [~~shall~~] use the mental  
8 health screening instrument selected by the department  
9 [~~commission~~] for the initial screening of children under the  
10 jurisdiction of probation departments who have been formally  
11 referred to a juvenile probation [~~the~~] department. The department  
12 [~~commission~~] shall give priority to training in the use of this  
13 instrument in any preservice or in-service training that the  
14 department [~~commission~~] provides for probation officers. The rules  
15 adopted by the department under this section must allow a [A]  
16 clinical assessment by a licensed mental health professional to  
17 [~~may~~] be substituted for the mental health screening instrument  
18 selected by the department [~~commission~~] if the clinical assessment  
19 is performed in the time prescribed by the department [~~commission~~].

20 (b) [~~(f)~~] A juvenile probation department must, before the  
21 disposition of a child's case and using a validated risk and needs  
22 assessment instrument or process provided or approved by the  
23 department [~~commission~~], complete a risk and needs assessment for  
24 each child under the jurisdiction of the juvenile probation  
25 department.

26 (c) [~~(g)~~] Any statement made by a child and any mental  
27 health data obtained from the child during the administration of



1 the mental health screening instrument under this section is not  
2 admissible against the child at any other hearing. The person  
3 administering the mental health screening instrument shall inform  
4 the child that any statement made by the child and any mental health  
5 data obtained from the child during the administration of the  
6 instrument is not admissible against the child at any other  
7 hearing.

8 ~~(d) [(h) A juvenile board that does not accept state aid  
9 funding from the commission under Section 141.081 shall report to  
10 the commission each month on a form provided by the commission the  
11 same data as that required of counties accepting state aid funding  
12 regarding juvenile justice activities under the jurisdiction of the  
13 juvenile board. If the commission makes available free software to  
14 the juvenile board for the automation and tracking of juveniles  
15 under the jurisdiction of the juvenile board, the commission may  
16 require the monthly report to be provided in an electronic format  
17 adopted by the commission.]~~

18 [(i)] A juvenile probation department shall report data  
19 from the use of the screening instrument or clinical assessment  
20 under Subsection (a) [(e)] and the risk and needs assessment under  
21 Subsection (b) [(f)] to the department [commission] in the format  
22 and at the time prescribed by the department [commission].

23 (e) [(j)] The department [commission] shall adopt rules to  
24 ensure that youth in the juvenile justice system are assessed using  
25 the screening instrument or clinical assessment under Subsection  
26 (a) [(e)] and the risk and needs assessment under Subsection (b)  
27 [(f)].

1           Sec. 221.004 [~~141.0421~~]. STANDARDS RELATING TO LOCAL  
2 PROBATION DEPARTMENTS. (a) The department [~~commission~~] shall  
3 adopt rules that provide:

4           (1) standards for the collection and reporting of  
5 information about juvenile offenders by local probation  
6 departments;

7           (2) performance measures to determine the  
8 effectiveness of probation services provided by local probation  
9 departments; and

10           (3) case management standards for all probation  
11 services provided by local probation departments.

12           (b) The department [~~commission~~] shall monitor local  
13 probation departments for compliance with the standards and  
14 measures that the department [~~commission~~] adopts.

15           (c) The department [~~commission~~] shall provide technical  
16 assistance to local probation departments to aid compliance with  
17 the standards and measures that the department [~~commission~~] adopts.

18           Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL  
19 AUTHORITIES. The department [~~commission~~] shall provide  
20 educational training and technical assistance to counties,  
21 juvenile boards, and probation offices to:

22           (1) promote compliance with the standards required  
23 under this chapter; and

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

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

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

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

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

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

11 (2) submit periodic financial, programmatic, and  
12 statistical reports to the department [~~commission~~] as required by  
13 the department [~~commission~~] and in the format specified by the  
14 department [~~commission~~], including electronic submission.

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 department'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. 221.009 [~~141.047~~]. INTERAGENCY AND INTERGOVERNMENTAL  
17 COOPERATION. (a) To improve probation services, the department  
18 [~~commission~~] may 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.

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

- 1 (1) discuss mutual problems;
- 2 (2) resolve conflicts in providing services to  
3 juveniles; and
- 4 (3) make recommendations to the governor and  
5 legislature.

6 Sec. 221.0095 [~~141.0471~~]. COORDINATED STRATEGIC PLANNING  
7 COMMITTEE. (a) The [~~director and the~~] executive director [~~of the~~  
8 ~~Texas Youth Commission~~] shall [~~jointly~~] appoint a strategic  
9 planning committee to biennially develop a coordinated strategic  
10 plan [~~which shall guide, but not substitute for, the strategic~~  
11 ~~plans developed individually by the agencies. The director and the~~  
12 ~~executive director of the Texas Youth Commission are co-presiding~~  
13 ~~officers of the strategic planning committee~~].

14 (b) The executive director shall appoint eight [~~four~~]  
15 members to the strategic planning committee. The executive  
16 director shall appoint at least:

17 (1) one committee member who represents the interests  
18 of families of juvenile offenders;

19 (2) one committee member who represents the interests  
20 of local juvenile probation departments; [~~and~~]

21 (3) one committee member who is a mental health  
22 treatment professional licensed under Subtitle B or I, Title 3,  
23 Occupations Code; [~~-~~]

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

27 [~~(1)~~] one committee member who represents the

1 interests of juvenile offenders;

2           (5) [~~4~~] one committee member who represents the  
3 interests of the victims of delinquent or criminal conduct; and

4           (6) [~~3~~] one committee member who is an educator as  
5 defined by Section 5.001, Education Code.

6           Sec. 221.0096 [~~141.0472~~]. COORDINATED STRATEGIC PLAN;  
7 ADOPTION OF PLAN. (a) The coordinated strategic plan developed by  
8 the strategic planning committee under Section 221.0095 [~~141.0471~~]  
9 must:

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

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

13           (3) estimate population projections, including  
14 projections of population characteristics;

15           (4) estimate short-term and long-term capacity,  
16 programmatic, and funding needs;

17           (5) describe intensive service and surveillance  
18 parole pilot programs to be jointly developed;

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

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

26           (8) identify interagency [~~cross-agency~~] outcome  
27 measures by which to evaluate the effectiveness of services



1 provided to youth in the juvenile justice system [~~the system~~  
2 ~~generally~~];

3 (9) include a plan of implementation for the  
4 development of common data sources and data sharing among the  
5 department [~~commission~~], juvenile probation departments, [~~the~~  
6 ~~Texas Youth Commission~~], the Department of Family and Protective  
7 Services, the Department of State Health Services, the Health and  
8 Human Services Commission, the Texas Education Agency, and other  
9 state agencies that serve youth in the juvenile justice system;

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

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

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

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

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

1 for improving outcomes for youth.

2 (c) The board [~~governing boards of the commission and the~~  
3 ~~Texas Youth Commission~~] shall review and adopt the coordinated  
4 strategic plan on or before December 1st of each odd-numbered  
5 year [~~, or before the adoption of the agency's individual strategic~~  
6 ~~plan, whichever is earlier~~].

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

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

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

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

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

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

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

27 [~~(4) the entity sponsoring the research program or~~

1 study.

2 [~~(c) The commission shall submit a report that contains the~~  
3 ~~information in the records kept under Subsection (b) on or before~~  
4 ~~the 15th day after the last day of the appropriate reporting period~~  
5 ~~to the:~~

6 [~~(1) governor;~~

7 [~~(2) lieutenant governor;~~

8 [~~(3) speaker of the house of representatives; and~~

9 [~~(4) members of the senate and house of~~  
10 ~~representatives.~~

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

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

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

26 (c) The department [~~commission~~] shall investigate the  
27 allegations in the complaint and make a determination of whether

1 there has been a violation of the department's [~~commission's~~] rules  
2 relating to juvenile probation programs, services, or facilities.

3 (d) The department shall handle and dispose of complaints  
4 received under this section in the manner described by Section  
5 203.010 [~~If a written complaint is filed with the commission~~  
6 ~~relating to a juvenile board funded by the commission, the~~  
7 ~~commission shall periodically notify the complainant and the~~  
8 ~~juvenile board of the status of the complaint until final~~  
9 ~~disposition, unless notice would jeopardize an undercover~~  
10 ~~investigation~~].

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

16 (b) Peace officers employed and commissioned under  
17 Subsection (a) must be certified by the Commission on Law  
18 Enforcement Officer Standards and Education under Chapter 1701,  
19 Occupations Code.

20 [Sections 221.012-221.050 reserved for expansion]

21 SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

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

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

27 (2) clearly defined sanctions or penalties for failure

1 to comply with or perform contract terms or conditions; and

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

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

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

10 (2) to use data relating to the performance of private  
11 service providers in prior contracts as a factor in selecting  
12 providers to receive contracts.

13 (c) The department [~~commission~~] shall consider the past  
14 performance of a juvenile board when contracting with the juvenile  
15 board for local probation services other than basic probation  
16 services. In addition to the contract standards described by  
17 Subsection (a), a contract with a juvenile board for probation  
18 services other than basic probation services must:

19 (1) include specific performance targets for the  
20 juvenile board based on the juvenile board's historic performance  
21 of the services; and

22 (2) require a juvenile board to report on the juvenile  
23 board's success in meeting the performance targets described by  
24 Subdivision (1).

25 Sec. 221.052 [~~141.051~~]. CONTRACT MONITORING. The  
26 department [~~commission~~] shall establish a formal program to monitor  
27 contracts under Section 221.051 [~~141.050~~] made by the department

1 ~~[commission]~~. The department ~~[commission]~~ must:

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

4 (2) obtain and evaluate program cost information to  
5 ensure that each cost, including an administrative cost, is  
6 reasonable and necessary to achieve program objectives.

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

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

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

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

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

17 ~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES.~~

18 ~~The commission shall comply with federal and state laws relating to~~  
19 ~~program and facility accessibility. The executive director shall~~  
20 ~~also prepare and maintain a written plan that describes how a person~~  
21 ~~who does not speak English can be provided reasonable access to the~~  
22 ~~commission's programs and services.]~~

23 Sec. 221.053 ~~[141.054]~~. CONTRACTS FOR OUT-OF-STATE

24 JUVENILE INMATES. (a) The only entities other than the state  
25 authorized to operate a correctional facility to house in this  
26 state juvenile inmates convicted of offenses committed against the  
27 laws of another state of the United States are:

1 (1) a county or municipality; and

2 (2) a private vendor operating a correctional facility  
3 under a contract with a county or municipality.

4 (b) The department [~~commission~~] shall develop rules,  
5 procedures, and minimum standards applicable to county or private  
6 correctional facilities housing out-of-state juvenile inmates. A  
7 contract made under Subsection (a) [~~of this section~~] shall require  
8 the county, municipality, or private vendor to operate the facility  
9 in compliance with minimum standards adopted by the department  
10 [~~commission~~].

11 [~~Sec. 141.055. INVESTIGATORS. (a) The commission may~~  
12 ~~employ and commission investigators as peace officers for the~~  
13 ~~purpose of investigating allegations of abuse, neglect, and~~  
14 ~~exploitation in juvenile justice programs and facilities under~~  
15 ~~Section 261.405, Family Code.~~

16 [~~(b) Peace officers employed and commissioned under~~  
17 ~~Subsection (a) must be certified by the Commission on Law~~  
18 ~~Enforcement Officer Standards and Education under Chapter 1701,~~  
19 ~~Occupations Code.~~

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

27 [~~(b) The director shall determine the size of the committee.~~

1 ~~The committee must be composed of:~~

2           ~~[(1) members of the Texas Juvenile Probation~~  
3 ~~Commission, the Texas Youth Commission, and other relevant state~~  
4 ~~agencies as determined by the director,~~

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

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

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

11                   ~~[(B) programs to identify and provide services to~~  
12 ~~victims,~~

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

14                   ~~[(D) community outreach and training programs,~~

15 ~~and~~

16           ~~[(4) other juvenile justice experts.~~

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

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

23           Sec. 221.054 [~~141.057~~]. DATA COLLECTION.       (a)       The  
24 department [~~commission~~] shall collect comprehensive data  
25 concerning the outcomes of local probation programs throughout the  
26 state.

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



1           (1) a description of the types of programs and  
2 services offered by a juvenile probation department, including a  
3 description of the components of each program or service offered;  
4 and

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

8           Sec. 221.055 [~~141.058~~]. QUARTERLY REPORT ON ABUSE,  
9 NEGLECT, AND EXPLOITATION. (a) The department [~~On January 1, 2010,~~  
10 ~~and quarterly after that date, the commission~~] shall prepare and  
11 deliver a quarterly report to the board concerning the final  
12 outcome of any complaint received under Section 261.405, Family  
13 Code, that concerns the abuse, neglect, or exploitation of a  
14 juvenile. The report must include a summary of the actions  
15 performed by the department [~~commission~~] and any applicable  
16 juvenile board or juvenile probation department in resolving the  
17 complaint.

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

21           Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY.  
22 (a) The department [~~commission~~] may contract with a local mental  
23 health and mental retardation authority that, on April 1, 2009, had  
24 an unutilized or underutilized residential treatment facility, for  
25 the establishment of a residential treatment facility for juveniles  
26 with mental illness or emotional injury who, as a condition of  
27 juvenile probation, are ordered by a court to reside at the facility

1 and receive education services at the facility. The department  
2 [~~commission~~] may work in cooperation with the local mental health  
3 and mental retardation authority to provide mental health  
4 residential treatment services for juveniles residing at a facility  
5 established under this section.

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

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

10 (2) all educational opportunities and services,  
11 including special education instruction and related services, that  
12 a school district is required under state or federal law to provide  
13 for students residing in the district through a charter school  
14 operated in accordance with and subject to Subchapter D, Chapter  
15 12, Education Code.

16 (c) If a residential treatment facility established under  
17 this section is unable to provide adequate and sufficient  
18 educational opportunities and services to juveniles residing at the  
19 facility, the facility may not continue to operate beyond the end of  
20 the school year in which the opportunities or services provided by  
21 the facility are determined to be inadequate or insufficient.

22 (d) Notwithstanding any other law and in addition to the  
23 number of charters allowed under Subchapter D, Chapter 12,  
24 Education Code, the State Board of Education shall grant a charter  
25 on the application of a residential treatment facility established  
26 under this section for a school chartered for the purposes of this  
27 section.

1        CHAPTER 222. STANDARDS FOR AND REGULATION OF ~~[SUBCHAPTER D.~~

2                ~~PROVISIONS RELATING TO]~~ CERTAIN OFFICERS AND EMPLOYEES

3        SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

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

8                        (1) be of good moral character;

9                        (2) have acquired a bachelor's degree conferred by a  
10 college or university accredited by an accrediting organization  
11 recognized by the Texas Higher Education Coordinating Board;

12                        (3) have either:

13                                (A) one year of graduate study in criminology,  
14 corrections, counseling, law, social work, psychology, sociology,  
15 or other field of instruction approved by the department  
16 ~~[commission]~~; or

17                                (B) one year of experience in full-time case  
18 work, counseling, or community or group work:

19                                        (i) in a social service, community,  
20 corrections, or juvenile agency that deals with offenders or  
21 disadvantaged persons; and

22                                        (ii) that the department ~~[commission]~~  
23 determines provides the kind of experience necessary to meet this  
24 requirement;

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

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

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

5           (b) The department [~~commission~~] by rule may authorize the  
6 waiver of the requirement of a year of graduate study or full-time  
7 employment experience if the authority responsible for employing  
8 the officer establishes to the satisfaction of the department  
9 [~~commission~~] that, after a diligent search, the authority cannot  
10 locate a person meeting that requirement to fill a job opening.

11           (c) The department [~~commission~~] by rule may authorize the  
12 temporary employment of a person who has not completed a course of  
13 preservice training, passed the examination, or attained the  
14 required level of certification, contingent on the person meeting  
15 those requirements within the time specified by the department  
16 [~~commission~~].

17           (d) A person must possess the level of training, experience,  
18 and certification required by the department [~~commission~~] to be  
19 eligible for employment in a probation office in a position  
20 supervising other probation officers. The department [~~commission~~]  
21 may require several levels of certification to reflect increasing  
22 levels of responsibility. A department [~~commission~~] rule relating  
23 to levels of certification does not affect the continued employment  
24 of a probation officer in a supervisory position if the person holds  
25 that position on the date on which the rule takes effect.

26           (e) The department [~~commission~~] may waive any certification  
27 requirement, except a fee requirement, for an applicant who has a

1 valid certification from another state that has certification  
2 requirements that are substantially equivalent to the requirements  
3 in this state.

4 (f) The department [~~commission~~] may waive the degree  
5 accreditation requirement in Subsection (a)(2) if the applicant  
6 possesses a foreign or other degree that the department  
7 [~~commission~~] determines is the substantial equivalent of a  
8 bachelor's degree. The department [~~commission~~] shall adopt rules  
9 defining the procedures to be used to request a waiver of the  
10 accreditation requirement in Subsection (a)(2).

11 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION  
12 OFFICERS. To be eligible for appointment as a detention officer, a  
13 person who was not employed as a detention officer before September  
14 1, 2005, must:

- 15 (1) be of good moral character;
- 16 (2) be at least 21 years of age;
- 17 (3) have acquired a high school diploma or its  
18 equivalent;
- 19 (4) have satisfactorily completed the course of  
20 preservice training or instruction required by the department  
21 [~~commission~~];
- 22 (5) have passed the tests or examinations required by  
23 the department [~~commission~~]; and
- 24 (6) possess the level of certification required by the  
25 department [~~commission~~].

26 Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN  
27 EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The

1 department [~~commission~~] by rule shall adopt certification  
2 standards for persons who are employed in nonsecure correctional  
3 facilities that accept only juveniles who are on probation and that  
4 are operated by or under contract with a governmental unit, as  
5 defined by Section 101.001, Civil Practice and Remedies Code.

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

9 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF  
10 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A  
11 peace officer, prosecuting attorney, or other person who is  
12 employed by or who reports directly to a law enforcement or  
13 prosecution official may not act as a chief administrative,  
14 juvenile probation, or detention officer or be made responsible for  
15 supervising a juvenile on probation.

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

18 (1) hired or appointed by or under contract with the  
19 juvenile board; and

20 (2) responsible for the oversight of the operations of  
21 the juvenile probation department or any juvenile justice program  
22 operated by or under the authority of the juvenile board.

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

27 (b) This section does not apply to:

1           (1) an employee of the department; or

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

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

7           [Sections 222.007-222.050 reserved for expansion]

8           SUBCHAPTER B. CERTIFICATION AND EXAMINATION

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

15           (b) The department [~~commission~~] shall notify a person  
16 taking an examination graded or reviewed by a national testing  
17 service of the results not later than the 14th day after the date on  
18 which the department [~~commission~~] receives the results from the  
19 testing service.

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

25           Sec. 222.052 [~~141.063~~]. ANALYSIS OF EXAMINATION  
26 PERFORMANCE. The department [~~commission~~] shall furnish a person  
27 who fails a certification test administered under this chapter with

1 an analysis of the person's performance on the examination if the  
2 person requests the analysis in writing.

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

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

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

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

14 (1) report regularly to the department [~~commission~~] on  
15 matters that are the basis of the probation; and

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

19 (c) The executive director may convene, in person or  
20 telephonically, a panel of three board [~~commission~~] members to  
21 determine if a person's continued certification threatens  
22 juveniles in the juvenile justice system. If the panel determines  
23 that the person's continued certification threatens juveniles in  
24 the juvenile justice system, the person's license is temporarily  
25 suspended until an administrative hearing is held as soon as  
26 possible under Subsection (d). The executive director may convene  
27 a panel under this subsection only if the danger posed by the



1 person's continued certification is imminent. The panel may hold a  
2 telephonic meeting only if immediate action is required and  
3 convening the panel at one location is inconvenient for any member  
4 of the panel.

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

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

12 [~~Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF~~  
13 ~~ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A~~  
14 ~~peace officer, prosecuting attorney, or other person who is~~  
15 ~~employed by or who reports directly to a law enforcement or~~  
16 ~~prosecution official may not act as a chief administrative,~~  
17 ~~juvenile probation, or detention officer or be made responsible for~~  
18 ~~supervising a juvenile on probation.~~

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

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

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

26 [~~Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS~~  
27 ~~PROHIBITED. (a) A juvenile probation, detention, or corrections~~

1 ~~officer may not carry a firearm in the course of the person's~~  
2 ~~official duties.~~

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

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

5 ~~(2) a juvenile probation officer authorized to carry~~  
6 ~~a firearm under Section 142.006.~~

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

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

11 Sec. 223.001 [~~141.081~~]. DETERMINATION OF AMOUNT OF STATE  
12 AID. (a) The department [~~commission~~] shall annually allocate  
13 funds for financial assistance to juvenile boards to provide  
14 juvenile services according to current estimates of the number of  
15 juveniles in each county and other factors the department  
16 [~~commission~~] determines are appropriate.

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

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

25 ~~[(d) The commission by rule shall, not later than September~~  
26 ~~1, 2010, establish one or more basic probation services funding~~  
27 ~~formulas and one or more community corrections funding formulas.~~

1 ~~The funding formulas established under this subsection must include~~  
2 ~~each grant for which the commission, on or before September 1, 2009,~~  
3 ~~established an allocation formula.]~~

4       Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL  
5 SUPPORT. (a) To receive the full amount of state aid funds for  
6 which a juvenile board may be eligible, a juvenile board must  
7 demonstrate to the department's [~~commission's~~] satisfaction that  
8 the amount of local or county funds budgeted for juvenile services  
9 is at least equal to the amount spent, excluding construction and  
10 capital outlay expenses, for those services in the 1994 county  
11 fiscal year. The department [~~commission~~] may waive this  
12 requirement only if the juvenile board demonstrates to the  
13 department [~~commission~~] that unusual, catastrophic, or exceptional  
14 circumstances existed during the relevant year to affect adversely  
15 the level of county funding. If the required amount of local funding  
16 is not budgeted and the department [~~commission~~] does not grant a  
17 waiver, the department [~~commission~~] shall reduce the allocation of  
18 state aid funds to the juvenile board by the amount equal to the  
19 amount that the county funding is below the required funding.

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

24       (c) The department [~~commission~~] must be satisfied at the end  
25 of each county fiscal year that the juvenile board actually spent  
26 local or county funds for juvenile services in the amount  
27 demonstrated to the department [~~commission~~] at the beginning of the

1 fiscal year.

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

6 Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY  
7 JURISDICTIONS. If necessary, the department [~~commission~~] by rule  
8 may provide for:

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

12 (2) the centralization of administrative  
13 responsibility associated with the state aid program in a county  
14 included in a multi-county jurisdiction; and

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

17 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When the  
18 department [~~commission~~] determines that a juvenile board complies  
19 with the department's [~~commission's~~] standards, the department  
20 [~~commission~~] shall submit to the comptroller a voucher for payment  
21 to a juvenile board of the amount of state aid to which the board is  
22 entitled.

