

1-1 By: Whitmire, Hegar, Hinojosa S.B. No. 653
1-2 (In the Senate - Filed March 2, 2011; March 8, 2011, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 653 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to abolishing the Texas Youth Commission and the Texas
1-11 Juvenile Probation Commission and transferring the powers and
1-12 duties of those agencies to the newly created Texas Juvenile
1-13 Justice Department and to the functions of the independent
1-14 ombudsman for the Texas Youth Commission.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH
1-17 COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

1-18 SECTION 1.001. The Human Resources Code is amended by
1-19 adding Title 12 with a heading to read as follows:

1-20 TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

1-21 SECTION 1.002. Title 12, Human Resources Code, as added by
1-22 this Act, is amended by adding Subtitle A to read as follows:

1-23 SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE
1-24 JUSTICE DEPARTMENT

1-25 CHAPTER 201. GENERAL PROVISIONS

1-26 Sec. 201.001. DEFINITIONS. (a) In this title:

1-27 (1) "Board" means the Texas Juvenile Justice Board.

1-28 (2) "Child" means an individual 10 years of age or
1-29 older and under 19 years of age who is committed to a secure
1-30 post-adjudication facility operated by the department under
1-31 Subtitle C.

1-32 (3) "Court" means a juvenile court.

1-33 (4) "Department" means the Texas Juvenile Justice
1-34 Department.

1-35 (5) "Executive director" means the executive director
1-36 of the department.

1-37 (6) "Juvenile board" means a body established by law
1-38 to provide juvenile probation services to a county.

1-39 (7) "State aid" means funds allocated by the
1-40 department to a juvenile board to financially assist the juvenile
1-41 board in achieving the purposes of this title and in conforming to
1-42 the department's standards and policies.

1-43 (a-1) A reference to the department:

1-44 (1) in Subtitle B means the Texas Juvenile Probation
1-45 Commission;

1-46 (2) in Subtitle C means the Texas Youth Commission;
1-47 and

1-48 (3) in any law other than Subtitle B or C means the
1-49 Texas Juvenile Probation Commission or the Texas Youth Commission,
1-50 as applicable in context.

1-51 (a-2) This subsection and Subsection (a-1) expire December
1-52 1, 2011.

1-53 (b) Effective December 1, 2011, a reference in other law to:

1-54 (1) the Texas Juvenile Probation Commission means the
1-55 department; or

1-56 (2) the Texas Youth Commission means the department.

1-57 Sec. 201.002. PURPOSES. This title shall be construed to
1-58 effectuate the following public purposes:

1-59 (1) the creation of a unified state juvenile justice
1-60 agency that operates in partnership with local county governments,
1-61 courts, and communities to promote public safety by providing a
1-62 full continuum of effective support and service to youth from
1-63 initial contact through termination of supervision; and

2-1 (2) the creation of a juvenile justice system that
2-2 produces positive outcomes for youth, families, and communities.

2-3 CHAPTER 201A. TEMPORARY PROVISIONS

2-4 SUBCHAPTER A. TRANSITION TEAM

2-5 Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING
2-6 OFFICER. (a) The juvenile justice services and facilities
2-7 transition team is composed of the following 11 members:

2-8 (1) a representative of the Texas Juvenile Probation
2-9 Commission, appointed by the board of the Texas Juvenile Probation
2-10 Commission;

2-11 (2) a representative of the Texas Youth Commission,
2-12 appointed by the board of the Texas Youth Commission;

2-13 (3) a representative of the governor;

2-14 (4) a representative of the lieutenant governor,
2-15 chosen from a list submitted to the governor by the lieutenant
2-16 governor;

2-17 (5) a representative of the speaker of the house of
2-18 representatives, chosen from a list submitted to the governor by
2-19 the speaker;

2-20 (6) one member who represents the interests of a
2-21 juvenile probation department that serves a county with a small
2-22 population;

2-23 (7) one member who represents the interests of a
2-24 juvenile probation department that serves a county with a medium
2-25 population;

2-26 (8) one member who represents the interests of a
2-27 juvenile probation department that serves a county with a large
2-28 population;

2-29 (9) one member who represents the interests of
2-30 juvenile offenders or the families of juvenile offenders;

2-31 (10) one member who represents an organization that
2-32 advocates on behalf of juvenile offenders or the families of
2-33 juvenile offenders; and

2-34 (11) one member who represents an organization that
2-35 advocates on behalf of the victims of delinquent or criminal
2-36 conduct.

2-37 (b) The governor shall appoint the members of the transition
2-38 team listed in Sections 201A.001(a)(3)-(11).

2-39 (c) The members of the transition team shall be appointed as
2-40 provided by Subsections (a) and (b) as soon as possible after
2-41 September 1, 2011, and not later than October 1, 2011.

2-42 (d) The transition team member who is appointed under
2-43 Subsection (a)(3) serves as the presiding officer of the transition
2-44 team.

2-45 (e) The transition team members appointed under Subsections
2-46 (a)(1) and (2) remain on the transition team after November 30,
2-47 2011, regardless of the abolition of the agencies named in those
2-48 subdivisions.

2-49 Sec. 201A.002. POWERS AND DUTIES. (a) After September 1,
2-50 2011, and before December 1, 2011, the transition team shall
2-51 coordinate and oversee the transition of services and facilities
2-52 from the Texas Juvenile Probation Commission and the Texas Youth
2-53 Commission to the Texas Juvenile Justice Department.

2-54 (b) After November 30, 2011, and before August 31, 2012, the
2-55 transition team shall assist the Texas Juvenile Justice Department
2-56 and advise the Texas Juvenile Justice Board in implementing the
2-57 transition of services and facilities from the Texas Juvenile
2-58 Probation Commission and the Texas Youth Commission to the Texas
2-59 Juvenile Justice Department.

2-60 Sec. 201A.003. ASSISTANCE. The following state agencies
2-61 shall, on request, assist the transition team with the following
2-62 matters:

2-63 (1) the Legislative Budget Board and the budget,
2-64 planning, and policy division of the governor's office, with
2-65 preparation of a suggested budget for the department;

2-66 (2) the Department of Information Resources, with the
2-67 technological needs of the department;

2-68 (3) the office of the attorney general, with legal
2-69 matters concerning the transition of services and facilities from

3-1 the Texas Juvenile Probation Commission and the Texas Youth
3-2 Commission to the Texas Juvenile Justice Department;
3-3 (4) the comptroller of public accounts, with suggested
3-4 accounting practices for the department; and
3-5 (5) the Texas Facilities Commission, with assistance
3-6 in efficiently using the office space in which the administrative
3-7 offices of the Texas Juvenile Probation Commission and the Texas
3-8 Youth Commission are located and, if necessary, locating additional
3-9 office space for the administrative offices of the department.

3-10 [Sections 201A.004-201A.050 reserved for expansion]

3-11 SUBCHAPTER B. EXPIRATION

3-12 Sec. 201A.051. EXPIRATION. This chapter expires August 31,
3-13 2012.

3-14 CHAPTER 202. ADMINISTRATIVE PROVISIONS

3-15 Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER.

3-16 (a) The board is composed of the following 11 members appointed by
3-17 the governor with the advice and consent of the senate:

3-18 (1) one member who is a district court judge of a court
3-19 designated as a juvenile court;

3-20 (2) two members who are county court judges or county
3-21 commissioners;

3-22 (3) one prosecutor in juvenile court;

3-23 (4) one chief juvenile probation officer of a juvenile
3-24 probation department serving a county with a small population;

3-25 (5) one chief juvenile probation officer of a juvenile
3-26 probation department serving a county with a medium population;

3-27 (6) one chief juvenile probation officer of a juvenile
3-28 probation department serving a county with a large population;

3-29 (7) one adolescent mental health treatment
3-30 professional licensed under Subtitle B or I, Title 3, Occupations
3-31 Code;

3-32 (8) one educator, as that term is defined by Section
3-33 5.001, Education Code; and

3-34 (9) two members of the general public.

3-35 (b) Members serve staggered six-year terms, with the terms
3-36 of three or four members expiring on February 1 of each odd-numbered
3-37 year.

3-38 (c) The governor shall designate a member of the board as
3-39 the presiding officer of the board to serve in that capacity at the
3-40 pleasure of the governor.

3-41 (d) The governor shall make appointments to the board
3-42 without regard to the race, color, disability, sex, religion, age,
3-43 or national origin of the appointees.

3-44 Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND
3-45 DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of
3-46 the board if the person or the person's spouse:

3-47 (1) is employed in the field of criminal or juvenile
3-48 justice;

3-49 (2) is employed by or participates in the management
3-50 of a business entity or other organization regulated by or
3-51 receiving money from the department;

3-52 (3) owns or controls, directly or indirectly, more
3-53 than a 10 percent interest in a business entity or other
3-54 organization regulated by or receiving money from the department;
3-55 or

3-56 (4) uses or receives a substantial amount of tangible
3-57 goods, services, or money from the department, other than
3-58 compensation or reimbursement authorized by law for board
3-59 membership, attendance, or expenses.

3-60 (b) A person may not be a board member and may not be a
3-61 department employee employed in a "bona fide executive,
3-62 administrative, or professional capacity," as that phrase is used
3-63 for purposes of establishing an exemption to the overtime
3-64 provisions of the federal Fair Labor Standards Act of 1938 (29
3-65 U.S.C. Section 201 et seq.), if:

3-66 (1) the person is an officer, employee, or paid
3-67 consultant of a Texas trade association in the field of criminal or
3-68 juvenile justice; or

3-69 (2) the person's spouse is an officer, manager, or paid

4-1 consultant of a Texas trade association in the field of criminal or
 4-2 juvenile justice.

4-3 (c) A person may not be a board member or act as the general
 4-4 counsel to the board or the department if the person is required to
 4-5 register as a lobbyist under Chapter 305, Government Code, because
 4-6 of the person's activities for compensation on behalf of a
 4-7 profession related to the operation of the department.

4-8 (d) In this section, "Texas trade association" means a
 4-9 cooperative and voluntarily joined statewide association of
 4-10 business or professional competitors in this state designed to
 4-11 assist its members and its industry or profession in dealing with
 4-12 mutual business or professional problems and in promoting their
 4-13 common interest.

4-14 Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

4-15 (a) A judge's place on the board becomes vacant when the judge
 4-16 ceases to hold a judicial office.

4-17 (b) A judge's service on the board is an additional duty of
 4-18 office.

4-19 (c) At the time of appointment to the board, a judge must be
 4-20 a judge of:

4-21 (1) a court designated as a juvenile court; or

4-22 (2) a court that is one of several courts that rotate
 4-23 being the juvenile court.

4-24 Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground
 4-25 for removal from the board if a member:

4-26 (1) does not have at the time of taking office the
 4-27 qualifications required by Sections 202.001 and 202.003;

4-28 (2) does not maintain during service on the board the
 4-29 qualifications required by Sections 202.001 and 202.003;

4-30 (3) is ineligible for membership under Section
 4-31 202.002;

4-32 (4) cannot, because of illness or disability,
 4-33 discharge the member's duties for a substantial part of the term; or

4-34 (5) is absent from more than half of the regularly
 4-35 scheduled board meetings that the member is eligible to attend
 4-36 during a calendar year unless the absence is excused by majority
 4-37 vote of the board.

4-38 (b) The validity of an action of the board is not affected by
 4-39 the fact that the action is taken when a ground for removal of a
 4-40 board member exists.

4-41 (c) If the executive director has knowledge that a potential
 4-42 ground for removal exists, the executive director shall notify the
 4-43 presiding officer of the board of the potential ground. The
 4-44 presiding officer shall then notify the governor and the attorney
 4-45 general that a potential ground for removal exists. If the
 4-46 potential ground for removal involves the presiding officer, the
 4-47 executive director shall notify the next highest ranking officer of
 4-48 the board, who shall then notify the governor and the attorney
 4-49 general that a potential ground for removal exists.

4-50 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
 4-51 probation officer who is a board member shall avoid the appearance
 4-52 of a conflict of interest by not voting or participating in any
 4-53 decision by the board that directly benefits or penalizes or
 4-54 otherwise directly impacts the juvenile probation department over
 4-55 which the chief juvenile probation officer has authority.

4-56 (b) The board may adopt recusal requirements in addition to
 4-57 those described by Subsection (a), including requirements that are
 4-58 more restrictive than those described by Subsection (a).

4-59 Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person
 4-60 who is appointed to and qualifies for office as a member of the
 4-61 board may not vote, deliberate, or be counted as a member in
 4-62 attendance at a meeting of the board until the person completes a
 4-63 training program that complies with this section.

4-64 (b) The training program must provide the person with
 4-65 information regarding:

4-66 (1) the legislation that created the department;

4-67 (2) the programs, functions, rules, and budget of the
 4-68 department;

4-69 (3) the results of the most recent formal audit of the

5-1 department;

5-2 (4) the requirements of laws relating to open
5-3 meetings, public information, administrative procedure, and
5-4 conflicts of interest; and

5-5 (5) any applicable ethics policies adopted by the
5-6 department or the Texas Ethics Commission.

5-7 (c) A person appointed to the board is entitled to
5-8 reimbursement, as provided by the General Appropriations Act, for
5-9 the travel expenses incurred in attending the training program
5-10 regardless of whether the attendance at the program occurs before
5-11 or after the person qualifies for office.

5-12 Sec. 202.007. REIMBURSEMENT. A board member is not
5-13 entitled to compensation for service on the board but is entitled to
5-14 reimbursement for actual and necessary expenses incurred in
5-15 performing official duties as a board member.

5-16 Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The
5-17 board shall hold regular quarterly meetings on dates set by the
5-18 board and special meetings at the call of the presiding officer.

5-19 (b) The board shall adopt rules regulating the board's
5-20 proceedings.

5-21 (c) The board shall keep a public record of the board's
5-22 decisions at the board's general office.

5-23 (d) The board shall develop and implement policies that
5-24 provide the public with a reasonable opportunity to appear before
5-25 the board and to speak on any issue under the jurisdiction of the
5-26 department.

5-27 Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The
5-28 department is subject to audit by the state auditor in accordance
5-29 with Chapter 321, Government Code.

5-30 (b) The state auditor, on request of the office of inspector
5-31 general, may provide information or other assistance to the office
5-32 of inspector general that the state auditor determines is
5-33 appropriate. The office of inspector general may coordinate with
5-34 the state auditor to review or schedule a plan for an investigation
5-35 under Subchapter C, Chapter 242, or share other information.

5-36 (c) The state auditor may access all information maintained
5-37 by the office of inspector general, such as vouchers, electronic
5-38 data, and internal records, including information that is otherwise
5-39 confidential under law. Information obtained by the state auditor
5-40 under this subsection is confidential and is not subject to
5-41 disclosure under Chapter 552, Government Code.

5-42 (d) Any provision of this title relating to the operations
5-43 of the office of inspector general does not:

5-44 (1) supersede the authority of the state auditor to
5-45 conduct an audit under Chapter 321, Government Code; or

5-46 (2) prohibit the state auditor from:

5-47 (A) conducting an audit, investigation, or other
5-48 review; or

5-49 (B) having full and complete access to all
5-50 records and other information concerning the department, including
5-51 any witness statement or electronic data, that the state auditor
5-52 considers necessary for the audit, investigation, or review.

5-53 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
5-54 Board and the Texas Juvenile Justice Department are subject to
5-55 Chapter 325, Government Code (Texas Sunset Act). Unless continued
5-56 in existence as provided by that chapter, the board and the
5-57 department are abolished September 1, 2017.

5-58 CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND DEPARTMENT

5-59 Sec. 203.001. CONTROL OVER DEPARTMENT; PRIORITIZATION OF
5-60 SERVICES. (a) The board is the governing body of the department
5-61 and is responsible for the operations of the department.

5-62 (b) The board shall develop and implement policies that
5-63 clearly separate the policymaking responsibilities of the board and
5-64 the management responsibilities of the executive director and the
5-65 staff of the department.

5-66 (c) A mission of the department is to achieve the goal of
5-67 prioritizing the use of probation services for juveniles over the
5-68 commitment of juveniles to state facilities. The board shall
5-69 develop and implement policies that prioritize the provision of:

6-1 (1) probation services under Subtitle B over
6-2 commitment under Subtitle C; and
6-3 (2) funding and assistance to juvenile probation
6-4 departments operated in accordance with Chapter 142.
6-5 Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:
6-6 (1) employ an executive director to administer the
6-7 department; and
6-8 (2) supervise the director's administration of the
6-9 department.
6-10 Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.
6-11 (a) The department shall comply with federal and state laws
6-12 related to program and facility accessibility.
6-13 (b) The board shall prepare and maintain a written plan that
6-14 describes how a person who does not speak English can be provided
6-15 reasonable access to the department's programs and services.
6-16 Sec. 203.004. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
6-17 RESOLUTION. (a) The board shall develop and implement a policy to
6-18 encourage the use of:
6-19 (1) negotiated rulemaking procedures under Chapter
6-20 2008, Government Code, for the adoption of department rules; and
6-21 (2) appropriate alternative dispute resolution
6-22 procedures under Chapter 2009, Government Code, to assist in the
6-23 resolution of internal and external disputes under the department's
6-24 jurisdiction.
6-25 (b) The department's procedures relating to alternative
6-26 dispute resolution must conform, to the extent possible, to any
6-27 model guidelines issued by the State Office of Administrative
6-28 Hearings for the use of alternative dispute resolution by state
6-29 agencies.
6-30 (c) The department shall:
6-31 (1) coordinate the implementation of the policy
6-32 adopted under Subsection (a);
6-33 (2) provide training as needed to implement the
6-34 procedures for negotiated rulemaking or alternative dispute
6-35 resolution; and
6-36 (3) collect data concerning the effectiveness of those
6-37 procedures.
6-38 Sec. 203.005. GIFTS AND GRANTS. (a) The department may
6-39 apply for and accept gifts and grants from any public or private
6-40 source to use in maintaining and improving services provided under
6-41 this title.
6-42 (b) The department shall deposit money received under this
6-43 section in the state treasury. The department may use the money
6-44 only to make payments of state aid under Subtitle B and to
6-45 administer this title.
6-46 Sec. 203.006. MEDICAID BENEFITS. The department shall:
6-47 (1) identify areas in which federal Medicaid program
6-48 benefits could be used in a manner that is cost-effective for
6-49 juveniles in the juvenile justice system;
6-50 (2) develop a program to encourage application for and
6-51 receipt of Medicaid benefits;
6-52 (3) provide technical assistance to counties relating
6-53 to eligibility for Medicaid benefits; and
6-54 (4) monitor the extent to which counties make use of
6-55 Medicaid benefits.
6-56 Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The
6-57 department may conduct or participate in studies relating to
6-58 corrections methods and systems and to treatment and therapy
6-59 programs at the governor's request or on the department's own
6-60 initiative.
6-61 (b) The department shall continuously study the problem of
6-62 juvenile delinquency in this state and the effectiveness of
6-63 services provided or regulated by the department under Subtitle B
6-64 or C and shall report the department's findings to the governor and
6-65 the legislature before each regular legislative session.
6-66 (c) The department shall keep records relating to juveniles
6-67 within the juvenile justice system that participate in research
6-68 programs or studies.
6-69 (d) The records must show, for each calendar quarter and for

7-1 each calendar year:

7-2 (1) the number of juveniles participating in research
7-3 programs or studies for the appropriate reporting period;

7-4 (2) the type of research program or study in which each
7-5 juvenile is participating;

7-6 (3) the name of the principal investigator conducting
7-7 the research program or study; and

7-8 (4) the entity sponsoring the research program or
7-9 study.

7-10 (e) The department shall submit a report that contains the
7-11 information in the records kept under Subsection (c) on or before
7-12 the 15th day after the last day of the appropriate reporting period
7-13 to the:

7-14 (1) governor;

7-15 (2) lieutenant governor;

7-16 (3) speaker of the house of representatives; and

7-17 (4) members of the senate and house of
7-18 representatives.

7-19 (f) A report submitted under this section is public
7-20 information under Chapter 552, Government Code.

7-21 Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH,
7-22 RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section,
7-23 "evidence" means any record, book, paper, document, data, or other
7-24 evidence maintained by electronic or other means.

7-25 (b) The department may issue a subpoena requiring the
7-26 attendance of a witness or the production of evidence that the
7-27 department considers necessary for the investigation of:

7-28 (1) abuse, neglect, or exploitation allegations;

7-29 (2) complaints;

7-30 (3) financial and programmatic audits of juvenile
7-31 probation programs, services, and facilities, including juvenile
7-32 justice alternative education programs; or

7-33 (4) any other matter under the authority of the
7-34 department, including a determination of treatment under Section
7-35 244.005.

7-36 (c) The department may issue a subpoena under Subsection (b)
7-37 only if the subpoena is signed by:

7-38 (1) the presiding officer of the board or, if the
7-39 presiding officer is unavailable, the presiding officer's
7-40 designee; and

7-41 (2) at least two other members of the board, including
7-42 a board member who is a judge.

7-43 (d) Any peace officer, department investigator, other
7-44 department official, or person authorized under Article 24.01, Code
7-45 of Criminal Procedure, may serve the subpoena in the same manner
7-46 that similar process in a court of record having original
7-47 jurisdiction of criminal actions is served.

7-48 (e) A subpoena under this section shall be served and
7-49 witness fees and mileage paid as in civil cases in the district
7-50 court in the county to which the witness is called, unless the
7-51 proceeding for which the service or payment is made is under Chapter
7-52 2001, Government Code, in which case the service or payment shall be
7-53 made as provided in that chapter. Witnesses subpoenaed at the
7-54 instance of the department shall be paid their fees and mileage by
7-55 the department out of funds appropriated for that purpose.

7-56 (f) On application of the department, a court of record
7-57 having original jurisdiction of criminal actions may compel the
7-58 attendance of a witness, the production of material, or the giving
7-59 of testimony before the department, by an attachment for contempt
7-60 or in the same manner as the court may otherwise compel the
7-61 production of evidence.

7-62 (g) The presiding officer or a member of the board may
7-63 administer an oath to a witness in attendance before the department
7-64 or before an authorized representative of the department.

7-65 (h) If a witness in attendance before the department or
7-66 before an authorized representative refuses without reasonable
7-67 cause to be examined or answer a legal or pertinent question, or to
7-68 produce evidence when ordered by the department, the department may
7-69 apply to the district court for a rule or order returnable in not

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

8-15 (i) The department shall be granted access at any reasonable
 8-16 time to any evidence that is related to any matter the department or
 8-17 executive director considers necessary to administer the
 8-18 department's functions, powers, and duties.

8-19 Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES.

8-20 (a) The advisory council on juvenile services consists of:

8-21 (1) two juvenile court judges, appointed by the chief
 8-22 justice of the Supreme Court of Texas;

8-23 (2) three chief juvenile probation officers,
 8-24 appointed by the Juvenile Justice Association of Texas;

8-25 (3) the executive director of the department or the
 8-26 executive director's designee;

8-27 (4) the commissioner of human services or the
 8-28 commissioner's designee;

8-29 (5) one representative of the county commissioners
 8-30 courts, appointed by the Texas Association of Counties; and

8-31 (6) the director of probation services of the
 8-32 department or the director's designee.

8-33 (b) The advisory council shall report any determinations
 8-34 made under Subsection (c) to the members of the board appointed
 8-35 under Section 202.001.

8-36 (c) The advisory council shall assist the department in:

8-37 (1) determining the needs and problems of county
 8-38 juvenile boards and probation departments;

8-39 (2) conducting long-range strategic planning;

8-40 (3) reviewing existing or newly proposed standards
 8-41 affecting juvenile probation programs, services, or facilities;
 8-42 and

8-43 (4) analyzing the potential cost impact on probation
 8-44 departments of new standards proposed by the board.

8-45 Sec. 203.0082. FEES. If the General Appropriations Act
 8-46 does not specify the amount of the fee, the board by rule may
 8-47 establish fees that:

8-48 (1) are reasonable and necessary;

8-49 (2) produce revenue sufficient for the administration
 8-50 of this chapter; and

8-51 (3) do not produce unnecessary revenue.

8-52 Sec. 203.009. PUBLIC INTEREST INFORMATION. The department
 8-53 shall prepare information of public interest describing the
 8-54 functions of the department and describing the procedures by which
 8-55 complaints are filed with and resolved by the department. The
 8-56 department shall make the information available to the public and
 8-57 appropriate state agencies.

8-58 Sec. 203.010. DEPARTMENT COMPLAINTS. (a) The department
 8-59 shall maintain a system to promptly and efficiently act on
 8-60 complaints filed with the department, other than complaints
 8-61 received under Section 221.010.

8-62 (b) The department shall make information available
 8-63 describing its procedures for complaint investigation and
 8-64 resolution.

8-65 (c) A complaint that raises or has the potential to raise,
 8-66 wholly or partly, a criminal matter shall be forwarded to the office
 8-67 of the inspector general. Any other complaint shall be forwarded to
 8-68 the office of the independent ombudsman.

8-69 (d) The department shall periodically notify the complaint

9-1 parties of the status of the complaint until final disposition,
 9-2 unless the notice would jeopardize an undercover investigation.

9-3 (e) The department shall keep information about each
 9-4 written complaint filed with the department. The information must
 9-5 include:

9-6 (1) the subject matter of the complaint;

9-7 (2) the parties to the complaint;

9-8 (3) a summary of the results of the review or
 9-9 investigation of the complaint;

9-10 (4) the period of time between the date the complaint
 9-11 is received and the date the complaint is closed; and

9-12 (5) the disposition of the complaint.

9-13 Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.
 9-14 A juvenile probation department that is aggrieved by a decision of
 9-15 the executive director, including a decision relating to standards
 9-16 affecting juvenile probation programs, services, or facilities,
 9-17 may appeal the executive director's decision to the board. The
 9-18 decision of the board is final and cannot be appealed.

9-19 Sec. 203.012. ANNUAL FINANCIAL REPORT. The department
 9-20 shall prepare annually a complete and detailed written report
 9-21 accounting for all funds received and disbursed by the department
 9-22 during the preceding fiscal year. The annual report must meet the
 9-23 reporting requirements applicable to financial reporting provided
 9-24 in the General Appropriations Act.

9-25 Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department
 9-26 shall regularly conduct internal audits of the department,
 9-27 including audits of:

9-28 (1) facilities operated by and under contract with
 9-29 the department; and

9-30 (2) medical services provided to children in the
 9-31 custody of the department.

9-32 (b) The department shall on a quarterly basis report the
 9-33 results of the audits to:

9-34 (1) the committees of the senate and house of
 9-35 representatives with primary jurisdiction over matters concerning
 9-36 correctional facilities; and

9-37 (2) the state auditor.

9-38 Sec. 203.014. MERGER REPORT. (a) On or before December 1,
 9-39 2012, the department shall submit a report on the merger of the
 9-40 Texas Youth Commission and the Texas Juvenile Probation Commission
 9-41 to form the department to:

9-42 (1) the governor;

9-43 (2) the lieutenant governor;

9-44 (3) the speaker of the house of representatives;

9-45 (4) the standing committees of the senate and house of
 9-46 representatives with primary jurisdiction over matters concerning
 9-47 juvenile justice; and

9-48 (5) the Sunset Advisory Commission.

9-49 (b) The report must include:

9-50 (1) details of the merger;

9-51 (2) a description of key accomplishments in relation
 9-52 to the merger;

9-53 (3) organizational charts of the department; and

9-54 (4) recommendations for legislative changes.

9-55 (c) This section expires December 31, 2012.

9-56 Sec. 203.015. TOLL-FREE NUMBER. (a) The department shall
 9-57 establish a permanent, toll-free number for the purpose of
 9-58 receiving any information concerning the abuse, neglect, or
 9-59 exploitation of children in the custody of the department or housed
 9-60 in a local probation facility.

9-61 (b) The department shall ensure that:

9-62 (1) the toll-free number is prominently displayed in
 9-63 each department facility and each local probation facility; and

9-64 (2) children in the custody of the department or
 9-65 housed in a local probation facility and employees of the
 9-66 department and the facility have confidential access to telephones
 9-67 for the purpose of calling the toll-free number.

9-68 SECTION 1.003. Title 12, Human Resources Code, as added by
 9-69 this Act, is amended by adding Subtitle B with a heading to read as

10-1 follows:

10-2 SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

10-3 SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human
10-4 Resources Code, are transferred to Subtitle B, Title 12, Human
10-5 Resources Code, as added by this Act, redesignated as Chapters 221,
10-6 222, and 223, respectively, and amended to read as follows:

10-7 CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE

10-8 BOARDS AND JUVENILE PROBATION DEPARTMENTS

10-9 SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND~~

10-10 ~~DUTIES OF COMMISSION~~]

10-11 Sec. 221.001 [~~141.041~~]. PROVISION OF PROBATION AND
10-12 DETENTION SERVICES. (a) The department [~~commission~~] shall assist
10-13 counties in providing probation and juvenile detention services by
10-14 encouraging the continued operation of county and multi-county
10-15 juvenile boards or probation offices.

10-16 (b) If a county discontinues the provision of juvenile
10-17 probation services, the department [~~commission~~] may directly
10-18 provide probation or detention services in the county.

10-19 Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE
10-20 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND
10-21 FACILITIES. (a) The board [~~commission~~] shall adopt reasonable
10-22 rules that provide:

10-23 (1) minimum standards for personnel, staffing, case
10-24 loads, programs, facilities, record keeping, equipment, and other
10-25 aspects of the operation of a juvenile board that are necessary to
10-26 provide adequate and effective probation services;

10-27 (2) a code of ethics for probation and detention
10-28 officers and for the enforcement of that code;

10-29 (3) appropriate educational, preservice and
10-30 in-service training, and certification standards for probation and
10-31 detention officers or court-supervised community-based program
10-32 personnel;

10-33 (4) subject to Subsection (d), minimum standards for
10-34 public and private juvenile pre-adjudication secure detention
10-35 facilities, public juvenile post-adjudication secure correctional
10-36 facilities that are operated under the authority of a juvenile
10-37 board or governmental unit, private juvenile post-adjudication
10-38 secure correctional facilities operated under a contract with a
10-39 governmental unit, except those facilities exempt from
10-40 certification by Section 42.052(g), and nonsecure correctional
10-41 facilities operated by or under contract with a governmental unit;
10-42 and

10-43 (5) minimum standards for juvenile justice
10-44 alternative education programs created under Section 37.011,
10-45 Education Code, in collaboration and conjunction with the Texas
10-46 Education Agency, or its designee.

10-47 (b) In adopting the rules, the board [~~commission~~] shall
10-48 consider local information and evidence gathered through public
10-49 review and comment.

10-50 (c) The department [~~commission~~] shall operate a statewide
10-51 registry for all public and private juvenile pre-adjudication
10-52 secure detention facilities and all public and private juvenile
10-53 post-adjudication secure correctional facilities [~~except a~~
10-54 ~~facility operated or certified by the Texas Youth Commission~~].

10-55 (d) In adopting rules under Subsection (a)(4), the board
10-56 [~~commission~~] shall ensure that the minimum standards for facilities
10-57 described by Subsection (a)(4) are designed to ensure that
10-58 juveniles confined in those facilities are provided the rights,
10-59 benefits, responsibilities, and privileges to which a juvenile is
10-60 entitled under the United States Constitution, federal law, and the
10-61 constitution and laws of this state. The minimum standards must
10-62 include a humane physical and psychological environment, safe
10-63 conditions of confinement, protection from harm, adequate
10-64 rehabilitation and education, adequate medical and mental health
10-65 treatment, and due process of law.

10-66 (e) A juvenile board that does not accept state aid funding
10-67 from the department under Section 223.001 shall report to the
10-68 department each month on a form provided by the department the same
10-69 data as that required of counties accepting state aid funding

11-1 regarding juvenile justice activities under the jurisdiction of the
 11-2 juvenile board. If the department makes available free software to
 11-3 a juvenile board for the automation and tracking of juveniles under
 11-4 the jurisdiction of the juvenile board, the department may require
 11-5 the monthly report to be provided in an electronic format adopted by
 11-6 rule by the board.

11-7 Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING
 11-8 INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY

11-9 OF STATEMENTS. (a) The board by rule shall require juvenile [~~(e)~~
 11-10 Juvenile] probation departments to [~~shall~~] use the mental health
 11-11 screening instrument selected by the department [~~commission~~] for
 11-12 the initial screening of children under the jurisdiction of
 11-13 probation departments who have been formally referred to a juvenile
 11-14 probation [~~the~~] department. The department [~~commission~~] shall give
 11-15 priority to training in the use of this instrument in any preservice
 11-16 or in-service training that the department [~~commission~~] provides
 11-17 for probation officers. The rules adopted by the board under this
 11-18 section must allow a [A] clinical assessment by a licensed mental
 11-19 health professional to [~~may~~] be substituted for the mental health
 11-20 screening instrument selected by the department [~~commission~~] if the
 11-21 clinical assessment is performed in the time prescribed by the
 11-22 department [~~commission~~].

11-23 (b) [~~(f)~~] A juvenile probation department must, before the
 11-24 disposition of a child's case and using a validated risk and needs
 11-25 assessment instrument or process provided or approved by the
 11-26 department [~~commission~~], complete a risk and needs assessment for
 11-27 each child under the jurisdiction of the juvenile probation
 11-28 department.

11-29 (c) [~~(g)~~] Any statement made by a child and any mental
 11-30 health data obtained from the child during the administration of
 11-31 the mental health screening instrument under this section is not
 11-32 admissible against the child at any other hearing. The person
 11-33 administering the mental health screening instrument shall inform
 11-34 the child that any statement made by the child and any mental health
 11-35 data obtained from the child during the administration of the
 11-36 instrument is not admissible against the child at any other
 11-37 hearing.

11-38 (d) [~~(h)~~] ~~A juvenile board that does not accept state aid~~
 11-39 ~~funding from the commission under Section 141.081 shall report to~~
 11-40 ~~the commission each month on a form provided by the commission the~~
 11-41 ~~same data as that required of counties accepting state aid funding~~
 11-42 ~~regarding juvenile justice activities under the jurisdiction of the~~
 11-43 ~~juvenile board. If the commission makes available free software to~~
 11-44 ~~the juvenile board for the automation and tracking of juveniles~~
 11-45 ~~under the jurisdiction of the juvenile board, the commission may~~
 11-46 ~~require the monthly report to be provided in an electronic format~~
 11-47 ~~adopted by the commission.~~

11-48 [~~(i)~~] A juvenile probation department shall report data
 11-49 from the use of the screening instrument or clinical assessment
 11-50 under Subsection (a) [~~(e)~~] and the risk and needs assessment under
 11-51 Subsection (b) [~~(f)~~] to the department [~~commission~~] in the format
 11-52 and at the time prescribed by the department [~~commission~~].

11-53 (e) [~~(j)~~] The board [~~commission~~] shall adopt rules to
 11-54 ensure that youth in the juvenile justice system are assessed using
 11-55 the screening instrument or clinical assessment under Subsection
 11-56 (a) [~~(e)~~] and the risk and needs assessment under Subsection (b)
 11-57 [~~(f)~~].

11-58 Sec. 221.004 [141.0421]. STANDARDS RELATING TO LOCAL
 11-59 PROBATION DEPARTMENTS. (a) The board [~~commission~~] shall adopt
 11-60 rules that provide:

11-61 (1) standards for the collection and reporting of
 11-62 information about juvenile offenders by local probation
 11-63 departments;

11-64 (2) performance measures to determine the
 11-65 effectiveness of probation services provided by local probation
 11-66 departments; and

11-67 (3) case management standards for all probation
 11-68 services provided by local probation departments.

11-69 (b) The department [~~commission~~] shall monitor local

12-1 probation departments for compliance with the standards and
12-2 measures that the board [~~commission~~] adopts.

12-3 (c) The department [~~commission~~] shall provide technical
12-4 assistance to local probation departments to aid compliance with
12-5 the standards and measures that the board [~~commission~~] adopts.

12-6 Sec. 221.005 [~~141.043~~]. TRAINING AND ASSISTANCE TO LOCAL
12-7 AUTHORITIES. The department [~~commission~~] shall provide
12-8 educational training and technical assistance to counties,
12-9 juvenile boards, and probation offices to:

12-10 (1) promote compliance with the standards required
12-11 under this chapter; and

12-12 (2) assist the local authorities in improving the
12-13 operation of probation, parole, and detention services.

12-14 Sec. 221.006 [~~141.0431~~]. VIOLENCE PREVENTION AND CONFLICT
12-15 RESOLUTION TRAINING. The department [~~commission~~] shall:

12-16 (1) provide training on request to juvenile probation
12-17 departments and juvenile boards in violence prevention and conflict
12-18 resolution programs that include discussion of domestic violence
12-19 and child abuse issues; and

12-20 (2) encourage the inclusion of a violence prevention
12-21 and conflict resolution program as a condition of probation.

12-22 Sec. 221.007 [~~141.044~~]. JUVENILE BOARD RECORDS AND
12-23 REPORTS. Each juvenile board in the state shall:

12-24 (1) keep the financial, programmatic, and statistical
12-25 records the department [~~commission~~] considers necessary; and

12-26 (2) submit periodic financial, programmatic, and
12-27 statistical reports to the department [~~commission~~] as required by
12-28 the department [~~commission~~] and in the format specified by the
12-29 department [~~commission~~], including electronic submission.

12-30 [~~Sec. 141.045. GIFTS AND GRANTS. (a) The commission may~~
12-31 ~~apply for and accept gifts and grants from any public or private~~
12-32 ~~source to use in maintaining and improving probation services in~~
12-33 ~~the state.~~

12-34 [~~(b) The commission shall deposit money received under this~~
12-35 ~~section in the state treasury. The commission may use the money~~
12-36 ~~only to make payments of state aid under this chapter and to~~
12-37 ~~administer this chapter.]~~

12-38 Sec. 221.008 [~~141.046~~]. INSPECTIONS AND AUDITS. (a) The
12-39 department [~~commission~~] may inspect and evaluate a juvenile board
12-40 and probation department and audit the juvenile board's [~~its~~]
12-41 financial, programmatic, and statistical records at reasonable
12-42 times to determine compliance with the board's [~~commission's~~]
12-43 rules.

12-44 (b) The department [~~commission~~] may inspect any program or
12-45 facility operated on behalf of and under the authority of the
12-46 juvenile board by the probation department, a governmental entity,
12-47 or private vendor.

12-48 [~~Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER~~
12-49 ~~OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this~~
12-50 ~~section, "evidence" means any record, book, paper, document, data,~~
12-51 ~~or other evidence maintained by electronic or other means.~~

12-52 [~~(b) The commission may issue a subpoena requiring the~~
12-53 ~~attendance of a witness or the production of evidence that the~~
12-54 ~~commission considers necessary for the investigation of:~~

12-55 [~~(1) abuse, neglect, or exploitation allegations;~~

12-56 [~~(2) complaints;~~

12-57 [~~(3) financial and programmatic audits of juvenile~~
12-58 ~~probation programs services and facilities, including juvenile~~
12-59 ~~justice alternative education programs; or~~

12-60 [~~(4) any matter under the authority of the commission.~~

12-61 [~~(c) The commission may issue a subpoena under Subsection~~
12-62 ~~(b) only if the subpoena is signed by:~~

12-63 [~~(1) the chairman of the commission or, if the~~
12-64 ~~chairman is unavailable, the vice-chairman of the commission; and~~

12-65 [~~(2) at least two other members of the commission,~~
12-66 ~~including a member who is a judge.~~

12-67 [~~(d) Any peace officer, commission investigator, other~~
12-68 ~~commission official, or person authorized under Article 24.01, Code~~
12-69 ~~of Criminal Procedure, may serve the subpoena in the same manner~~

13-1 ~~that similar process in a court of record having original~~
 13-2 ~~jurisdiction of criminal actions is served.~~

13-3 ~~[(e) A subpoena under this section shall be served and~~
 13-4 ~~witness fees and mileage paid as in civil cases in the district~~
 13-5 ~~court in the county to which the witness is called, unless the~~
 13-6 ~~proceeding for which the service or payment is made is under Chapter~~
 13-7 ~~2001, Government Code, in which case the service or payment shall be~~
 13-8 ~~made as provided in that chapter. Witnesses subpoenaed at the~~
 13-9 ~~instance of the commission shall be paid their fees and mileage by~~
 13-10 ~~the commission out of funds appropriated for that purpose.~~

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

13-17 ~~[(g) The chairman or another member of the commission may~~
 13-18 ~~administer an oath to a witness in attendance before the commission~~
 13-19 ~~or before an authorized representative of the commission.~~

13-20 ~~[(h) If a witness in attendance before the commission or~~
 13-21 ~~before an authorized representative refuses without reasonable~~
 13-22 ~~cause to be examined or answer a legal or pertinent question, or to~~
 13-23 ~~produce evidence when ordered by the commission, the commission may~~
 13-24 ~~apply to the district court for a rule or order returnable in not~~
 13-25 ~~less than two or in more than five days, directing the witness to~~
 13-26 ~~show cause before the judge why the witness should not be punished~~
 13-27 ~~for contempt. The commission may apply to the district court of any~~
 13-28 ~~county where the witness is in attendance, on proof by affidavit of~~
 13-29 ~~the fact, unless the order of contempt is sought under Chapter 2001,~~
 13-30 ~~Government Code, in which case the commission shall apply to a~~
 13-31 ~~district court of Travis County, as provided by that chapter. On~~
 13-32 ~~return of the order, the judge hearing the matter shall examine the~~
 13-33 ~~witness under oath and the witness shall be given an opportunity to~~
 13-34 ~~be heard. If the judge determines that the witness has refused,~~
 13-35 ~~without reasonable cause or legal excuse, to be examined or answer a~~
 13-36 ~~legal or pertinent question, or to produce evidence that the~~
 13-37 ~~witness was ordered to bring or produce, the judge may immediately~~
 13-38 ~~find the witness in contempt of court.~~

13-39 ~~[(i) The commission shall be granted access at any~~
 13-40 ~~reasonable time to any evidence that is related to any matter the~~
 13-41 ~~commission or executive director considers necessary to administer~~
 13-42 ~~the commission's functions, powers, and duties.]~~

13-43 ~~Sec. 221.009 [141.047]. INTERAGENCY AND INTERGOVERNMENTAL~~
 13-44 ~~COOPERATION. (a) To improve probation services, the department~~
 13-45 ~~[commission] may cooperate and contract with:~~

- 13-46 (1) the federal government;
 13-47 (2) governmental agencies in this state and other
 13-48 states;
 13-49 (3) political subdivisions of the state; and
 13-50 (4) private agencies.