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

27 (c) A juvenile board receiving state aid under this chapter

1 is subject to audit by:

2           (1) the Legislative Budget Board;

3           (2)  the governor's budget, policy, and planning  
4 office;

5           (3)  the state auditor;  and

6           (4) the comptroller.

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

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

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

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

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

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

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

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

8 (1) evaluation of project plans and specifications;  
9 and

10 (2) review and comment on the selection of architects  
11 and engineers, change orders, and sufficiency of project  
12 inspection.

13 (d) On completion of the review of project plans and  
14 specifications under Subsection (c), the Texas Department of  
15 Criminal Justice shall issue a comprehensive report that states in  
16 detail the proposed cost of the project. The department  
17 [~~commission~~] shall use the report in making a comparative  
18 evaluation of proposed projects and shall give priority to the  
19 projects the department [~~commission~~] finds are the most effective  
20 and economical.

21 (e) The department [~~commission~~] may not award money for a  
22 capital construction project for a facility under this section  
23 unless the department [~~commission~~] receives from the commissioners  
24 court of the county intending to use the facility a written  
25 commitment that the commissioners court has reviewed and accepted  
26 the conditions of the award. If more than one county intends to use  
27 the facility, the department [~~commission~~] must receive from each

1 county a written commitment that the county will agree with the  
2 other counties to an interlocal contract to operate the facility in  
3 accordance with the conditions of the award.

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

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

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

12 (i) [~~The commission shall conduct an annual audit of the~~  
13 ~~operating costs for a fiscal year of a facility constructed under~~  
14 ~~this section for each fiscal year through fiscal year 1999. The~~  
15 ~~commission shall submit a report on the results of the audit to the~~  
16 ~~Legislative Budget Board and the governor not later than the 60th~~  
17 ~~day after the last day of the fiscal year covered by the audit.~~

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

20 SECTION 1.005. Title 12, Human Resources Code, as added by  
21 this Act, is amended by adding Subtitle C with a heading to read as  
22 follows:

23 SUBTITLE C. SECURE FACILITIES

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

1     CHAPTER 241. GENERAL [~~SUBCHAPTER C. MISCELLANEOUS~~] PROVISIONS

2             Sec. 241.001 [~~61.091~~]. COOPERATION OF OTHER AGENCIES. To  
3 effectuate the purpose of this subtitle [~~chapter~~] and to make  
4 maximum use of existing facilities and personnel, all departments  
5 and agencies of the state and all officers and employees of the  
6 state, when requested by the department [~~commission~~], shall  
7 cooperate with the department [~~it~~] in all activities consistent  
8 with their proper functions.

9             Sec. 241.0015 [~~61.0911~~]. COORDINATED STRATEGIC PLAN. The  
10 department [~~Texas Youth Commission~~] shall biennially develop [~~with~~  
11 ~~the Texas Juvenile Probation Commission~~] a coordinated strategic  
12 plan in the manner described by Sections 221.0095 [~~141.0471~~] and  
13 221.0096 [~~141.0472~~].

14            Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL  
15 RIGHTS. Commitment of a child to the custody of the department  
16 [~~commission~~] does not disqualify the child in any future  
17 examination, appointment, or application for public service under  
18 the government of the state or of any political subdivision of the  
19 state.

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

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

26                    [~~(2) a commission employee designated by the executive~~  
27 ~~commissioner may, without a warrant or other order, take the child~~



1 ~~into the custody of the commission.~~

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

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

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

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

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

16 ~~[(4) if necessary to protect the welfare of the~~  
17 ~~community, any other information that reveals dangerous~~  
18 ~~propensities of the child or expedites the apprehension of the~~  
19 ~~child.~~

20 ~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~  
21 ~~commission may employ and commission apprehension specialists as~~  
22 ~~peace officers for the purpose of apprehending a child under~~  
23 ~~Section 61.093.~~

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

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

4           Sec. 241.004 [~~61.095~~]. REQUEST FOR CERTAIN RECORDS. For  
5 the purpose of offering a record as evidence in the punishment phase  
6 of a criminal proceeding, a prosecuting attorney may obtain the  
7 record of a defendant's adjudication that is admissible under  
8 Section 3(a), Article 37.07, Code of Criminal Procedure, by  
9 submitting a request for the record to the department [~~commission~~].  
10 If the department [~~commission~~] has a record to which the  
11 prosecuting attorney is entitled under this section, the department  
12 [~~commission~~] shall furnish a copy of the record to the prosecuting  
13 attorney. Otherwise, the department [~~commission~~] shall notify the  
14 prosecuting attorney that the department [~~commission~~] does not have  
15 a record to which the attorney is entitled under this section.

16           Sec. 241.005 [~~61.096~~]. LIABILITY OF VOLUNTEERS.       (a)  
17 Except as provided by Subsection (b), a volunteer is not liable for  
18 damages arising from an act or omission that results in personal  
19 injury, death, or property damage if the act or omission is:

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

22                   (2) not intentional or grossly negligent.

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

27                   (1) the amount of financial responsibility required

1 for the motor-driven equipment, if any, under Chapter 601,  
2 Transportation Code; or

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

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

9 Sec. 241.006 [~~61.097~~]. APPLICATION OF LAW RELATING TO FREE  
10 EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice  
11 and Remedies Code, an ordinance, rule, order, decision, or practice  
12 that applies to a person in the custody of a juvenile detention  
13 facility or other correctional facility operated by or under a  
14 contract with the department [~~commission~~], a county, or a juvenile  
15 probation department is presumed to be in furtherance of a  
16 compelling governmental interest and the least restrictive means of  
17 furthering that interest. The presumption may be rebutted.

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

22 (b) As appropriate, the district attorney, criminal  
23 district attorney, or county attorney representing the state in  
24 criminal matters before the district or inferior courts of the  
25 county who would otherwise represent the state in the prosecution  
26 of an offense or delinquent conduct concerning the department  
27 [~~commission~~] and described by Article 104.003(a), Code of Criminal

1 Procedure, may request that the special prosecution unit prosecute,  
2 or assist in the prosecution of, the offense or delinquent conduct.

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

7 (1) any alleged criminal offense or delinquent conduct  
8 concerning the department [~~commission~~] and described by Article  
9 104.003(a), Code of Criminal Procedure, that occurred during the  
10 preceding calendar quarter; and

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

15 (d) Notwithstanding Subsection (c), the office of inspector  
16 general shall immediately provide the special prosecution unit with  
17 a report concerning an alleged criminal offense or delinquent  
18 conduct concerning the department [~~commission~~] and described by  
19 Article 104.003(a), Code of Criminal Procedure, if the chief  
20 inspector general reasonably believes the offense or conduct is  
21 particularly serious and egregious.

22 (e) The chief inspector general of the office of inspector  
23 general, at the direction of the board of directors of the special  
24 prosecution unit, shall notify the foreman of the appropriate grand  
25 jury, in the manner provided by Article 20.09, Code of Criminal  
26 Procedure, if:

27 (1) the chief inspector general receives credible

1 evidence of illegal or improper conduct by department [~~commission~~]  
2 officers, employees, or contractors that the inspector general  
3 reasonably believes jeopardizes the health, safety, and welfare of  
4 children in the custody of the department [~~commission~~];

5 (2) the chief inspector general reasonably believes  
6 the conduct:

7 (A) could constitute an offense under Article  
8 104.003(a), Code of Criminal Procedure; and

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

12 (3) the chief inspector general has reason to believe  
13 that information concerning the conduct has not previously been  
14 presented to the appropriate grand jury.

15 Sec. 241.008 [~~61.099~~]. DUTY TO FILE COMPLAINT WITH LAW  
16 ENFORCEMENT AGENCY. If the executive director [~~commissioner~~] has  
17 reasonable cause to believe that a child in the custody of the  
18 department [~~commission~~] is the victim of a crime committed at a  
19 department [~~commission~~] facility operated under this subtitle, the  
20 executive director [~~commissioner~~] shall immediately file a  
21 complaint with the appropriate law enforcement agency.

22 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human  
23 Resources Code, are transferred to Subtitle C, Title 12, Human  
24 Resources Code, as added by this Act, redesignated as Chapters 242,  
25 243, 244, and 245, respectively, and amended to read as follows:

1           CHAPTER 242. OPERATION OF SECURE FACILITIES

2 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS [~~SUBCHAPTER C.~~  
3                                   ~~POWERS AND DUTIES~~]

4           Sec. 242.001. ACCREDITATION BY AMERICAN CORRECTIONAL  
5 ASSOCIATION. The department shall adopt and implement a plan for  
6 each correctional facility operated by or under contract with the  
7 department under this subtitle to be accredited by the American  
8 Correctional Association.

9           Sec. 242.002. STUDY OF TREATMENT METHODS; STATISTICAL  
10 RECORDS. (a) The department shall conduct continuing inquiry into  
11 the effectiveness of the treatment methods the department employs  
12 in the reformation of children. To this end, the department shall  
13 maintain a record of arrests and commitments of its wards  
14 subsequent to their discharge from the jurisdiction of the  
15 department and shall tabulate, analyze, and publish biennially the  
16 data for use in evaluating the relative merits of treatment  
17 methods.

18           (b) The department shall cooperate with courts and private  
19 and public agencies in the collection of statistics and information  
20 regarding juvenile delinquency, arrests made, complaints,  
21 informations, and petitions filed, and the dispositions made of  
22 them, and other information useful in determining the amount and  
23 causes of juvenile delinquency in this state.

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

1           Sec. 242.003 [~~61.0315~~]. EVALUATION OF TREATMENT PROGRAMS;

2 AVAILABILITY. (a) The department [~~commission~~] shall annually  
3 review the effectiveness of the department's [~~commission's~~]  
4 programs for the rehabilitation and reestablishment in society of  
5 children committed to the department [~~commission~~], including  
6 programs for sex offenders, capital offenders, children who are  
7 chemically dependent, emotionally disturbed children, and females.

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

11           (c) The department [~~commission~~] shall offer or make  
12 available programs described by Subsection (a) in an adequate  
13 manner so that a child in the custody of the department [~~commission~~]  
14 receives appropriate rehabilitation services recommended for the  
15 child by the court committing the child to the department  
16 [~~commission~~].

17           (d) If the department [~~commission~~] is unable to offer or  
18 make available programs described by Subsection (a) in the manner  
19 provided by Subsection (c), the department [~~commission~~] shall, not  
20 later than January 10 of each odd-numbered year, provide the  
21 standing committees of the senate and house of representatives with  
22 primary jurisdiction over matters concerning correctional  
23 facilities with a report explaining:

24                   (1) which programs are not offered or are unavailable;  
25 and

26                   (2) the reason the programs are not offered or are  
27 unavailable.

1 (e) The department [~~commission~~] shall periodically review,  
2 document, and compare the accessibility and funding of treatment  
3 programs provided to female children committed to the department  
4 [~~commission~~] to the accessibility and funding of treatment provided  
5 to male children committed to the department [~~commission~~].

6 [~~Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The~~  
7 ~~commission shall administer the training, diagnostic treatment,~~  
8 ~~and supervisory facilities and services of the state for children~~  
9 ~~committed to the commission and shall manage and direct all~~  
10 ~~institutions and training school facilities under the authority of~~  
11 ~~the commission.~~]

12 Sec. 242.004 [~~61.033~~]. ANNUAL FINANCIAL REPORT. The  
13 department [~~commission~~] shall prepare annually a complete and  
14 detailed written report accounting for all funds received and  
15 disbursed by the department under this subtitle [~~commission~~] during  
16 the preceding fiscal year. The annual report must meet the  
17 reporting requirements applicable to financial reporting provided  
18 in the General Appropriations Act.

19 Sec. 242.005 [~~61.0331~~]. INTERNAL AUDIT; REPORT. (a) The  
20 department [~~commission~~] shall regularly conduct internal audits of  
21 the department [~~commission~~], including audits of:

22 (1) correctional facilities operated by and under  
23 contract with the department under this subtitle [~~commission~~]; and

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

26 (b) The department [~~commission~~] shall on a quarterly basis  
27 report the results of the audits to:



1 (1) the committees of the senate and house of  
2 representatives with primary jurisdiction over matters concerning  
3 correctional facilities; and

4 (2) the state auditor.

5 Sec. 242.006 [~~61.034~~]. POLICIES AND RULES. (a) The  
6 executive director [~~commissioner~~] is responsible for the adoption  
7 of all policies and shall make rules appropriate to the proper  
8 accomplishment of the department's [~~commission's~~] functions.

9 (b) The executive director [~~commissioner~~] shall adopt rules  
10 for the government of the schools, facilities, and programs under  
11 the department's [~~commission's~~] authority under this subtitle and  
12 shall see that the schools, facilities, and programs are conducted  
13 according to law and to the executive director's [~~commissioner's~~]  
14 rules.

15 (c) The purpose of the rules and of all education, work,  
16 training, discipline, and recreation adopted under this section [~~7~~]  
17 and of all other activities in the schools, facilities, and  
18 programs is to restore and increase the self-respect and  
19 self-reliance of the children [~~youth~~] under the authority of the  
20 department [~~commission~~] and to qualify those children [~~them~~] for  
21 good citizenship and honorable employment.

22 Sec. 242.007 [~~61.0345. MISSION STATEMENT. The commission~~  
23 ~~shall develop and adopt a statement regarding the role and mission~~  
24 ~~of the commission.~~

25 [~~Sec. 61.035~~]. EMPLOYEES. (a) Within the limits specified  
26 by legislative appropriation, the department [~~commission~~] may  
27 employ and compensate personnel necessary to carry out the

1 department's [~~its~~] duties.

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

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

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

9 (2) disciplinary actions within the department  
10 [~~commission~~], including a procedure allowing a department  
11 [~~commission~~] employee to elect to participate in an independent  
12 dismissal mediation if the employee is recommended for dismissal.

13 Sec. 242.008 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR  
14 ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director  
15 [~~commissioner~~] shall provide to members of any applicable [~~the~~]  
16 advisory board and to department [~~commission~~] employees, as often  
17 as is necessary, information regarding qualifications [~~their~~  
18 ~~qualification~~] for office or employment under this chapter and  
19 [~~their~~] responsibilities under applicable laws relating to  
20 standards of conduct for state officers or employees.

21 [~~Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board shall~~  
22 ~~develop and implement policies that clearly separate the~~  
23 ~~policymaking responsibilities of the board and the management~~  
24 ~~responsibilities of the staff of the commission.~~]

25 Sec. 242.009 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER  
26 PROGRAM. The program shall require intra-agency posting of all  
27 positions concurrently with any public postings.

1           Sec. 242.010 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The  
2 executive director [~~commissioner~~] shall develop a system of annual  
3 performance evaluations that are based on documented employee  
4 performance. All merit pay for department [~~commission~~] employees  
5 must be based on the system established under this section.

6           Sec. 242.011 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY  
7 POLICY STATEMENT. (a) The executive director [~~commissioner~~] shall  
8 prepare and maintain a written policy statement to assure  
9 implementation of a program of equal employment opportunity under  
10 which all personnel transactions are made without regard to race,  
11 color, disability, sex, religion, age, or national origin. The  
12 policy statement shall include:

13                   (1) personnel policies, including policies relating  
14 to recruitment, evaluation, selection, appointment, training, and  
15 promotion of personnel that are in compliance with requirements of  
16 Chapter 21, Labor Code;

17                   (2) a comprehensive analysis of the department's  
18 [~~commission's~~] work force that meets federal or state laws, rules,  
19 and regulations and instructions promulgated directly from those  
20 laws, rules, and regulations;

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

26                   (4) reasonable methods to appropriately address those  
27 areas of underuse.

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

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

9 Sec. 242.012 [~~61.0356~~]. JUVENILE CORRECTIONAL OFFICERS;  
10 STAFFING. (a) In this section, "juvenile correctional officer"  
11 means a department [~~an~~] employee whose primary duties include [~~duty~~  
12 ~~includes~~] the custodial supervision of children in the custody of  
13 the department [~~commission~~].

14 (b) The department [~~commission~~] shall provide each juvenile  
15 correctional officer employed by the department [~~commission~~] with  
16 at least 300 hours of training, which must include on-the-job  
17 training, before the officer independently commences the officer's  
18 duties at the facility. The training must provide the officer with  
19 information and instruction related to the officer's duties,  
20 including information and instruction concerning:

21 (1) the juvenile justice system of this state,  
22 including the juvenile correctional facility system;

23 (2) security procedures;

24 (3) the supervision of children committed to the  
25 department [~~commission~~];

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

27 (5) signs and symptoms of the abuse, assault, neglect,

1 and exploitation of a child, including sexual abuse and sexual  
2 assault, and the manner in which to report the abuse, assault,  
3 neglect, or exploitation of a child;

4 (6) the neurological, physical, and psychological  
5 development of adolescents;

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

9 (8) appropriate restraint techniques;

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

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

14 (11) interpersonal relationship skills;

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

17 (13) first aid and cardiopulmonary resuscitation;

18 (14) counseling techniques;

19 (15) conflict resolution and dispute mediation,  
20 including de-escalation techniques;

21 (16) behavior management;

22 (17) mental health issues; and

23 (18) employee rights, employment discrimination, and  
24 sexual harassment.

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

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

6 (e) The department [~~commission~~] shall consider the age of a  
7 juvenile correctional officer or other department [~~commission~~]  
8 employee who performs direct supervisory duties when determining  
9 the placement of the officer or employee in a department  
10 [~~commission~~] facility so that, to the extent practicable, an  
11 officer or employee is not supervising a child who is not more than  
12 three years younger than the officer or employee or is otherwise a  
13 similar age to the officer or employee.

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

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

23 (h) The department [~~commission~~] shall adopt rules necessary  
24 to administer this section.

25 Sec. 242.013 [~~61.0357~~]. REQUIRED BACKGROUND AND CRIMINAL  
26 HISTORY CHECKS. (a) In this section, "national [+

27 [~~(1) "Department" means the Department of Public~~

1 ~~Safety.~~

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

7           (b) The executive director ~~[commissioner]~~ shall review the  
8 national criminal history record information, state criminal  
9 history record information maintained by the Department of Public  
10 Safety ~~[department]~~, and previous and current employment  
11 references of each person who:

12           (1) is an employee, contractor, volunteer, ombudsman,  
13 or advocate working for the department ~~[commission]~~ or working in a  
14 department ~~[commission]~~ facility or a facility under contract with  
15 the department ~~[commission]~~;

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

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

20           (c) To enable the executive director ~~[commissioner]~~ to  
21 conduct the review, the department ~~[commission]~~ shall adopt rules  
22 requiring a person described by Subsection (b) to electronically  
23 provide the Department of Public Safety ~~[department]~~ with a  
24 complete set of the person's fingerprints in a form and of a quality  
25 acceptable to the Department of Public Safety ~~[department]~~ and the  
26 Federal Bureau of Investigation.

27           (d) For each person described by Subsection (b), the

1 executive director [~~commissioner~~] shall review on an annual basis  
2 the person's national criminal history record information.

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

7 (f) The department [~~commission~~] by rule may require a person  
8 described by Subsection (b) to pay a fee related to the first  
9 national criminal history record information review conducted  
10 under this section. The amount of the fee may not exceed the  
11 administrative costs incurred by the department [~~commission~~] in  
12 conducting the initial review, including the costs of obtaining the  
13 person's fingerprints.

14 (g) The department [~~commission~~] shall adopt rules necessary  
15 to administer this section.

16 Sec. 242.014 [~~61.036~~]. COOPERATION WITH OTHER AGENCIES.

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

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

25 Sec. 242.015. COMPLAINTS REGARDING SERVICES. (a) The  
26 department shall maintain a system to promptly and efficiently act  
27 on a complaint filed with the department by a person, other than a



1 child receiving services from the department or the child's parent  
2 or guardian, that the department has authority to resolve. The  
3 department shall maintain information about parties to the  
4 complaint, the subject matter of the complaint, a summary of the  
5 results of the review or investigation of the complaint, and the  
6 disposition of the complaint.

7 (b) The department shall make information available  
8 describing the department's procedures for complaint investigation  
9 and resolution.

10 (c) The department shall periodically notify the complaint  
11 parties of the status of the complaint until final disposition,  
12 unless the notice would jeopardize an undercover investigation.

13 (d) The department shall keep information about each  
14 written complaint filed with the department by a child receiving  
15 services from the department or the child's parent or guardian. The  
16 information must include:

17 (1) the subject matter of the complaint;

18 (2) a summary of the results of the review or  
19 investigation of the complaint; and

20 (3) the period of time between the date the complaint  
21 is received and the date the complaint is closed.

22 Sec. 242.016. BIENNIAL BUDGET. The executive director  
23 shall prepare a biennial budget of all funds necessary to be  
24 appropriated by the legislature to the department to carry out the  
25 purposes of this subtitle. The budget shall be submitted and filed  
26 by the executive director in the form and manner and within the time  
27 prescribed by law.

1 [Sections 242.017-242.050 reserved for expansion]

2 SUBCHAPTER B. SECURE FACILITIES; SERVICES

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

5 (1) administer the training, diagnostic treatment,  
6 and supervisory facilities and services of the state for children  
7 committed to the department; and

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

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

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

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

24 (b) The department may employ architects or engineers, or  
25 both, to prepare plans and specifications and to supervise the  
26 construction and improvements described by Subsection (a).

27 (c) The department shall promulgate rules relating to the

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

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

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

15 Sec. 242.053 [~~61.037~~]. USE OF EXISTING INSTITUTIONS AND  
16 AGENCIES. (a) In carrying out the department's [~~its~~] duties, the  
17 department [~~commission~~] may make use of law-enforcement,  
18 detention, supervisory, medical, educational, correctional, and  
19 other facilities, institutions, and agencies in the state. This  
20 section does not authorize the department [~~commission~~] to assume  
21 control of any other agency, institution, or facility in the state,  
22 or to require any agency, institution, or facility to serve the  
23 department [~~commission~~] in a manner inconsistent with the [~~its~~]  
24 authority or function of the agency, institution, or facility or  
25 with any law or regulation governing the [~~its~~] activity of the  
26 agency, institution, or facility.

27 (b) When funds are available for the purpose, the department

1 ~~[commission]~~ may enter into agreements with appropriate public or  
2 private agencies for the separate care and treatment of persons  
3 subject to the control of the department ~~[commission]~~. The  
4 department ~~[commission]~~ may not make use of any private institution  
5 or agency without its consent. The department ~~[commission]~~ shall  
6 make reasonable efforts to ensure that the expenditure of  
7 appropriations for the purchase of contract residential care for  
8 children, not including the purchase of care in foster family  
9 homes, be allocated to providers on a fixed monthly basis if that  
10 allocation ~~[it]~~ is cost-effective and the number, type, needs, and  
11 conditions of the children to be served is reasonably constant.