13-51 (b) ~~The executive director [the executive commissioner of~~
 13-52 ~~the Texas Youth Commission], and the commissioners of education,~~
 13-53 ~~mental health and mental retardation, and human services shall meet~~
 13-54 ~~in Austin at least quarterly to:~~

- 13-55 (1) discuss mutual problems;
 13-56 (2) resolve conflicts in providing services to
 13-57 juveniles; and
 13-58 (3) make recommendations to the governor and
 13-59 legislature.

13-60 ~~[Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.~~
 13-61 ~~(a) The director and the executive director of the Texas Youth~~
 13-62 ~~Commission shall jointly appoint a strategic planning committee to~~
 13-63 ~~biennially develop a coordinated strategic plan which shall guide,~~
 13-64 ~~but not substitute for, the strategic plans developed individually~~
 13-65 ~~by the agencies. The director and the executive director of the~~
 13-66 ~~Texas Youth Commission are co-presiding officers of the strategic~~
 13-67 ~~planning committee.~~

13-68 ~~[(b) The director shall appoint four members to the~~
 13-69 ~~strategic planning committee. The director shall appoint at least:~~

14-1 ~~[(1) one committee member who represents the interests~~
 14-2 ~~of families of juvenile offenders;~~

14-3 ~~[(2) one committee member who represents the interests~~
 14-4 ~~of local juvenile probation departments; and~~

14-5 ~~[(3) one committee member who is a mental health~~
 14-6 ~~treatment professional licensed under Subtitle B or I, Title 3,~~
 14-7 ~~Occupations Code.~~

14-8 ~~[(c) The executive director of the Texas Youth Commission~~
 14-9 ~~shall appoint four members to the strategic planning committee.~~
 14-10 ~~The executive director shall appoint at least:~~

14-11 ~~[(1) one committee member who represents the interests~~
 14-12 ~~of juvenile offenders;~~

14-13 ~~[(2) one committee member who represents the interests~~
 14-14 ~~of the victims of delinquent or criminal conduct; and~~

14-15 ~~[(3) one committee member who is an educator as~~
 14-16 ~~defined by Section 5.001, Education Code.]~~

14-17 Sec. 221.0096 [141.0472]. [COORDINATED] STRATEGIC PLAN;
 14-18 ADOPTION OF PLAN. (a) The board shall develop a [coordinated]
 14-19 strategic plan. The plan [developed by the strategic planning
 14-20 committee under Section 141.0471] must:

14-21 (1) identify short-term and long-term policy goals;

14-22 (2) identify time frames and strategies for meeting
 14-23 the goals identified under Subdivision (1);

14-24 (3) estimate population projections, including
 14-25 projections of population characteristics;

14-26 (4) estimate short-term and long-term capacity,
 14-27 programmatic, and funding needs;

14-28 (5) describe intensive service and surveillance
 14-29 parole pilot programs to be [jointly] developed;

14-30 (6) include an evaluation of aftercare services
 14-31 emphasizing concrete outcome measures, including recidivism and
 14-32 educational progress;

14-33 (7) identify objective criteria for the various
 14-34 decision points throughout the continuum of juvenile justice
 14-35 services and sanctions to guard against disparate treatment of
 14-36 minority youth;

14-37 (8) identify [cross-agency] outcome measures by which
 14-38 to evaluate the effectiveness of services provided to youth in the
 14-39 juvenile justice system [the system generally];

14-40 (9) include a plan of implementation for the
 14-41 development of common data sources and data sharing among the
 14-42 department [commission], juvenile probation departments, [the
 14-43 Texas Youth Commission], the Department of Family and Protective
 14-44 Services, the Department of State Health Services, the Health and
 14-45 Human Services Commission, the Texas Education Agency, and other
 14-46 state agencies that serve youth in the juvenile justice system;

14-47 (10) include the development of new, or the
 14-48 improvement of existing, validated risk assessment instruments;

14-49 (11) include strategies to determine which programs
 14-50 are most effective in rehabilitating youth in the juvenile justice
 14-51 system;

14-52 (12) include planning for effective aftercare
 14-53 programs and services, including ensuring that youth in the
 14-54 juvenile justice system have personal identification and
 14-55 appropriate referrals to service providers; and

14-56 (13) track performance measures to illustrate the
 14-57 costs of different levels of treatment and to identify the most
 14-58 cost-effective programs in each component of the juvenile justice
 14-59 system in this state.

14-60 (b) ~~[In addition to the information described by Subsection~~
 14-61 ~~(a), the coordinated strategic plan must include specific processes~~
 14-62 ~~and procedures for routinely communicating juvenile justice system~~
 14-63 ~~information between the commission and the Texas Youth Commission~~
 14-64 ~~and determining opportunities to coordinate practices for~~
 14-65 ~~improving outcomes for youth.~~

14-66 ~~[(c)] The board [governing boards of the commission and the~~
 14-67 ~~Texas Youth Commission] shall review and adopt the [coordinated]~~
 14-68 ~~strategic plan on or before December 1st of each odd-numbered~~
 14-69 ~~year [, or before the adoption of the agency's individual strategic~~

15-1 plan, whichever is earlier].

15-2 [~~Sec. 141.048. STUDIES. (a) The commission may conduct or~~
 15-3 ~~participate in studies relating to corrections methods and systems~~
 15-4 ~~and to treatment and therapy programs at the governor's request or~~
 15-5 ~~on its own motion.~~

15-6 [~~(b) The commission shall continuously study the~~
 15-7 ~~effectiveness of probation services and shall report its findings~~
 15-8 ~~to the governor and the legislature before each regular legislative~~
 15-9 ~~session.~~

15-10 [~~Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
 15-11 ~~STUDIES. (a) The commission shall keep records relating to~~
 15-12 ~~children within the juvenile probation system that participate in~~
 15-13 ~~research programs or studies.~~

15-14 [~~(b) The records must show, for each calendar quarter and~~
 15-15 ~~for each calendar year:~~

15-16 [~~(1) the number of children participating in research~~
 15-17 ~~programs or studies for the appropriate reporting period;~~

15-18 [~~(2) the type of research program or study in which~~
 15-19 ~~each child is participating;~~

15-20 [~~(3) the name of the principal investigator conducting~~
 15-21 ~~the research program or study; and~~

15-22 [~~(4) the entity sponsoring the research program or~~
 15-23 ~~study.~~

15-24 [~~(c) The commission shall submit a report that contains the~~
 15-25 ~~information in the records kept under Subsection (b) on or before~~
 15-26 ~~the 15th day after the last day of the appropriate reporting period~~
 15-27 ~~to the:~~

15-28 [~~(1) governor;~~

15-29 [~~(2) lieutenant governor;~~

15-30 [~~(3) speaker of the house of representatives; and~~

15-31 [~~(4) members of the senate and house of~~
 15-32 ~~representatives.~~

15-33 [~~(d) A report submitted under this section is public~~
 15-34 ~~information under Chapter 552, Government Code.]~~

15-35 Sec. 221.010 [141.049]. COMPLAINTS RELATING TO JUVENILE
 15-36 BOARDS. (a) The department [commission] shall maintain a system
 15-37 to promptly and efficiently act on a complaint filed with the
 15-38 department [commission] relating to a juvenile board funded by the
 15-39 department [commission]. The department [commission] shall
 15-40 maintain information about parties to the complaint, a summary of
 15-41 the results of the review or investigation of the complaint, and the
 15-42 disposition of the complaint.

15-43 (b) The department [commission] shall make information
 15-44 available describing the department's [commission's] procedures
 15-45 for the investigation and resolution of a complaint filed with the
 15-46 department [commission] relating to a juvenile board funded by the
 15-47 department [commission].

15-48 (c) The department [commission] shall investigate the
 15-49 allegations in the complaint and make a determination of whether
 15-50 there has been a violation of the board's [commission's] rules
 15-51 relating to juvenile probation programs, services, or facilities.

15-52 (d) The department shall handle and dispose of complaints
 15-53 received under this section in the manner described by Section
 15-54 203.010 [If a written complaint is filed with the commission
 15-55 relating to a juvenile board funded by the commission, the
 15-56 commission shall periodically notify the complainant and the
 15-57 juvenile board of the status of the complaint until final
 15-58 disposition, unless notice would jeopardize an undercover
 15-59 investigation].

15-60 Sec. 221.011. INVESTIGATORS. (a) The department may
 15-61 employ and commission investigators as peace officers for the
 15-62 purpose of investigating allegations of abuse, neglect, and
 15-63 exploitation in juvenile justice programs and facilities under
 15-64 Section 261.405, Family Code.

15-65 (b) Peace officers employed and commissioned under
 15-66 Subsection (a) must be certified by the Commission on Law
 15-67 Enforcement Officer Standards and Education under Chapter 1701,
 15-68 Occupations Code.

15-69 Sec. 221.012. ANNUAL REPORTS. (a) The department shall

16-1 report annually to the governor and the legislature on the
 16-2 department's operations and the condition of probation services in
 16-3 the state during the previous year. The report:

16-4 (1) may include recommendations; and

16-5 (2) must include:

16-6 (A) an evaluation of the effectiveness of the
 16-7 community-based programs operated under Section 54.0401, Family
 16-8 Code; and

16-9 (B) information comparing the cost of a child
 16-10 participating in a program described by Paragraph (A) with the cost
 16-11 of committing the child to the department.

16-12 (b) The department shall file annually with the governor and
 16-13 the presiding officer of each house of the legislature a complete
 16-14 and detailed written report accounting for all funds received and
 16-15 disbursed by the department during the preceding fiscal year. The
 16-16 annual report must be in the form and be submitted by the time
 16-17 provided by the General Appropriations Act.

16-18 SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

16-19 Sec. 221.051 [141.050]. CONTRACT STANDARDS. (a) In each
 16-20 contract with counties for local probation services, the department
 16-21 [commission] shall include:

16-22 (1) clearly defined contract goals, outputs, and
 16-23 measurable outcomes that relate directly to program objectives;

16-24 (2) clearly defined sanctions or penalties for failure
 16-25 to comply with or perform contract terms or conditions; and

16-26 (3) clearly specified accounting, reporting, and
 16-27 auditing requirements applicable to money received under the
 16-28 contract.

16-29 (b) The department [commission] shall require each local
 16-30 juvenile probation department:

16-31 (1) to include the provisions of Subsection (a) in its
 16-32 contracts with private service providers that involve the use of
 16-33 state funds; and

16-34 (2) to use data relating to the performance of private
 16-35 service providers in prior contracts as a factor in selecting
 16-36 providers to receive contracts.

16-37 (c) The department [commission] shall consider the past
 16-38 performance of a juvenile board when contracting with the juvenile
 16-39 board for local probation services other than basic probation
 16-40 services. In addition to the contract standards described by
 16-41 Subsection (a), a contract with a juvenile board for probation
 16-42 services other than basic probation services must:

16-43 (1) include specific performance targets for the
 16-44 juvenile board based on the juvenile board's historic performance
 16-45 of the services; and

16-46 (2) require a juvenile board to report on the juvenile
 16-47 board's success in meeting the performance targets described by
 16-48 Subdivision (1).

16-49 Sec. 221.052 [141.051]. CONTRACT MONITORING. The
 16-50 department [commission] shall establish a formal program to monitor
 16-51 contracts under Section 221.051 [141.050] made by the department
 16-52 [commission]. The department [commission] must:

16-53 (1) monitor compliance with financial and performance
 16-54 requirements using a risk assessment methodology; and

16-55 (2) obtain and evaluate program cost information to
 16-56 ensure that each cost, including an administrative cost, is
 16-57 reasonable and necessary to achieve program objectives.

16-58 ~~[Sec. 141.052. MEDICAID BENEFITS. The commission shall:~~

16-59 ~~[(1) identify areas in which federal Medicaid program~~
 16-60 ~~benefits could be used in a manner that is cost-effective for~~
 16-61 ~~children in the juvenile justice system;~~

16-62 ~~[(2) develop a program to encourage application for~~
 16-63 ~~and receipt of Medicaid benefits;~~

16-64 ~~[(3) provide technical assistance to counties~~
 16-65 ~~relating to eligibility for Medicaid benefits; and~~

16-66 ~~[(4) monitor the extent to which counties make use of~~
 16-67 ~~Medicaid benefits.~~

16-68 ~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES.~~
 16-69 ~~The commission shall comply with federal and state laws relating to~~

~~program and facility accessibility. The executive director shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.]~~

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

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

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

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

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

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

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

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

~~[(2) members of the legislature;~~

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

~~[(A) programs to promote public awareness;~~

~~[(B) programs to identify and provide services to victims;~~

~~[(C) legal services; and~~

~~[(D) community outreach and training programs;~~

~~and~~

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

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

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

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

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

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

(2) to the extent possible, the rate at which juveniles who enter or complete juvenile probation are later

18-1 committed to the custody of the state.

18-2 Sec. 221.055 [~~141.058~~]. QUARTERLY REPORT ON ABUSE,
18-3 NEGLECT, AND EXPLOITATION. (a) The department [~~On January 1,~~
18-4 ~~2010, and quarterly after that date, the commission~~] shall prepare
18-5 and deliver a quarterly report to the board concerning the final
18-6 outcome of any complaint received under Section 261.405, Family
18-7 Code, that concerns the abuse, neglect, or exploitation of a
18-8 juvenile. The report must include a summary of the actions
18-9 performed by the department [~~commission~~] and any applicable
18-10 juvenile board or juvenile probation department in resolving the
18-11 complaint.

18-12 (b) A report prepared under Subsection (a) is public
18-13 information under Chapter 552, Government Code, only to the extent
18-14 authorized by that chapter.

18-15 Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY.

18-16 (a) The department [~~commission~~] may contract with a local mental
18-17 health and mental retardation authority [~~that, on April 1, 2009,~~
18-18 ~~had an unutilized or underutilized residential treatment~~
18-19 ~~facility,~~] for the establishment of a residential treatment
18-20 facility for juveniles with mental illness or emotional injury who,
18-21 as a condition of juvenile probation, are ordered by a court to
18-22 reside at the facility and receive education services at the
18-23 facility. The department [~~commission~~] may work in cooperation with
18-24 the local mental health and mental retardation authority to provide
18-25 mental health residential treatment services for juveniles
18-26 residing at a facility established under this section.

18-27 (b) A residential treatment facility established under this
18-28 section must provide juveniles receiving treatment at the facility:

18-29 (1) a short-term program of mental health
18-30 stabilization that does not exceed 150 days in duration; and

18-31 (2) all educational opportunities and services,
18-32 including special education instruction and related services, that
18-33 a school district is required under state or federal law to provide
18-34 for students residing in the district through a charter school
18-35 operated in accordance with and subject to Subchapter D, Chapter
18-36 12, Education Code.

18-37 (c) If a residential treatment facility established under
18-38 this section is unable to provide adequate and sufficient
18-39 educational opportunities and services to juveniles residing at the
18-40 facility, the facility may not continue to operate beyond the end of
18-41 the school year in which the opportunities or services provided by
18-42 the facility are determined to be inadequate or insufficient.

18-43 (d) Notwithstanding any other law and in addition to the
18-44 number of charters allowed under Subchapter D, Chapter 12,
18-45 Education Code, the State Board of Education shall grant a charter
18-46 on the application of a residential treatment facility established
18-47 under this section for a school chartered for the purposes of this
18-48 section.

18-49 CHAPTER 222. STANDARDS FOR AND REGULATION OF
18-50 [SUBCHAPTER D. PROVISIONS RELATING TO] CERTAIN OFFICERS AND
18-51 EMPLOYEES

18-52 SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

18-53 Sec. 222.001 [~~141.061~~]. MINIMUM STANDARDS FOR PROBATION
18-54 OFFICERS. (a) To be eligible for appointment as a probation
18-55 officer, a person who was not employed as a probation officer before
18-56 September 1, 1981, must:

18-57 (1) be of good moral character;

18-58 (2) have acquired a bachelor's degree conferred by a
18-59 college or university accredited by an accrediting organization
18-60 recognized by the Texas Higher Education Coordinating Board;

18-61 (3) have either:

18-62 (A) one year of graduate study in criminology,
18-63 corrections, counseling, law, social work, psychology, sociology,
18-64 or other field of instruction approved by the department
18-65 [~~commission~~]; or

18-66 (B) one year of experience in full-time case
18-67 work, counseling, or community or group work:

18-68 (i) in a social service, community,
18-69 corrections, or juvenile agency that deals with offenders or

19-1 disadvantaged persons; and
 19-2 (ii) that the department [~~commission~~]
 19-3 determines provides the kind of experience necessary to meet this
 19-4 requirement;

19-5 (4) have satisfactorily completed the course of
 19-6 preservice training or instruction and any continuing education
 19-7 required by the department [~~commission~~];

19-8 (5) have passed the tests or examinations required by
 19-9 the department [~~commission~~]; and

19-10 (6) possess the level of certification required by the
 19-11 department [~~commission~~].

19-12 (b) The board [~~commission~~] by rule may authorize the waiver
 19-13 of the requirement of a year of graduate study or full-time
 19-14 employment experience if the authority responsible for employing
 19-15 the officer establishes to the satisfaction of the department
 19-16 [~~commission~~] that, after a diligent search, the authority cannot
 19-17 locate a person meeting that requirement to fill a job opening.

19-18 (c) The board [~~commission~~] by rule may authorize the
 19-19 temporary employment of a person who has not completed a course of
 19-20 preservice training, passed the examination, or attained the
 19-21 required level of certification, contingent on the person meeting
 19-22 those requirements within the time specified by the board
 19-23 [~~commission~~].

19-24 (d) A person must possess the level of training, experience,
 19-25 and certification required by the department [~~commission~~] to be
 19-26 eligible for employment in a probation office in a position
 19-27 supervising other probation officers. The department [~~commission~~]
 19-28 may require several levels of certification to reflect increasing
 19-29 levels of responsibility. A department [~~commission~~] rule relating
 19-30 to levels of certification does not affect the continued employment
 19-31 of a probation officer in a supervisory position if the person holds
 19-32 that position on the date on which the rule takes effect.

19-33 (e) The department [~~commission~~] may waive any certification
 19-34 requirement, except a fee requirement, for an applicant who has a
 19-35 valid certification from another state that has certification
 19-36 requirements that are substantially equivalent to the requirements
 19-37 in this state.

19-38 (f) The department [~~commission~~] may waive the degree
 19-39 accreditation requirement in Subsection (a)(2) if the applicant
 19-40 possesses a foreign or other degree that the department
 19-41 [~~commission~~] determines is the substantial equivalent of a
 19-42 bachelor's degree. The board [~~commission~~] shall adopt rules
 19-43 defining the procedures to be used to request a waiver of the
 19-44 accreditation requirement in Subsection (a)(2).

19-45 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION
 19-46 OFFICERS. To be eligible for appointment as a detention officer, a
 19-47 person who was not employed as a detention officer before September
 19-48 1, 2005, must:

19-49 (1) be of good moral character;
 19-50 (2) be at least 21 years of age;
 19-51 (3) have acquired a high school diploma or its
 19-52 equivalent;

19-53 (4) have satisfactorily completed the course of
 19-54 preservice training or instruction required by the department
 19-55 [~~commission~~];

19-56 (5) have passed the tests or examinations required by
 19-57 the department [~~commission~~]; and

19-58 (6) possess the level of certification required by the
 19-59 department [~~commission~~].

19-60 Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN
 19-61 EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board
 19-62 [~~commission~~] by rule shall adopt certification standards for
 19-63 persons who are employed in nonsecure correctional facilities that
 19-64 accept only juveniles who are on probation and that are operated by
 19-65 or under contract with a governmental unit, as defined by Section
 19-66 101.001, Civil Practice and Remedies Code.

19-67 (b) The certification standards adopted under Subsection
 19-68 (a) must be substantially similar to the certification requirements
 19-69 for detention officers under Section 222.002 [~~141.0611~~].

20-1 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF
 20-2 ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A
 20-3 peace officer, prosecuting attorney, or other person who is
 20-4 employed by or who reports directly to a law enforcement or
 20-5 prosecution official may not act as a chief administrative,
 20-6 juvenile probation, or detention officer or be made responsible for
 20-7 supervising a juvenile on probation.