12 (c) The department ~~[commission]~~ shall periodically inspect  
13 all public and private institutions and agencies whose facilities  
14 the department ~~[it]~~ is using. Every public and private institution  
15 and agency shall allow ~~[afford to]~~ the department ~~[commission]~~  
16 reasonable opportunity to examine and consult with children who  
17 have been committed to the department ~~[commission]~~ and who are in  
18 the custody of the institution or agency.

19 (d) Placement of a child in, or the release of a child by,  
20 any institution not operated by the department ~~[commission]~~ does  
21 not terminate the authority of the department ~~[commission]~~ over the  
22 child. No child placed in an institution or under an agency by the  
23 department ~~[commission]~~ may be released by the institution or  
24 agency without the approval of the department ~~[commission]~~.

25 Sec. 242.054 ~~[61.038]~~. HALFWAY HOUSE PROGRAM. (a) The  
26 department ~~[commission]~~ may not develop a halfway house to be  
27 operated by the department ~~[commission]~~ if an appropriate private

1 halfway house program is contractually available and the costs  
2 under the contract are less than the costs would be if the  
3 department [~~commission~~] provided the services.

4 (b) Before the department [~~commission~~] contracts for the  
5 development of a halfway house program, the department [~~commission~~]  
6 shall send prospective service providers a request for a proposal  
7 that identifies the program services desired, the population to be  
8 served, and potential locations for the program. The department  
9 [~~commission~~] shall select the service provider that submits the  
10 proposal that best meets the department's [~~commission's~~] needs  
11 according to standards established by the department [~~commission~~].  
12 If the department [~~commission~~] does not receive a proposal that  
13 meets its needs, the department [~~commission~~] may request funds from  
14 the legislature for the development of a halfway house to be  
15 operated by the department [~~commission~~].

16 (c) This section does not apply to halfway houses operated  
17 by the department [~~commission~~] on September 1, 1987.

18 Sec. 242.055 [~~61.0385~~]. CRISIS INTERVENTION AND ASSESSMENT  
19 CENTERS. The department [~~commission~~] may establish a children's  
20 crisis intervention and assessment center at a facility owned or  
21 operated by the department [~~commission~~]. The department  
22 [~~commission~~] may contract with another entity for the provision or  
23 use of services at the center.

24 Sec. 242.056 [~~61.0386~~]. ADVOCACY AND SUPPORT GROUPS. (a)  
25 The department [~~commission~~] shall allow advocacy and support groups  
26 whose primary functions are to benefit children, inmates, girls and  
27 women, the mentally ill, or [~~and~~] victims of sexual assault to

1 provide on-site information, support, and other services for  
2 children confined in department [~~commission~~] facilities.

3 (b) The department [~~commission~~] shall adopt security and  
4 privacy procedures for advocacy and support groups that provide  
5 on-site information, support, and other services under this  
6 section. The security and privacy procedures may not be designed  
7 to deny an advocacy or support group access to children confined in  
8 department [~~commission~~] facilities.

9 (c) The department [~~commission~~] shall adopt standards  
10 consistent with standards adopted by the Texas Department of  
11 Criminal Justice regarding the confidential correspondence of  
12 children confined in department [~~commission~~] facilities with  
13 external entities, including advocacy and support groups.

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

15 (a) The department [~~commission~~] shall develop and use standards  
16 based on performance to evaluate and compare programs operated by  
17 the department [~~commission~~].

18 (b) When practicable and feasible, the department  
19 [~~commission~~] shall provide specific performance standards for a  
20 program serving 10 or more children through an agreement entered  
21 into under Section 242.053 [~~61.037 of this chapter~~]. In the  
22 performance standards, the department [~~commission~~] shall include  
23 outcome measures for evaluating the quality of services provided  
24 under the agreement.

25 (c) For the purposes of comparison, the department  
26 [~~commission~~] shall use performance standards that are as consistent  
27 as practicable with those used to evaluate and compare programs

1 operated by the department [~~commission~~], that measure the benefits  
2 and cost-effectiveness of the respective programs, and that measure  
3 the average length of stay and rate of recidivism of the children in  
4 the program.

5 Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT  
6 COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department  
7 [~~commission~~] may provide services to a child not committed to the  
8 department [~~commission~~] if the department [~~commission~~] contracts  
9 with a local juvenile probation department, the Health and [~~Texas~~  
10 ~~Department of~~] Human Services Commission, or the Department of  
11 Family and Protective [~~and Regulatory~~] Services to provide services  
12 to the child.

13 Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE  
14 SUPERVISION. When funds are available, the department [~~commission~~]  
15 may:

16 (1) establish and operate places for detention and  
17 diagnosis of children committed to it;

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

22 (3) establish active parole supervision to aid  
23 children given conditional release to find homes and employment and  
24 to become reestablished in the community; and

25 (4) assist in establishing training facilities and  
26 programs owned and operated by private individuals or organizations  
27 which agree to provide services to children committed to the

1 department [~~commission~~], including programs for children needing  
2 long-term residential care.

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

7           (1) consistent with methods used by other state  
8 agencies; and

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

11       Sec. 242.061 [~~61.041. STUDY OF TREATMENT METHODS,~~  
12 ~~STATISTICAL RECORDS.~~ (a) ~~The commission shall conduct continuing~~  
13 ~~inquiry into the effectiveness of the treatment methods it employs~~  
14 ~~in the reformation of children. To this end, the commission shall~~  
15 ~~maintain a record of arrests and commitments of its wards~~  
16 ~~subsequent to their discharge from the jurisdiction of the~~  
17 ~~commission and shall tabulate, analyze, and publish biennially~~  
18 ~~these data for use in evaluating the relative merits of treatment~~  
19 ~~methods.~~

20       [~~(b) The commission shall cooperate with courts and private~~  
21 ~~and public agencies in the collection of statistics and information~~  
22 ~~regarding juvenile delinquency, arrests made, complaints,~~  
23 ~~informations, and petitions filed, and the dispositions made of~~  
24 ~~them, and other information useful in determining the amount and~~  
25 ~~causes of juvenile delinquency in this state.~~

26       [~~Sec. 61.042~~]. REFERRALS FROM FEDERAL COURT.       The  
27 department [~~commission~~] may enter into agreements with the federal



1 government to accept children from the federal court for an agreed  
2 compensation.

3       Sec. 242.062 [~~61.0421. PUBLIC INTEREST INFORMATION. The~~  
4 ~~commission shall prepare information of public interest describing~~  
5 ~~the functions of the commission and describing the procedures by~~  
6 ~~which complaints are filed with and resolved by the commission. The~~  
7 ~~commission shall make the information available to the general~~  
8 ~~public and appropriate state agencies.~~

9       [~~Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The~~  
10 ~~commission shall maintain a system to promptly and efficiently act~~  
11 ~~on a complaint filed with the commission by a person, other than a~~  
12 ~~child receiving services from the commission or the child's parent~~  
13 ~~or guardian, that the commission has authority to resolve. The~~  
14 ~~commission shall maintain information about parties to the~~  
15 ~~complaint, the subject matter of the complaint, a summary of the~~  
16 ~~results of the review or investigation of the complaint, and the~~  
17 ~~disposition of the complaint.~~

18       [~~(b) The commission shall make information available~~  
19 ~~describing the commission's procedures for complaint investigation~~  
20 ~~and resolution.~~

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

24       [~~(d) The commission shall keep information about each~~  
25 ~~written complaint filed with the commission by a child receiving~~  
26 ~~services from the commission or the child's parent or guardian. The~~  
27 ~~information must include.~~

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

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

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

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

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

14           ~~[Sec. 61.043. GIFTS, GRANTS. The commission may accept~~  
15 ~~gifts, grants, or donations of money or property from private~~  
16 ~~sources to effectuate the purpose of this chapter. Donated funds~~  
17 ~~shall be placed in the state treasury in a special fund called the~~  
18 ~~Texas Youth Commission Fund and expended as other state money is~~  
19 ~~expended, on warrants drawn by the comptroller on the order of the~~  
20 ~~commission. At the end of each state fiscal year, any unexpended~~  
21 ~~balance in the fund shall be carried over in the same fund.~~

22           ~~[Sec. 61.0431]. SPECIAL ACCOUNTS. (a) Proceeds from the~~  
23 ~~operation of canteens and vending machines at facilities under the~~  
24 ~~jurisdiction of the department [~~commission~~] shall be deposited to~~  
25 ~~the credit of a special account in the General Revenue Fund called~~  
26 ~~the canteen revolving fund. The proceeds shall be used to pay the~~  
27 ~~actual expenses of maintaining and operating the canteens and~~

1 vending machines.

2       **(b)** Proceeds in excess of the amount required for the  
3 ~~[these]~~ expenses described by Subsection (a), donations for student  
4 activities, and proceeds from children's fundraising projects  
5 shall be deposited to the credit of a special account in the General  
6 Revenue Fund called the student benefit fund and may be used only  
7 to:

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

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

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

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

19           (2) ~~[(c)]~~ compensate the students who participate in  
20 the projects.

21       **(d)** ~~[(c)]~~ Registration fees from seminars and conferences  
22 conducted by the department ~~[commission]~~ shall be deposited to the  
23 credit of a special account in the General Revenue Fund called the  
24 conference account and may be used only to pay the costs of  
25 conducting seminars and conferences.

26       **(e)** ~~[(d)]~~ Money in the special accounts described by this  
27 section is appropriated for the purposes indicated in this section

1 and shall be expended on warrants drawn by the comptroller on the  
2 order of the department [~~commission~~].

3 Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND  
4 MONEY. (a) Except as provided by Subsection (b), money belonging  
5 to a child committed to the department [~~commission~~] in excess of the  
6 amount the department [~~commission~~] allows in a child's possession  
7 shall be deposited in a trust fund established by the facility  
8 operated by the department [~~commission~~] to which the child is  
9 assigned. The department [~~commission~~] shall adopt rules governing  
10 the administration of the trust fund.

11 (b) Money possessed by a child committed to the department  
12 [~~commission~~] that is determined to be contraband money as defined  
13 by department [~~commission~~] rule shall be deposited in the student  
14 benefit fund described by Section 242.062(b) [~~61.0431~~]. The  
15 department [~~commission~~] shall notify each child committed to the  
16 department [~~commission~~] that the possession of contraband money is  
17 subject to confiscation by the department [~~commission~~] under this  
18 subsection.

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

24 (1) merchandise from vending machines or canteens  
25 within the facilities;

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

27 (3) services that the facilities are authorized to

1 provide.

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

6 (c) Transfers of cash based on card use for purchases of  
7 merchandise or services shall be made from the debit card suspense  
8 accounts to the appropriate vendors and to accounts in the state  
9 treasury in accordance with laws governing receipt of state  
10 revenues.

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

13 Sec. 242.065 [~~61.044. BIENNIAL BUDGET. The executive~~  
14 ~~commissioner shall prepare a biennial budget of all funds necessary~~  
15 ~~to be appropriated by the legislature to the commission to carry out~~  
16 ~~the purposes of this chapter. The budget shall be submitted and~~  
17 ~~filed by the executive commissioner in the form and manner and~~  
18 ~~within the time prescribed by law.~~

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

27 [~~(b) The commission shall see that the buildings and~~

1 ~~premises are kept in good sanitary order.~~

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

5 ~~[(1) crimes committed by commission employees,~~  
6 ~~including parole officers employed by or under a contract with the~~  
7 ~~commission; and~~

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

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

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

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

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

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

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

22 ~~[(6) the standing committees of the senate and house~~  
23 ~~of representatives with primary jurisdiction over matters~~  
24 ~~concerning correctional facilities,~~

25 ~~[(7) the special prosecution unit,~~

26 ~~[(8) the state auditor, and~~

27 ~~[(9) any other appropriate state agency responsible~~

1 ~~for licensing or certifying commission employees or facilities.~~

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

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

14 ~~[(e) Peace officers employed and commissioned under~~  
15 ~~Subsection (d) must:~~

16 ~~[(1) be certified by the Commission on Law Enforcement~~  
17 ~~Officer Standards and Education under Chapter 1701, Occupations~~  
18 ~~Code, and~~

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

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

27 ~~[(g) The chief inspector general shall on a quarterly basis~~

1 ~~prepare and deliver a report concerning the operations of the~~  
2 ~~office of inspector general to:~~

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

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

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

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

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

8 ~~[(6) the standing committees of the senate and house~~  
9 ~~of representatives with primary jurisdiction over correctional~~  
10 ~~facilities,~~

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

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

13 ~~[(h) A report prepared under Subsection (g) is public~~  
14 ~~information under Chapter 552, Government Code, to the extent~~  
15 ~~authorized under that chapter and other law, and the commission~~  
16 ~~shall publish the report on the commission's Internet website. A~~  
17 ~~report must be both aggregated and disaggregated by individual~~  
18 ~~facility and include information relating to:~~

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

22 ~~[(2) the relationship of a victim to a perpetrator, if~~  
23 ~~applicable, and~~

24 ~~[(3) the number of investigations conducted~~  
25 ~~concerning suicides, deaths, and hospitalizations of children in~~  
26 ~~the custody of the commission.~~

27 ~~[(i) The office of inspector general shall immediately~~



1 ~~report to the executive director, the board, the governor's general~~  
2 ~~counsel, and the state auditor:~~

3 ~~[(1) any particularly serious or flagrant problem~~  
4 ~~concerning the administration of a commission program or operation,~~  
5 ~~or~~

6 ~~[(2) any interference by the executive director, an~~  
7 ~~employee of the commission, a facility described by Subsection~~  
8 ~~(a)(2), or an officer or employee of a facility described by~~  
9 ~~Subsection (a)(2) with an investigation conducted by the office.~~

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

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

15 ~~[(1) the toll-free number is prominently displayed in~~  
16 ~~each commission facility, and~~

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

20 ~~[Sec. 61.046]. RELIGIOUS TRAINING. The department~~  
21 ~~[commission] shall provide for the religious and spiritual training~~  
22 ~~of children in its custody according to the children's individual~~  
23 ~~choices.~~

24 ~~Sec. 242.066 [61.0461]. EMPLOYMENT OR DESIGNATION OF~~  
25 ~~CHAPLAIN AT CERTAIN DEPARTMENT [COMMISSION] FACILITIES. The~~  
26 ~~department [commission] shall ensure that a chaplain is employed or~~  
27 ~~formally designated for each department [commission] correctional~~

1 facility that is an institution.

2       Sec. 242.067 [~~61.047~~]. VIOLENCE PREVENTION AND CONFLICT  
3 RESOLUTION EDUCATION. The department [~~commission~~] shall provide  
4 education in violence prevention and conflict resolution that  
5 includes discussion of domestic violence and child abuse issues to  
6 all children in its custody.

7       Sec. 242.068 [~~61.048. BUILDINGS AND IMPROVEMENTS.~~ (a) ~~The~~  
8 ~~commission may design, construct, equip, furnish, and maintain~~  
9 ~~buildings and improvements at facilities under its jurisdiction.~~  
10 ~~The commission may employ architects or engineers, or both, to~~  
11 ~~prepare plans and specifications and to supervise the construction~~  
12 ~~and improvements. The commission shall promulgate rules relating~~  
13 ~~to the award of contracts for the construction of buildings and~~  
14 ~~improvements. The rules shall provide for the award of contracts~~  
15 ~~for the construction of buildings and improvements to the qualified~~  
16 ~~bidder making the lowest and best bid. A construction contract may~~  
17 ~~not be awarded for a sum in excess of the amount of funds available~~  
18 ~~for the project. The commission may reject any and all bids~~  
19 ~~submitted.~~

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

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

27       [~~Sec. 61.050~~]. FIRE PROTECTION ACTIVITIES. (a) The

1 department [~~commission~~] may perform fire protection, fire  
2 prevention, and fire suppression activities at department  
3 [~~commission~~] facilities.

4 (b) The department [~~commission~~] may prescribe circumstances  
5 under which, for the benefit of the public safety and welfare,  
6 department [~~commission~~] employees using department [~~commission~~]  
7 equipment may assist municipal or volunteer fire departments in the  
8 performance of fire protection, fire prevention, or fire  
9 suppression activities near department [~~commission~~] facilities.

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

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

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

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

20 Sec. 242.070 [~~61.052~~]. CONTRACT MONITORING. The  
21 department [~~commission~~] shall establish a formal program to monitor  
22 residential program-related client services contracts made by the  
23 department [~~commission~~]. The department [~~commission~~] must:

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

26 (2) obtain and evaluate program cost information to  
27 ensure that each cost, including an administrative cost, is

1 reasonable and necessary to achieve program objectives.

2       Sec. 242.071 [~~61.053. MEDICAID BENEFITS. The commission~~  
3 ~~shall apply for benefits under the federal Medicaid program if~~  
4 ~~application is cost effective in reducing health care costs~~  
5 ~~incurred by the commission.~~

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

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

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

17       [Sections 242.072-242.100 reserved for expansion]

18       SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT  
19       FACILITIES OR BY DEPARTMENT EMPLOYEES

20       Sec. 242.101 [~~61.055~~]. ZERO-TOLERANCE POLICY. (a) The  
21 department [~~commission~~] shall adopt and enforce a zero-tolerance  
22 policy concerning the detection, prevention, and punishment of the  
23 sexual abuse, including consensual sexual contact, of children in  
24 the custody of the department [~~commission~~].

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

1 (c) The department [~~commission~~] shall establish a procedure  
2 for children in the custody of the department [~~commission~~] and  
3 department [~~commission~~] employees to report incidents of sexual  
4 abuse involving a child in the custody of the department  
5 [~~commission~~]. The procedure must designate a person employed at  
6 the department [~~commission~~] facility in which the abuse is alleged  
7 to have occurred as well as a person who is employed at the  
8 department's [~~commission's~~] headquarters to whom a person may  
9 report an incident of sexual abuse.

10 (d) The department [~~commission~~] shall prominently display  
11 the following notice in the office of the chief administrator of  
12 each department [~~commission~~] facility, the employees' break room of  
13 each department [~~commission~~] facility, the cafeteria of each  
14 department [~~commission~~] facility, and at least six additional  
15 locations in each department [~~commission~~] facility:

16 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY  
17 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF  
18 A CHILD IN THE CUSTODY OF THE DEPARTMENT [~~COMMISSION~~]. ANY SUCH  
19 VIOLATION MUST BE REPORTED TO \_\_\_\_\_.

20 Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office  
21 of inspector general is established at the department for the  
22 purpose of investigating:

23 (1) crimes committed by department employees,  
24 including parole officers employed by or under a contract with the  
25 department; and

26 (2) crimes and delinquent conduct committed at a  
27 facility operated by the department, a residential facility

1 operated by another entity under a contract with the department, or  
2 any facility in which a child committed to the custody of the  
3 department is housed or receives medical or mental health  
4 treatment.

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

8 (1) the executive director;

9 (2) any applicable advisory board;

10 (3) the governor;

11 (4) the lieutenant governor;

12 (5) the speaker of the house of representatives;

13 (6) the standing committees of the senate and house of  
14 representatives with primary jurisdiction over matters concerning  
15 correctional facilities;

16 (7) the special prosecution unit;

17 (8) the state auditor; and

18 (9) any other appropriate state agency responsible for  
19 licensing or certifying department employees or facilities.

20 (c) The report prepared under Subsection (b) must include a  
21 summary of the actions performed by the office of inspector general  
22 in conducting the investigation, a statement of whether the  
23 investigation resulted in a finding that a criminal offense or  
24 delinquent conduct occurred, and a description of the finding. The  
25 report is public information under Chapter 552, Government Code,  
26 only to the extent authorized under that chapter and other law.

27 (d) The office of inspector general may employ and

1 commission inspectors general as peace officers for the purpose of  
2 carrying out the duties described by this section. An inspector  
3 general shall have all of the powers and duties given to peace  
4 officers under Article 2.13, Code of Criminal Procedure.

5 (e) Peace officers employed and commissioned under  
6 Subsection (d) must:

7 (1) be certified by the Commission on Law Enforcement  
8 Officer Standards and Education under Chapter 1701, Occupations  
9 Code; and

10 (2) complete advanced courses relating to the duties  
11 of peace officers employed and commissioned under Subsection (d) as  
12 part of any continuing education requirements for the peace  
13 officers.

14 (f) The executive director shall select a commissioned  
15 peace officer as chief inspector general. The chief inspector  
16 general is subject to the requirements of this section and may only  
17 be discharged for cause.

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

21 (1) the executive director;

22 (2) any applicable advisory board;

23 (3) the governor;

24 (4) the lieutenant governor;

25 (5) the speaker of the house of representatives;

26 (6) the standing committees of the senate and house of  
27 representatives with primary jurisdiction over correctional

1 facilities;

2 (7) the state auditor; and

3 (8) the comptroller.

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

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

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

15 (3) the number of investigations conducted concerning  
16 suicides, deaths, and hospitalizations of children in the custody  
17 of the department.

18 (i) The office of inspector general shall immediately  
19 report to the executive director, the board, the governor's general  
20 counsel, and the state auditor:

21 (1) any particularly serious or flagrant problem  
22 concerning the administration of a department program or operation;  
23 or

24 (2) any interference by the executive director, an  
25 employee of the department, a facility described by Subsection  
26 (a)(2), or an officer or employee of a facility described by  
27 Subsection (a)(2) with an investigation conducted by the office.



1       Sec. 242.103. TOLL-FREE NUMBER. (a) The department shall  
2 establish a permanent, toll-free number for the purpose of  
3 receiving any information concerning the abuse, neglect, or  
4 exploitation of children in the custody of the department.

5       (b) The office of inspector general shall ensure that:

6           (1) the toll-free number is prominently displayed in  
7 each department facility; and

8           (2) children in the custody of the department and  
9 department employees have confidential access to telephones for the  
10 purpose of calling the toll-free number.

11       Sec. 242.104 [~~61.0455~~]. DETECTION AND MONITORING OF  
12 CELLULAR TELEPHONES. (a) The department [~~commission~~] may own and  
13 the office of the inspector general may possess, install, operate,  
14 or monitor an electronic, mechanical, or other device, as defined  
15 by Article 18.20, Code of Criminal Procedure.

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

20       (c) An investigative or law enforcement officer or other  
21 person, on request of the office of inspector general, may assist  
22 the office in the operation and monitoring of an interception of  
23 wire, oral, or electronic communications if the investigative or  
24 law enforcement officer or other person:

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

27           (2) acts in the presence and under the direction of a

1 commissioned officer of the inspector general.

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

3 SUBCHAPTER A. ADMISSION AND COMMITMENT

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

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

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

19 (c) The department [~~commission~~] shall consider the  
20 proximity of the residence of a child's family in determining the  
21 appropriate department [~~commission~~] facility in which to place a  
22 child.

23 Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF  
24 STAY. (a) The department [~~commission~~] shall establish a minimum  
25 length of stay for each child committed to the department  
26 [~~commission~~] without a determinate sentence.

27 (b) In establishing a minimum length of stay for a child,

1 the department [~~commission~~] shall consider:

2 (1) the nature of and seriousness of the conduct  
3 engaged in by the child; and

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

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

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

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

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

23 (c) If requested by the department [~~commission~~], the  
24 reports required by this section shall be made on forms furnished by  
25 the department [~~commission~~] or according to an outline furnished by  
26 the department [~~commission~~].

27 Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING

1 COURT. In addition to the information provided under Section  
2 243.004 [~~61.065~~], a court that commits a child to the department  
3 [~~commission~~] shall provide the department [~~commission~~] with a copy  
4 of the following documents:

5 (1) the petition and the adjudication and disposition  
6 orders for the child, including the child's thumbprint;

7 (2) if the commitment is a result of revocation of  
8 probation, a copy of the conditions of probation and the revocation  
9 order;

10 (3) the social history report for the child;

11 (4) any psychological or psychiatric reports  
12 concerning the child;

13 (5) the contact information sheet for the child's  
14 parents or guardian;

15 (6) any law enforcement incident reports concerning  
16 the offense for which the child is committed;

17 (7) any sex offender registration information  
18 concerning the child;

19 (8) any juvenile probation department progress  
20 reports concerning the child;

21 (9) any assessment documents concerning the child;

22 (10) the computerized referral and case history for  
23 the child, including case disposition;

24 (11) the child's birth certificate;

25 (12) the child's social security number or social  
26 security card, if available;

27 (13) the name, address, and telephone number of the

1 court administrator in the committing county;

2 (14) Title IV-E eligibility screening information for  
3 the child, if available;

4 (15) the address in the committing county for  
5 forwarding funds collected to which the committing county is  
6 entitled;

7 (16) any of the child's school or immunization records  
8 that the committing county possesses;

9 (17) any victim information concerning the case for  
10 which the child is committed; and

11 (18) any of the child's pertinent medical records that  
12 the committing court possesses.

13 Sec. 243.006 [~~61.066~~]. COMMITMENT RECORDS. A commitment to  
14 the department [~~commission~~] may not be received in evidence or used  
15 in any way in any proceedings in any court except in:

16 (1) subsequent proceedings under Title 3 of the Family  
17 Code against the same child;

18 (2) imposing sentence in any criminal proceedings  
19 against the same person; or

20 (3) subsequent civil commitment proceedings under  
21 Chapter 841, Health and Safety Code, regarding the same person.

22 Sec. 243.007 [~~61.067~~]. INFORMATION PROVIDED TO COMMITTING  
23 COURT. (a) If a court that commits a child to the department  
24 [~~commission~~] requests, in the commitment order, that the department  
25 [~~commission~~] keep the court informed of the progress the child is  
26 making while committed to the department [~~commission~~], the  
27 department [~~commission~~] shall provide the court with periodic

1 updates on the child's progress.

2 (b) A report provided under Subsection (a) may include any  
3 information the department [~~commission~~] determines to be relevant  
4 in evaluating the child's progress, including, as applicable,  
5 information concerning the child's treatment, education, and  
6 health.

7 (c) A report provided under this section may not include  
8 information that is protected from disclosure under state or  
9 federal law.

10 [Sections 243.008-243.050 reserved for expansion]

11 SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

12 Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF  
13 RELEASE CONDITIONS. (a) If a child who has been committed to the  
14 department and placed by the department in any institution or  
15 facility has escaped or has been released under supervision and  
16 broken the conditions of release:

17 (1) a sheriff, deputy sheriff, constable, or police  
18 officer may, without a warrant, arrest the child; or

19 (2) a department employee designated by the executive  
20 director may, without a warrant or other order, take the child into  
21 the custody of the department.

22 (b) A child who is arrested or taken into custody under  
23 Subsection (a) may be detained in any suitable place, including an  
24 adult jail facility if the person is 17 years of age or older, until  
25 the child is returned to the custody of the department or  
26 transported to a department facility.

27 (c) Notwithstanding Section 58.005, Family Code, the

1 department may disseminate to the public the following information  
2 relating to a child who has escaped from custody:

3 (1) the child's name, including other names by which  
4 the child is known;

5 (2) the child's physical description, including sex,  
6 weight, height, race, ethnicity, eye color, hair color, scars,  
7 marks, and tattoos;

8 (3) a photograph of the child; and

9 (4) if necessary to protect the welfare of the  
10 community, any other information that reveals dangerous  
11 propensities of the child or expedites the apprehension of the  
12 child.

13 Sec. 243.052. APPREHENSION SPECIALISTS. (a) The  
14 department may employ and commission apprehension specialists as  
15 peace officers for the purpose of apprehending a child under  
16 Section 243.051.

17 (b) Peace officers employed and commissioned under  
18 Subsection (a) must be certified by the Texas Commission on Law  
19 Enforcement Officer Standards and Education under Chapter 1701,  
20 Occupations Code.

21 CHAPTER 244 [SUBCHAPTER E]. CARE AND TREATMENT OF CHILDREN

22 SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

23 Sec. 244.001 [61.071]. INITIAL EXAMINATION. (a) The  
24 department [commission] shall examine and make a study of each  
25 child committed to it as soon as possible after commitment. The  
26 study shall be made according to rules established by the  
27 department [commission] and shall include:

1           (1) long-term planning for the child; and  
2           (2) consideration of the child's medical, substance  
3 abuse, and treatment history, including the child's psychiatric  
4 history and substance abuse history.

5           (b) For a child for whom a minimum length of stay is  
6 established under Section 243.002 [~~61.062~~] of one year or longer,  
7 the initial examination must include a comprehensive psychiatric  
8 evaluation.

9           (c) The department [~~commission~~] shall administer  
10 comprehensive psychological assessments to a child as part of the  
11 child's initial examination, including assessments designed to  
12 identify whether a child is in need of a psychiatric evaluation. If  
13 the results of a child's psychological assessments indicate that  
14 the child is in need of a psychiatric evaluation, the department  
15 [~~commission~~] shall as soon as practicable conduct a psychiatric  
16 evaluation of the child.

17           Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~] (a)  
18 ~~In providing medical care, behavioral health care, or~~  
19 ~~rehabilitation services, the commission shall integrate the~~  
20 ~~provision of those services in an integrated comprehensive delivery~~  
21 ~~system.~~

22           ~~[(b) The delivery system may be used to deliver any medical,~~  
23 ~~behavioral health, or rehabilitation services provided to a child~~  
24 ~~in the custody of the commission, including:~~

- 25                   ~~[(1) health care,~~  
26                   ~~[(2) dental care,~~  
27                   ~~[(3) behavioral health care,~~



1           ~~[(4) substance abuse treatment,~~  
2           ~~[(5) nutrition,~~  
3           ~~[(6) programming,~~  
4           ~~[(7) case management, and~~  
5           ~~[(8) general rehabilitation services, including~~  
6 ~~educational, spiritual, daily living, recreational, and security~~  
7 ~~services.~~

8           ~~[Sec. 61.072]~~. REEXAMINATION.     (a)     The department  
9 ~~[commission]~~ shall periodically reexamine each child under its  
10 control, except those on release under supervision or in foster  
11 homes, for the purpose of determining whether a rehabilitation plan  
12 made by the department ~~[commission]~~ concerning the child should be  
13 modified or continued.

14           (b) The reexamination ~~[examination]~~ must include a study of  
15 all current circumstances of a child's personal and family  
16 situation and an evaluation of the progress made by the child since  
17 the child's last examination.

18           (c) The reexamination ~~[examination]~~ of a child may be made  
19 as frequently as the department ~~[commission]~~ considers necessary,  
20 but shall be made at intervals not exceeding six months.

21           Sec. 244.003 ~~[61.073]~~. RECORDS OF EXAMINATIONS AND  
22 TREATMENT. (a) The department ~~[commission]~~ shall keep written  
23 records of all examinations and conclusions based on them and of all  
24 orders concerning the disposition or treatment of each child  
25 subject to its control.

26           (b) Except as provided by Section 243.051(c) ~~[61.093(c)]~~,  
27 these records and all other information concerning a child,

1 including personally identifiable information, are not public and  
2 are available only according to the provisions of Section 58.005,  
3 Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and  
4 Chapter 61, Code of Criminal Procedure.

5       Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN,~~  
6 ~~PARENTS, AND OTHERS.~~ (a) ~~In the interest of achieving the purpose~~  
7 ~~of the commission and protecting the public, the commission may~~  
8 ~~disclose records and other information concerning a child to the~~  
9 ~~child and the child's parent or guardian only if disclosure would~~  
10 ~~not materially harm the treatment and rehabilitation of the child~~  
11 ~~and would not substantially decrease the likelihood of the~~  
12 ~~commission receiving information from the same or similar sources~~  
13 ~~in the future. Information concerning a person who is age 18 or~~  
14 ~~older may not be disclosed to the person's parent or guardian~~  
15 ~~without the person's consent.~~

16       [~~(b) The commission may disclose information regarding a~~  
17 ~~child's location and committing court to a person having a~~  
18 ~~legitimate need for the information.~~

19       [~~(c) The commission may disclose to a peace officer or law~~  
20 ~~enforcement agency images of children recorded by an electronic~~  
21 ~~recording device and incident reporting and investigation~~  
22 ~~documents containing the names of children if the information is~~  
23 ~~relevant to the investigation of a criminal offense alleged to have~~  
24 ~~occurred in a facility operated by or under contract with the~~  
25 ~~commission.~~

26       [~~(d) Notwithstanding Subsection (a), if the Department of~~  
27 ~~Family and Protective Services has been appointed managing~~

1 ~~conservator for a child, the commission shall disclose records and~~  
2 ~~other information concerning the child to the department as~~  
3 ~~provided by department rules.~~

4 ~~[Sec. 61.074]~~. FAILURE TO EXAMINE OR REEXAMINE. (a)  
5 Failure of the department [~~commission~~] to examine or reexamine a  
6 child as required by this subchapter [~~chapter~~] does not entitle the  
7 child to be discharged from the control of the department  
8 [~~commission~~], but the child may petition the committing court for  
9 discharge.

10 (b) After due notice to the department [~~commission~~], the  
11 committing court shall discharge the child from the control of the  
12 department [~~commission~~] unless the department [~~commission~~]  
13 satisfies the court that further control is necessary.

14 Sec. 244.005 [~~61.075~~]. DETERMINATION OF TREATMENT. When a  
15 child has been committed to the department [~~commission~~], the  
16 department [~~commission~~] may:

17 (1) permit the child liberty under supervision and on  
18 conditions the department [~~it~~] believes conducive to acceptable  
19 behavior;

20 (2) order the child's confinement under conditions the  
21 department [~~it~~] believes best designed for the child's welfare and  
22 the interests of the public;

23 (3) order reconfinement or renewed release as often as  
24 conditions indicate to be desirable;

25 (4) revoke or modify any order of the department  
26 [~~commission~~] affecting a child, except an order of final discharge,  
27 as often as conditions indicate; or

1           (5) discharge the child from control when the  
2 department [~~it~~] is satisfied that discharge will best serve the  
3 child's welfare and the protection of the public.

4           Sec. 244.006 [~~61.0751. SUBPOENAS.~~ (a) ~~A hearings examiner~~  
5 ~~appointed by the commission may issue a subpoena requiring the~~  
6 ~~attendance of a witness or the production of any record, book,~~  
7 ~~paper, or document the hearings examiner considers necessary for a~~  
8 ~~determination of treatment under Section 61.075.~~

9           ~~[(b) The hearings examiner may sign a subpoena and~~  
10 ~~administer an oath.~~

11           ~~[(c) A peace officer, apprehension specialist, parole~~  
12 ~~officer, or other commission official may serve the subpoena in the~~  
13 ~~same manner as similar process in a court of record having original~~  
14 ~~jurisdiction of criminal actions is served.~~

15           ~~[(d) A person who testifies falsely, fails to appear when~~  
16 ~~subpoenaed, or fails or refuses to produce material under the~~  
17 ~~subpoena is subject to the same orders and penalties to which a~~  
18 ~~person taking those actions before a court is subject.~~

19           ~~[(e) On application of the commission, a court of record~~  
20 ~~having original jurisdiction of criminal actions may compel the~~  
21 ~~attendance of a witness, the production of material, or the giving~~  
22 ~~of testimony before the hearings examiner, by an attachment for~~  
23 ~~contempt or in the same manner as the court may otherwise compel the~~  
24 ~~production of evidence.~~

25           [~~Sec. 61.076~~]. TYPE OF TREATMENT PERMITTED. (a) As a  
26 means of correcting the socially harmful tendencies of a child  
27 committed to the department [~~it~~], the department [~~commission~~] may:

1           (1) require the child to participate in moral,  
2 academic, vocational, physical, and correctional training and  
3 activities;

4           (2) require the modes of life and conduct that seem  
5 best adapted to fit the child for return to full liberty without  
6 danger to the public;

7           (3) provide any medical or psychiatric treatment that  
8 is necessary; and

9           (4) place physically fit children in  
10 parks-maintenance camps, forestry camps, or ranches owned by the  
11 state or the United States and require the performance of suitable  
12 conservation and maintenance work.

13           (b) The dominant purpose of placing children in camps is to  
14 benefit and rehabilitate the children rather than to make the camps  
15 self-sustaining. Children placed in camps may not be exploited.

16           Sec. 244.007 [~~61.0761~~]. FAMILY PROGRAMS. The department  
17 [~~commission~~] shall develop programs that encourage family  
18 involvement in the rehabilitation of the child.

19           Sec. 244.0075 [~~61.07611~~]. RESTRAINT OF PREGNANT JUVENILE.

20           (a) The department [~~commission~~] may not use restraints to control  
21 the movement of a pregnant child who is committed to the department  
22 [~~commission~~] at any time during which the child is in labor or  
23 delivery or recovering from delivery, unless the executive director  
24 or executive director's designee determines that the use of  
25 restraints is necessary to:

26           (1) ensure the safety and security of the child or her  
27 infant, department [~~commission~~] or medical personnel, or any member

1 of the public; or

2 (2) prevent a substantial risk that the child will  
3 attempt escape.

4 (b) If a determination to use restraints is made under  
5 Subsection (a), the type of restraint used and the manner in which  
6 the restraint is used must be the least restrictive available under  
7 the circumstances to ensure safety and security or to prevent  
8 escape.

9 Sec. 244.008 [~~61.0762~~]. INFANT CARE AND PARENTING PROGRAM.

10 (a) In this section, "child" means the child of a person who is  
11 committed to the department [~~commission~~].

12 (b) The department [~~commission~~] may establish child care  
13 and parenting programs for persons committed to the department  
14 [~~commission~~] who are parents.

15 (c) The department [~~commission~~] may permit a mother to have  
16 possession of her child in a residential program that has an infant  
17 care and parenting program or to have possession of her child in a  
18 department-funded [~~commission-funded~~] independent living  
19 residence for up to six months if:

20 (1) the child's father or another relative or guardian  
21 of the child agrees in advance of the child's placement with the  
22 child's mother to assume possession of the child immediately upon  
23 notice by the department [~~commission~~] to do so;

24 (2) the child's parents and any other person having a  
25 duty of support acknowledge that by permitting the mother to have  
26 possession of the child while the mother is confined in a  
27 residential facility or placed in an independent living residence,

1 the department [~~commission~~] assumes no responsibility for the  
2 child's care beyond the responsibility of care that is ordinarily  
3 due the child's mother and the reasonable accommodations that are  
4 necessary for the mother's care of her child;

5 (3) the child's parents and any other person having a  
6 duty of support agree to indemnify and hold the department  
7 [~~commission~~] harmless from any claims that may be made against the  
8 department [~~commission~~] for the child's support, including medical  
9 support; and

10 (4) the department [~~commission~~] determines that the  
11 placement is in the best interest of both the mother and her child.

12 Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In  
13 providing medical care, behavioral health care, or rehabilitation  
14 services, the department shall integrate the provision of those  
15 services in an integrated comprehensive delivery system.

16 (b) The delivery system may be used to deliver any medical,  
17 behavioral health, or rehabilitation services provided to a child  
18 in the custody of the department, including:

19 (1) health care;

20 (2) dental care;

21 (3) behavioral health care;

22 (4) substance abuse treatment;

23 (5) nutrition;

24 (6) programming;

25 (7) case management; and

26 (8) general rehabilitation services, including  
27 educational, spiritual, daily living, recreational, and security

1 services.

2           Sec. 244.010 [~~61.0763. RIGHTS OF PARENTS. (a) The~~  
3 ~~commission, in consultation with advocacy and support groups such~~  
4 ~~as those described in Section 61.0386(a), shall develop a parent's~~  
5 ~~bill of rights for distribution to the parent or guardian of a child~~  
6 ~~who is under 18 years of age and committed to the commission. The~~  
7 ~~parent's bill of rights must include:~~

8                   [~~(1) a description of the commission's grievance~~  
9 ~~policies and procedures, including contact information for the~~  
10 ~~office of inspector general and the office of the independent~~  
11 ~~ombudsman established under Chapter 64;~~

12                   [~~(2) a list of possible incidents that require~~  
13 ~~parental notification;~~

14                   [~~(3) policies concerning visits and telephone~~  
15 ~~conversations with a child committed to the commission;~~

16                   [~~(4) a description of commission caseworker~~  
17 ~~responsibilities;~~

18                   [~~(5) a statement that the commission caseworker~~  
19 ~~assigned to a child may assist the child's parent or guardian in~~  
20 ~~obtaining information and services from the commission and other~~  
21 ~~resources concerning:~~

22                           [~~(A) counseling, including substance abuse and~~  
23 ~~mental health counseling;~~

24                           [~~(B) assistance programs, including financial~~  
25 ~~and travel assistance programs for visiting a child committed to~~  
26 ~~the commission;~~

27                           [~~(C) workforce preparedness programs;~~



1                   ~~[(D) parenting programs; and~~  
2                   ~~[(E) commission seminars; and~~  
3                   ~~[(6) information concerning the indeterminate~~  
4 ~~sentencing structure at the commission, an explanation of reasons~~  
5 ~~that a child's commitment at the commission could be extended, and~~  
6 ~~an explanation of the review process under Sections 61.0815 and~~  
7 ~~61.0816 for a child committed to the commission without a~~  
8 ~~determinate sentence.~~

9                   ~~[(b) Not later than 48 hours after the time a child is~~  
10 ~~admitted to a commission facility, the commission shall mail to the~~  
11 ~~child's parent or guardian at the last known address of the parent~~  
12 ~~or guardian.~~

13                   ~~[(1) the parent's bill of rights; and~~  
14                   ~~[(2) the contact information of the commission~~  
15 ~~caseworker assigned to the child.~~

16                   ~~[(c) The commission shall on a quarterly basis provide to~~  
17 ~~the parent, guardian, or designated advocate of a child who is in~~  
18 ~~the custody of the commission a report concerning the progress of~~  
19 ~~the child at the commission, including:~~

20                   ~~[(1) the academic and behavioral progress of the~~  
21 ~~child; and~~

22                   ~~[(2) the results of any reexamination of the child~~  
23 ~~conducted under Section 61.072.~~

24                   ~~[(d) The commission shall ensure that written information~~  
25 ~~provided to a parent or guardian regarding the rights of a child in~~  
26 ~~the custody of the commission or the rights of a child's parent or~~  
27 ~~guardian, including the parent's bill of rights, is clear and easy~~

1 ~~to understand.~~

2 ~~[(c) The commission shall ensure that if the Department of~~  
3 ~~Family and Protective Services has been appointed managing~~  
4 ~~conservator of a child, the department is given the same rights as~~  
5 ~~the child's parent under the parent's bill of rights developed under~~  
6 ~~this section.~~

7 ~~[Sec. 61.0764].~~ DEPARTMENT ~~[COMMISSION]~~ CASEWORKERS. (a)  
8 The department ~~[commission]~~ shall assign a caseworker to a child  
9 committed to the department ~~[commission]~~. A department  
10 ~~[commission]~~ caseworker shall:

11 (1) explore family issues and needs with the parent or  
12 guardian of a child committed to the department ~~[commission]~~;

13 (2) as needed, provide the parent or guardian of a  
14 child committed to the department ~~[commission]~~ with information  
15 concerning programs and services provided by the department  
16 ~~[commission]~~ or another resource; and

17 (3) perform other duties required by the department  
18 ~~[commission]~~.

19 (b) A department ~~[commission]~~ caseworker shall:

20 (1) at least once a month, attempt to contact the  
21 child's parent or guardian by phone, in person while the parent or  
22 guardian is visiting the facility, or, if necessary, by mail;

23 (2) if unsuccessful in contacting the child's parent  
24 or guardian under Subdivision (1), attempt at least one additional  
25 time each month to contact the child's parent or guardian; and

26 (3) document successful as well as unsuccessful  
27 attempts to contact the child's parent or guardian.

1 (c) To the extent practicable, a caseworker or another  
2 facility administrator shall attempt to communicate with a parent  
3 or guardian who does not speak English in the language of choice of  
4 the parent or guardian.

5 ~~[Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR~~  
6 ~~STUDIES. (a) The commission shall keep records relating to~~  
7 ~~children committed to it that participate in research programs or~~  
8 ~~studies.~~

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

11 ~~[(1) the number of children participating in research~~  
12 ~~programs or studies for the appropriate reporting period;~~

13 ~~[(2) the type of research program or study in which~~  
14 ~~each child is participating;~~

15 ~~[(3) the name of the principal investigator conducting~~  
16 ~~the research program or study; and~~

17 ~~[(4) the entity sponsoring the research program or~~  
18 ~~study.~~

19 ~~[(c) The commission shall submit a report that contains the~~  
20 ~~information in the records kept under Subsection (b) on or before~~  
21 ~~the 15th day after the last day of the appropriate reporting period~~  
22 ~~to the:~~

23 ~~[(1) governor;~~

24 ~~[(2) lieutenant governor;~~

25 ~~[(3) speaker of the house of representatives; and~~

26 ~~[(4) members of the legislature.~~

27 ~~[(d) A report submitted under this section is public~~

1 ~~information under Chapter 552, Government Code.]~~

2       Sec. 244.0105 [~~61.0766~~]. REPORT CONCERNING FOSTER CHILDREN  
3 COMMITTED TO DEPARTMENT [~~COMMISSION~~]. (a) Not later than the 10th  
4 day before the date of a permanency hearing under Subchapter D,  
5 Chapter 263, Family Code, or a placement review hearing under  
6 Subchapter F, Chapter 263, Family Code, regarding a child for whom  
7 the Department of Family and Protective Services has been appointed  
8 managing conservator, a department [~~commission~~] caseworker shall  
9 submit a written report regarding the child's commitment to the  
10 department [~~commission~~] to:

- 11           (1) the court;
- 12           (2) the Department of Family and Protective Services;
- 13           (3) any attorney ad litem or guardian ad litem  
14 appointed for the child; and
- 15           (4) any volunteer advocate appointed for the child.