20-8 (b) For purposes of this section, a chief administrative
 20-9 officer, regardless of title, is the person who is:

20-10 (1) hired or appointed by or under contract with the
 20-11 juvenile board; and

20-12 (2) responsible for the oversight of the operations of
 20-13 the juvenile probation department or any juvenile justice program
 20-14 operated by or under the authority of the juvenile board.

20-15 Sec. 222.005. CARRYING OF FIREARM BY CERTAIN OFFICERS
 20-16 PROHIBITED. (a) A juvenile probation, detention, or corrections
 20-17 officer may not carry a firearm in the course of the person's
 20-18 official duties.

20-19 (b) This section does not apply to:

20-20 (1) an employee of the department; or

20-21 (2) a juvenile probation officer authorized to carry a
 20-22 firearm under Section 142.006.

20-23 Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A
 20-24 juvenile probation officer whose jurisdiction covers only one
 20-25 county is considered to be an employee of that county.

20-26 SUBCHAPTER B. CERTIFICATION AND EXAMINATION

20-27 Sec. 222.051 [141.062]. NOTICE OF CERTIFICATION
 20-28 EXAMINATION RESULTS. (a) Except as provided by Subsection (b) [~~of~~
 20-29 ~~this section~~], the department [~~commission~~] shall notify each person
 20-30 taking a certification examination of the results of the
 20-31 examination not later than the 30th day after the date on which the
 20-32 examination is administered.

20-33 (b) The department [~~commission~~] shall notify a person
 20-34 taking an examination graded or reviewed by a national testing
 20-35 service of the results not later than the 14th day after the date on
 20-36 which the department [~~commission~~] receives the results from the
 20-37 testing service.

20-38 (c) If the notice of the examination results graded or
 20-39 reviewed by a national testing service will be delayed for longer
 20-40 than 90 days after the examination date, the department
 20-41 [~~commission~~] shall notify the person of the reason for the delay
 20-42 before that 90th day.

20-43 Sec. 222.052 [141.063]. ANALYSIS OF EXAMINATION
 20-44 PERFORMANCE. The department [~~commission~~] shall furnish a person
 20-45 who fails a certification test administered under this chapter with
 20-46 an analysis of the person's performance on the examination if the
 20-47 person requests the analysis in writing.

20-48 Sec. 222.053 [141.064]. REVOCATION OR SUSPENSION OF
 20-49 CERTIFICATION. (a) The department [~~commission~~] may revoke or
 20-50 suspend a certification, or reprimand a certified officer:

20-51 (1) for a violation of this chapter or a department
 20-52 [~~commission~~] rule; or

20-53 (2) if, under Subsection (c), a panel determines that
 20-54 continued certification of the person threatens juveniles in the
 20-55 juvenile justice system.

20-56 (b) The department [~~commission~~] may place on probation a
 20-57 person whose certification is suspended. If the suspension is
 20-58 probated, the department [~~commission~~] may require the person to:

20-59 (1) report regularly to the department [~~commission~~] on
 20-60 matters that are the basis of the probation; and

20-61 (2) continue or review professional education until
 20-62 the person attains a degree of skill satisfactory to the department
 20-63 [~~commission~~] in those areas that are the basis of the probation.

20-64 (c) The executive director may convene, in person or
 20-65 telephonically, a panel of three board [~~commission~~] members to
 20-66 determine if a person's continued certification threatens
 20-67 juveniles in the juvenile justice system. If the panel determines
 20-68 that the person's continued certification threatens juveniles in
 20-69 the juvenile justice system, the person's license is temporarily

21-1 suspended until an administrative hearing is held as soon as
 21-2 possible under Subsection (d). The executive director may convene
 21-3 a panel under this subsection only if the danger posed by the
 21-4 person's continued certification is imminent. The panel may hold a
 21-5 telephonic meeting only if immediate action is required and
 21-6 convening the panel at one location is inconvenient for any member
 21-7 of the panel.

21-8 (d) A person is entitled to a hearing before the State
 21-9 Office of Administrative Hearings if the department [~~commission~~]
 21-10 proposes to suspend or revoke the person's certification.

21-11 (e) A person may appeal a ruling or order issued under this
 21-12 section to a district court in the county in which the person
 21-13 resides or in Travis County. The standard of review is under the
 21-14 substantial evidence rule.

21-15 [~~Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF~~
 21-16 ~~ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A~~
 21-17 ~~peace officer, prosecuting attorney, or other person who is~~
 21-18 ~~employed by or who reports directly to a law enforcement or~~
 21-19 ~~prosecution official may not act as a chief administrative,~~
 21-20 ~~juvenile probation, or detention officer or be made responsible for~~
 21-21 ~~supervising a juvenile on probation.~~

21-22 [~~(b) For purposes of this section, a chief administrative~~
 21-23 ~~officer, regardless of title, is the person who is:~~

21-24 [~~(1) hired or appointed by or under contract with the~~
 21-25 ~~juvenile board; and~~

21-26 [~~(2) responsible for the oversight of the operations~~
 21-27 ~~of the juvenile probation department or any juvenile justice~~
 21-28 ~~program operated by or under the authority of the juvenile board.~~

21-29 [~~Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS~~
 21-30 ~~PROHIBITED. (a) A juvenile probation, detention, or corrections~~
 21-31 ~~officer may not carry a firearm in the course of the person's~~
 21-32 ~~official duties.~~

21-33 [~~(b) This section does not apply to:~~

21-34 [~~(1) an employee of the Texas Youth Commission; or~~

21-35 [~~(2) a juvenile probation officer authorized to carry~~
 21-36 ~~a firearm under Section 142.006.~~

21-37 [~~Sec. 141.067. PROBATION OFFICER: COUNTY EMPLOYEE. A~~
 21-38 ~~juvenile probation officer whose jurisdiction covers only one~~
 21-39 ~~county is considered to be an employee of that county.]~~

21-40 CHAPTER 223 [~~SUBCHAPTER E~~]. STATE AID

21-41 Sec. 223.001 [~~141.081~~]. DETERMINATION OF AMOUNT OF STATE
 21-42 AID. (a) The department [~~commission~~] shall annually allocate
 21-43 funds for financial assistance to juvenile boards to provide
 21-44 juvenile services according to current estimates of the number of
 21-45 juveniles in each county and other factors the department
 21-46 [~~commission~~] determines are appropriate.

21-47 (b) The legislature may appropriate the amount of state aid
 21-48 necessary to supplement local funds to maintain and improve
 21-49 statewide juvenile services that comply with department
 21-50 [~~commission~~] standards.

21-51 (c) The department [~~commission~~] may set aside a portion of
 21-52 the funds appropriated to the department [~~commission~~] for state aid
 21-53 to fund programs designed to address special needs or projects of
 21-54 local juvenile boards.

21-55 [~~(d) The commission by rule shall, not later than September~~
 21-56 ~~1, 2010, establish one or more basic probation services funding~~
 21-57 ~~formulas and one or more community corrections funding formulas.~~
 21-58 ~~The funding formulas established under this subsection must include~~
 21-59 ~~each grant for which the commission, on or before September 1, 2009,~~
 21-60 ~~established an allocation formula.]~~

21-61 Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL
 21-62 SUPPORT. (a) To receive the full amount of state aid funds for
 21-63 which a juvenile board may be eligible, a juvenile board must
 21-64 demonstrate to the department's [~~commission's~~] satisfaction that
 21-65 the amount of local or county funds budgeted for juvenile services
 21-66 is at least equal to the amount spent, excluding construction and
 21-67 capital outlay expenses, for those services in the 1994 county
 21-68 fiscal year. The department [~~commission~~] may waive this
 21-69 requirement only if the juvenile board demonstrates to the

22-1 department [~~commission~~] that unusual, catastrophic, or exceptional
 22-2 circumstances existed during the relevant year to affect adversely
 22-3 the level of county funding. If the required amount of local
 22-4 funding is not budgeted and the department [~~commission~~] does not
 22-5 grant a waiver, the department [~~commission~~] shall reduce the
 22-6 allocation of state aid funds to the juvenile board by the amount
 22-7 equal to the amount that the county funding is below the required
 22-8 funding.

22-9 (b) For purposes of Subsection (a), the [~~The~~] amount spent
 22-10 on juvenile detention and correctional facilities is included in
 22-11 determining the amount of local or county funds. The amount spent
 22-12 for construction or renovation is not included.

22-13 (c) The department [~~commission~~] must be satisfied at the end
 22-14 of each county fiscal year that the juvenile board actually spent
 22-15 local or county funds for juvenile services in the amount
 22-16 demonstrated to the department [~~commission~~] at the beginning of the
 22-17 fiscal year.

22-18 (d) The department [~~commission~~] may require a rebate of
 22-19 state aid, or [~~may~~] withhold state aid to which the juvenile board
 22-20 would otherwise be entitled, as necessary to satisfy the
 22-21 requirement that a juvenile board spend funds as demonstrated.

22-22 Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY
 22-23 JURISDICTIONS. If necessary, the board [~~commission~~] by rule may
 22-24 provide for:

22-25 (1) the payment of compensation, insurance,
 22-26 retirement, fringe benefits, and related matters to a juvenile
 22-27 probation officer whose jurisdiction covers more than one county;

22-28 (2) the centralization of administrative
 22-29 responsibility associated with the state aid program in a county
 22-30 included in a multi-county jurisdiction; and

22-31 (3) the application of Section 223.001 [~~141.081~~ ~~of~~
 22-32 ~~this code~~] to a multi-county jurisdiction.

22-33 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When
 22-34 the department [~~commission~~] determines that a juvenile board
 22-35 complies with the department's [~~commission's~~] standards, the
 22-36 department [~~commission~~] shall submit to the comptroller a voucher
 22-37 for payment to a juvenile board of the amount of state aid to which
 22-38 the board is entitled.

22-39 (b) The juvenile board's fiscal officer shall deposit all
 22-40 state aid received under this chapter in a special fund. The
 22-41 juvenile board may use the funds solely to provide juvenile
 22-42 probation services.

22-43 (c) A juvenile board receiving state aid under this chapter
 22-44 is subject to audit by:

22-45 (1) the Legislative Budget Board;

22-46 (2) [~~7~~] the governor's budget, policy, and planning
 22-47 office;

22-48 (3) [~~7~~] the state auditor; [~~7~~] and

22-49 (4) the comptroller.

22-50 (d) A juvenile board receiving state aid under this chapter
 22-51 shall submit reports as required by the department [~~commission~~].

22-52 Sec. 223.005 [~~141.085~~]. REFUSAL, REDUCTION, OR SUSPENSION
 22-53 OF STATE AID. (a) The department [~~commission~~] may refuse, reduce,
 22-54 or suspend payment of state aid to:

22-55 (1) a juvenile board that fails to comply with the
 22-56 department's [~~commission's~~] rules or fails to maintain local
 22-57 financial support; or

22-58 (2) a county that fails to comply with the minimum
 22-59 standards provided under Section 221.002(a)(4) [~~141.042(a)(4)~~].

22-60 (b) The department [~~commission~~] shall provide for notice
 22-61 and a hearing in a case in which the department [~~it~~] refuses,
 22-62 reduces, or suspends state aid.

22-63 Sec. 223.006 [~~141.086~~]. FUNDING AND CONSTRUCTION OF
 22-64 POST-ADJUDICATION FACILITIES. (a) The department [~~commission~~]
 22-65 may provide state aid to a county to acquire, construct, and equip
 22-66 post-adjudication residential or day-treatment centers from money
 22-67 appropriated for those purposes. The facilities may be used for
 22-68 children who are placed on probation by a juvenile court under
 22-69 Section 54.04, Family Code, as an alternative to commitment to the

23-1 facilities of the department [~~Texas Youth Commission~~].

23-2 (b) State funds provided to counties under Subsection (a)
23-3 must be matched by local funds equal to at least one-fourth of the
23-4 state funds.

23-5 (c) From money appropriated for construction of the
23-6 facilities described by Subsection (a), the department
23-7 [~~commission~~] shall contract with the Texas Department of Criminal
23-8 Justice for construction management services, including:

23-9 (1) evaluation of project plans and specifications;
23-10 and

23-11 (2) review and comment on the selection of architects
23-12 and engineers, change orders, and sufficiency of project
23-13 inspection.

23-14 (d) On completion of the review of project plans and
23-15 specifications under Subsection (c), the Texas Department of
23-16 Criminal Justice shall issue a comprehensive report that states in
23-17 detail the proposed cost of the project. The department
23-18 [~~commission~~] shall use the report in making a comparative
23-19 evaluation of proposed projects and shall give priority to the
23-20 projects the department [~~commission~~] finds are the most effective
23-21 and economical.

23-22 (e) The department [~~commission~~] may not award money for a
23-23 capital construction project for a facility under this section
23-24 unless the department [~~commission~~] receives from the commissioners
23-25 court of the county intending to use the facility a written
23-26 commitment that the commissioners court has reviewed and accepted
23-27 the conditions of the award. If more than one county intends to use
23-28 the facility, the department [~~commission~~] must receive from each
23-29 county a written commitment that the county will agree with the
23-30 other counties to an interlocal contract to operate the facility in
23-31 accordance with the conditions of the award.

23-32 (f) A county receiving state aid under this section shall
23-33 adhere to department [~~commission~~] standards for the construction
23-34 and operation of a post-adjudication secure residential facility.

23-35 (g) For a facility constructed under this section, not more
23-36 than 25 percent of the operating costs of the facility may be
23-37 reimbursed by the department [~~commission~~].

23-38 (h) It is the intent of the legislature to appropriate the
23-39 full amount of money authorized under Subsection (g).

23-40 (i) [~~The commission shall conduct an annual audit of the~~
23-41 ~~operating costs for a fiscal year of a facility constructed under~~
23-42 ~~this section for each fiscal year through fiscal year 1999. The~~
23-43 ~~commission shall submit a report on the results of the audit to the~~
23-44 ~~Legislative Budget Board and the governor not later than the 60th~~
23-45 ~~day after the last day of the fiscal year covered by the audit.~~

23-46 [(j)] In this section, "operating costs" means the
23-47 operating costs of a facility at an 80-percent occupancy rate.

23-48 SECTION 1.005. Title 12, Human Resources Code, as added by
23-49 this Act, is amended by adding Subtitle C with a heading to read as
23-50 follows:

23-51 SUBTITLE C. SECURE FACILITIES

23-52 SECTION 1.006. Subchapter G, Chapter 61, Human Resources
23-53 Code, is transferred to Subtitle C, Title 12, Human Resources Code,
23-54 as added by this Act, redesignated as Chapter 241, and amended to
23-55 read as follows:

23-56 CHAPTER 241. GENERAL [SUBCHAPTER C. MISCELLANEOUS] PROVISIONS

23-57 Sec. 241.001 [~~61.091~~]. COOPERATION OF OTHER AGENCIES. To
23-58 effectuate the purpose of this subtitle [~~chapter~~] and to make
23-59 maximum use of existing facilities and personnel, all departments
23-60 and agencies of the state and all officers and employees of the
23-61 state, when requested by the department [~~commission~~], shall
23-62 cooperate with the department [~~it~~] in all activities consistent
23-63 with their proper functions.

23-64 Sec. 241.0015 [~~61.0911~~]. [~~COORDINATED~~] STRATEGIC PLAN.
23-65 The department [~~Texas Youth Commission~~] shall biennially develop
23-66 [~~with the Texas Juvenile Probation Commission~~] a [~~coordinated~~]
23-67 strategic plan in the manner described by Section 221.0096
23-68 [~~Sections 141.0471 and 141.0472~~].

23-69 Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL

24-1 RIGHTS. Commitment of a child to the custody of the department
 24-2 [~~commission~~] does not disqualify the child in any future
 24-3 examination, appointment, or application for public service under
 24-4 the government of the state or of any political subdivision of the
 24-5 state.

24-6 [~~Sec. 61.093. ESCAPE AND APPREHENSION. (a) If a child who~~
 24-7 ~~has been committed to the commission and placed by it in any~~
 24-8 ~~institution or facility has escaped or has been released under~~
 24-9 ~~supervision and broken the conditions of release:~~

24-10 [~~(1) a sheriff, deputy sheriff, constable, or police~~
 24-11 ~~officer may, without a warrant, arrest the child, or~~

24-12 [~~(2) a commission employee designated by the executive~~
 24-13 ~~commissioner may, without a warrant or other order, take the child~~
 24-14 ~~into the custody of the commission.~~

24-15 [~~(b) A child who is arrested or taken into custody under~~
 24-16 ~~Subsection (a) may be detained in any suitable place, including an~~
 24-17 ~~adult jail facility if the person is 17 years of age or older, until~~
 24-18 ~~the child is returned to the custody of the commission or~~
 24-19 ~~transported to a commission facility.~~

24-20 [~~(c) Notwithstanding Section 58.005, Family Code, the~~
 24-21 ~~commission may disseminate to the public the following information~~
 24-22 ~~relating to a child who has escaped from custody:~~

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

24-25 [~~(2) the child's physical description, including sex,~~
 24-26 ~~weight, height, race, ethnicity, eye color, hair color, scars,~~
 24-27 ~~marks, and tattoos,~~

24-28 [~~(3) a photograph of the child, and~~

24-29 [~~(4) if necessary to protect the welfare of the~~
 24-30 ~~community, any other information that reveals dangerous~~
 24-31 ~~propensities of the child or expedites the apprehension of the~~
 24-32 ~~child.~~

24-33 [~~Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~
 24-34 ~~commission may employ and commission apprehension specialists as~~
 24-35 ~~peace officers for the purpose of apprehending a child under~~
 24-36 ~~Section 61.093.~~

24-37 [~~(b) Peace officers employed and commissioned under~~
 24-38 ~~Subsection (a) must be certified by the Commission on Law~~
 24-39 ~~Enforcement Officer Standards and Education under Chapter 415,~~
 24-40 ~~Government Code.]~~

24-41 Sec. 241.003 [~~61.094~~]. YOUTH DEVELOPMENT COUNCIL FUND. The
 24-42 youth development council fund exists in the treasury as a special
 24-43 fund for the purposes provided by law.

24-44 Sec. 241.004 [~~61.095~~]. REQUEST FOR CERTAIN RECORDS. For
 24-45 the purpose of offering a record as evidence in the punishment phase
 24-46 of a criminal proceeding, a prosecuting attorney may obtain the
 24-47 record of a defendant's adjudication that is admissible under
 24-48 Section 3(a), Article 37.07, Code of Criminal Procedure, by
 24-49 submitting a request for the record to the department [~~commission~~].
 24-50 If the department [~~commission~~] has a record to which the
 24-51 prosecuting attorney is entitled under this section, the department
 24-52 [~~commission~~] shall furnish a copy of the record to the prosecuting
 24-53 attorney. Otherwise, the department [~~commission~~] shall notify the
 24-54 prosecuting attorney that the department [~~commission~~] does not have
 24-55 a record to which the attorney is entitled under this section.

24-56 Sec. 241.005 [~~61.096~~]. LIABILITY OF VOLUNTEERS.
 24-57 (a) Except as provided by Subsection (b), a volunteer is not
 24-58 liable for damages arising from an act or omission that results in
 24-59 personal injury, death, or property damage if the act or omission
 24-60 is:

24-61 (1) in the course and scope of the volunteer's duties
 24-62 as a volunteer; and

24-63 (2) not intentional or grossly negligent.

24-64 (b) A volunteer is liable for personal injury, death, or
 24-65 property damage proximately caused by an act or omission related to
 24-66 the operation or use of any motor-driven equipment to the extent of
 24-67 the greater of:

24-68 (1) the amount of financial responsibility required
 24-69 for the motor-driven equipment, if any, under Chapter 601,

25-1 Transportation Code; or

25-2 (2) the amount of any liability insurance coverage
25-3 that applies to the act or omission.

25-4 (c) In this section, "volunteer" means an individual
25-5 rendering services for or on behalf of the department [~~commission~~]
25-6 who does not receive compensation in excess of reimbursement for
25-7 expenses incurred.

25-8 Sec. 241.006 [~~61.097~~]. APPLICATION OF LAW RELATING TO FREE
25-9 EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice
25-10 and Remedies Code, an ordinance, rule, order, decision, or practice
25-11 that applies to a person in the custody of a juvenile detention
25-12 facility or other correctional facility operated by or under a
25-13 contract with the department [~~commission~~], a county, or a juvenile
25-14 probation department is presumed to be in furtherance of a
25-15 compelling governmental interest and the least restrictive means of
25-16 furthering that interest. The presumption may be rebutted.

25-17 Sec. 241.007 [~~61.098~~]. CERTAIN CRIMES CONCERNING THE
25-18 DEPARTMENT [~~COMMISSION~~]. (a) In this section, "special
25-19 prosecution unit" means the special prosecution unit established
25-20 under Subchapter E, Chapter 41, Government Code.

25-21 (b) As appropriate, the district attorney, criminal
25-22 district attorney, or county attorney representing the state in
25-23 criminal matters before the district or inferior courts of the
25-24 county who would otherwise represent the state in the prosecution
25-25 of an offense or delinquent conduct concerning the department
25-26 [~~commission~~] and described by Article 104.003(a), Code of Criminal
25-27 Procedure, may request that the special prosecution unit prosecute,
25-28 or assist in the prosecution of, the offense or delinquent conduct.