16       (b) The report required by Subsection (a) must include:

- 17           (1) the results of any assessments of the child during  
18 the child's commitment to the department [~~commission~~], including  
19 assessments of the child's emotional, mental, educational,  
20 psychological, psychiatric, medical, or physical needs;
- 21           (2) information regarding the child's placement in  
22 particular programs administered by the department [~~commission~~];  
23 and
- 24           (3) a description of the child's progress in programs  
25 administered by the department [~~commission~~].

26       Sec. 244.0106 [~~61.0767~~]. RULES REGARDING SERVICES FOR  
27 FOSTER CHILDREN. (a) The department [~~commission~~] and the

1 executive commissioner of the Health and Human Services Commission  
2 shall jointly adopt rules to ensure that a child for whom the  
3 Department of Family and Protective Services has been appointed  
4 managing conservator receives appropriate services while the child  
5 is committed to the department [~~commission~~] or released under  
6 supervision by the department [~~commission~~].

7 (b) The rules adopted under this section must require the  
8 department [~~commission~~] and the Department of Family and Protective  
9 Services to cooperate in providing appropriate services to a child  
10 for whom the Department of Family and Protective Services has been  
11 appointed managing conservator while the child is committed to the  
12 department [~~commission~~] or released under supervision by the  
13 department [~~commission~~], including:

- 14 (1) medical care, as defined by Section 266.001,  
15 Family Code;
- 16 (2) mental health treatment and counseling;
- 17 (3) education, including special education;
- 18 (4) case management;
- 19 (5) drug and alcohol abuse assessment or treatment;
- 20 (6) sex offender treatment; and
- 21 (7) trauma informed care.

22 (c) The rules adopted under this section must require:

23 (1) the Department of Family and Protective Services  
24 to:

25 (A) provide the department [~~commission~~] with  
26 access to relevant health and education information regarding a  
27 child; and

1 (B) require a child's caseworker to visit the  
2 child in person at least once each month while the child is  
3 committed to the department [~~commission~~];

4 (2) the department [~~commission~~] to:

5 (A) provide the Department of Family and  
6 Protective Services with relevant health and education information  
7 regarding a child;

8 (B) permit communication, including in person,  
9 by telephone, and by mail, between a child committed to the  
10 department [~~commission~~] and:

11 (i) the Department of Family and Protective  
12 Services; and

13 (ii) the attorney ad litem, the guardian ad  
14 litem, and the volunteer advocate for the child; and

15 (C) provide the Department of Family and  
16 Protective Services and any attorney ad litem or guardian ad litem  
17 for the child with timely notice of the following events relating to  
18 the child:

19 (i) a meeting designed to develop or revise  
20 the individual case plan for the child;

21 (ii) in accordance with any participation  
22 protocols to which the Department of Family and Protective Services  
23 and the department [~~commission~~] agree, a medical appointment at  
24 which a person authorized to consent to medical care must  
25 participate as required by Section 266.004(i), Family Code;

26 (iii) an education meeting, including  
27 admission, review, or dismissal meetings for a child receiving

1 special education;

2 (iv) a grievance or disciplinary hearing  
3 for the child;

4 (v) a report of abuse or neglect of the  
5 child; and

6 (vi) a significant medical condition of the  
7 child, as defined by Section 266.005, Family Code; and

8 (3) the Department of Family and Protective Services  
9 and the department [~~commission~~] to participate in transition  
10 planning for the child through release from detention, release  
11 under supervision, and discharge.

12 Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR  
13 MENTAL RETARDATION. (a) The department [~~commission~~] shall accept  
14 a child committed to the department [~~commission~~] who is mentally  
15 ill or mentally retarded.

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

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

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

27 (c) If a child who is discharged from the department

1 ~~[commission]~~ under Subsection (b) as a result of mental illness is  
2 not receiving court-ordered mental health services, the child's  
3 discharge is effective on the earlier of:

4 (1) the date the court enters an order regarding an  
5 application for mental health services filed under Section  
6 244.012(b) [~~61.0772(b)~~]; or

7 (2) the 30th day after the date the application is  
8 filed.

9 (d) If a child who is discharged from the department  
10 ~~[commission]~~ under Subsection (b) as a result of mental illness is  
11 receiving court-ordered mental health services, the child's  
12 discharge from the department ~~[commission]~~ is effective  
13 immediately. If the child is receiving mental health services  
14 outside the child's home county, the department ~~[commission]~~ shall  
15 notify the mental health authority located in that county of the  
16 discharge not later than the 30th day after the date that the  
17 child's discharge is effective.

18 (e) If a child who is discharged from the department  
19 ~~[commission]~~ under Subsection (b) as a result of mental retardation  
20 is not receiving mental retardation services, the child's discharge  
21 is effective on the earlier of:

22 (1) the date the court enters an order regarding an  
23 application for mental retardation services filed under Section  
24 244.012(b) [~~61.0772(e)~~]; or

25 (2) the 30th day after the date that the application is  
26 filed.

27 (f) If a child who is discharged from the department



1 [~~commission~~] under Subsection (b) as a result of mental retardation  
2 is receiving mental retardation services, the child's discharge  
3 from the department [~~commission~~] is effective immediately.

4 (g) If a child who is mentally ill or mentally retarded is  
5 discharged from the department [~~commission~~] under Subsection (b),  
6 the child is eligible to receive continuity of care services from  
7 the Texas Correctional Office on Offenders with Medical or Mental  
8 Impairments under Chapter 614, Health and Safety Code.

9 Sec. 244.012 [~~61.072~~]. EXAMINATION BEFORE DISCHARGE. (a)  
10 The department [~~commission~~] shall establish a system that  
11 identifies children in the department's [~~commission's~~] custody who  
12 are mentally ill or mentally retarded.

13 (b) Before a child who is identified as mentally ill is  
14 discharged from the department's [~~commission's~~] custody under  
15 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]  
16 psychiatrist shall examine the child. The department [~~commission~~]  
17 shall refer a child requiring outpatient psychiatric treatment to  
18 the appropriate mental health authority. For a child requiring  
19 inpatient psychiatric treatment, the department [~~commission~~] shall  
20 file a sworn application for court-ordered mental health services,  
21 as provided in Subchapter C, Chapter 574, Health and Safety Code,  
22 if:

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

25 (2) the psychiatrist who examined the child determines  
26 that the child is mentally ill and the child meets at least one of  
27 the criteria listed in Section 574.034, Health and Safety Code.

1 (c) Before a child who is identified as mentally retarded  
2 under Chapter 593, Health and Safety Code, is discharged from the  
3 department's [~~commission's~~] custody under Section 244.011(b)  
4 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for  
5 mental retardation services if the child is not receiving mental  
6 retardation services.

7 Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN  
8 SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The  
9 department [~~commission~~] may petition the juvenile court that  
10 entered the order of commitment for a child for the initiation of  
11 mental health commitment proceedings if the child is committed to  
12 the department [~~commission~~] under a determinate sentence under  
13 Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

14 (b) A petition made by the department [~~commission~~] shall be  
15 treated as a motion under Section 55.11, Family Code, and the  
16 juvenile court shall proceed in accordance with Subchapter B,  
17 Chapter 55, Family Code.

18 (c) The department [~~commission~~] shall cooperate with the  
19 juvenile court in any proceeding under this section.

20 (d) The juvenile court shall credit to the term of the  
21 child's commitment to the department [~~commission~~] any time the  
22 child is committed to an inpatient mental health facility.

23 (e) A child committed to an inpatient mental health facility  
24 as a result of a petition filed under this section may not be  
25 released from the facility on a pass or furlough.

26 (f) If the term of an order committing a child to an  
27 inpatient mental health facility is scheduled to expire before the

1 end of the child's sentence and another order committing the child  
2 to an inpatient mental health facility is not scheduled to be  
3 entered, the inpatient mental health facility shall notify the  
4 juvenile court that entered the order of commitment committing the  
5 child to the department [~~commission~~]. The juvenile court may  
6 transfer the child to the custody of the department [~~commission~~],  
7 transfer the child to the Texas Department of Criminal Justice, or  
8 release the child under supervision, as appropriate.

9       Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As  
10 soon as practicable after the department [~~commission~~] makes a  
11 decision to discharge a child or authorize the child's absence from  
12 the department's [~~its~~] custody, the department [~~commission~~] shall  
13 give notice of the department's [~~its~~] decision to the juvenile  
14 court and the office of the prosecuting attorney of the county in  
15 which the adjudication that the child engaged in delinquent conduct  
16 was made.

17       Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL  
18 OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment  
19 under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,  
20 becomes 16 years of age but before the child becomes 19 years of  
21 age, the department [~~commission~~] may refer the child to the  
22 juvenile court that entered the order of commitment for approval of  
23 the child's transfer to the Texas Department of Criminal Justice  
24 for confinement if:

- 25               (1) the child has not completed the sentence; and  
26               (2) the child's conduct, regardless of whether the  
27 child was released under supervision under Section 245.051

1 ~~[61.081]~~, indicates that the welfare of the community requires the  
2 transfer.

3 (b) The department ~~[commission]~~ shall cooperate with the  
4 court on any proceeding on the transfer of the child.

5 (c) If a child is released under supervision, a juvenile  
6 court adjudication that the child engaged in delinquent conduct  
7 constituting a felony offense, a criminal court conviction of the  
8 child for a felony offense, or a determination under Section  
9 244.005(4) ~~[61.075(4)]~~ revoking the child's release under  
10 supervision is required before referral of the child to the  
11 juvenile court under Subsection (a).

12 Sec. 244.015 ~~[61.0791]~~. EVALUATION OF CERTAIN CHILDREN  
13 SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced  
14 to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),  
15 Family Code, becomes 18 years of age, the department ~~[commission]~~  
16 shall evaluate whether the child is in need of additional services  
17 that can be completed in the six-month period after the child's 18th  
18 birthday to prepare the child for release from the custody of the  
19 department ~~[commission]~~ or transfer to the Texas Department of  
20 Criminal Justice.

21 (b) This section does not apply to a child who is released  
22 from the custody of the department ~~[commission]~~ or who is  
23 transferred to the Texas Department of Criminal Justice before the  
24 child's 18th birthday.

25 [Sections 244.016-244.050 reserved for expansion]

26 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

27 Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,

1 AND OTHERS. (a) In the interest of achieving the purpose of the  
2 department and protecting the public, the department may disclose  
3 records and other information concerning a child to the child and  
4 the child's parent or guardian only if disclosure would not  
5 materially harm the treatment and rehabilitation of the child and  
6 would not substantially decrease the likelihood of the department  
7 receiving information from the same or similar sources in the  
8 future. Information concerning a person who is age 18 or older may  
9 not be disclosed to the person's parent or guardian without the  
10 person's consent.

11 (b) The department may disclose information regarding a  
12 child's location and committing court to a person having a  
13 legitimate need for the information.

14 (c) The department may disclose to a peace officer or law  
15 enforcement agency images of children recorded by an electronic  
16 recording device and incident reporting and investigation  
17 documents containing the names of children if the information is  
18 relevant to the investigation of a criminal offense alleged to have  
19 occurred in a facility operated by or under contract with the  
20 department.

21 (d) Notwithstanding Subsection (a), if the Department of  
22 Family and Protective Services has been appointed managing  
23 conservator for a child, the department shall disclose records and  
24 other information concerning the child to the department as  
25 provided by department rules.

26 Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in  
27 consultation with advocacy and support groups such as those

1 described in Section 242.056(a), shall develop a parent's bill of  
2 rights for distribution to the parent or guardian of a child who is  
3 under 18 years of age and committed to the department. The parent's  
4 bill of rights must include:

5 (1) a description of the department's grievance  
6 policies and procedures, including contact information for the  
7 office of inspector general and the office of the independent  
8 ombudsman established under Chapter 261;

9 (2) a list of possible incidents that require parental  
10 notification;

11 (3) policies concerning visits and telephone  
12 conversations with a child committed to the department;

13 (4) a description of department caseworker  
14 responsibilities;

15 (5) a statement that the department caseworker  
16 assigned to a child may assist the child's parent or guardian in  
17 obtaining information and services from the department and other  
18 resources concerning:

19 (A) counseling, including substance abuse and  
20 mental health counseling;

21 (B) assistance programs, including financial and  
22 travel assistance programs for visiting a child committed to the  
23 department;

24 (C) workforce preparedness programs;

25 (D) parenting programs; and

26 (E) department seminars; and

27 (6) information concerning the indeterminate

1 sentencing structure at the department, an explanation of reasons  
2 that a child's commitment at the department could be extended, and  
3 an explanation of the review process under Sections 245.101 and  
4 245.104 for a child committed to the department without a  
5 determinate sentence.

6 (b) Not later than 48 hours after the time a child is  
7 admitted to a department facility, the department shall mail to the  
8 child's parent or guardian at the last known address of the parent  
9 or guardian:

10 (1) the parent's bill of rights; and

11 (2) the contact information of the department  
12 caseworker assigned to the child.

13 (c) The department shall on a quarterly basis provide to the  
14 parent, guardian, or designated advocate of a child who is in the  
15 custody of the department a report concerning the progress of the  
16 child at the department, including:

17 (1) the academic and behavioral progress of the child;  
18 and

19 (2) the results of any reexamination of the child  
20 conducted under Section 244.002.

21 (d) The department shall ensure that written information  
22 provided to a parent or guardian regarding the rights of a child in  
23 the custody of the department or the rights of a child's parent or  
24 guardian, including the parent's bill of rights, is clear and easy  
25 to understand.

26 (e) The department shall ensure that if the Department of  
27 Family and Protective Services has been appointed managing

1 conservator of a child, the department is given the same rights as  
2 the child's parent under the parent's bill of rights developed under  
3 this section.

4 CHAPTER 245 [SUBCHAPTER F]. RELEASE

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The  
7 department may employ parole officers to investigate, place,  
8 supervise, and direct the activities of a parolee to ensure the  
9 parolee's adjustment to society in accordance with the rules  
10 adopted by the department.

11 (b) Parole officers may work with local organizations,  
12 clubs, and agencies to formulate plans and procedures for the  
13 prevention of juvenile delinquency.

14 (c) The department shall develop a management system for  
15 parole services that objectively measures and provides for:

16 (1) the systematic examination of children's needs and  
17 the development of treatment plans to address those needs;

18 (2) the evaluation of homes, foster homes, and public  
19 and private institutions as constructive parole placements;

20 (3) the classification of children based on the level  
21 of children's needs and the degree of risk presented to the public;

22 (4) the objective measurement of parole officer  
23 workloads; and

24 (5) the gathering and analysis of information related  
25 to the effectiveness of parole services and to future parole  
26 requirements.

27 Sec. 245.002. REENTRY AND REINTEGRATION PLAN. (a) The



1 department shall develop a reentry and reintegration plan for each  
2 child committed to the custody of the department. The plan for a  
3 child must be designed to ensure that the child receives an  
4 extensive continuity of care in services from the time the child is  
5 committed to the department to the time of the child's final  
6 discharge from the department. The plan for a child must include,  
7 as applicable:

8 (1) housing assistance;

9 (2) a step-down program, such as placement in a  
10 halfway house;

11 (3) family counseling;

12 (4) academic and vocational mentoring;

13 (5) trauma counseling for a child who is a victim of  
14 abuse while in the custody of the department; and

15 (6) other specialized treatment services appropriate  
16 for the child.

17 (b) If a program or service in the child's reentry and  
18 reintegration plan is not available at the time the child is to be  
19 released, the department shall find a suitable alternative program  
20 or service so that the child's release is not postponed.

21 Sec. 245.003. CONTRACTS WITH COUNTIES. (a) The department  
22 may make a contract with a county to use the services of the  
23 county's juvenile probation department for the supervision of  
24 children within the county who are on furlough from a department  
25 facility or who are released under supervision from a department  
26 facility.

27 (b) Payments under a contract described by Subsection (a)

1 shall be made to the county treasurer on a quarterly schedule.

2 (c) The department may not pay a county for supervision of a  
3 child for any time after the child:

4 (1) is discharged from the department's custody;

5 (2) is returned to a department facility; or

6 (3) transfers the child's residence to another county  
7 or state.

8 (d) A county that has a contract with the department must  
9 report to the department on the status and progress of each child  
10 for whom the county is receiving payments. The reports shall be  
11 made at the time and in the manner specified by the contract.

12 [Sections 245.004-245.050 reserved for expansion]

13 SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

14 Sec. 245.051 [~~61.081~~]. RELEASE UNDER SUPERVISION. (a) The  
15 department [~~commission~~] may release under supervision any child in  
16 the department's [~~its~~] custody and place the child in the child's  
17 [~~his or her~~] home or in any situation or family approved by the  
18 department [~~commission~~]. Prior to placing a child in the child's  
19 [~~his or her~~] home, the department [~~commission~~] shall evaluate the  
20 home setting to determine the level of supervision and quality of  
21 care that is available in the home.

22 (b) [~~Subject to legislative appropriation, the commission~~  
23 ~~may employ parole officers to investigate, place, supervise, and~~  
24 ~~direct the activities of a parolee to ensure the parolee's~~  
25 ~~adjustment to society in accordance with the rules adopted by the~~  
26 ~~commission.~~

27 [~~(c) Parole officers may work with local organizations,~~

1 ~~clubs, and agencies to formulate plans and procedures for the~~  
2 ~~prevention of juvenile delinquency.~~

3 ~~[(d) The commission may resume the care and custody of any~~  
4 ~~child released under supervision at any time before the final~~  
5 ~~discharge of the child.~~

6 ~~[(e)]~~ Not later than 10 days before the day the department  
7 ~~[commission]~~ releases a child under this section, the department  
8 ~~[commission]~~ shall give notice of the release to the juvenile court  
9 and the office of the prosecuting attorney of the county in which  
10 the adjudication that the child engaged in delinquent conduct was  
11 made.

12 (c) ~~[(f)]~~ If a child is committed to the department  
13 ~~[commission]~~ under a determinate sentence under Section  
14 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
15 the department ~~[commission]~~ may not release the child under  
16 supervision without approval of the juvenile court that entered the  
17 order of commitment unless the child has served at least:

18 (1) 10 years, if the child was sentenced to commitment  
19 for conduct constituting capital murder;

20 (2) 3 years, if the child was sentenced to commitment  
21 for conduct constituting an aggravated controlled substance felony  
22 or a felony of the first degree;

23 (3) 2 years, if the child was sentenced to commitment  
24 for conduct constituting a felony of the second degree; or

25 (4) 1 year, if the child was sentenced to commitment  
26 for conduct constituting a felony of the third degree.

27 (d) ~~[(g)]~~ The department ~~[commission]~~ may request the

1 approval of the court under this section at any time.

2 (e) The department may resume the care and custody of any  
3 child released under supervision at any time before the final  
4 discharge of the child.

5 (f) [(-h)] If the department [~~commission~~] finds that a child  
6 has violated an order under which the child is released under  
7 supervision, on notice by any reasonable method to all persons  
8 affected, the department [~~commission~~] may order the child:

9 (1) to return to an institution;

10 (2) if the violation resulted in property damage or  
11 personal injury:

12 (A) to make full or partial restitution to the  
13 victim of the offense; or

14 (B) if the child is financially unable to make  
15 full or partial restitution, to perform services for a charitable  
16 or educational institution; or

17 (3) to comply with any other conditions the department  
18 [~~commission~~] considers appropriate.

19 (g) [(-i)] Notwithstanding Subsection (c) [~~(f)~~], if a child  
20 is committed to the department [~~commission~~] under a determinate  
21 sentence under Section 54.04(d)(3), Section 54.04(m), or Section  
22 54.05(f), Family Code, the department [~~commission~~] may release the  
23 child under supervision without approval of the juvenile court that  
24 entered the order of commitment if not more than nine months remain  
25 before the child's discharge under Section 245.151(b) [~~61.084(b)~~].

26 Sec. 245.052 [~~61.0811. PAROLE MANAGEMENT. The commission~~  
27 ~~shall develop a management system for parole services that~~

1 ~~objectively measures and provides for:~~

2 ~~[(1) the systematic examination of children's needs~~  
3 ~~and the development of treatment plans to address those needs;~~

4 ~~[(2) the evaluation of homes, foster homes, and public~~  
5 ~~and private institutions as constructive parole placements;~~

6 ~~[(3) the classification of children based on the level~~  
7 ~~of children's needs and the degree of risk presented to the public;~~

8 ~~[(4) the objective measurement of parole officer~~  
9 ~~workloads; and~~

10 ~~[(5) the gathering and analysis of information related~~  
11 ~~to the effectiveness of parole services and to future parole~~  
12 ~~requirements.~~

13 ~~[Sec. 61.0812].~~ SUBSTANCE ABUSE TREATMENT ~~[FOR SUBSTANCE~~  
14 ~~ABUSE].~~ Subject to an express appropriation to fund the treatment  
15 programs required by this section, the department ~~[commission]~~ may  
16 not release a child under supervision or parole a child if:

17 (1) the child has a substance abuse problem, including  
18 the use of a controlled substance, hazardous inhalable substances,  
19 or alcohol habitually; and

20 (2) the child has not completed a treatment program  
21 for the problem.

22 Sec. 245.053 ~~[61.0813].~~ SEX OFFENDER COUNSELING AND  
23 TREATMENT. (a) Before releasing a child described by Subsection  
24 (b) under supervision, the department ~~[commission]~~:

25 (1) may require as a condition of release that the  
26 child:

27 (A) attend psychological counseling sessions for

1 sex offenders as provided by Subsection (e); and

2 (B) submit to a polygraph examination as provided  
3 by Subsection (f) for purposes of evaluating the child's treatment  
4 progress; and

5 (2) shall require as a condition of release that the  
6 child:

7 (A) register under Chapter 62, Code of Criminal  
8 Procedure; and

9 (B) submit a blood sample or other specimen to  
10 the Department of Public Safety under Subchapter G, Chapter 411,  
11 Government Code, for the purpose of creating a DNA record of the  
12 child, unless the child has already submitted the required specimen  
13 under other state law.

14 (b) This section applies to a child adjudicated for engaging  
15 in delinquent conduct constituting an offense for which the child  
16 is required to register as a sex offender under Chapter 62, Code of  
17 Criminal Procedure.

18 (c) Psychological counseling required as a condition of  
19 release under Subsection (a) must be with an individual or  
20 organization that:

21 (1) provides sex offender treatment or counseling;

22 (2) is specified by the department [~~commission~~]; and

23 (3) meets minimum standards of counseling established  
24 by the department [~~commission~~].

25 (d) A polygraph examination required as a condition of  
26 release under Subsection (a) must be administered by an individual  
27 who is:

- 1 (1) specified by the department [~~commission~~]; and  
2 (2) licensed as a polygraph examiner under Chapter  
3 1703, Occupations Code.

4 (e) In addition to specifying a sex offender treatment  
5 provider to provide counseling to a child described by Subsection  
6 (b), the department [~~commission~~] shall:

7 (1) establish with the cooperation of the treatment  
8 provider the date, time, and place of the first counseling session  
9 between the child and the treatment provider;

10 (2) notify the child and the treatment provider before  
11 the release of the child of the date, time, and place of the first  
12 counseling session between the child and the treatment provider;  
13 and

14 (3) require the treatment provider to notify the  
15 department [~~commission~~] immediately if the child fails to attend  
16 any scheduled counseling session.

17 (f) If the department [~~commission~~] specifies a polygraph  
18 examiner under Subsection (d) to administer a polygraph examination  
19 to a child, the department [~~commission~~] shall arrange for a  
20 polygraph examination to be administered to the child:

21 (1) not later than the 60th day after the date the  
22 child attends the first counseling session established under  
23 Subsection (e); and

24 (2) after the initial polygraph examination, as  
25 required by Subdivision (1), on the request of the treatment  
26 provider specified under Subsection (c).

27 (g) If the department [~~commission~~] requires as a condition

1 of release that a child attend psychological counseling under  
2 Subsection (a), the department [~~commission~~] shall notify the court  
3 that committed the child to the department [~~commission~~]. After  
4 receiving notification from the department [~~commission~~] under this  
5 subsection, the court may order the parent or guardian of the child  
6 to:

7 (1) attend four sessions of instruction with an  
8 individual or organization specified by the department  
9 [~~commission~~] relating to:

- 10 (A) sexual offenses;
- 11 (B) family communication skills;
- 12 (C) sex offender treatment;
- 13 (D) victims' rights;
- 14 (E) parental supervision; and
- 15 (F) appropriate sexual behavior; and

16 (2) during the time the child attends psychological  
17 counseling, participate in monthly treatment groups conducted by  
18 the child's treatment provider relating to the child's  
19 psychological counseling.

20 (h) A court that orders a parent or guardian of a child to  
21 attend instructional sessions and participate in treatment groups  
22 under Subsection (g) shall require:

23 (1) the individual or organization specified by the  
24 department [~~commission~~] under Subsection (g) to notify the court  
25 immediately if the parent or guardian fails to attend any scheduled  
26 instructional session; and

27 (2) the child's treatment provider specified under



1 Subsection (c) to notify the court immediately if the parent or  
2 guardian fails to attend a session in which the parent or guardian  
3 is required to participate in a scheduled treatment group.

4 (i) If the department [~~commission~~] requires as a condition  
5 of release that a child attend psychological counseling under  
6 Subsection (a), the department [~~commission~~] may, before the date  
7 the period of release ends, petition the appropriate court to  
8 request the court to extend the period of release for an additional  
9 period necessary to complete the required counseling as determined  
10 by the treatment provider, except that the release period may not be  
11 extended to a date after the date of the child's 18th birthday.

12 Sec. 245.0535 [~~61.08131~~]. COMPREHENSIVE REENTRY AND  
13 REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The  
14 department [~~commission~~] shall develop a comprehensive plan to  
15 reduce recidivism and ensure the successful reentry and  
16 reintegration of children into the community following a child's  
17 release under supervision or final discharge, as applicable, from  
18 the department [~~commission~~].

19 (b) The comprehensive reentry and reintegration plan  
20 developed under this section must provide for:

21 (1) an assessment of each child committed to the  
22 department [~~commission~~] to determine which skills the child needs  
23 to develop to be successful in the community following release  
24 under supervision or final discharge;

25 (2) programs that address the assessed needs of each  
26 child;

27 (3) a comprehensive network of transition programs to

1 address the needs of children released under supervision or finally  
2 discharged from the department [~~commission~~];

3 (4) the identification of providers of existing local  
4 programs and transitional services with whom the department  
5 [~~commission~~] may contract under this section to implement the  
6 reentry and reintegration plan; and

7 (5) subject to Subsection (c), the sharing of  
8 information between local coordinators, persons with whom the  
9 department [~~commission~~] contracts under this section, and other  
10 providers of services as necessary to adequately assess and address  
11 the needs of each child.

12 (c) A child's personal health information may be disclosed  
13 under Subsection (b)(5) only in the manner authorized by Section  
14 244.051 [~~61.0731~~] or other state or federal law, provided that the  
15 disclosure does not violate the Health Insurance Portability and  
16 Accountability Act of 1996 (Pub. L. No. 104-191).

17 (d) The programs provided under Subsections (b)(2) and (3)  
18 must:

19 (1) be implemented by highly skilled staff who are  
20 experienced in working with reentry and reintegration programs for  
21 children;

22 (2) provide children with:

23 (A) individualized case management and a full  
24 continuum of care;

25 (B) life-skills training, including information  
26 about budgeting, money management, nutrition, and exercise;

27 (C) education and, if a child has a learning

1 disability, special education;

2 (D) employment training;

3 (E) appropriate treatment programs, including  
4 substance abuse and mental health treatment programs; and

5 (F) parenting and relationship-building classes;  
6 and

7 (3) be designed to build for children post-release and  
8 post-discharge support from the community into which the child is  
9 released under supervision or finally discharged, including  
10 support from agencies and organizations within that community.

11 (e) The department [~~commission~~] may contract and coordinate  
12 with private vendors, units of local government, or other entities  
13 to implement the comprehensive reentry and reintegration plan  
14 developed under this section, including contracting to:

15 (1) coordinate the supervision and services provided  
16 to children during the time children are in the custody of the  
17 department [~~commission~~] with any supervision or services provided  
18 children who have been released under supervision or finally  
19 discharged from the department [~~commission~~];

20 (2) provide children awaiting release under  
21 supervision or final discharge with documents that are necessary  
22 after release or discharge, including identification papers,  
23 medical prescriptions, job training certificates, and referrals to  
24 services; and

25 (3) provide housing and structured programs,  
26 including programs for recovering substance abusers, through which  
27 children are provided services immediately following release under

1 supervision or final discharge.

2 (f) To ensure accountability, any contract entered into  
3 under this section must contain specific performance measures that  
4 the department [~~commission~~] shall use to evaluate compliance with  
5 the terms of the contract.

6 (g) The department [~~commission~~] shall ensure that each  
7 reentry and reintegration plan developed for a child under Section  
8 245.002 [~~61.0814~~] is coordinated with the comprehensive reentry and  
9 reintegration plan developed under this section.

10 (h) The department [~~commission~~] shall conduct and  
11 coordinate research to determine whether the comprehensive reentry  
12 and reintegration plan developed under this section reduces  
13 recidivism rates.

14 (i) Not later than December 1 of each even-numbered year,  
15 the department [~~commission~~] shall deliver a report of the results  
16 of research conducted or coordinated under Subsection (h) to the  
17 lieutenant governor, the speaker of the house of representatives,  
18 and the standing committees of each house of the legislature with  
19 primary jurisdiction over juvenile justice and corrections.

20 Sec. 245.054 [~~61.08141~~]. INFORMATION PROVIDED TO COURT  
21 BEFORE RELEASE. (a) In addition to providing the court with notice  
22 of release of a child under Section 245.051(b) [~~61.081(e)~~], as soon  
23 as possible but not later than the 30th day before the date the  
24 department [~~commission~~] releases the child, the department  
25 [~~commission~~] shall provide the court that committed the child to  
26 the department [~~commission~~]:

27 (1) a copy of the child's reentry and reintegration

1 plan developed under Section 245.002 [~~61.0814~~]; and

2 (2) a report concerning the progress the child has  
3 made while committed to the department [~~commission~~].

4 (b) If, on release, the department [~~commission~~] places a  
5 child in a county other than the county served by the court that  
6 committed the child to the department [~~commission~~], the department  
7 [~~commission~~] shall provide the information described by Subsection  
8 (a) to both the committing court and the juvenile court in the  
9 county where the child is placed after release.

10 (c) If, on release, a child's residence is located in  
11 another state, the department [~~commission~~] shall provide the  
12 information described by Subsection (a) to both the committing  
13 court and a juvenile court of the other state that has jurisdiction  
14 over the area in which the child's residence is located.

15 [Sections 245.055-245.100 reserved for expansion]

16 SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

17 Sec. 245.101 [~~61.0814. REENTRY AND REINTEGRATION PLAN.~~ (a)  
18 ~~The commission shall develop a reentry and reintegration plan for~~  
19 ~~each child committed to the custody of the commission. The plan for~~  
20 ~~a child must be designed to ensure that the child receives an~~  
21 ~~extensive continuity of care in services from the time the child is~~  
22 ~~committed to the commission to the time of the child's final~~  
23 ~~discharge from the commission. The plan for a child must include,~~  
24 ~~as applicable:~~

25 [~~(1) housing assistance,~~

26 [~~(2) a step-down program, such as placement in a~~  
27 ~~halfway house,~~

1           ~~[(3) family counseling,~~  
2           ~~[(4) academic and vocational mentoring,~~  
3           ~~[(5) trauma counseling for a child who is a victim of~~  
4 ~~abuse while in the custody of the commission, and~~  
5           ~~[(6) other specialized treatment services appropriate~~  
6 ~~for the child.~~

7           ~~[(b) If a program or service in the child's reentry and~~  
8 ~~reintegration plan is not available at the time the child is to be~~  
9 ~~released, the commission shall find a suitable alternative program~~  
10 ~~or service so that the child's release is not postponed.~~

11           ~~[Sec. 61.0815]~~. COMPLETION OF MINIMUM LENGTH OF STAY;  
12 PANEL. (a) After a child who is committed to the department  
13 ~~[commission]~~ without a determinate sentence completes the minimum  
14 length of stay established by the department ~~[commission]~~ for the  
15 child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~  
16 shall, in the manner provided by this section and Section 245.102:

17           (1) discharge the child from the custody of the  
18 department ~~[commission]~~;

19           (2) release the child under supervision under Section  
20 245.051 ~~[61.081]~~; or

21           (3) extend the length of the child's stay in the  
22 custody of the department ~~[commission]~~.

23           (b) The department ~~[commission]~~ by rule shall establish a  
24 panel whose function is to review and determine whether a child who  
25 has completed the child's minimum length of stay should be  
26 discharged from the custody of the department ~~[commission]~~ as  
27 provided by Subsection (a)(1), be released under supervision under

1 Section 245.051 [~~61.081~~] as provided by Subsection (a)(2), or  
 2 remain in the custody of the department [~~commission~~] for an  
 3 additional period of time as provided by Subsection (a)(3).

4 (c) The executive director [~~commissioner~~] shall determine  
 5 the size of the panel described by Subsection (b) and the length of  
 6 the members' terms of service on the panel. The panel must consist  
 7 of an odd number of members and the terms of the panel's members  
 8 must last for at least two years. The executive director  
 9 [~~commissioner~~] shall adopt policies that ensure the transparency,  
 10 consistency, and objectivity of the panel's composition,  
 11 procedures, and decisions. The executive director [~~commissioner~~]  
 12 shall appoint persons to serve as members of the panel. A person  
 13 appointed to the panel must be a department [~~commission~~] employee  
 14 who works at the department's [~~commission's~~] central office. A  
 15 member of the panel may not be involved in any supervisory decisions  
 16 concerning children in the custody of the department [~~commission~~].

17 Sec. 245.102. EXTENSION ORDER. (a) A [~~(d)~~—The] panel may  
 18 extend the length of the child's stay as provided by Section  
 19 245.101(a)(3) [~~Subsection (a)(3)~~] only if the panel determines by  
 20 majority vote and on the basis of clear and convincing evidence  
 21 that:

22 (1) the child is in need of additional rehabilitation  
 23 from the department; [~~commission~~] and

24 (2) [~~that~~] the department [~~commission~~] will provide  
 25 the most suitable environment for that rehabilitation.

26 (b) In extending the length of a child's stay, the panel  
 27 must specify the additional period of time that the child is to

1 remain in the custody of the department [~~commission~~] and must  
2 conduct an additional review and determination as provided by  
3 Section 245.101 [~~this section~~] on the child's completion of the  
4 additional term of stay.

5 (c) If the panel determines that the child's length of stay  
6 should not be extended, the department [~~commission~~] must discharge  
7 the child from the custody of the department [~~commission~~] as  
8 provided by Section 245.101(a)(1) [~~Subsection (a)(1)~~] or release  
9 the child under supervision under Section 245.051 [~~Section 61.081~~]  
10 as provided by Section 245.101(a)(2) [~~Subsection (a)(2)~~].

11 Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION  
12 ORDERS. (a) [~~(e)~~] The department [~~commission~~] shall maintain  
13 statistics of the number of extensions granted by a [~~the~~] panel  
14 under Section 245.102. The statistics must include aggregated  
15 information concerning:

16 (1) the race, age, sex, specialized treatment needs,  
17 and county of origin for each child for whom an extension order is  
18 requested;

19 (2) the facility in which the child is confined; and

20 (3) if applicable, any allegations concerning the  
21 abuse, mistreatment, or neglect of the child, aggregated by the  
22 type of misconduct to which the child was subjected.

23 (b) [~~(f)~~] To the extent authorized under law, the  
24 statistics maintained under Subsection (a) [~~(e)~~] are public  
25 information under Chapter 552, Government Code, and the department  
26 [~~commission~~] shall post the statistics on the department's  
27 [~~commission's~~] Internet website.



1           (c) The department [~~commission~~] shall prepare and deliver  
2 to the standing committees of the senate and house of  
3 representatives with primary jurisdiction over matters concerning  
4 correctional facilities a report concerning the statistics  
5 maintained under Subsection (a) [~~(e)~~].

6           (d) [~~(g)~~] The department [~~commission~~] shall provide a  
7 report to the parent, guardian, or designated advocate of a child  
8 whose length of stay is extended under Section 245.102 [~~this~~  
9 ~~section~~] explaining the panel's reason for the extension.

10           Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF  
11 EXTENSION ORDER. (a) The department [~~commission~~] by rule shall  
12 establish a process to request the reconsideration of an extension  
13 order issued by a [~~the~~] panel [~~established~~] under Section 245.102  
14 [~~61.0815~~].

15           (b) The process to request reconsideration must provide  
16 that:

17                   (1) a child, a parent, guardian, or designated  
18 advocate of a child, an employee of the department [~~commission~~], or  
19 a person who provides volunteer services at a department  
20 [~~commission~~] facility may submit a request for reconsideration of  
21 an extension order;

22                   (2) the person submitting the request for  
23 reconsideration of an extension order must state in the request the  
24 reason for the request;

25                   (3) after receiving a request for reconsideration of  
26 an extension order, the panel shall reconsider an extension order  
27 that:

1 (A) extends the child's stay in the custody of  
2 the department [~~commission~~] by six months or more; or

3 (B) combined with previous extension orders will  
4 result in an extension of the child's stay in the custody of the  
5 department [~~commission~~] by six months or more;

6 (4) the panel's reconsideration of an extension order  
7 includes consideration of the information submitted in the request;  
8 and

9 (5) the panel shall send a written reply to the child,  
10 the parent, guardian, or designated advocate of the child, and the  
11 person who made the request for reconsideration of an extension  
12 order that includes an explanation of the panel's decision after  
13 reconsidering the extension order, including an indication that the  
14 panel has considered the information submitted in the request.

15 (c) The department [~~commission~~] shall create a form for a  
16 request for reconsideration of an extension order that is clear and  
17 easy to understand. The department [~~commission~~] shall ensure that  
18 a child may request assistance in completing a request for  
19 reconsideration of an extension order.

20 Sec. 245.105. STATISTICS AND REPORTS CONCERNING  
21 RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department  
22 [~~commission~~] shall maintain statistics of the number of requests  
23 for reconsideration of an extension order that are submitted under  
24 Section 245.104 and the action taken on reconsideration of the  
25 extension order. The statistics must include aggregated  
26 information concerning:

27 (1) the race, age, sex, specialized treatment needs,

1 and county of origin for each child for whom a request for  
2 reconsideration of an extension order is submitted;

3 (2) whether a request for reconsideration of an  
4 extension order results in:

5 (A) a discharge or release under supervision; or

6 (B) the original extension order being upheld;

7 (3) the facility in which the child is confined; and

8 (4) if applicable, any allegations concerning the  
9 abuse, mistreatment, or neglect of the child, aggregated by the  
10 type of misconduct to which the child was subjected.

11 (b) [~~(e)~~] To the extent authorized under law, the  
12 statistics maintained under Subsection (a) [~~(d)~~] are public  
13 information under Chapter 552, Government Code, and the department  
14 [~~commission~~] shall post the statistics on the department's  
15 [~~commission's~~] Internet website.

16 (c) The department [~~commission~~] shall prepare and deliver  
17 to the standing committees of the senate and house of  
18 representatives with primary jurisdiction over matters concerning  
19 correctional facilities a report concerning the statistics  
20 maintained under Subsection (a) [~~(d)~~].

21 Sec. 245.106 [~~61.082~~]. TRANSPORTATION, CLOTHING, MONEY.  
22 The department [~~commission~~] shall ensure that each child it  
23 releases under supervision has:

24 (1) suitable clothing;

25 (2) [~~7~~] transportation to his or her home or to the  
26 county in which a suitable home or employment has been found; [~~7~~]

27 and

1           (3) money in an amount authorized by the rules of the  
2 department [~~commission~~].

3           [Sections 245.107-245.150 reserved for expansion]

4           SUBCHAPTER D. TERMINATION OF CONTROL

5           Sec. 245.151 [~~61.083. CONTRACTS WITH COUNTIES.~~ (a) ~~The~~  
6 ~~commission may make a contract with a county to use the services of~~  
7 ~~the county's juvenile probation department for the supervision of~~  
8 ~~children within the county who are on furlough from a commission~~  
9 ~~facility or who are released under supervision from a commission~~  
10 ~~facility.~~

11           ~~[(b) The payments shall be made to the county treasurer on a~~  
12 ~~quarterly schedule.~~

13           ~~[(c) The commission may not pay a county for supervision of~~  
14 ~~a child for any time after the child:~~

15                   ~~[(1) is discharged from the commission's custody,~~

16                   ~~[(2) is returned to a commission facility; or~~

17                   ~~[(3) transfers his or her residence to another county~~  
18 ~~or state.~~

19           ~~[(d) A county that has a contract with the commission must~~  
20 ~~report to the commission 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           ~~[Sec. 61.084].~~ TERMINATION OF CONTROL. (a) Except as  
24 provided by Subsections (b) and (c), if a person is committed to the  
25 department [~~commission~~] under a determinate sentence under Section  
26 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
27 the department [~~commission~~] may not discharge the person from its

1 custody.

2 (b) The department [~~commission~~] shall discharge without a  
3 court hearing a person committed to the department [~~it~~] for a  
4 determinate sentence under Section 54.04(d)(3), Section 54.04(m),  
5 or Section 54.05(f), Family Code, who has not been transferred to  
6 the Texas Department of Criminal Justice under a court order on the  
7 date that the time spent by the person in detention in connection  
8 with the committing case plus the time spent at the department  
9 [~~Texas Youth Commission~~] under the order of commitment equals the  
10 period of the sentence.

11 (c) The department [~~commission~~] shall transfer to the Texas  
12 Department of Criminal Justice a person who is the subject of an  
13 order under Section 54.11(i)(2), Family Code, transferring the  
14 person to the custody of the Texas Department of Criminal Justice  
15 for the completion of the person's sentence.

16 (d) [~~(e)~~] Except as provided by Subsection (e) [~~(g)~~], the  
17 department [~~commission~~] shall discharge from its custody a person  
18 not already discharged on the person's 19th birthday.

19 (e) [~~(g)~~] The department [~~commission~~] shall transfer a  
20 person who has been sentenced under a determinate sentence to  
21 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),  
22 Family Code, or who has been returned to the department  
23 [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody  
24 of the Texas Department of Criminal Justice on the person's 19th  
25 birthday, if the person has not already been discharged or  
26 transferred, to serve the remainder of the person's sentence on  
27 parole as provided by Section 508.156, Government Code.

1           Sec. 245.152 [~~61.0841~~]. DETERMINATE SENTENCE PAROLE. (a)  
2 Not later than the 90th day before the date the department  
3 [~~commission~~] transfers a person to the custody of the Texas  
4 Department of Criminal Justice for release on parole under Section  
5 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department  
6 [~~commission~~] shall submit to the Texas Department of Criminal  
7 Justice [~~department~~] all pertinent information relating to the  
8 person, including:

- 9           (1) the juvenile court judgment;
- 10           (2) the circumstances of the person's offense;
- 11           (3) the person's previous social history and juvenile  
12 court records;
- 13           (4) the person's physical and mental health record;
- 14           (5) a record of the person's conduct, employment  
15 history, and attitude while committed to the department  
16 [~~commission~~];
- 17           (6) a record of the sentence time served by the person  
18 at the department [~~commission~~] and in a juvenile detention facility  
19 in connection with the conduct for which the person was  
20 adjudicated; and
- 21           (7) any written comments or information provided by  
22 the department [~~commission~~], local officials, family members of the  
23 person, victims of the offense, or the general public.

24           (b) The department [~~commission~~] shall provide instruction  
25 for parole officers of the Texas Department of Criminal Justice  
26 relating to juvenile programs at the department [~~commission~~]. The  
27 department [~~commission~~] and the Texas Department of Criminal

1 Justice [~~department~~] shall enter into a memorandum of understanding  
2 relating to the administration of this subsection.

3 (c) The Texas Department of Criminal Justice shall grant  
4 credit for sentence time served by a person at the department  
5 [~~commission~~] and in a juvenile detention facility, as recorded by  
6 the department [~~commission~~] under Subsection (a)(6), in computing  
7 the person's eligibility for parole and discharge from the Texas  
8 Department of Criminal Justice [~~department~~].

9 SECTION 1.008. Subchapters H and I, Chapter 61, Human  
10 Resources Code, are transferred to Subtitle C, Title 12, Human  
11 Resources Code, as added by this Act, redesignated as Chapter 246,  
12 and amended to read as follows:

13 CHAPTER 246. MISCELLANEOUS PROGRAMS

14 SUBCHAPTER A [~~H~~]. YOUTH BOOT CAMP PROGRAMS

15 Sec. 246.001 [~~61.101~~]. YOUTH BOOT CAMP PROGRAMS. (a) The  
16 department [~~commission~~] may establish a youth boot camp program and  
17 may employ necessary personnel to operate the youth boot camps.

18 (b) The department [~~commission, in consultation with the~~  
19 ~~Texas Juvenile Probation Commission,~~] shall develop guidelines for  
20 a program of physical and correctional training and military-style  
21 discipline for children placed in youth boot camps operated by  
22 local probation departments for violating the conditions of release  
23 under supervision or parole under Chapter 245 [~~Section 61.081~~].

24 (c) The department [~~commission~~] shall develop a program of  
25 physical and correctional training and military-style discipline  
26 for children committed to the department [~~commission~~] who are  
27 placed in youth boot camps or other department [~~commission~~]

1 facilities.

2 (d) The department [~~commission~~] shall adopt rules of  
3 conduct for children participating in the program under this  
4 section.