25-29 (c) The office of inspector general operated under
25-30 Subchapter C, Chapter 242, shall on a quarterly basis prepare and
25-31 deliver to the board of directors of the special prosecution unit a
25-32 report concerning:

25-33 (1) any alleged criminal offense or delinquent conduct
25-34 concerning the department [~~commission~~] and described by Article
25-35 104.003(a), Code of Criminal Procedure, that occurred during the
25-36 preceding calendar quarter; and

25-37 (2) the disposition of any case involving a criminal
25-38 offense or delinquent conduct concerning the department
25-39 [~~commission~~] and described by Article 104.003(a), Code of Criminal
25-40 Procedure, that occurred during the preceding calendar quarter.

25-41 (d) Notwithstanding Subsection (c), the office of inspector
25-42 general shall immediately provide the special prosecution unit with
25-43 a report concerning an alleged criminal offense or delinquent
25-44 conduct concerning the department [~~commission~~] and described by
25-45 Article 104.003(a), Code of Criminal Procedure, if the chief
25-46 inspector general reasonably believes the offense or conduct is
25-47 particularly serious and egregious.

25-48 (e) The chief inspector general of the office of inspector
25-49 general, at the direction of the board of directors of the special
25-50 prosecution unit, shall notify the foreman of the appropriate grand
25-51 jury, in the manner provided by Article 20.09, Code of Criminal
25-52 Procedure, if:

25-53 (1) the chief inspector general receives credible
25-54 evidence of illegal or improper conduct by department [~~commission~~]
25-55 officers, employees, or contractors that the inspector general
25-56 reasonably believes jeopardizes the health, safety, and welfare of
25-57 children in the custody of the department [~~commission~~];

25-58 (2) the chief inspector general reasonably believes
25-59 the conduct:

25-60 (A) could constitute an offense under Article
25-61 104.003(a), Code of Criminal Procedure; and

25-62 (B) involves the alleged physical or sexual abuse
25-63 of a child in the custody of a department [~~commission~~] facility or
25-64 an investigation related to the alleged abuse; and

25-65 (3) the chief inspector general has reason to believe
25-66 that information concerning the conduct has not previously been
25-67 presented to the appropriate grand jury.

25-68 Sec. 241.008 [~~61.099~~]. DUTY TO FILE COMPLAINT WITH LAW
25-69 ENFORCEMENT AGENCY. If the executive director [~~commissioner~~] has

26-1 reasonable cause to believe that a child in the custody of the
 26-2 department [commission] is the victim of a crime committed at a
 26-3 department [commission] facility operated under this subtitle, the
 26-4 executive director [commissioner] shall immediately file a
 26-5 complaint with the appropriate law enforcement agency.

26-6 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human
 26-7 Resources Code, are transferred to Subtitle C, Title 12, Human
 26-8 Resources Code, as added by this Act, redesignated as Chapters 242,
 26-9 243, 244, and 245, respectively, and amended to read as follows:

26-10 CHAPTER 242. OPERATION OF SECURE FACILITIES

26-11 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

26-12 [~~SUBCHAPTER C. POWERS AND DUTIES~~]

26-13 Sec. 242.001. ACCREDITATION BY AMERICAN CORRECTIONAL
 26-14 ASSOCIATION. The board shall adopt a plan for each correctional
 26-15 facility operated by or under contract with the department under
 26-16 this subtitle to be accredited by the American Correctional
 26-17 Association. The department shall implement the plans.

26-18 Sec. 242.002. STUDY OF TREATMENT METHODS; STATISTICAL
 26-19 RECORDS. (a) The department shall conduct continuing inquiry into
 26-20 the effectiveness of the treatment methods the department employs
 26-21 in the reformation of children. To this end, the department shall
 26-22 maintain a record of arrests and commitments of its wards
 26-23 subsequent to their discharge from the jurisdiction of the
 26-24 department and shall tabulate, analyze, and publish biennially the
 26-25 data for use in evaluating the relative merits of treatment
 26-26 methods.

26-27 (b) The department shall cooperate with courts and private
 26-28 and public agencies in the collection of statistics and information
 26-29 regarding juvenile delinquency, arrests made, complaints,
 26-30 informations, and petitions filed, and the dispositions made of
 26-31 them, and other information useful in determining the amount and
 26-32 causes of juvenile delinquency in this state

26-33 [~~Sec. 61.031. CONTINUING STUDY. The commission shall carry~~
 26-34 ~~on a continuing study of the problem of juvenile delinquency in this~~
 26-35 ~~state and shall seek to focus public attention on special solutions~~
 26-36 ~~to this problem].~~

26-37 Sec. 242.003 [61.0315]. EVALUATION OF TREATMENT PROGRAMS;
 26-38 AVAILABILITY. (a) The department [commission] shall annually
 26-39 review the effectiveness of the department's [commission's]
 26-40 programs for the rehabilitation and reestablishment in society of
 26-41 children committed to the department [commission], including
 26-42 programs for sex offenders, capital offenders, children who are
 26-43 chemically dependent, emotionally disturbed children, and females.

26-44 (b) On or before December 31 of each year, the department
 26-45 [commission] shall make a report on the effectiveness of the
 26-46 programs to the Legislative Budget Board.

26-47 (c) The department [commission] shall offer or make
 26-48 available programs described by Subsection (a) in an adequate
 26-49 manner so that a child in the custody of the department [commission]
 26-50 receives appropriate rehabilitation services recommended for the
 26-51 child by the court committing the child to the department
 26-52 [commission].

26-53 (d) If the department [commission] is unable to offer or
 26-54 make available programs described by Subsection (a) in the manner
 26-55 provided by Subsection (c), the department [commission] shall, not
 26-56 later than January 10 of each odd-numbered year, provide the
 26-57 standing committees of the senate and house of representatives with
 26-58 primary jurisdiction over matters concerning correctional
 26-59 facilities with a report explaining:

26-60 (1) which programs are not offered or are unavailable;
 26-61 and

26-62 (2) the reason the programs are not offered or are
 26-63 unavailable.

26-64 (e) The department [commission] shall periodically review,
 26-65 document, and compare the accessibility and funding of treatment
 26-66 programs provided to female children committed to the department
 26-67 [commission] to the accessibility and funding of treatment provided
 26-68 to male children committed to the department [commission].

26-69 [~~Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The~~

27-1 ~~commission shall administer the training, diagnostic treatment,~~
 27-2 ~~and supervisory facilities and services of the state for children~~
 27-3 ~~committed to the commission and shall manage and direct all~~
 27-4 ~~institutions and training school facilities under the authority of~~
 27-5 ~~the commission.~~

27-6 ~~[Sec. 61.033. ANNUAL FINANCIAL REPORT. The commission~~
 27-7 ~~shall prepare annually a complete and detailed written report~~
 27-8 ~~accounting for all funds received and disbursed by the commission~~
 27-9 ~~during the preceding fiscal year. The annual report must meet the~~
 27-10 ~~reporting requirements applicable to financial reporting provided~~
 27-11 ~~in the General Appropriations Act.~~

27-12 ~~[Sec. 61.0331. INTERNAL AUDIT, REPORT. (a) The commission~~
 27-13 ~~shall regularly conduct internal audits of the commission,~~
 27-14 ~~including audits of:~~

27-15 ~~[(1) correctional facilities operated by and under~~
 27-16 ~~contract with the commission; and~~

27-17 ~~[(2) medical services provided to children in the~~
 27-18 ~~custody of the commission.~~

27-19 ~~[(b) The commission shall on a quarterly basis report the~~
 27-20 ~~results of the audits to:~~

27-21 ~~[(1) the committees of the senate and house of~~
 27-22 ~~representatives with primary jurisdiction over matters concerning~~
 27-23 ~~correctional facilities; and~~

27-24 ~~[(2) the state auditor.]~~

27-25 Sec. 242.004 [61.034]. POLICIES AND RULES. (a) The board
 27-26 ~~[executive commissioner]~~ is responsible for the adoption of all
 27-27 policies and shall make rules appropriate to the proper
 27-28 accomplishment of the department's ~~[commission's]~~ functions.

27-29 (b) The board ~~[executive commissioner]~~ shall adopt rules
 27-30 for the government of the schools, facilities, and programs under
 27-31 the department's ~~[commission's]~~ authority under this subtitle and
 27-32 shall see that the schools, facilities, and programs are conducted
 27-33 according to law and to the board's ~~[executive commissioner's]~~
 27-34 rules.

27-35 (c) The purpose of the rules and of all education, work,
 27-36 training, discipline, and recreation adopted under this section ~~[7]~~
 27-37 and of all other activities in the schools, facilities, and
 27-38 programs is to restore and increase the self-respect and
 27-39 self-reliance of the children ~~[youth]~~ under the authority of the
 27-40 department ~~[commission]~~ and to qualify those children ~~[them]~~ for
 27-41 good citizenship and honorable employment.

27-42 Sec. 242.0045 [61.0345]. MISSION STATEMENT. The
 27-43 department ~~[commission]~~ shall develop and adopt a statement
 27-44 regarding the role and mission of the department ~~[commission]~~.

27-45 Sec. 242.005 [61.035]. EMPLOYEES. (a) Within the limits
 27-46 specified by legislative appropriation, the department
 27-47 ~~[commission]~~ may employ and compensate personnel necessary to carry
 27-48 out the department's ~~[its]~~ duties.

27-49 (b) Except as otherwise provided by this subchapter
 27-50 ~~[chapter]~~, an employee of the department ~~[commission]~~ is employed
 27-51 on an at-will basis.

27-52 (c) The department ~~[commission]~~ shall establish procedures
 27-53 and practices governing:

27-54 (1) employment-related grievances submitted by
 27-55 department ~~[commission]~~ employees; and

27-56 (2) disciplinary actions within the department
 27-57 ~~[commission]~~, including a procedure allowing a department
 27-58 ~~[commission]~~ employee to elect to participate in an independent
 27-59 dismissal mediation if the employee is recommended for dismissal.

27-60 Sec. 242.006 [61.0351]. PROFESSIONAL INFORMATION FOR
 27-61 ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director
 27-62 ~~[commissioner]~~ shall provide to members of any applicable ~~[the]~~
 27-63 advisory board and to department ~~[commission]~~ employees, as often
 27-64 as is necessary, information regarding qualifications ~~[their~~
 27-65 ~~qualification]~~ for office or employment under this chapter and
 27-66 ~~[their]~~ responsibilities under applicable laws relating to
 27-67 standards of conduct for state officers or employees.

27-68 ~~[Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board~~
 27-69 ~~shall develop and implement policies that clearly separate the~~

28-1 ~~polycymaking responsibilities of the board and the management~~
 28-2 ~~responsibilities of the staff of the commission.]~~

28-3 Sec. 242.007 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER
 28-4 PROGRAM. The program shall require intra-agency posting of all
 28-5 positions concurrently with any public postings.

28-6 Sec. 242.008 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The
 28-7 executive director [~~commissioner~~] shall develop a system of annual
 28-8 performance evaluations that are based on documented employee
 28-9 performance. All merit pay for department [~~commission~~] employees
 28-10 must be based on the system established under this section.

28-11 Sec. 242.009 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY
 28-12 POLICY STATEMENT. (a) The executive director [~~commissioner~~]
 28-13 shall prepare and maintain a written policy statement to assure
 28-14 implementation of a program of equal employment opportunity under
 28-15 which all personnel transactions are made without regard to race,
 28-16 color, disability, sex, religion, age, or national origin. The
 28-17 policy statement shall include:

28-18 (1) personnel policies, including policies relating
 28-19 to recruitment, evaluation, selection, appointment, training, and
 28-20 promotion of personnel that are in compliance with requirements of
 28-21 Chapter 21, Labor Code;

28-22 (2) a comprehensive analysis of the department's
 28-23 [~~commission's~~] work force that meets federal or state laws, rules,
 28-24 and regulations and instructions promulgated directly from those
 28-25 laws, rules, and regulations;

28-26 (3) procedures by which a determination can be made
 28-27 about the extent of underuse in the department's [~~commission's~~]
 28-28 work force of all persons of whom federal or state laws, rules, and
 28-29 regulations and instructions promulgated directly from those laws,
 28-30 rules, and regulations encourage a more equitable balance; and

28-31 (4) reasonable methods to appropriately address those
 28-32 areas of underuse.

28-33 (b) A policy statement prepared under Subsection (a) must
 28-34 cover an annual period, be updated annually, be reviewed by the
 28-35 Texas Workforce Commission [~~on Human Rights~~] for compliance with
 28-36 Subsection (a)(1), and be filed with the governor's office.

28-37 (c) The governor's office shall deliver a biennial report to
 28-38 the legislature based on the information received under Subsection
 28-39 (b). The report may be made separately or as a part of other
 28-40 biennial reports made to the legislature.

28-41 Sec. 242.010 [~~61.0356~~]. JUVENILE CORRECTIONAL OFFICERS;
 28-42 STAFFING. (a) In this section, "juvenile correctional officer"
 28-43 means a department [~~an~~] employee whose primary duties include [~~duty~~
 28-44 ~~includes~~] the custodial supervision of children in the custody of
 28-45 the department [~~commission~~].

28-46 (b) The department [~~commission~~] shall provide each juvenile
 28-47 correctional officer employed by the department [~~commission~~] with
 28-48 at least 300 hours of training, which must include on-the-job
 28-49 training, before the officer independently commences the officer's
 28-50 duties at the facility. The training must provide the officer with
 28-51 information and instruction related to the officer's duties,
 28-52 including information and instruction concerning:

28-53 (1) the juvenile justice system of this state,
 28-54 including the juvenile correctional facility system;

28-55 (2) security procedures;

28-56 (3) the supervision of children committed to the
 28-57 department [~~commission~~];

28-58 (4) signs of suicide risks and suicide precautions;

28-59 (5) signs and symptoms of the abuse, assault, neglect,
 28-60 and exploitation of a child, including sexual abuse and sexual
 28-61 assault, and the manner in which to report the abuse, assault,
 28-62 neglect, or exploitation of a child;

28-63 (6) the neurological, physical, and psychological
 28-64 development of adolescents;

28-65 (7) department [~~commission~~] rules and regulations,
 28-66 including rules, regulations, and tactics concerning the use of
 28-67 force;

28-68 (8) appropriate restraint techniques;

28-69 (9) the Prison Rape Elimination Act of 2003 (42 U.S.C.

29-1 Section 15601, et seq.);
 29-2 (10) the rights and responsibilities of children in
 29-3 the custody of the department [~~commission~~];
 29-4 (11) interpersonal relationship skills;
 29-5 (12) the social and cultural lifestyles of children in
 29-6 the custody of the department [~~commission~~];
 29-7 (13) first aid and cardiopulmonary resuscitation;
 29-8 (14) counseling techniques;
 29-9 (15) conflict resolution and dispute mediation,
 29-10 including de-escalation techniques;
 29-11 (16) behavior management;
 29-12 (17) mental health issues; and
 29-13 (18) employee rights, employment discrimination, and
 29-14 sexual harassment.

29-15 (c) The department [~~commission~~] may employ part-time
 29-16 juvenile correctional officers. A part-time juvenile correctional
 29-17 officer is subject to the training requirements of this section.

29-18 (d) In each correctional facility operated by the
 29-19 department [~~commission~~] that has a dormitory, including an open-bay
 29-20 dormitory, the department [~~commission~~] must maintain a ratio of not
 29-21 less than one juvenile correctional officer performing direct
 29-22 supervisory duties for every 12 persons committed to the facility.

29-23 (e) The department [~~commission~~] shall consider the age of a
 29-24 juvenile correctional officer or other department [~~commission~~]
 29-25 employee who performs direct supervisory duties when determining
 29-26 the placement of the officer or employee in a department
 29-27 [~~commission~~] facility so that, to the extent practicable, an
 29-28 officer or employee is not supervising a child who is not more than
 29-29 three years younger than the officer or employee or is otherwise a
 29-30 similar age to the officer or employee.

29-31 (f) The department [~~commission~~] shall rotate the assignment
 29-32 of each juvenile correctional officer at an interval determined by
 29-33 the department [~~commission~~] so that a juvenile correctional officer
 29-34 is not assigned to the same station for an extended period of time.

29-35 (g) The department [~~commission~~] shall ensure that at least
 29-36 one juvenile correctional officer is assigned to supervise in or
 29-37 near a classroom or other location in which children receive
 29-38 education services or training at the time the children are
 29-39 receiving the education services or training.

29-40 (h) The board [~~commission~~] shall adopt rules necessary to
 29-41 administer this section.

29-42 Sec. 242.011 [61.0357]. REQUIRED BACKGROUND AND CRIMINAL
 29-43 HISTORY CHECKS. (a) In this section, "national [+

29-44 [~~(1) "Department" means the Department of Public~~
 29-45 ~~Safety.~~

29-46 [~~(2) "National" criminal history record information~~
 29-47 means criminal history record information obtained from the
 29-48 Department of Public Safety [~~department~~] under Subchapter F,
 29-49 Chapter 411, Government Code, and from the Federal Bureau of
 29-50 Investigation under Section 411.087, Government Code.

29-51 (b) The executive director [~~commissioner~~] shall review the
 29-52 national criminal history record information, state criminal
 29-53 history record information maintained by the Department of Public
 29-54 Safety [~~department~~], and previous and current employment
 29-55 references of each person who:

29-56 (1) is an employee, contractor, volunteer, ombudsman,
 29-57 or advocate working for the department [~~commission~~] or working in a
 29-58 department [~~commission~~] facility or a facility under contract with
 29-59 the department [~~commission~~];

29-60 (2) provides direct delivery of services to children
 29-61 in the custody of the department [~~commission~~]; or

29-62 (3) has access to records in department [~~commission~~]
 29-63 facilities or offices.

29-64 (c) To enable the executive director [~~commissioner~~] to
 29-65 conduct the review, the board [~~commission~~] shall adopt rules
 29-66 requiring a person described by Subsection (b) to electronically
 29-67 provide the Department of Public Safety [~~department~~] with a
 29-68 complete set of the person's fingerprints in a form and of a quality
 29-69 acceptable to the Department of Public Safety [~~department~~] and the

30-1 Federal Bureau of Investigation.

30-2 (d) For each person described by Subsection (b), the
30-3 executive director [~~commissioner~~] shall review on an annual basis
30-4 the person's national criminal history record information.

30-5 (e) The department [~~commission~~] shall ensure that the
30-6 system used to check state criminal history record information
30-7 maintained by the Department of Public Safety [~~department~~] is
30-8 capable of providing real time arrest information.

30-9 (f) The board [~~commission~~] by rule may require a person
30-10 described by Subsection (b) to pay a fee related to the first
30-11 national criminal history record information review conducted
30-12 under this section. The amount of the fee may not exceed the
30-13 administrative costs incurred by the department [~~commission~~] in
30-14 conducting the initial review, including the costs of obtaining the
30-15 person's fingerprints.

30-16 (g) The board [~~commission~~] shall adopt rules necessary to
30-17 administer this section.

30-18 Sec. 242.012 [~~61.036~~]. COOPERATION WITH OTHER AGENCIES.

30-19 (a) The department [~~commission~~] shall cooperate with all existing
30-20 agencies and encourage the establishment of new programs, both
30-21 local and statewide, the object of which is services to delinquent
30-22 and pre-delinquent youth of this state.

30-23 (b) The department [~~commission~~] may assist in developing,
30-24 strengthening, and coordinating educational, welfare, health,
30-25 recreational, and law-enforcement programs which have as their
30-26 object the prevention of juvenile delinquency and crime.

30-27 Sec. 242.013. BIENNIAL BUDGET. The executive director
30-28 shall prepare a biennial budget of all funds necessary to be
30-29 appropriated by the legislature to the department to carry out the
30-30 purposes of this subtitle. The budget shall be submitted and filed
30-31 by the executive director in the form and manner and within the time
30-32 prescribed by law.

30-33 SUBCHAPTER B. SECURE FACILITIES; SERVICES

30-34 Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF

30-35 CHILDREN. (a) The department shall:

30-36 (1) administer the training, diagnostic treatment,
30-37 and supervisory facilities and services of the state for children
30-38 committed to the department; and

30-39 (2) manage and direct all institutions and training
30-40 school facilities under the authority of the department.

30-41 (b) The department shall have general charge of and be
30-42 responsible for the welfare, custody, and rehabilitation of the
30-43 children in a school, facility, or program operated or funded by the
30-44 department. The department shall seek to establish relationships
30-45 and to organize a way of life that will meet the spiritual, moral,
30-46 physical, emotional, intellectual, and social needs of the children
30-47 under the department's care as those needs would be met in an
30-48 adequate home.

30-49 (c) The department shall see that the buildings and premises
30-50 are kept in good sanitary condition.

30-51 Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The
30-52 department may design, construct, equip, furnish, and maintain
30-53 buildings and improvements at facilities under the department's
30-54 jurisdiction.