5 SUBCHAPTER B [~~F~~]. INDUSTRIES PROGRAM

6 Sec. 246.051 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The  
7 purposes of the department [~~commission~~] industries program are:

8 (1) to provide adequate employment and vocational  
9 training for children; and

10 (2) to develop and expand public and private  
11 department [~~commission~~] industries.

12 Sec. 246.052 [~~61.122~~]. ADVISORY COMMITTEE. (a) A  
13 department [~~commission~~] industries advisory committee is created  
14 consisting of nine members appointed by the department  
15 [~~commission~~].

16 (b) Members serve staggered three-year terms, with the  
17 terms of three members expiring February 1 of each odd-numbered  
18 year.

19 (c) In making appointments under this section, the  
20 department [~~commission~~] shall endeavor to include representatives  
21 of industries appropriate for hiring children committed to the  
22 department [~~commission~~].

23 Sec. 246.053 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The  
24 department [~~commission~~] shall apportion wages earned by a child  
25 working under the industries program in amounts determined at the  
26 discretion of the department [~~commission~~], in the following  
27 priority:



1 (1) a person to whom the child has been ordered by a  
2 court or to whom the child has agreed to pay restitution;

3 (2) a person to whom the child has been ordered by a  
4 court to pay child support;

5 (3) the compensation to victims of crime fund or the  
6 compensation to victims of crime auxiliary fund; and

7 (4) the child's student account.

8 Sec. 246.054 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas  
9 Juvenile Justice Department [~~Youth Commission~~] industries program  
10 fund is created in the state treasury.

11 (b) Proceeds from the operation of the industries program  
12 shall be deposited in the fund.

13 (c) Money from the fund may be appropriated only for use by  
14 the department [~~commission~~] for the administration of this  
15 subchapter.

16 [~~(d) Sections 403.094 and 403.095, Government Code, do not~~  
17 ~~apply to the fund.~~]

18 Sec. 246.055 [~~61.125~~]. CONTRACTS. To encourage the  
19 development and expansion of the industries program, the department  
20 [~~commission~~] may enter into necessary contracts related to the  
21 program.

22 Sec. 246.056 [~~61.126~~]. DONATIONS. The industries program  
23 may be financed through contributions donated for this purpose by  
24 private businesses contracting with the department [~~commission~~].

25 Sec. 246.057 [~~61.127~~]. GRANTS. (a) The department  
26 [~~commission~~] may accept a grant for the vocational rehabilitation  
27 of children.

1 (b) The department [~~commission~~] shall maintain a record of  
2 the receipt and disbursement of a grant and shall annually report to  
3 the lieutenant governor and the speaker of the house of  
4 representatives on the administration of grant funds.

5 Sec. 246.058 [~~61.128~~]. LEASE OF LAND. (a) The department  
6 [~~commission~~] may lease land owned by the department [~~commission~~] to  
7 a private business to expand and develop the industries program.

8 (b) The term of the lease may not exceed 20 years.

9 (c) The business must lease the land at fair market value.

10 (d) The business may construct a new facility on the land or  
11 convert an existing facility.

12 Sec. 246.059 [~~Sec. 61.129. CERTIFICATION FOR FRANCHISE~~  
13 ~~CREDIT. The commission shall prepare and issue a certification~~  
14 ~~that a corporation requires for the franchise tax credit for wages~~  
15 ~~paid as provided by Subchapter M, Chapter 171, Tax Code.~~

16 [~~Sec. 61.130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A  
17 business contracting with the department [~~commission~~] may enter  
18 into an ad valorem tax abatement agreement under Subchapters B and  
19 C, Chapter 312, Tax Code, with the governing body of the  
20 municipality and county in which the business is located.

21 (b) If an area in which businesses contracting with the  
22 department [~~commission~~] under this subchapter is designated as a  
23 reinvestment zone under Chapter 312, Tax Code, the area satisfies  
24 Section 312.202(a)(6), Tax Code, in that the area would be  
25 reasonably likely as a result of the designation to contribute to  
26 the retention or expansion of primary employment or to attract  
27 major investment in the zone that would be a benefit to the property

1 and that would contribute to the economic development of the entity  
2 designating the area as a reinvestment zone.

3 SECTION 1.009. Title 12, Human Resources Code, as added by  
4 this Act, is amended by adding Subtitle D with a heading to read as  
5 follows:

6 SUBTITLE D. INDEPENDENT OMBUDSMAN

7 SECTION 1.010. Chapter 64, Human Resources Code, is  
8 transferred to Subtitle D, Title 12, Human Resources Code, as added  
9 by this Act, redesignated as Chapter 261, and amended to read as  
10 follows:

11 CHAPTER 261 [~~64~~]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN

12 [~~OF THE TEXAS YOUTH COMMISSION~~]

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

15 (1) [~~"Commission" means the Texas Youth Commission.~~

16 [~~(2)~~] "Independent ombudsman" means the individual  
17 who has been appointed under this chapter to the office of  
18 independent ombudsman.

19 (2) [~~(3)~~] "Office" means the office of independent  
20 ombudsman created under this chapter.

21 Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office  
22 of independent ombudsman is a state agency established for the  
23 purpose of investigating, evaluating, and securing the rights of  
24 the children committed to the department [~~commission~~], including a  
25 child released under supervision before final discharge.

26 Sec. 261.003 [~~64.003~~]. INDEPENDENCE. (a) The independent  
27 ombudsman in the performance of its duties and powers under this

1 chapter acts independently of the department [~~commission~~].

2 (b) Funding for the independent ombudsman is appropriated  
3 separately from funding for the department [~~commission~~].

4 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

5 Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT  
6 OMBUDSMAN. (a) The governor shall appoint the independent  
7 ombudsman with the advice and consent of the senate for a term of  
8 two years, expiring February 1 of odd-numbered years.

9 (b) A person appointed as independent ombudsman is eligible  
10 for reappointment but may not serve more than three terms in that  
11 capacity.

12 Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent  
13 ombudsman may hire assistants to perform, under the direction of  
14 the independent ombudsman, the same duties and exercise the same  
15 powers as the independent ombudsman.

16 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person  
17 may not serve as independent ombudsman or as an assistant to the  
18 independent ombudsman if the person or the person's spouse:

19 (1) is employed by or participates in the management  
20 of a business entity or other organization receiving funds from the  
21 department [~~commission~~];

22 (2) owns or controls, directly or indirectly, any  
23 interest in a business entity or other organization receiving funds  
24 from the department [~~commission~~]; or

25 (3) uses or receives any amount of tangible goods,  
26 services, or funds from the department [~~commission~~].

27 (b) A person may not serve as independent ombudsman or as an

1 assistant to the independent ombudsman if the person or the  
2 person's spouse is required to register as a lobbyist under Chapter  
3 305, Government Code, because of the person's activities for  
4 compensation on behalf of a profession related to the operation of  
5 the department [~~commission~~].

6 (c) A person may not serve as independent ombudsman or as an  
7 assistant to the independent ombudsman if the person or the  
8 person's spouse is an officer, employee, manager, or paid  
9 consultant of a Texas trade association in the field of criminal or  
10 juvenile justice.

11 (d) For the purposes of this section, a Texas trade  
12 association is a nonprofit, cooperative, and voluntarily joined  
13 association of business or professional competitors in this state  
14 designed to assist its members and its industry or profession in  
15 dealing with mutual business or professional problems and in  
16 promoting their common interest.

17 Sec. 261.054 [~~64.054~~]. SUNSET PROVISION. [~~(a)~~] The office  
18 is subject to review under Chapter 325, Government Code (Texas  
19 Sunset Act), but is not abolished under that chapter. The office  
20 shall be reviewed during the periods in which the Texas Juvenile  
21 Justice Department or its successor agency [~~Texas Youth Commission~~]  
22 is reviewed.

23 [~~(b) Notwithstanding Subsection (a), the Sunset Advisory~~  
24 ~~Commission shall focus its review of the office on compliance with~~  
25 ~~requirements placed on the office by legislation enacted by the~~  
26 ~~81st Legislature, Regular Session, 2009, that becomes law. This~~  
27 ~~subsection expires September 1, 2011.~~]

1           Sec. 261.055 [~~64.055~~]. REPORT.       (a)       The independent  
2 ombudsman shall submit on a quarterly basis to the governor, the  
3 lieutenant governor, the state auditor, and each member of the  
4 legislature a report that is both aggregated and disaggregated by  
5 individual facility and describes:

6                   (1) the work of the independent ombudsman;

7                   (2) the results of any review or investigation  
8 undertaken by the independent ombudsman, including reviews or  
9 investigation of services contracted by the department  
10 [~~commission~~]; and

11                   (3) any recommendations that the independent  
12 ombudsman has in relation to the duties of the independent  
13 ombudsman.

14           (b) The independent ombudsman shall immediately report to  
15 the governor, the lieutenant governor, the speaker of the house of  
16 representatives, the state auditor, and the office of the inspector  
17 general of the department [~~commission~~] any particularly serious or  
18 flagrant:

19                   (1) case of abuse or injury of a child committed to the  
20 department [~~commission~~];

21                   (2) problem concerning the administration of a  
22 department [~~commission~~] program or operation;

23                   (3) problem concerning the delivery of services in a  
24 facility operated by or under contract with the department  
25 [~~commission~~]; or

26                   (4) interference by the department [~~commission~~] with  
27 an investigation conducted by the office.

1           Sec. 261.056 [~~64.056~~]. COMMUNICATION AND CONFIDENTIALITY.

2       (a) The department [~~commission~~] shall allow any child committed to  
3 the department [~~commission~~] to communicate with the independent  
4 ombudsman or an assistant to the ombudsman. The communication:

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

7           (2) is confidential and privileged.

8       (b) The records of the independent ombudsman are  
9 confidential, except that the independent ombudsman shall:

10           (1) share with the office of inspector general of the  
11 department [~~commission~~] a communication with a child that may  
12 involve the abuse or neglect of the child; and

13           (2) disclose its nonprivileged records if required by  
14 a court order on a showing of good cause.

15       (c) The independent ombudsman may make reports relating to  
16 an investigation public after the investigation is complete but  
17 only if the names of all children, parents, and employees are  
18 redacted from the report and remain confidential.

19       (d) The name, address, or other personally identifiable  
20 information of a person who files a complaint with the office of  
21 independent ombudsman, information generated by the office of  
22 independent ombudsman in the course of an investigation, and  
23 confidential records obtained by the office of independent  
24 ombudsman are confidential and not subject to disclosure under  
25 Chapter 552, Government Code, except that the information and  
26 records, other than confidential information and records  
27 concerning a pending law enforcement investigation or criminal

1 action, may be disclosed to the appropriate person if the office  
2 determines that disclosure is:

- 3 (1) in the general public interest;
- 4 (2) necessary to enable the office to perform the  
5 responsibilities provided under this section; or
- 6 (3) necessary to identify, prevent, or treat the abuse  
7 or neglect of a child.

8 Sec. 261.057 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.  
9 The independent ombudsman shall promote awareness among the public  
10 and the children committed to the department [~~commission~~] of:

- 11 (1) how the office may be contacted;
- 12 (2) the purpose of the office; and
- 13 (3) the services the office provides.

14 Sec. 261.058 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The  
15 office by rule shall establish policies and procedures for the  
16 operations of the office of independent ombudsman.

17 (b) The office and the department [~~commission~~] shall adopt  
18 rules necessary to implement Section 261.060 [~~64.060~~], including  
19 rules that establish procedures for the department [~~commission~~] to  
20 review and comment on reports of the office and for the department  
21 [~~commission~~] to expedite or eliminate review of and comment on a  
22 report due to an emergency or a serious or flagrant circumstance  
23 described by Section 261.055(b) [~~64.055(b)~~].

24 Sec. 261.059 [~~64.059~~]. AUTHORITY OF STATE AUDITOR. The  
25 office is subject to audit by the state auditor in accordance with  
26 Chapter 321, Government Code.

27 Sec. 261.060 [~~64.060~~]. REVIEW AND FORMAT OF REPORTS. (a)



1 The office shall accept, both before and after publication,  
2 comments from the department [~~commission~~] concerning the following  
3 types of reports published by the office under this chapter:

4 (1) the office's quarterly report under Section  
5 261.055(a) [~~64.055(a)~~];

6 (2) reports concerning serious or flagrant  
7 circumstances under Section 261.055(b) [~~64.055(b)~~]; and

8 (3) any other formal reports containing findings and  
9 making recommendations concerning systemic issues that affect the  
10 department [~~commission~~].

11 (b) The department [~~commission~~] may not submit comments  
12 under Subsection (a) after the 30th day after the date the report on  
13 which the department [~~commission~~] is commenting is published.

14 (c) The office shall ensure that reports described by  
15 Subsection (a) are in a format to which the department [~~commission~~]  
16 can easily respond.

17 (d) After receipt of comments under this section, the office  
18 is not obligated to change any report or change the manner in which  
19 the office performs the duties of the office.

20 Sec. 261.061 [~~64.061~~]. COMPLAINTS. (a) The office shall  
21 maintain a system to promptly and efficiently act on complaints  
22 filed with the office that relate to the operations or staff of the  
23 office. The office shall maintain information about parties to the  
24 complaint, the subject matter of the complaint, a summary of the  
25 results of the review or investigation of the complaint, and the  
26 disposition of the complaint.

27 (b) The office shall make information available describing

1 its procedures for complaint investigation and resolution.

2 (c) The office shall periodically notify the complaint  
3 parties of the status of the complaint until final disposition.

4 SUBCHAPTER C. DUTIES AND POWERS

5 Sec. 261.101 [~~64.101~~]. DUTIES AND POWERS. (a) The  
6 independent ombudsman shall:

7 (1) review the procedures established by the  
8 department [~~commission~~] and evaluate the delivery of services to  
9 children to ensure that the rights of children are fully observed;

10 (2) review complaints filed with the independent  
11 ombudsman concerning the actions of the department [~~commission~~] and  
12 investigate each complaint in which it appears that a child may be  
13 in need of assistance from the independent ombudsman;

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

17 (A) a child committed to the department  
18 [~~commission~~] or the child's family may be in need of assistance from  
19 the office; or

20 (B) a systemic issue in the department's  
21 [~~commission's~~] provision of services is raised by a complaint;

22 (4) review or inspect periodically the facilities and  
23 procedures of any institution or residence in which a child has been  
24 placed by the department [~~commission~~], whether public or private,  
25 to ensure that the rights of children are fully observed;

26 (5) provide assistance to a child or family who the  
27 independent ombudsman determines is in need of assistance,

1 including advocating with an agency, provider, or other person in  
2 the best interests of the child;

3 (6) review court orders as necessary to fulfill its  
4 duties;

5 (7) recommend changes in any procedure relating to the  
6 treatment of children committed to the department [~~commission~~];

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

9 (9) supervise assistants who are serving as advocates  
10 in their representation of children committed to the department  
11 [~~commission~~] in internal administrative and disciplinary hearings.

12 (b) The independent ombudsman may apprise persons who are  
13 interested in a child's welfare of the rights of the child.

14 (c) To assess if a child's rights have been violated, the  
15 independent ombudsman may, in any matter that does not involve  
16 alleged criminal behavior, contact or consult with an  
17 administrator, employee, child, parent, expert, or any other  
18 individual in the course of its investigation or to secure  
19 information.

20 (d) Notwithstanding any other provision of this chapter,  
21 the independent ombudsman may not investigate alleged criminal  
22 behavior.

23 (e) Notwithstanding any other provision of this chapter,  
24 the powers of the office are limited to facilities operated and  
25 services provided by the department under Subtitle C.

26 Sec. 261.102 [~~64.102~~]. TREATMENT OF DEPARTMENT  
27 [~~COMMISSION~~] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.

1 The department [~~commission~~] may not discharge or in any manner  
2 discriminate or retaliate against an employee who in good faith  
3 makes a complaint to the office of independent ombudsman or  
4 cooperates with the office in an investigation.

5 Sec. 261.103 [~~64.103~~]. TRAINING. The independent  
6 ombudsman shall attend annual sessions, including the training  
7 curriculum for juvenile correctional officers required under  
8 Section 242.012 [~~61.0356~~], and may participate in other appropriate  
9 professional training.

10 Sec. 261.104 [~~64.104~~]. MEMORANDUM OF UNDERSTANDING. (a)  
11 The office and the department [~~commission~~] shall enter into a  
12 memorandum of understanding concerning:

13 (1) the most efficient manner in which to share  
14 information with one another; and

15 (2) the procedures for handling overlapping  
16 monitoring duties and activities performed by the office and the  
17 department [~~commission~~].

18 (b) The memorandum of understanding entered into under  
19 Subsection (a), at a minimum, must:

20 (1) address the interaction of the office with that  
21 portion of the department [~~commission~~] that conducts an internal  
22 audit under Section 242.005 [~~61.0331~~];

23 (2) address communication between the office and the  
24 department [~~commission~~] concerning individual situations involving  
25 children committed to the department [~~commission~~] and how those  
26 situations will be documented and handled;

27 (3) contain guidelines on the office's role in

1 relevant working groups and policy development decisions at the  
2 department [~~commission~~];

3 (4) ensure opportunities for sharing information  
4 between the office and the department [~~commission~~] for the purposes  
5 of assuring quality and improving programming within the department  
6 [~~commission~~]; and

7 (5) preserve the independence of the office by  
8 authorizing the office to withhold information concerning matters  
9 under active investigation by the office from the department  
10 [~~commission~~] and department [~~commission~~] staff and to report the  
11 information to the governor.

12 SUBCHAPTER D. ACCESS TO INFORMATION

13 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF  
14 GOVERNMENTAL ENTITIES. (a) The department [~~commission~~] shall  
15 allow the independent ombudsman access to its records relating to  
16 the children committed to the department [~~commission~~].

17 (b) The Department of Public Safety shall allow the  
18 independent ombudsman access to the juvenile justice information  
19 system established under Subchapter B, Chapter 58, Family Code.

20 (c) A local law enforcement agency shall allow the  
21 independent ombudsman access to its records relating to any child  
22 in the care or custody of the department [~~commission~~].

23 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE  
24 ENTITIES. The independent ombudsman shall have access to the  
25 records of a private entity that relate to a child committed to the  
26 department [~~commission~~].

27 SECTION 1.011. Section 61.020(a), Human Resources Code, is

1 amended to read as follows:

2 (a) The Texas Youth Commission [~~is subject to Chapter 325,~~  
3 ~~Government Code (Texas Sunset Act). Unless continued in existence~~  
4 ~~as provided by that chapter, the commission]~~ is abolished on  
5 September 1, 2012 [~~and this chapter expires September 1, 2011~~].

6 SECTION 1.012. Section 141.012(a), Human Resources Code, is  
7 amended to read as follows:

8 (a) The Texas Juvenile Probation Commission [~~is subject to~~  
9 ~~Chapter 325, Government Code (Texas Sunset Act). Unless continued~~  
10 ~~in existence as provided by that chapter, the commission]~~ is  
11 abolished on September 1, 2012 [~~and this chapter expires September~~  
12 ~~1, 2011~~].

13 ARTICLE 2. MISCELLANEOUS PROVISIONS

14 SECTION 2.001. Section 51.126, Family Code, is amended by  
15 amending Subsections (b), (c), (d), and (e) and adding Subsection  
16 (f) to read as follows:

17 (b) In each county, each judge of the juvenile court and a  
18 majority of the members of the juvenile board shall personally  
19 inspect, at least annually, all nonsecure correctional facilities  
20 that are located in the county and shall certify in writing to the  
21 authorities responsible for operating and giving financial support  
22 to the facilities and to the Texas Juvenile Justice Department  
23 [~~Probation Commission~~] that the facility or facilities are suitable  
24 or unsuitable for the confinement of children. In determining  
25 whether a facility is suitable or unsuitable for the confinement of  
26 children, the juvenile court judges and juvenile board members  
27 shall consider:

1           (1) current monitoring and inspection reports and any  
2 noncompliance citation reports issued by the Texas Juvenile Justice  
3 Department [~~Probation Commission~~], including the report provided  
4 under Subsection (c), and the status of any required corrective  
5 actions; and

6           (2) the other factors described under Sections  
7 51.12(c)(2)-(7).

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

20           (d) A governmental unit or private entity that operates or  
21 contracts for the operation of a juvenile nonsecure correctional  
22 facility in this state under Subsection (a), except for a facility  
23 operated by or under contract with the Texas Juvenile Justice  
24 Department [~~Texas Youth Commission~~], shall:

25           (1) register the facility annually with the Texas  
26 Juvenile Justice Department [~~Probation Commission~~]; and

27           (2) adhere to all applicable minimum standards for the

1 facility.

2 (e) The Texas Juvenile Justice Department [~~Probation~~  
3 ~~Commission~~] may deny, suspend, or revoke the registration of any  
4 facility required to register under Subsection (d) if the facility  
5 fails to:

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

8 (2) timely correct any notice of noncompliance with  
9 minimum standards.

10 (f) In this section, "Texas Juvenile Justice Department"  
11 means the Texas Juvenile Probation Commission. This subsection  
12 expires September 1, 2012.

13 SECTION 2.002. Section 614.017(c)(1), Health and Safety  
14 Code, is amended to read as follows:

15 (1) "Agency" includes any of the following entities  
16 and individuals, a person with an agency relationship with one of  
17 the following entities or individuals, and a person who contracts  
18 with one or more of the following entities or individuals:

19 (A) the Texas Department of Criminal Justice and  
20 the Correctional Managed Health Care Committee;

21 (B) the Board of Pardons and Paroles;

22 (C) the Department of State Health Services;

23 (D) the Texas Juvenile Justice Department  
24 [~~Probation Commission~~];

25 (E) [~~the Texas Youth Commission,~~

26 [~~(F)~~] the Department of Assistive and  
27 Rehabilitative Services;



1           (F) [~~(C)~~] the Texas Education Agency;  
2           (G) [~~(H)~~] the Commission on Jail Standards;  
3           (H) [~~(I)~~] the Department of Aging and Disability  
4 Services;  
5           (I) [~~(J)~~] the Texas School for the Blind and  
6 Visually Impaired;  
7           (J) [~~(K)~~] community supervision and corrections  
8 departments and local juvenile probation departments;  
9           (K) [~~(L)~~] personal bond pretrial release offices  
10 established under Article 17.42, Code of Criminal Procedure;  
11           (L) [~~(M)~~] local jails regulated by the  
12 Commission on Jail Standards;  
13           (M) [~~(N)~~] a municipal or county health  
14 department;  
15           (N) [~~(O)~~] a hospital district;  
16           (O) [~~(P)~~] a judge of this state with jurisdiction  
17 over juvenile or criminal cases;  
18           (P) [~~(Q)~~] an attorney who is appointed or  
19 retained to represent a special needs offender or a juvenile with a  
20 mental impairment;  
21           (Q) [~~(R)~~] the Health and Human Services  
22 Commission;  
23           (R) [~~(S)~~] the Department of Information  
24 Resources;  
25           (S) [~~(T)~~] the bureau of identification and  
26 records of the Department of Public Safety, for the sole purpose of  
27 providing real-time, contemporaneous identification of individuals

1 in the Department of State Health Services client data base; and

2 (T) [~~(U)~~] the Department of Family and  
3 Protective Services.