30-55 (b) The department may employ architects or engineers, or
30-56 both, to prepare plans and specifications and to supervise the
30-57 construction and improvements described by Subsection (a).

30-58 (c) The board shall promulgate rules relating to the award
30-59 of contracts for the construction of buildings and improvements.
30-60 The rules shall provide for the award of contracts for the
30-61 construction of buildings and improvements to the qualified bidder
30-62 making the lowest and best bid. A construction contract may not be
30-63 awarded for a sum in excess of the amount of funds available for the
30-64 project. The department may reject any and all bids submitted.

30-65 (d) If a project is financed wholly or partly by federal
30-66 funds, any standards required by the enabling federal statute or
30-67 required by the rules of the administering federal agency control
30-68 over this section.

30-69 (e) The department may employ professional, technical, and

31-1 clerical personnel to carry out the design and construction
 31-2 functions required by this section.

31-3 Sec. 242.053 [61.037]. USE OF EXISTING INSTITUTIONS AND
 31-4 AGENCIES. (a) In carrying out the department's [its] duties, the
 31-5 department [commission] may make use of law-enforcement,
 31-6 detention, supervisory, medical, educational, correctional, and
 31-7 other facilities, institutions, and agencies in the state. This
 31-8 section does not authorize the department [commission] to assume
 31-9 control of any other agency, institution, or facility in the state,
 31-10 or to require any agency, institution, or facility to serve the
 31-11 department [commission] in a manner inconsistent with the [its]
 31-12 authority or function of the agency, institution, or facility or
 31-13 with any law or regulation governing the [its] activity of the
 31-14 agency, institution, or facility.

31-15 (b) When funds are available for the purpose, the department
 31-16 [commission] may enter into agreements with appropriate public or
 31-17 private agencies for the separate care and treatment of persons
 31-18 subject to the control of the department [commission]. The
 31-19 department [commission] may not make use of any private institution
 31-20 or agency without its consent. The department [commission] shall
 31-21 make reasonable efforts to ensure that the expenditure of
 31-22 appropriations for the purchase of contract residential care for
 31-23 children, not including the purchase of care in foster family
 31-24 homes, be allocated to providers on a fixed monthly basis if that
 31-25 allocation [it] is cost-effective and the number, type, needs, and
 31-26 conditions of the children to be served is reasonably constant.

31-27 (c) The department [commission] shall periodically inspect
 31-28 all public and private institutions and agencies whose facilities
 31-29 the department [it] is using. Every public and private institution
 31-30 and agency shall allow [afford to] the department [commission]
 31-31 reasonable opportunity to examine and consult with children who
 31-32 have been committed to the department [commission] and who are in
 31-33 the custody of the institution or agency.

31-34 (d) Placement of a child in, or the release of a child by,
 31-35 any institution not operated by the department [commission] does
 31-36 not terminate the authority of the department [commission] over the
 31-37 child. No child placed in an institution or under an agency by the
 31-38 department [commission] may be released by the institution or
 31-39 agency without the approval of the department [commission].

31-40 Sec. 242.054 [61.038]. HALFWAY HOUSE PROGRAM. (a) The
 31-41 department [commission] may not develop a halfway house to be
 31-42 operated by the department [commission] if an appropriate private
 31-43 halfway house program is contractually available and the costs
 31-44 under the contract are less than the costs would be if the
 31-45 department [commission] provided the services.

31-46 (b) Before the department [commission] contracts for the
 31-47 development of a halfway house program, the department [commission]
 31-48 shall send prospective service providers a request for a proposal
 31-49 that identifies the program services desired, the population to be
 31-50 served, and potential locations for the program. The department
 31-51 [commission] shall select the service provider that submits the
 31-52 proposal that best meets the department's [commission's] needs
 31-53 according to standards established by the department [commission].
 31-54 If the department [commission] does not receive a proposal that
 31-55 meets its needs, the department [commission] may request funds from
 31-56 the legislature for the development of a halfway house to be
 31-57 operated by the department [commission].

31-58 (c) This section does not apply to halfway houses operated
 31-59 by the department [commission] on September 1, 1987.

31-60 Sec. 242.055 [61.0385]. CRISIS INTERVENTION AND ASSESSMENT
 31-61 CENTERS. The department [commission] may establish a children's
 31-62 crisis intervention and assessment center at a facility owned or
 31-63 operated by the department [commission]. The department
 31-64 [commission] may contract with another entity for the provision or
 31-65 use of services at the center.

31-66 Sec. 242.056 [61.0386]. ADVOCACY AND SUPPORT GROUPS.
 31-67 (a) The department [commission] shall allow advocacy and support
 31-68 groups whose primary functions are to benefit children, inmates,
 31-69 girls and women, the mentally ill, or [and] victims of sexual

32-1 assault to provide on-site information, support, and other services
32-2 for children confined in department [~~commission~~] facilities.

32-3 (b) The department [~~commission~~] shall adopt security and
32-4 privacy procedures for advocacy and support groups that provide
32-5 on-site information, support, and other services under this
32-6 section. The security and privacy procedures may not be designed
32-7 to deny an advocacy or support group access to children confined in
32-8 department [~~commission~~] facilities.

32-9 (c) The department [~~commission~~] shall adopt standards
32-10 consistent with standards adopted by the Texas Department of
32-11 Criminal Justice regarding the confidential correspondence of
32-12 children confined in department [~~commission~~] facilities with
32-13 external entities, including advocacy and support groups.

32-14 Sec. 242.057 [~~61.039~~]. DEPARTMENT [~~COMMISSION~~] PROGRAMS.

32-15 (a) The department [~~commission~~] shall develop and use standards
32-16 based on performance to evaluate and compare programs operated by
32-17 the department [~~commission~~].

32-18 (b) When practicable and feasible, the department
32-19 [~~commission~~] shall provide specific performance standards for a
32-20 program serving 10 or more children through an agreement entered
32-21 into under Section 242.053 [~~61.037 of this chapter~~]. In the
32-22 performance standards, the department [~~commission~~] shall include
32-23 outcome measures for evaluating the quality of services provided
32-24 under the agreement.

32-25 (c) For the purposes of comparison, the department
32-26 [~~commission~~] shall use performance standards that are as consistent
32-27 as practicable with those used to evaluate and compare programs
32-28 operated by the department [~~commission~~], that measure the benefits
32-29 and cost-effectiveness of the respective programs, and that measure
32-30 the average length of stay and rate of recidivism of the children in
32-31 the program.

32-32 Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT
32-33 COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department
32-34 [~~commission~~] may provide services to a child not committed to the
32-35 department [~~commission~~] if the department [~~commission~~] contracts
32-36 with a local juvenile probation department, the Health and [~~Texas~~
32-37 ~~Department of~~] Human Services Commission, or the Department of
32-38 Family and Protective [~~and Regulatory~~] Services to provide services
32-39 to the child.

32-40 Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE
32-41 SUPERVISION. When funds are available, the department [~~commission~~]
32-42 may:

32-43 (1) establish and operate places for detention and
32-44 diagnosis of children committed to it;

32-45 (2) establish and operate additional treatment and
32-46 training facilities, including forestry or parks-maintenance camps
32-47 and ranches, necessary to classify and treat children committed to
32-48 the department [~~commission~~] according to their needs;

32-49 (3) establish active parole supervision to aid
32-50 children given conditional release to find homes and employment and
32-51 to become reestablished in the community; and

32-52 (4) assist in establishing training facilities and
32-53 programs owned and operated by private individuals or organizations
32-54 which agree to provide services to children committed to the
32-55 department [~~commission~~], including programs for children needing
32-56 long-term residential care.

32-57 Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF
32-58 FACILITY. In computing the daily costs of a residential facility
32-59 operated by the department [~~commission~~], the department
32-60 [~~commission~~] shall use a standard method that is:

32-61 (1) consistent with methods used by other state
32-62 agencies; and

32-63 (2) [~~that is~~] designed to reflect the actual cost to
32-64 the state of operating the facility.

32-65 Sec. 242.061 [~~61.041~~]. STUDY OF TREATMENT METHODS,
32-66 STATISTICAL RECORDS. (a) ~~The commission shall conduct continuing~~
32-67 ~~inquiry into the effectiveness of the treatment methods it employs~~
32-68 ~~in the reformation of children. To this end, the commission shall~~
32-69 ~~maintain a record of arrests and commitments of its wards~~

33-1 ~~subsequent to their discharge from the jurisdiction of the~~
 33-2 ~~commission and shall tabulate, analyze, and publish biennially~~
 33-3 ~~these data for use in evaluating the relative merits of treatment~~
 33-4 ~~methods.~~

33-5 ~~[(b) The commission shall cooperate with courts and private~~
 33-6 ~~and public agencies in the collection of statistics and information~~
 33-7 ~~regarding juvenile delinquency, arrests made, complaints,~~
 33-8 ~~informations, and petitions filed, and the dispositions made of~~
 33-9 ~~them, and other information useful in determining the amount and~~
 33-10 ~~causes of juvenile delinquency in this state.~~

33-11 ~~[Sec. 61.042]. REFERRALS FROM FEDERAL COURT. The~~
 33-12 ~~department [commission] may enter into agreements with the federal~~
 33-13 ~~government to accept children from the federal court for an agreed~~
 33-14 ~~compensation.~~

33-15 ~~Sec. 242.062 [61.0421. PUBLIC INTEREST INFORMATION. The~~
 33-16 ~~commission shall prepare information of public interest describing~~
 33-17 ~~the functions of the commission and describing the procedures by~~
 33-18 ~~which complaints are filed with and resolved by the commission. The~~
 33-19 ~~commission shall make the information available to the general~~
 33-20 ~~public and appropriate state agencies.~~

33-21 ~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The~~
 33-22 ~~commission shall maintain a system to promptly and efficiently act~~
 33-23 ~~on a complaint filed with the commission by a person, other than a~~
 33-24 ~~child receiving services from the commission or the child's parent~~
 33-25 ~~or guardian, that the commission has authority to resolve. The~~
 33-26 ~~commission shall maintain information about parties to the~~
 33-27 ~~complaint, the subject matter of the complaint, a summary of the~~
 33-28 ~~results of the review or investigation of the complaint, and the~~
 33-29 ~~disposition of the complaint.~~

33-30 ~~[(b) The commission shall make information available~~
 33-31 ~~describing the commission's procedures for complaint investigation~~
 33-32 ~~and resolution.~~

33-33 ~~[(c) The commission shall periodically notify the complaint~~
 33-34 ~~parties of the status of the complaint until final disposition,~~
 33-35 ~~unless the notice would jeopardize an undercover investigation.~~

33-36 ~~[(d) The commission shall keep information about each~~
 33-37 ~~written complaint filed with the commission by a child receiving~~
 33-38 ~~services from the commission or the child's parent or guardian. The~~
 33-39 ~~information must include:~~

33-40 ~~[(1) the subject matter of the complaint,~~

33-41 ~~[(2) a summary of the results of the review or~~
 33-42 ~~investigation of the complaint, and~~

33-43 ~~[(3) the period of time between the date the complaint~~
 33-44 ~~is received and the date the complaint is closed.~~

33-45 ~~[Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall~~
 33-46 ~~develop and implement policies that provide the public with a~~
 33-47 ~~reasonable opportunity to appear before the board and to speak on~~
 33-48 ~~any issue under the jurisdiction of the commission.~~

33-49 ~~[(b) The board shall ensure that the location of public~~
 33-50 ~~hearings held in accordance with this section is rotated between~~
 33-51 ~~municipalities in which a commission facility is located or that~~
 33-52 ~~are in proximity to a commission facility.~~

33-53 ~~[Sec. 61.043. GIFTS, GRANTS. The commission may accept~~
 33-54 ~~gifts, grants, or donations of money or property from private~~
 33-55 ~~sources to effectuate the purpose of this chapter. Donated funds~~
 33-56 ~~shall be placed in the state treasury in a special fund called the~~
 33-57 ~~Texas Youth Commission Fund and expended as other state money is~~
 33-58 ~~expended, on warrants drawn by the comptroller on the order of the~~
 33-59 ~~commission. At the end of each state fiscal year, any unexpended~~
 33-60 ~~balance in the fund shall be carried over in the same fund.~~

33-61 ~~[Sec. 61.0431]. SPECIAL ACCOUNTS. (a) Proceeds from the~~
 33-62 ~~operation of canteens and vending machines at facilities under the~~
 33-63 ~~jurisdiction of the department [commission] shall be deposited to~~
 33-64 ~~the credit of a special account in the General Revenue Fund called~~
 33-65 ~~the canteen revolving fund. The proceeds shall be used to pay the~~
 33-66 ~~actual expenses of maintaining and operating the canteens and~~
 33-67 ~~vending machines.~~

33-68 ~~(b) Proceeds in excess of the amount required for the~~
 33-69 ~~[these] expenses described by Subsection (a), donations for student~~

34-1 activities, and proceeds from children's fundraising projects
 34-2 shall be deposited to the credit of a special account in the General
 34-3 Revenue Fund called the student benefit fund and may be used only
 34-4 to:

34-5 (1) provide education, recreation, and entertainment
 34-6 to children committed to the department [~~commission~~]; or

34-7 (2) reimburse children committed to the department
 34-8 [~~commission~~] for personal property lost or damaged as a result of
 34-9 negligence by the staff of the department [~~commission~~].

34-10 (c) [~~(b)~~] Proceeds from shop projects at the facilities
 34-11 under the department's [~~commission's~~] jurisdiction shall be
 34-12 deposited to the credit of a special account in the General Revenue
 34-13 Fund called the vocational shop fund and may be used only to:

34-14 (1) purchase and maintain parts, tools, and other
 34-15 supplies necessary for the shop projects; and

34-16 (2) [~~(c)~~] compensate the students who participate in
 34-17 the projects.

34-18 (d) [~~(c)~~] Registration fees from seminars and conferences
 34-19 conducted by the department [~~commission~~] shall be deposited to the
 34-20 credit of a special account in the General Revenue Fund called the
 34-21 conference account and may be used only to pay the costs of
 34-22 conducting seminars and conferences.

34-23 (e) [~~(d)~~] Money in the special accounts described by this
 34-24 section is appropriated for the purposes indicated in this section
 34-25 and shall be expended on warrants drawn by the comptroller on the
 34-26 order of the department [~~commission~~].

34-27 Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND
 34-28 MONEY. (a) Except as provided by Subsection (b), money belonging
 34-29 to a child committed to the department [~~commission~~] in excess of the
 34-30 amount the department [~~commission~~] allows in a child's possession
 34-31 shall be deposited in a trust fund established by the facility
 34-32 operated by the department [~~commission~~] to which the child is
 34-33 assigned. The board [~~commission~~] shall adopt rules governing the
 34-34 administration of the trust fund.

34-35 (b) Money possessed by a child committed to the department
 34-36 [~~commission~~] that is determined to be contraband money as defined
 34-37 by department [~~commission~~] rule shall be deposited in the student
 34-38 benefit fund described by Section 242.062(b) [~~61.0431~~]. The
 34-39 department [~~commission~~] shall notify each child committed to the
 34-40 department [~~commission~~] that the possession of contraband money is
 34-41 subject to confiscation by the department [~~commission~~] under this
 34-42 subsection.

34-43 Sec. 242.064 [~~61.0433~~]. DEBIT CARD SUSPENSE ACCOUNTS.

34-44 (a) The department [~~commission~~] may establish debit card suspense
 34-45 accounts necessary to operate magnetic debit card systems at
 34-46 facilities under the jurisdiction of the department [~~commission~~] to
 34-47 enable the students, employees, and visitors to make purchases of:

34-48 (1) merchandise from vending machines or canteens
 34-49 within the facilities;

34-50 (2) meals from cafeterias within the facilities; and

34-51 (3) services that the facilities are authorized to
 34-52 provide.

34-53 (b) Cash received from cash-to-card machines and amounts
 34-54 electronically transferred for card use from the students' trust
 34-55 fund accounts shall be deposited to debit card suspense accounts in
 34-56 local depositories and held pending card purchases.

34-57 (c) Transfers of cash based on card use for purchases of
 34-58 merchandise or services shall be made from the debit card suspense
 34-59 accounts to the appropriate vendors and to accounts in the state
 34-60 treasury in accordance with laws governing receipt of state
 34-61 revenues.

34-62 (d) Unused debit card balances shall be refunded to the card
 34-63 holders from the debit card suspense accounts.

34-64 Sec. 242.065 [~~61.044~~]. BIENNIAL BUDGET. ~~The executive~~
 34-65 ~~commissioner shall prepare a biennial budget of all funds necessary~~
 34-66 ~~to be appropriated by the legislature to the commission to carry out~~
 34-67 ~~the purposes of this chapter. The budget shall be submitted and~~
 34-68 ~~filed by the executive commissioner in the form and manner and~~
 34-69 ~~within the time prescribed by law.~~

35-1 ~~[Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES.~~
35-2 ~~(a) The commission shall have general charge of and be responsible~~
35-3 ~~for the welfare, custody, and rehabilitation of the children in a~~
35-4 ~~school, facility, or program operated or funded by the commission.~~
35-5 ~~The commission shall seek to establish relationships and to~~
35-6 ~~organize a way of life that will meet the spiritual, moral,~~
35-7 ~~physical, emotional, intellectual, and social needs of the children~~
35-8 ~~under its care as those needs would be met in an adequate home.~~
35-9 ~~[(b) The commission shall see that the buildings and~~
35-10 ~~premises are kept in good sanitary order.~~
35-11 ~~[Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The~~
35-12 ~~office of inspector general is established at the commission for~~
35-13 ~~the purpose of investigating:~~
35-14 ~~[(1) crimes committed by commission employees,~~
35-15 ~~including parole officers employed by or under a contract with the~~
35-16 ~~commission; and~~
35-17 ~~[(2) crimes and delinquent conduct committed at a~~
35-18 ~~facility operated by the commission, a residential facility~~
35-19 ~~operated by another entity under a contract with the commission, or~~
35-20 ~~any facility in which a child committed to the custody of the~~
35-21 ~~commission is housed or receives medical or mental health~~
35-22 ~~treatment.~~
35-23 ~~[(b) The office of inspector general shall prepare and~~
35-24 ~~deliver a report concerning the results of any investigation~~
35-25 ~~conducted under this section to:~~
35-26 ~~[(1) the executive commissioner;~~
35-27 ~~[(2) the advisory board;~~
35-28 ~~[(3) the governor;~~
35-29 ~~[(4) the lieutenant governor;~~
35-30 ~~[(5) the speaker of the house of representatives;~~
35-31 ~~[(6) the standing committees of the senate and house~~
35-32 ~~of representatives with primary jurisdiction over matters~~
35-33 ~~concerning correctional facilities;~~
35-34 ~~[(7) the special prosecution unit;~~
35-35 ~~[(8) the state auditor; and~~
35-36 ~~[(9) any other appropriate state agency responsible~~
35-37 ~~for licensing or certifying commission employees or facilities.~~
35-38 ~~[(c) The report prepared under Subsection (b) must include a~~
35-39 ~~summary of the actions performed by the office of inspector general~~
35-40 ~~in conducting the investigation, a statement of whether the~~
35-41 ~~investigation resulted in a finding that a criminal offense or~~
35-42 ~~delinquent conduct occurred, and a description of the finding. The~~
35-43 ~~report is public information under Chapter 552, Government Code,~~
35-44 ~~only to the extent authorized under that chapter and other law.~~
35-45 ~~[(d) The office of inspector general may employ and~~
35-46 ~~commission inspectors general as peace officers for the purpose of~~
35-47 ~~carrying out the duties described by this section. An inspector~~
35-48 ~~general shall have all of the powers and duties given to peace~~
35-49 ~~officers under Article 2.13, Code of Criminal Procedure.~~
35-50 ~~[(e) Peace officers employed and commissioned under~~
35-51 ~~Subsection (d) must:~~
35-52 ~~[(1) be certified by the Commission on Law Enforcement~~
35-53 ~~Officer Standards and Education under Chapter 1701, Occupations~~
35-54 ~~Code; and~~
35-55 ~~[(2) complete advanced courses relating to the duties~~
35-56 ~~of peace officers employed and commissioned under Subsection (d) as~~
35-57 ~~part of any continuing education requirements for the peace~~
35-58 ~~officers.~~
35-59 ~~[(f) The executive commissioner shall select a commissioned~~
35-60 ~~peace officer as chief inspector general. The chief inspector~~
35-61 ~~general is subject to the requirements of this section and may only~~
35-62 ~~be discharged for cause.~~
35-63 ~~[(g) The chief inspector general shall on a quarterly basis~~
35-64 ~~prepare and deliver a report concerning the operations of the~~
35-65 ~~office of inspector general to:~~
35-66 ~~[(1) the executive commissioner;~~
35-67 ~~[(2) the advisory board;~~
35-68 ~~[(3) the governor;~~
35-69 ~~[(4) the lieutenant governor;~~

36-1 ~~[(5) the speaker of the house of representatives,~~
 36-2 ~~[(6) the standing committees of the senate and house~~
 36-3 ~~of representatives with primary jurisdiction over correctional~~
 36-4 ~~facilities,~~

36-5 ~~[(7) the state auditor, and~~

36-6 ~~[(8) the comptroller.~~

36-7 ~~[(h) A report prepared under Subsection (g) is public~~
 36-8 ~~information under Chapter 552, Government Code, to the extent~~
 36-9 ~~authorized under that chapter and other law, and the commission~~
 36-10 ~~shall publish the report on the commission's Internet website. A~~
 36-11 ~~report must be both aggregated and disaggregated by individual~~
 36-12 ~~facility and include information relating to:~~

36-13 ~~[(1) the types of investigations conducted by the~~
 36-14 ~~office of inspector general, such as whether an investigation~~
 36-15 ~~concerned narcotics or an alleged incident of sexual abuse,~~

36-16 ~~[(2) the relationship of a victim to a perpetrator, if~~
 36-17 ~~applicable; and~~

36-18 ~~[(3) the number of investigations conducted~~
 36-19 ~~concerning suicides, deaths, and hospitalizations of children in~~
 36-20 ~~the custody of the commission.~~

36-21 ~~[(i) The office of inspector general shall immediately~~
 36-22 ~~report to the executive director, the board, the governor's general~~
 36-23 ~~counsel, and the state auditor:~~

36-24 ~~[(1) any particularly serious or flagrant problem~~
 36-25 ~~concerning the administration of a commission program or operation,~~
 36-26 ~~or~~

36-27 ~~[(2) any interference by the executive director, an~~
 36-28 ~~employee of the commission, a facility described by Subsection~~
 36-29 ~~(a)(2), or an officer or employee of a facility described by~~
 36-30 ~~Subsection (a)(2) with an investigation conducted by the office.~~

36-31 ~~[Sec. 61.0452. TOLL-FREE NUMBER. (a) The commission shall~~
 36-32 ~~establish a permanent, toll-free number for the purpose of~~
 36-33 ~~receiving any information concerning the abuse, neglect, or~~
 36-34 ~~exploitation of children in the custody of the commission.~~

36-35 ~~[(b) The office of inspector general shall ensure that:~~

36-36 ~~[(1) the toll-free number is prominently displayed in~~
 36-37 ~~each commission facility; and~~

36-38 ~~[(2) children in the custody of the commission and~~
 36-39 ~~commission employees have confidential access to telephones for the~~
 36-40 ~~purpose of calling the toll-free number.~~

36-41 ~~[Sec. 61.046]. RELIGIOUS TRAINING. The department~~
 36-42 ~~[commission] shall provide for the religious and spiritual training~~
 36-43 ~~of children in its custody according to the children's individual~~
 36-44 ~~choices.~~

36-45 ~~Sec. 242.066 [61.0461]. EMPLOYMENT OR DESIGNATION OF~~
 36-46 ~~CHAPLAIN AT CERTAIN DEPARTMENT [COMMISSION] FACILITIES. The~~
 36-47 ~~department [commission] shall ensure that a chaplain is employed or~~
 36-48 ~~formally designated for each department [commission] correctional~~
 36-49 ~~facility that is an institution.~~

36-50 ~~Sec. 242.067 [61.047]. VIOLENCE PREVENTION AND CONFLICT~~
 36-51 ~~RESOLUTION EDUCATION. The department [commission] shall provide~~
 36-52 ~~education in violence prevention and conflict resolution that~~
 36-53 ~~includes discussion of domestic violence and child abuse issues to~~
 36-54 ~~all children in its custody.~~

36-55 ~~Sec. 242.068 [61.048. BUILDINGS AND IMPROVEMENTS.~~

36-56 ~~(a) The commission may design, construct, equip, furnish, and~~
 36-57 ~~maintain buildings and improvements at facilities under its~~
 36-58 ~~jurisdiction. The commission may employ architects or engineers,~~
 36-59 ~~or both, to prepare plans and specifications and to supervise the~~
 36-60 ~~construction and improvements. The commission shall promulgate~~
 36-61 ~~rules relating to the award of contracts for the construction of~~
 36-62 ~~buildings and improvements. The rules shall provide for the award~~
 36-63 ~~of contracts for the construction of buildings and improvements to~~
 36-64 ~~the qualified bidder making the lowest and best bid. A construction~~
 36-65 ~~contract may not be awarded for a sum in excess of the amount of~~
 36-66 ~~funds available for the project. The commission may reject any and~~
 36-67 ~~all bids submitted.~~

36-68 ~~[(b) If a project is financed in whole or in part by federal~~
 36-69 ~~funds, any standards required by the enabling federal statute or~~

37-1 ~~required by the rules of the administering federal agency control~~
 37-2 ~~over this section.~~

37-3 ~~[(c) The commission may employ professional, technical, and~~
 37-4 ~~clerical personnel to carry out the design and construction~~
 37-5 ~~functions required by this section.~~

37-6 ~~[Sec. 61.050]. FIRE PROTECTION ACTIVITIES. (a) The~~
 37-7 ~~department [commission] may perform fire protection, fire~~
 37-8 ~~prevention, and fire suppression activities at department~~
 37-9 ~~[commission] facilities.~~

37-10 (b) The department [commission] may prescribe circumstances
 37-11 under which, for the benefit of the public safety and welfare,
 37-12 department [commission] employees using department [commission]
 37-13 equipment may assist municipal or volunteer fire departments in the
 37-14 performance of fire protection, fire prevention, or fire
 37-15 suppression activities near department [commission] facilities.

37-16 Sec. 242.069 ~~[61.051]. CLIENT SERVICE CONTRACT STANDARDS.~~
 37-17 In each contract for the purchase of residential program-related
 37-18 client services, the department [commission] shall include:

37-19 (1) clearly defined contract goals, outputs, and
 37-20 measurable outcomes that relate directly to program objectives;

37-21 (2) clearly defined sanctions or penalties for failure
 37-22 to comply with or perform contract terms or conditions; and

37-23 (3) clearly specified accounting, reporting, and
 37-24 auditing requirements applicable to money received under the
 37-25 contract.

37-26 Sec. 242.070 ~~[61.052]. CONTRACT MONITORING.~~ The
 37-27 department [commission] shall establish a formal program to monitor
 37-28 residential program-related client services contracts made by the
 37-29 department [commission]. The department [commission] must:

37-30 (1) monitor compliance with financial and performance
 37-31 requirements using a risk assessment methodology; and

37-32 (2) obtain and evaluate program cost information to
 37-33 ensure that each cost, including an administrative cost, is
 37-34 reasonable and necessary to achieve program objectives.

37-35 Sec. 242.071 ~~[61.053. MEDICAID BENEFITS. The commission~~
 37-36 ~~shall apply for benefits under the federal Medicaid program if~~
 37-37 ~~application is cost effective in reducing health care costs~~
 37-38 ~~incurred by the commission.~~

37-39 ~~[Sec. 61.054]. SALE OR LICENSE OF TREATMENT PROGRAMS.~~

37-40 (a) The department [commission] may sell or license to an
 37-41 individual or a private or public entity the right to use a
 37-42 treatment program developed by the department [commission].

37-43 (b) Proceeds from the sale or license of a treatment program
 37-44 shall be deposited to the credit of the fund that provided the money
 37-45 to finance the development of the treatment program.

37-46 (c) At the end of each fiscal year, any unexpended proceeds
 37-47 from the sale or license of a treatment program shall be carried
 37-48 over to the next fiscal year to the credit of the fund that provided
 37-49 the money to finance the development of the treatment program.

37-50 SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT
 37-51 FACILITIES OR BY DEPARTMENT EMPLOYEES

37-52 Sec. 242.101 ~~[61.055]. ZERO-TOLERANCE POLICY. (a) The~~
 37-53 ~~department [commission] shall adopt and enforce a zero-tolerance~~
 37-54 ~~policy concerning the detection, prevention, and punishment of the~~
 37-55 ~~sexual abuse, including consensual sexual contact, of children in~~
 37-56 ~~the custody of the department [commission].~~

37-57 (b) The department [commission] shall establish standards
 37-58 for reporting and collecting data on the sexual abuse of children in
 37-59 the custody of the department [commission].

37-60 (c) The department [commission] shall establish a procedure
 37-61 for children in the custody of the department [commission] and
 37-62 department [commission] employees to report incidents of sexual
 37-63 abuse involving a child in the custody of the department
 37-64 [commission]. The procedure must designate a person employed at
 37-65 the department [commission] facility in which the abuse is alleged
 37-66 to have occurred as well as a person who is employed at the
 37-67 department's [commission's] headquarters to whom a person may
 37-68 report an incident of sexual abuse.

37-69 (d) The department [commission] shall prominently display

38-1 the following notice in the office of the chief administrator of
 38-2 each department [~~commission~~] facility, the employees' break room of
 38-3 each department [~~commission~~] facility, the cafeteria of each
 38-4 department [~~commission~~] facility, and at least six additional
 38-5 locations in each department [~~commission~~] facility:

38-6 THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY
 38-7 REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF
 38-8 A CHILD IN THE CUSTODY OF THE DEPARTMENT [~~COMMISSION~~]. ANY SUCH
 38-9 VIOLATION MUST BE REPORTED TO _____.

38-10 Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office
 38-11 of inspector general is established at the department under the
 38-12 direction of the board for the purpose of investigating:

38-13 (1) crimes committed by department employees,
 38-14 including parole officers employed by or under a contract with the
 38-15 department; and

38-16 (2) crimes and delinquent conduct committed at a
 38-17 facility operated by the department, a residential facility
 38-18 operated by another entity under a contract with the department, or
 38-19 any facility in which a child committed to the custody of the
 38-20 department is housed or receives medical or mental health
 38-21 treatment.

38-22 (b) The office of inspector general shall prepare and
 38-23 deliver a report concerning the results of any investigation
 38-24 conducted under this section to:

38-25 (1) the board;
 38-26 (2) the executive director;
 38-27 (3) any applicable advisory board;

38-28 (4) the governor;
 38-29 (5) the lieutenant governor;
 38-30 (6) the speaker of the house of representatives;

38-31 (7) the standing committees of the senate and house of
 38-32 representatives with primary jurisdiction over matters concerning
 38-33 correctional facilities;

38-34 (8) the special prosecution unit;
 38-35 (9) the state auditor; and
 38-36 (10) any other appropriate state agency responsible

38-37 for licensing or certifying department employees or facilities.

38-38 (c) The report prepared under Subsection (b) must include a
 38-39 summary of the actions performed by the office of inspector general
 38-40 in conducting the investigation, a statement of whether the
 38-41 investigation resulted in a finding that a criminal offense or
 38-42 delinquent conduct occurred, and a description of the finding. The
 38-43 report is public information under Chapter 552, Government Code,
 38-44 only to the extent authorized under that chapter and other law.

38-45 (d) The office of inspector general may employ and
 38-46 commission inspectors general as peace officers for the purpose of
 38-47 carrying out the duties described by this section. An inspector
 38-48 general shall have all of the powers and duties given to peace
 38-49 officers under Article 2.13, Code of Criminal Procedure.

38-50 (e) Peace officers employed and commissioned under
 38-51 Subsection (d) must:

38-52 (1) be certified by the Commission on Law Enforcement
 38-53 Officer Standards and Education under Chapter 1701, Occupations
 38-54 Code; and

38-55 (2) complete advanced courses relating to the duties
 38-56 of peace officers employed and commissioned under Subsection (d) as
 38-57 part of any continuing education requirements for the peace
 38-58 officers.

38-59 (f) The board shall select a commissioned peace officer as
 38-60 chief inspector general. The chief inspector general:

38-61 (1) operates directly under the authority of the
 38-62 board;

38-63 (2) is subject to the requirements of this section;
 38-64 and

38-65 (3) may only be discharged by the board for cause.

38-66 (g) The chief inspector general shall on a quarterly basis
 38-67 prepare and deliver a report concerning the operations of the
 38-68 office of inspector general to:

38-69 (1) the board;

- 39-1 (2) the executive director;
 39-2 (3) any applicable advisory board;
 39-3 (4) the governor;
 39-4 (5) the lieutenant governor;
 39-5 (6) the speaker of the house of representatives;
 39-6 (7) the standing committees of the senate and house of
 39-7 representatives with primary jurisdiction over correctional
 39-8 facilities;
 39-9 (8) the state auditor; and
 39-10 (9) the comptroller.

39-11 (h) A report prepared under Subsection (g) is public
 39-12 information under Chapter 552, Government Code, to the extent
 39-13 authorized under that chapter and other law, and the department
 39-14 shall publish the report on the department's Internet website. A
 39-15 report must be both aggregated and disaggregated by individual
 39-16 facility and include information relating to:

39-17 (1) the types of investigations conducted by the
 39-18 office of inspector general, such as whether an investigation
 39-19 concerned narcotics or an alleged incident of sexual abuse;

39-20 (2) the relationship of a victim to a perpetrator, if
 39-21 applicable; and

39-22 (3) the number of investigations conducted concerning
 39-23 suicides, deaths, and hospitalizations of children in the custody
 39-24 of the department.

39-25 (i) The office of inspector general shall immediately
 39-26 report to the board, the governor's general counsel, and the state
 39-27 auditor:

39-28 (1) any particularly serious or flagrant problem
 39-29 concerning the administration of a department program or operation;
 39-30 or

39-31 (2) any interference by the executive director, an
 39-32 employee of the department, a facility described by Subsection
 39-33 (a)(2), or an officer or employee of a facility described by
 39-34 Subsection (a)(2) with an investigation conducted by the office.

39-35 Sec. 242.104 [~~61.0455~~]. DETECTION AND MONITORING OF
 39-36 CELLULAR TELEPHONES. (a) The department [~~commission~~] may own and
 39-37 the office of the inspector general may possess, install, operate,
 39-38 or monitor an electronic, mechanical, or other device, as defined
 39-39 by Article 18.20, Code of Criminal Procedure.

39-40 (b) The inspector general shall designate in writing the
 39-41 commissioned officers of the office of inspector general who are
 39-42 authorized to possess, install, operate, and monitor electronic,
 39-43 mechanical, or other devices for the department [~~commission~~].

39-44 (c) An investigative or law enforcement officer or other
 39-45 person, on request of the office of inspector general, may assist
 39-46 the office in the operation and monitoring of an interception of
 39-47 wire, oral, or electronic communications if the investigative or
 39-48 law enforcement officer or other person:

39-49 (1) is designated by the executive director
 39-50 [~~commissioner~~] for that purpose; and

39-51 (2) acts in the presence and under the direction of a
 39-52 commissioned officer of the inspector general.

39-53 CHAPTER 243 [SUBCHAPTER D]. ADMISSION AND COMMITMENT; ESCAPE

39-54 SUBCHAPTER A. ADMISSION AND COMMITMENT

39-55 Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT
 39-56 [COMMISSION] FACILITIES. (a) The department [~~commission~~] may not
 39-57 assign a child younger than 15 years of age to the same correctional
 39-58 facility dormitory as a person who is at least 17 years of age
 39-59 unless the department [~~commission~~] determines that the placement is
 39-60 necessary to ensure the safety of children in the custody of the
 39-61 department [~~commission~~]. This subsection does not apply to a
 39-62 dormitory that is used exclusively for short-term assessment and
 39-63 orientation purposes.

39-64 (b) The board [~~commission~~] by rule shall adopt scheduling,
 39-65 housing, and placement procedures for the purpose of protecting
 39-66 vulnerable children in the custody of the department [~~commission~~].
 39-67 The procedures must address the age, physical condition, and
 39-68 treatment needs of a child as well as any other relevant factor.

39-69 (c) The department [~~commission~~] shall consider the

40-1 proximity of the residence of a child's family in determining the
 40-2 appropriate department [~~commission~~] facility in which to place a
 40-3 child.

40-4 Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF
 40-5 STAY. (a) The department [~~commission~~] shall establish a minimum
 40-6 length of stay for each child committed to the department
 40-7 [~~commission~~] without a determinate sentence.

40-8 (b) In establishing a minimum length of stay for a child,
 40-9 the department [~~commission~~] shall consider:

40-10 (1) the nature of and seriousness of the conduct
 40-11 engaged in by the child; and

40-12 (2) the danger the child poses to the community.

40-13 Sec. 243.003 [~~61.064~~]. CONVEYANCE OF CHILD TO DEPARTMENT
 40-14 [~~COMMISSION~~]. (a) When a child is to be conveyed to a facility
 40-15 designated by the department [~~commission~~], the juvenile court shall
 40-16 assign an officer or other suitable person to accompany the child.
 40-17 The person assigned to accompany a female must be a woman.

40-18 (b) The cost of conveying the child shall be paid by the
 40-19 county from which the child is committed, except that [~~However,~~]
 40-20 no compensation shall be allowed other than [~~except~~] for the actual
 40-21 and necessary expenses of the child and the person accompanying the
 40-22 child.

40-23 Sec. 243.004 [~~61.065~~]. NOTIFICATION AND DUTY TO FURNISH
 40-24 INFORMATION. (a) When a juvenile court commits a child to the
 40-25 department [~~commission~~], the court shall forward to the department
 40-26 [~~commission~~] a certified copy of the order of commitment.

40-27 (b) The court, the probation officer, the prosecuting and
 40-28 police authorities, the school authorities, and other public
 40-29 officials shall make available to the department [~~commission~~] all
 40-30 pertinent information in their possession regarding the case.

40-31 (c) If requested by the department [~~commission~~], the
 40-32 reports required by this section shall be made on forms furnished by
 40-33 the department [~~commission~~] or according to an outline furnished by
 40-34 the department [~~commission~~].

40-35 Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING
 40-36 COURT. In addition to the information provided under Section
 40-37 243.004 [~~61.065~~], a court that commits a child to the department
 40-38 [~~commission~~] shall provide the department [~~commission~~] with a copy
 40-39 of the following documents:

40-40 (1) the petition and the adjudication and disposition
 40-41 orders for the child, including the child's thumbprint;

40-42 (2) if the commitment is a result of revocation of
 40-43 probation, a copy of the conditions of probation and the revocation
 40-44 order;

40-45 (3) the social history report for the child;

40-46 (4) any psychological or psychiatric reports
 40-47 concerning the child;

40-48 (5) the contact information sheet for the child's
 40-49 parents or guardian;

40-50 (6) any law enforcement incident reports concerning
 40-51 the offense for which the child is committed;

40-52 (7) any sex offender registration information
 40-53 concerning the child;

40-54 (8) any juvenile probation department progress
 40-55 reports concerning the child;

40-56 (9) any assessment documents concerning the child;

40-57 (10) the computerized referral and case history for
 40-58 the child, including case disposition;

40-59 (11) the child's birth certificate;

40-60 (12) the child's social security number or social
 40-61 security card, if available;

40-62 (13) the name, address, and telephone number of the
 40-63 court administrator in the committing county;

40-64 (14) Title IV-E eligibility screening information for
 40-65 the child, if available;

40-66 (15) the address in the committing county for
 40-67 forwarding funds collected to which the committing county is
 40-68 entitled;

40-69 (16) any of the child's school or immunization records

41-1 that the committing county possesses;
 41-2 (17) any victim information concerning the case for
 41-3 which the child is committed; and
 41-4 (18) any of the child's pertinent medical records that
 41-5 the committing court possesses.

41-6 Sec. 243.006 [61.066]. COMMITMENT RECORDS. A commitment to
 41-7 the department [commission] may not be received in evidence or used
 41-8 in any way in any proceedings in any court except in:

41-9 (1) subsequent proceedings under Title 3 of the Family
 41-10 Code against the same child;

41-11 (2) imposing sentence in any criminal proceedings
 41-12 against the same person; or

41-13 (3) subsequent civil commitment proceedings under
 41-14 Chapter 841, Health and Safety Code, regarding the same person.

41-15 Sec. 243.007 [61.067]. INFORMATION PROVIDED TO COMMITTING
 41-16 COURT. (a) If a court that commits a child to the department
 41-17 [commission] requests, in the commitment order, that the department
 41-18 [commission] keep the court informed of the progress the child is

41-19 making while committed to the department [commission], the
 41-20 department [commission] shall provide the court with periodic
 41-21 updates on the child's progress.

41-22 (b) A report provided under Subsection (a) may include any
 41-23 information the department [commission] determines to be relevant
 41-24 in evaluating the child's progress, including, as applicable,
 41-25 information concerning the child's treatment, education, and
 41-26 health.

41-27 (c) A report provided under this section may not include
 41-28 information that is protected from disclosure under state or
 41-29 federal law.

41-30 SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

41-31 Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF
 41-32 RELEASE CONDITIONS. (a) If a child who has been committed to the
 41-33 department and placed by the department in any institution or
 41-34 facility has escaped or has been released under supervision and
 41-35 broken the conditions of release:

41-36 (1) a sheriff, deputy sheriff, constable, or police
 41-37 officer may, without a warrant, arrest the child; or

41-38 (2) a department employee designated by the executive
 41-39 director may, without a warrant or other order, take the child into
 41-40 the custody of the department.