4 SECTION 2.003. Sections 614.018(a) and (b), Health and  
5 Safety Code, are amended to read as follows:

6 (a) The Texas Juvenile Justice Department [~~Probation~~  
7 ~~Commission, the Texas Youth Commission~~], the Department of Public  
8 Safety, the Department of State Health Services, the Department of  
9 Aging and Disability Services, the Department of Family and  
10 Protective Services, the Texas Education Agency, and local juvenile  
11 probation departments shall adopt a memorandum of understanding  
12 that establishes their respective responsibilities to institute a  
13 continuity of care and service program for juveniles with mental  
14 impairments in the juvenile justice system. The Texas Correctional  
15 Office on Offenders with Medical and Mental Impairments shall  
16 coordinate and monitor the development and implementation of the  
17 memorandum of understanding.

18 (b) The memorandum of understanding must establish methods  
19 for:

20 (1) identifying juveniles with mental impairments in  
21 the juvenile justice system and collecting and reporting relevant  
22 data to the office;

23 (2) developing interagency rules, policies, and  
24 procedures for the coordination of care of and the exchange of  
25 information on juveniles with mental impairments who are committed  
26 to or treated, served, or supervised by the [~~Texas Youth~~  
27 ~~Commission, the~~] Texas Juvenile Justice Department [~~Probation~~

1 ~~Commission~~], the Department of Public Safety, the Department of  
2 State Health Services, the Department of Family and Protective  
3 Services, the Department of Aging and Disability Services, the  
4 Texas Education Agency, local juvenile probation departments,  
5 local mental health or mental retardation authorities, and  
6 independent school districts; and

7 (3) identifying the services needed by juveniles with  
8 mental impairments in the juvenile justice system.

9 ARTICLE 3. CONFORMING AMENDMENTS

10 SECTION 3.001. Article 2.12, Code of Criminal Procedure, is  
11 amended to read as follows:

12 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
13 officers:

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

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

20 (3) marshals or police officers of an incorporated  
21 city, town, or village, and those reserve municipal police officers  
22 who hold a permanent peace officer license issued under Chapter  
23 1701, Occupations Code;

24 (4) rangers and officers commissioned by the Public  
25 Safety Commission and the Director of the Department of Public  
26 Safety;

27 (5) investigators of the district attorneys', criminal

1 district attorneys', and county attorneys' offices;

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

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

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

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

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

12 (11) airport police officers commissioned by a city  
13 with a population of more than 1.18 million that operates an airport  
14 that serves commercial air carriers;

15 (12) airport security personnel commissioned as peace  
16 officers by the governing body of any political subdivision of this  
17 state, other than a city described by Subdivision (11), that  
18 operates an airport that serves commercial air carriers;

19 (13) municipal park and recreational patrolmen and  
20 security officers;

21 (14) security officers and investigators commissioned  
22 as peace officers by the comptroller;

23 (15) officers commissioned by a water control and  
24 improvement district under Section 49.216, Water Code;

25 (16) officers commissioned by a board of trustees  
26 under Chapter 54, Transportation Code;

27 (17) investigators commissioned by the Texas Medical

1 Board;

2 (18) officers commissioned by the board of managers of  
3 the Dallas County Hospital District, the Tarrant County Hospital  
4 District, or the Bexar County Hospital District under Section  
5 281.057, Health and Safety Code;

6 (19) county park rangers commissioned under  
7 Subchapter E, Chapter 351, Local Government Code;

8 (20) investigators employed by the Texas Racing  
9 Commission;

10 (21) officers commissioned under Chapter 554,  
11 Occupations Code;

12 (22) officers commissioned by the governing body of a  
13 metropolitan rapid transit authority under Section 451.108,  
14 Transportation Code, or by a regional transportation authority  
15 under Section 452.110, Transportation Code;

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

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

20 (25) an officer employed by the Department of State  
21 Health Services under Section 431.2471, Health and Safety Code;

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

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

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

1           (29) apprehension specialists and inspectors general  
2 commissioned by the Texas Juvenile Justice Department [~~Texas Youth~~  
3 ~~Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451~~  
4 ~~and 61.0931~~], Human Resources Code;

5           (30) officers appointed by the inspector general of  
6 the Texas Department of Criminal Justice under Section 493.019,  
7 Government Code;

8           (31) investigators commissioned by the Commission on  
9 Law Enforcement Officer Standards and Education under Section  
10 1701.160, Occupations Code;

11           (32) commission investigators commissioned by the  
12 Texas Private Security Board under Section 1702.061(f),  
13 Occupations Code;

14           (33) the fire marshal and any officers, inspectors, or  
15 investigators commissioned by an emergency services district under  
16 Chapter 775, Health and Safety Code;

17           (34) officers commissioned by the State Board of  
18 Dental Examiners under Section 254.013, Occupations Code, subject  
19 to the limitations imposed by that section;

20           (35) investigators commissioned by the Texas Juvenile  
21 Justice Department [~~Probation Commission~~] as officers under  
22 Section 221.011 [~~141.055~~], Human Resources Code; and

23           (36) the fire marshal and any related officers,  
24 inspectors, or investigators commissioned by a county under  
25 Subchapter B, Chapter 352, Local Government Code.

26           SECTION 3.002. Section 5(d), Article 18.20, Code of  
27 Criminal Procedure, is amended to read as follows:

1 (d) The Texas Juvenile Justice Department [~~Youth~~  
2 ~~Commission~~] may own electronic, mechanical, or other devices for a  
3 use or purpose authorized by Section 242.104 [~~61.0455~~], Human  
4 Resources Code, and the inspector general of the Texas Juvenile  
5 Justice Department [~~Youth Commission~~], a commissioned officer of  
6 that office, or another person acting in the presence and under the  
7 direction of a commissioned officer of that office may possess,  
8 install, operate, or monitor those devices as provided by Section  
9 242.104 [~~61.0455~~].

10 SECTION 3.003. Section 29.012(e), Education Code, is  
11 amended to read as follows:

12 (e) This section does not apply to a residential treatment  
13 facility for juveniles established under Section 221.056  
14 [~~141.059~~], Human Resources Code.

15 SECTION 3.004. Section 51.13(c), Family Code, is amended to  
16 read as follows:

17 (c) A child may not be committed or transferred to a penal  
18 institution or other facility used primarily for the execution of  
19 sentences of persons convicted of crime, except:

20 (1) for temporary detention in a jail or lockup  
21 pending juvenile court hearing or disposition under conditions  
22 meeting the requirements of Section 51.12 of this code;

23 (2) after transfer for prosecution in criminal court  
24 under Section 54.02 of this code; or

25 (3) after transfer from the Texas Juvenile Justice  
26 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],  
27 Human Resources Code.

1 SECTION 3.005. Section 51.21(a), Family Code, is amended to  
2 read as follows:

3 (a) A probation department that administers the mental  
4 health screening instrument or clinical assessment required by  
5 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the  
6 child to the local mental health authority for assessment and  
7 evaluation if:

8 (1) the child's scores on the screening instrument or  
9 clinical assessment indicate a need for further mental health  
10 assessment and evaluation; and

11 (2) the department and child do not have access to an  
12 internal, contract, or private mental health professional.

13 SECTION 3.006. Section 53.045(d), Family Code, is amended  
14 to read as follows:

15 (d) If the grand jury approves of the petition, the fact of  
16 approval shall be certified to the juvenile court, and the  
17 certification shall be entered in the record of the case. For the  
18 purpose of the transfer of a child to the Texas Department of  
19 Criminal Justice as provided by Section 245.151(c) [~~61.084(c)~~],  
20 Human Resources Code, a juvenile court petition approved by a grand  
21 jury under this section is an indictment presented by the grand  
22 jury.

23 SECTION 3.007. Sections 54.11(a), (h), (i), and (j), Family  
24 Code, are amended to read as follows:

25 (a) On receipt of a referral under Section 244.014(a)  
26 [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas  
27 Department of Criminal Justice of a person committed to the Texas



1 Juvenile Justice Department [~~Youth Commission~~] under Section  
2 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by  
3 the Texas Juvenile Justice Department [~~commission~~] under Section  
4 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the  
5 release under supervision of a person committed to the Texas  
6 Juvenile Justice Department [~~commission~~] under Section  
7 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and  
8 place for a hearing on the release of the person.

9 (h) The hearing on a person who is referred for transfer  
10 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall  
11 be held not later than the 60th day after the date the court  
12 receives the referral.

13 (i) On conclusion of the hearing on a person who is referred  
14 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources  
15 Code, the court may order:

16 (1) the return of the person to the Texas Juvenile  
17 Justice Department [~~Youth Commission~~]; or

18 (2) the transfer of the person to the custody of the  
19 Texas Department of Criminal Justice for the completion of the  
20 person's sentence.

21 (j) On conclusion of the hearing on a person who is referred  
22 for release under supervision under Section 245.051(c)  
23 [~~61.081(f)~~], Human Resources Code, the court may order the return  
24 of the person to the Texas Juvenile Justice Department [~~Youth~~  
25 ~~Commission~~]:

26 (1) with approval for the release of the person under  
27 supervision; or

1           (2) without approval for the release of the person  
2 under supervision.

3           SECTION 3.008. Section 58.003(g-1), Family Code, is amended  
4 to read as follows:

5           (g-1) Any records collected or maintained by the Texas  
6 Juvenile Justice Department [~~Probation Commission~~], including  
7 statistical data submitted under Section 221.007 [~~141.044~~], Human  
8 Resources Code, are not subject to a sealing order issued under this  
9 section.

10          SECTION 3.009. Section 58.0072(b), Family Code, is amended  
11 to read as follows:

12          (b) Juvenile justice information consists of information of  
13 the type described by Section 58.104, including statistical data in  
14 any form or medium collected, maintained, or submitted to the Texas  
15 Juvenile Justice Department [~~Probation Commission~~] under Section  
16 221.007 [~~141.044~~], Human Resources Code.

17          SECTION 3.010. Section 41.310(b), Government Code, is  
18 amended to read as follows:

19          (b) In addition to the duties prescribed by Subsection (a),  
20 the counsellor shall on a quarterly basis provide the board of  
21 directors and the standing committees of the senate and house of  
22 representatives with primary jurisdiction over matters concerning  
23 correctional facilities with a report concerning offenses or  
24 delinquent conduct prosecuted by the unit on receiving a request  
25 for assistance under Section 241.007 [~~61.098~~], Human Resources  
26 Code, or a request for assistance otherwise from a prosecuting  
27 attorney. A report under this subsection is public information

1 under Chapter 552, Government Code, and the board of directors  
2 shall request that the commission publish the report on the  
3 commission's Internet website. A report must be both aggregated  
4 and disaggregated by individual facility and include information  
5 relating to:

6 (1) the number of requests for assistance received  
7 under Section 241.007 [~~61.098~~], Human Resources Code, and requests  
8 for assistance otherwise received from prosecuting attorneys;

9 (2) the number of cases investigated and the number of  
10 cases prosecuted;

11 (3) the types and outcomes of cases prosecuted, such  
12 as whether the case concerned narcotics or an alleged incident of  
13 sexual abuse; and

14 (4) the relationship of a victim to a perpetrator, if  
15 applicable.

16 SECTION 3.011. Section 411.1141(a), Government Code, is  
17 amended to read as follows:

18 (a) The Texas Juvenile Justice Department [~~Youth~~  
19 ~~Commission~~] is entitled to obtain from the department criminal  
20 history record information maintained by the department that  
21 relates to a person described by Section 242.013(b) [~~61.0357(b)~~],  
22 Human Resources Code.

23 SECTION 3.012. Section 493.017(d), Government Code, is  
24 amended to read as follows:

25 (d) A sex offender correction program that provides  
26 counseling sessions for a child who is released under supervision  
27 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report

1 to the Texas Juvenile Justice Department [~~Youth Commission~~], not  
2 later than the 15th day of each month, the following information  
3 about the child:

4 (1) the total number of counseling sessions attended  
5 by the child during the preceding month; and

6 (2) if during the preceding month the child terminates  
7 participation in the program before completing counseling, the  
8 reason for the child's termination of counseling or that the reason  
9 for the termination of counseling is unknown.

10 SECTION 3.013. Section 499.053, Government Code, is amended  
11 to read as follows:

12 Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE  
13 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional~~  
14 ~~division~~] shall accept persons transferred to the department  
15 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~  
16 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

17 (b) A person transferred to the department [~~institutional~~  
18 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~  
19 ~~Commission~~] is entitled to credit on the person's sentence for the  
20 time served in the custody of the Texas Juvenile Justice Department  
21 [~~youth commission~~].

22 (c) All laws relating to good conduct time and eligibility  
23 for release on parole or mandatory supervision apply to a person  
24 transferred to the department [~~institutional division~~] by the Texas  
25 Juvenile Justice Department [~~youth commission~~] as if the time the  
26 person was detained in a detention facility and the time the person  
27 served in the custody of the Texas Juvenile Justice Department

1 [~~youth commission~~] was time served in the custody of the department  
2 [~~division~~].

3 (d) A person transferred from the Texas Juvenile Justice  
4 Department [~~Youth Commission~~] for the offense of capital murder  
5 shall become eligible for parole as provided in Section 508.145(d)  
6 for an offense listed in Section 3g, Article 42.12, Code of Criminal  
7 Procedure, or an offense for which a deadly weapon finding has been  
8 made.

9 SECTION 3.014. Section 508.156(a), Government Code, is  
10 amended to read as follows:

11 (a) Before the release of a person who is transferred under  
12 Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], Human  
13 Resources Code, to the department [~~division~~] for release on parole,  
14 a parole panel shall review the person's records and may interview  
15 the person or any other person the panel considers necessary to  
16 determine the conditions of parole. The panel may impose any  
17 reasonable condition of parole on the person that the panel may  
18 impose on an adult inmate under this chapter.

19 SECTION 3.015. Section 614.019(c), Health and Safety Code,  
20 is amended to read as follows:

21 (c) A child with mental illness or mental retardation who is  
22 discharged from the Texas Juvenile Justice Department [~~Youth~~  
23 ~~Commission~~] under Section 244.011 [~~61.077~~], Human Resources Code,  
24 may receive continuity of care services from the office for a  
25 minimum of 90 days after discharge from the commission and for as  
26 long as necessary for the child to demonstrate sufficient stability  
27 to transition successfully to mental health or mental retardation

1 services provided by a local mental health or mental retardation  
2 authority.

3 SECTION 3.016. Section 152.0007(b), Human Resources Code,  
4 is amended to read as follows:

5 (b) The board may establish guidelines for the initial  
6 assessment of a child by the juvenile probation department. The  
7 guidelines shall provide a means for assessing a child's mental  
8 health status, family background, and level of education. The  
9 guidelines shall assist the probation department in determining  
10 whether a comprehensive psychological evaluation of the child  
11 should be conducted. The board shall require that probation  
12 department personnel use assessment information compiled by the  
13 child's school, if the information is available, before conducting  
14 a comprehensive psychological evaluation of the child. The board  
15 may adopt all or part of the Texas Juvenile Justice Department's  
16 [~~Juvenile Probation Commission's~~] minimum standards for assessment  
17 under Section 221.002 [~~141.042~~] in complying with this subsection.

18 SECTION 3.017. Sections 152.0011(b) and (c), Human  
19 Resources Code, are amended to read as follows:

20 (b) The juvenile board or local probation department may  
21 contract with a private vendor for the financing, construction,  
22 operation, maintenance, or management of a youth boot camp in the  
23 same manner as the state. [~~The juvenile board may not award a~~  
24 ~~contract under this subsection unless the board requests proposals~~  
25 ~~and receives a proposal that meets or exceeds, in addition to~~  
26 ~~requirements specified in the request for proposals, the~~  
27 ~~requirements specified in Section 141.0434.~~]

1 (c) A juvenile board youth boot camp must offer a program  
2 that complies with the requirements of the youth boot camps set  
3 forth in Section 246.001 [~~141.0432~~].

4 SECTION 3.018. Section 152.0301(f), Human Resources Code,  
5 is amended to read as follows:

6 (f) The juvenile board shall ensure that the chief juvenile  
7 officer and fiscal officer:

8 (1) keep the financial and statistical records and  
9 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
10 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

11 (2) submit periodic financial and statistical reports  
12 to the county commissioners court.

13 SECTION 3.019. Section 152.0791(g), Human Resources Code,  
14 is amended to read as follows:

15 (g) The juvenile board shall ensure that the chief juvenile  
16 officer and fiscal officer:

17 (1) keep the financial and statistical records and  
18 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
19 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

20 (2) submit periodic financial and statistical reports  
21 to the commissioners courts.

22 SECTION 3.020. Section 152.1371(f), Human Resources Code,  
23 is amended to read as follows:

24 (f) The juvenile board shall ensure that the chief juvenile  
25 officer and fiscal officer:

26 (1) keep the financial and statistical records and  
27 submit reports to the Texas Juvenile Justice Department [~~Probation~~

1 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

2 (2) submit periodic financial and statistical reports  
3 to the county commissioners court.

4 SECTION 3.021. Section 152.1431(f), Human Resources Code,  
5 is amended to read as follows:

6 (f) The juvenile board shall ensure that the chief juvenile  
7 officer and fiscal officer:

8 (1) keep the financial and statistical records and  
9 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
10 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

11 (2) submit periodic financial and statistical reports  
12 to the county commissioners court.

13 SECTION 3.022. Section 152.2511(f), Human Resources Code,  
14 is amended to read as follows:

15 (f) The juvenile board shall ensure that the chief juvenile  
16 officer and fiscal officer:

17 (1) keep the financial and statistical records and  
18 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
19 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

20 (2) submit periodic financial and statistical reports  
21 to the county commissioners court.

22 SECTION 3.023. Section 16.02(e-1), Penal Code, is amended  
23 to read as follows:

24 (e-1) It is a defense to prosecution under Subsection (d)(1)  
25 that the electronic, mechanical, or other device is possessed by a  
26 person authorized to possess the device under Section 500.008,  
27 Government Code, or Section 242.104 [~~61.0455~~], Human Resources



1 Code.

2 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

3 SECTION 4.001. (a) Effective September 1, 2012,  
4 Subchapters A and B, Chapter 61, Human Resources Code, and  
5 Subchapters A and B, Chapter 141, Human Resources Code, are  
6 repealed.

7 (b) Effective September 1, 2012, the Texas Youth Commission  
8 and the Texas Juvenile Probation Commission are abolished and the  
9 powers and duties of those agencies are transferred to the Texas  
10 Juvenile Justice Board and the Texas Juvenile Justice Department in  
11 accordance with Title 12, Human Resources Code, as added by this  
12 Act.

13 SECTION 4.002. (a) All money, records, property, and  
14 equipment in the possession of the Texas Youth Commission or the  
15 Texas Juvenile Probation Commission on September 1, 2012, shall be  
16 transferred to the possession of the Texas Juvenile Justice  
17 Department on September 1, 2012, or as soon as possible after that  
18 date.

19 (b) Effective September 1, 2012, a rule adopted by the Texas  
20 Youth Commission or the Texas Juvenile Probation Commission is a  
21 rule of the Texas Juvenile Justice Department until and unless that  
22 department amends or repeals the rule.

23 (c) Effective September 1, 2012, a memorandum of  
24 understanding entered into by the Texas Youth Commission or the  
25 Texas Juvenile Probation Commission is binding against the Texas  
26 Juvenile Justice Department to the same extent that the memorandum  
27 bound the agency that entered into the memorandum of understanding,

1 until and unless the department enters into a new memorandum of  
2 understanding that modifies the department's responsibilities.

3 SECTION 4.003. Unless another provision of this Act  
4 specifically provides otherwise, the Texas Youth Commission and the  
5 Texas Juvenile Probation Commission, as applicable, shall  
6 implement each change in law made by this Act, including adopting  
7 any necessary or required rule, not later than September 1, 2012.

8 SECTION 4.004. (a) The validity of a disposition of a child  
9 under Title 3, Family Code, made before, on, or after the effective  
10 date of this Act is not affected solely because:

11 (1) the terms of the disposition refer to the Texas  
12 Youth Commission or the Texas Juvenile Probation Commission; and

13 (2) during the time for the disposition is in effect,  
14 the Texas Youth Commission or the Texas Juvenile Probation  
15 Commission cease to exist and their powers and duties are  
16 transferred, as provided by this Act, to the Texas Juvenile Justice  
17 Department.

18 (b) The action of a juvenile probation department taken in  
19 relation to a child before, on, or after the effective date of this  
20 Act is not affected solely because:

21 (1) the terms of the action refer to the Texas Youth  
22 Commission or the Texas Juvenile Probation Commission; and

23 (2) during the time for the action is in effect, the  
24 Texas Youth Commission or the Texas Juvenile Probation Commission  
25 cease to exist and their powers and duties are transferred, as  
26 provided by this Act, to the Texas Juvenile Justice 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 SECTION 4.005. (a) This section applies only to a closed  
4 facility on real property owned by the Texas Youth Commission or the  
5 Texas Juvenile Justice Department that is located wholly or partly  
6 in a county that has a population of less than 100,000.

7 (b) The Texas Youth Commission or the Texas Juvenile Justice  
8 Department may transfer a closed facility to the county or  
9 municipality in which the facility is located.

10 (c) The consideration for the transfer authorized by  
11 Subsection (b) of this section is the requirement that the county or  
12 municipality use the property transferred only for a purpose that  
13 benefits the public interest of the state. If the county or  
14 municipality no longer uses the property for a public purpose,  
15 ownership of the property automatically reverts to the Texas  
16 Juvenile Justice Department.

17 (d) The Texas Youth Commission or the Texas Juvenile Justice  
18 Department shall transfer the property by an appropriate instrument  
19 of transfer, executed on the agency's behalf by the commissioner of  
20 the General Land Office. The instrument of transfer must:

21 (1) provide that:

22 (A) the transferee shall use the property only  
23 for a purpose that benefits the public interest of the state; and

24 (B) ownership of the property will automatically  
25 revert to the Texas Juvenile Justice Department if the transferee  
26 uses the property for any purpose other than a purpose that benefits  
27 the interest of the state;

1           (2) describe the property to be transferred by metes  
2 and bounds; and

3           (3) exclude from the transfer all mineral interests in  
4 and under the property and prohibit any exploration, drilling, or  
5 other similar intrusion on the property related to mineral  
6 interests.

7           (e) The Texas Juvenile Justice Department shall retain  
8 custody of the instrument of transfer after the instrument of  
9 transfer is filed in the real property records of the county in  
10 which the property is located.

11           (f) This section expires September 1, 2017.

12           SECTION 4.006. This Act takes effect September 1, 2011.