41-41 (b) A child who is arrested or taken into custody under
 41-42 Subsection (a) may be detained in any suitable place, including an
 41-43 adult jail facility if the person is 17 years of age or older, until
 41-44 the child is returned to the custody of the department or
 41-45 transported to a department facility.

41-46 (c) Notwithstanding Section 58.005, Family Code, the
 41-47 department may disseminate to the public the following information
 41-48 relating to a child who has escaped from custody:

41-49 (1) the child's name, including other names by which
 41-50 the child is known;

41-51 (2) the child's physical description, including sex,
 41-52 weight, height, race, ethnicity, eye color, hair color, scars,
 41-53 marks, and tattoos;

41-54 (3) a photograph of the child; and

41-55 (4) if necessary to protect the welfare of the
 41-56 community, any other information that reveals dangerous
 41-57 propensities of the child or expedites the apprehension of the
 41-58 child.

41-59 Sec. 243.052. APPREHENSION SPECIALISTS. (a) The
 41-60 department may employ and commission apprehension specialists as
 41-61 peace officers for the purpose of apprehending a child under
 41-62 Section 243.051.

41-63 (b) Peace officers employed and commissioned under
 41-64 Subsection (a) must be certified by the Texas Commission on Law
 41-65 Enforcement Officer Standards and Education under Chapter 1701,
 41-66 Occupations Code.

41-67 CHAPTER 244 [SUBCHAPTER E]. CARE AND TREATMENT OF CHILDREN

41-68 SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

41-69 Sec. 244.001 [61.071]. INITIAL EXAMINATION. (a) The

42-1 department [~~commission~~] shall examine and make a study of each
 42-2 child committed to it as soon as possible after commitment. The
 42-3 study shall be made according to rules established by the board
 42-4 [~~commission~~] and shall include:

42-5 (1) long-term planning for the child; and
 42-6 (2) consideration of the child's medical, substance
 42-7 abuse, and treatment history, including the child's psychiatric
 42-8 history and substance abuse history.

42-9 (b) For a child for whom a minimum length of stay is
 42-10 established under Section 243.002 [~~61.062~~] of one year or longer,
 42-11 the initial examination must include a comprehensive psychiatric
 42-12 evaluation.

42-13 (c) The department [~~commission~~] shall administer
 42-14 comprehensive psychological assessments to a child as part of the
 42-15 child's initial examination, including assessments designed to
 42-16 identify whether a child is in need of a psychiatric evaluation. If
 42-17 the results of a child's psychological assessments indicate that
 42-18 the child is in need of a psychiatric evaluation, the department
 42-19 [~~commission~~] shall as soon as practicable conduct a psychiatric
 42-20 evaluation of the child.

42-21 Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~
 42-22 ~~(a) In providing medical care, behavioral health care, or~~
 42-23 ~~rehabilitation services, the commission shall integrate the~~
 42-24 ~~provision of those services in an integrated comprehensive delivery~~
 42-25 ~~system.~~

42-26 ~~[(b) The delivery system may be used to deliver any medical,~~
 42-27 ~~behavioral health, or rehabilitation services provided to a child~~
 42-28 ~~in the custody of the commission, including:~~

42-29 ~~[(1) health care;~~
 42-30 ~~[(2) dental care;~~
 42-31 ~~[(3) behavioral health care;~~
 42-32 ~~[(4) substance abuse treatment;~~
 42-33 ~~[(5) nutrition;~~
 42-34 ~~[(6) programming;~~
 42-35 ~~[(7) case management; and~~
 42-36 ~~[(8) general rehabilitation services, including~~
 42-37 ~~educational, spiritual, daily living, recreational, and security~~
 42-38 ~~services.~~

42-39 [~~Sec. 61.072~~]. REEXAMINATION. (a) The department
 42-40 [~~commission~~] shall periodically reexamine each child under its
 42-41 control, except those on release under supervision or in foster
 42-42 homes, for the purpose of determining whether a rehabilitation plan
 42-43 made by the department [~~commission~~] concerning the child should be
 42-44 modified or continued.

42-45 (b) The reexamination [~~examination~~] must include a study of
 42-46 all current circumstances of a child's personal and family
 42-47 situation and an evaluation of the progress made by the child since
 42-48 the child's last examination.

42-49 (c) The reexamination [~~examination~~] of a child may be made
 42-50 as frequently as the department [~~commission~~] considers necessary,
 42-51 but shall be made at intervals not exceeding six months.

42-52 Sec. 244.003 [~~61.073~~]. RECORDS OF EXAMINATIONS AND
 42-53 TREATMENT. (a) The department [~~commission~~] shall keep written
 42-54 records of all examinations and conclusions based on them and of all
 42-55 orders concerning the disposition or treatment of each child
 42-56 subject to its control.

42-57 (b) Except as provided by Section 243.051(c) [~~61.093(e)~~],
 42-58 these records and all other information concerning a child,
 42-59 including personally identifiable information, are not public and
 42-60 are available only according to the provisions of Section 58.005,
 42-61 Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and
 42-62 Chapter 61, Code of Criminal Procedure.

42-63 Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN,~~
 42-64 ~~PARENTS, AND OTHERS.~~ (a) In the interest of achieving the purpose
 42-65 of the commission and protecting the public, the commission may
 42-66 disclose records and other information concerning a child to the
 42-67 child and the child's parent or guardian only if disclosure would
 42-68 not materially harm the treatment and rehabilitation of the child
 42-69 and would not substantially decrease the likelihood of the

43-1 ~~commission receiving information from the same or similar sources~~
 43-2 ~~in the future. Information concerning a person who is age 18 or~~
 43-3 ~~older may not be disclosed to the person's parent or guardian~~
 43-4 ~~without the person's consent.~~

43-5 ~~[(b) The commission may disclose information regarding a~~
 43-6 ~~child's location and committing court to a person having a~~
 43-7 ~~legitimate need for the information.~~

43-8 ~~[(c) The commission may disclose to a peace officer or law~~
 43-9 ~~enforcement agency images of children recorded by an electronic~~
 43-10 ~~recording device and incident reporting and investigation~~
 43-11 ~~documents containing the names of children if the information is~~
 43-12 ~~relevant to the investigation of a criminal offense alleged to have~~
 43-13 ~~occurred in a facility operated by or under contract with the~~
 43-14 ~~commission.~~

43-15 ~~[(d) Notwithstanding Subsection (a), if the Department of~~
 43-16 ~~Family and Protective Services has been appointed managing~~
 43-17 ~~conservator for a child, the commission shall disclose records and~~
 43-18 ~~other information concerning the child to the department as~~
 43-19 ~~provided by department rules.~~

43-20 ~~[Sec. 61.074]. FAILURE TO EXAMINE OR REEXAMINE.~~
 43-21 ~~(a) Failure of the department [commission] to examine or reexamine~~
 43-22 ~~a child as required by this subchapter [chapter] does not entitle~~
 43-23 ~~the child to be discharged from the control of the department~~
 43-24 ~~[commission], but the child may petition the committing court for~~
 43-25 ~~discharge.~~

43-26 ~~(b) After due notice to the department [commission], the~~
 43-27 ~~committing court shall discharge the child from the control of the~~
 43-28 ~~department [commission] unless the department [commission]~~
 43-29 ~~satisfies the court that further control is necessary.~~

43-30 ~~Sec. 244.005 [61.075]. DETERMINATION OF TREATMENT. When a~~
 43-31 ~~child has been committed to the department [commission], the~~
 43-32 ~~department [commission] may:~~

43-33 ~~(1) permit the child liberty under supervision and on~~
 43-34 ~~conditions the department [it] believes conducive to acceptable~~
 43-35 ~~behavior;~~

43-36 ~~(2) order the child's confinement under conditions the~~
 43-37 ~~department [it] believes best designed for the child's welfare and~~
 43-38 ~~the interests of the public;~~

43-39 ~~(3) order reconfinement or renewed release as often as~~
 43-40 ~~conditions indicate to be desirable;~~

43-41 ~~(4) revoke or modify any order of the department~~
 43-42 ~~[commission] affecting a child, except an order of final discharge,~~
 43-43 ~~as often as conditions indicate; or~~

43-44 ~~(5) discharge the child from control when the~~
 43-45 ~~department [it] is satisfied that discharge will best serve the~~
 43-46 ~~child's welfare and the protection of the public.~~

43-47 ~~Sec. 244.006 [61.0751]. SUBPOENAS. (a) A hearings~~
 43-48 ~~examiner appointed by the commission may issue a subpoena requiring~~
 43-49 ~~the attendance of a witness or the production of any record, book,~~
 43-50 ~~paper, or document the hearings examiner considers necessary for a~~
 43-51 ~~determination of treatment under Section 61.075.~~

43-52 ~~[(b) The hearings examiner may sign a subpoena and~~
 43-53 ~~administer an oath.~~

43-54 ~~[(c) A peace officer, apprehension specialist, parole~~
 43-55 ~~officer, or other commission official may serve the subpoena in the~~
 43-56 ~~same manner as similar process in a court of record having original~~
 43-57 ~~jurisdiction of criminal actions is served.~~

43-58 ~~[(d) A person who testifies falsely, fails to appear when~~
 43-59 ~~subpoenaed, or fails or refuses to produce material under the~~
 43-60 ~~subpoena is subject to the same orders and penalties to which a~~
 43-61 ~~person taking those actions before a court is subject.~~

43-62 ~~[(e) On application of the commission, a court of record~~
 43-63 ~~having original jurisdiction of criminal actions may compel the~~
 43-64 ~~attendance of a witness, the production of material, or the giving~~
 43-65 ~~of testimony before the hearings examiner, by an attachment for~~
 43-66 ~~contempt or in the same manner as the court may otherwise compel the~~
 43-67 ~~production of evidence.~~

43-68 ~~[Sec. 61.076]. TYPE OF TREATMENT PERMITTED. (a) As a~~
 43-69 ~~means of correcting the socially harmful tendencies of a child~~

44-1 committed to the department [~~it~~], the department [~~commission~~] may:

44-2 (1) require the child to participate in moral,

44-3 academic, vocational, physical, and correctional training and

44-4 activities;

44-5 (2) require the modes of life and conduct that seem

44-6 best adapted to fit the child for return to full liberty without

44-7 danger to the public;

44-8 (3) provide any medical or psychiatric treatment that

44-9 is necessary; and

44-10 (4) place physically fit children in

44-11 parks-maintenance camps, forestry camps, or ranches owned by the

44-12 state or the United States and require the performance of suitable

44-13 conservation and maintenance work.

44-14 (b) The dominant purpose of placing children in camps is to

44-15 benefit and rehabilitate the children rather than to make the camps

44-16 self-sustaining. Children placed in camps may not be exploited.

44-17 Sec. 244.007 [~~61.0761~~]. FAMILY PROGRAMS. The department

44-18 [~~commission~~] shall develop programs that encourage family

44-19 involvement in the rehabilitation of the child.

44-20 Sec. 244.0075 [~~61.07611~~]. RESTRAINT OF PREGNANT JUVENILE.

44-21 (a) The department [~~commission~~] may not use restraints to control

44-22 the movement of a pregnant child who is committed to the department

44-23 [~~commission~~] at any time during which the child is in labor or

44-24 delivery or recovering from delivery, unless the executive director

44-25 or executive director's designee determines that the use of

44-26 restraints is necessary to:

44-27 (1) ensure the safety and security of the child or her

44-28 infant, department [~~commission~~] or medical personnel, or any member

44-29 of the public; or

44-30 (2) prevent a substantial risk that the child will

44-31 attempt escape.

44-32 (b) If a determination to use restraints is made under

44-33 Subsection (a), the type of restraint used and the manner in which

44-34 the restraint is used must be the least restrictive available under

44-35 the circumstances to ensure safety and security or to prevent

44-36 escape.

44-37 Sec. 244.008 [~~61.0762~~]. INFANT CARE AND PARENTING PROGRAM.

44-38 (a) In this section, "child" means the child of a person who is

44-39 committed to the department [~~commission~~].

44-40 (b) The department [~~commission~~] may establish child care

44-41 and parenting programs for persons committed to the department

44-42 [~~commission~~] who are parents.

44-43 (c) The department [~~commission~~] may permit a mother to have

44-44 possession of her child in a residential program that has an infant

44-45 care and parenting program or to have possession of her child in a

44-46 department-funded [~~commission-funded~~] independent living

44-47 residence for up to six months if:

44-48 (1) the child's father or another relative or guardian

44-49 of the child agrees in advance of the child's placement with the

44-50 child's mother to assume possession of the child immediately upon

44-51 notice by the department [~~commission~~] to do so;

44-52 (2) the child's parents and any other person having a

44-53 duty of support acknowledge that by permitting the mother to have

44-54 possession of the child while the mother is confined in a

44-55 residential facility or placed in an independent living residence,

44-56 the department [~~commission~~] assumes no responsibility for the

44-57 child's care beyond the responsibility of care that is ordinarily

44-58 due the child's mother and the reasonable accommodations that are

44-59 necessary for the mother's care of her child;

44-60 (3) the child's parents and any other person having a

44-61 duty of support agree to indemnify and hold the department

44-62 [~~commission~~] harmless from any claims that may be made against the

44-63 department [~~commission~~] for the child's support, including medical

44-64 support; and

44-65 (4) the department [~~commission~~] determines that the

44-66 placement is in the best interest of both the mother and her child.

44-67 Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In

44-68 providing medical care, behavioral health care, or rehabilitation

44-69 services, the department shall integrate the provision of those

45-1 services in an integrated comprehensive delivery system.

45-2 (b) The delivery system may be used to deliver any medical,
45-3 behavioral health, or rehabilitation services provided to a child
45-4 in the custody of the department, including:

45-5 (1) health care;

45-6 (2) dental care;

45-7 (3) behavioral health care;

45-8 (4) substance abuse treatment;

45-9 (5) nutrition;

45-10 (6) programming;

45-11 (7) case management; and

45-12 (8) general rehabilitation services, including
45-13 educational, spiritual, daily living, recreational, and security
45-14 services.

45-15 ~~Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The~~
45-16 ~~commission, in consultation with advocacy and support groups such~~
45-17 ~~as those described in Section 61.0386(a), shall develop a parent's~~
45-18 ~~bill of rights for distribution to the parent or guardian of a child~~
45-19 ~~who is under 18 years of age and committed to the commission. The~~
45-20 ~~parent's bill of rights must include:~~

45-21 ~~[(1) a description of the commission's grievance~~
45-22 ~~policies and procedures, including contact information for the~~
45-23 ~~office of inspector general and the office of the independent~~
45-24 ~~ombudsman established under Chapter 64;~~

45-25 ~~[(2) a list of possible incidents that require~~
45-26 ~~parental notification;~~

45-27 ~~[(3) policies concerning visits and telephone~~
45-28 ~~conversations with a child committed to the commission;~~

45-29 ~~[(4) a description of commission caseworker~~
45-30 ~~responsibilities;~~

45-31 ~~[(5) a statement that the commission caseworker~~
45-32 ~~assigned to a child may assist the child's parent or guardian in~~
45-33 ~~obtaining information and services from the commission and other~~
45-34 ~~resources concerning:~~

45-35 ~~[(A) counseling, including substance abuse and~~
45-36 ~~mental health counseling;~~

45-37 ~~[(B) assistance programs, including financial~~
45-38 ~~and travel assistance programs for visiting a child committed to~~
45-39 ~~the commission;~~

45-40 ~~[(C) workforce preparedness programs;~~

45-41 ~~[(D) parenting programs; and~~

45-42 ~~[(E) commission seminars; and~~

45-43 ~~[(6) information concerning the indeterminate~~
45-44 ~~sentencing structure at the commission, an explanation of reasons~~
45-45 ~~that a child's commitment at the commission could be extended, and~~
45-46 ~~an explanation of the review process under Sections 61.0815 and~~
45-47 ~~61.0816 for a child committed to the commission without a~~
45-48 ~~determinate sentence.~~

45-49 ~~[(b) Not later than 48 hours after the time a child is~~
45-50 ~~admitted to a commission facility, the commission shall mail to the~~
45-51 ~~child's parent or guardian at the last known address of the parent~~
45-52 ~~or guardian:~~

45-53 ~~[(1) the parent's bill of rights; and~~

45-54 ~~[(2) the contact information of the commission~~
45-55 ~~caseworker assigned to the child.~~

45-56 ~~[(c) The commission shall on a quarterly basis provide to~~
45-57 ~~the parent, guardian, or designated advocate of a child who is in~~
45-58 ~~the custody of the commission a report concerning the progress of~~
45-59 ~~the child at the commission, including:~~

45-60 ~~[(1) the academic and behavioral progress of the~~
45-61 ~~child; and~~

45-62 ~~[(2) the results of any reexamination of the child~~
45-63 ~~conducted under Section 61.072.~~

45-64 ~~[(d) The commission shall ensure that written information~~
45-65 ~~provided to a parent or guardian regarding the rights of a child in~~
45-66 ~~the custody of the commission or the rights of a child's parent or~~
45-67 ~~guardian, including the parent's bill of rights, is clear and easy~~
45-68 ~~to understand.~~

45-69 ~~[(e) The commission shall ensure that if the Department of~~

46-1 ~~Family and Protective Services has been appointed managing~~
 46-2 ~~conservator of a child, the department is given the same rights as~~
 46-3 ~~the child's parent under the parent's bill of rights developed under~~
 46-4 ~~this section.~~

46-5 ~~[Sec. 61.0764]. DEPARTMENT [COMMISSION] CASEWORKERS.~~

46-6 (a) ~~The department [commission] shall assign a caseworker to a~~
 46-7 ~~child committed to the department [commission]. A department~~
 46-8 ~~[commission] caseworker shall:~~

46-9 (1) ~~explore family issues and needs with the parent or~~
 46-10 ~~guardian of a child committed to the department [commission];~~

46-11 (2) ~~as needed, provide the parent or guardian of a~~
 46-12 ~~child committed to the department [commission] with information~~
 46-13 ~~concerning programs and services provided by the department~~
 46-14 ~~[commission] or another resource; and~~

46-15 (3) ~~perform other duties required by the department~~
 46-16 ~~[commission].~~

46-17 (b) ~~A department [commission] caseworker shall:~~

46-18 (1) ~~at least once a month, attempt to contact the~~
 46-19 ~~child's parent or guardian by phone, in person while the parent or~~
 46-20 ~~guardian is visiting the facility, or, if necessary, by mail;~~

46-21 (2) ~~if unsuccessful in contacting the child's parent~~
 46-22 ~~or guardian under Subdivision (1), attempt at least one additional~~
 46-23 ~~time each month to contact the child's parent or guardian; and~~

46-24 (3) ~~document successful as well as unsuccessful~~
 46-25 ~~attempts to contact the child's parent or guardian.~~

46-26 (c) ~~To the extent practicable, a caseworker or another~~
 46-27 ~~facility administrator shall attempt to communicate with a parent~~
 46-28 ~~or guardian who does not speak English in the language of choice of~~
 46-29 ~~the parent or guardian.~~

46-30 ~~[Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR~~
 46-31 ~~STUDIES. (a) The commission shall keep records relating to~~
 46-32 ~~children committed to it that participate in research programs or~~
 46-33 ~~studies.~~

46-34 ~~[(b) The records must show, for each calendar quarter and~~
 46-35 ~~for each calendar year:~~

46-36 ~~[(1) the number of children participating in research~~
 46-37 ~~programs or studies for the appropriate reporting period;~~

46-38 ~~[(2) the type of research program or study in which~~
 46-39 ~~each child is participating;~~

46-40 ~~[(3) the name of the principal investigator conducting~~
 46-41 ~~the research program or study; and~~

46-42 ~~[(4) the entity sponsoring the research program or~~
 46-43 ~~study.~~

46-44 ~~[(c) The commission shall submit a report that contains the~~
 46-45 ~~information in the records kept under Subsection (b) on or before~~
 46-46 ~~the 15th day after the last day of the appropriate reporting period~~
 46-47 ~~to the:~~

46-48 ~~[(1) governor;~~

46-49 ~~[(2) lieutenant governor;~~

46-50 ~~[(3) speaker of the house of representatives; and~~

46-51 ~~[(4) members of the legislature.~~

46-52 ~~[(d) A report submitted under this section is public~~
 46-53 ~~information under Chapter 552, Government Code.]~~

46-54 ~~Sec. 244.0105 [61.0766]. REPORT CONCERNING FOSTER CHILDREN~~
 46-55 ~~COMMITTED TO DEPARTMENT [COMMISSION]. (a) Not later than the 10th~~
 46-56 ~~day before the date of a permanency hearing under Subchapter D,~~
 46-57 ~~Chapter 263, Family Code, or a placement review hearing under~~
 46-58 ~~Subchapter F, Chapter 263, Family Code, regarding a child for whom~~
 46-59 ~~the Department of Family and Protective Services has been appointed~~
 46-60 ~~managing conservator, a department [commission] caseworker shall~~
 46-61 ~~submit a written report regarding the child's commitment to the~~
 46-62 ~~department [commission] to:~~

46-63 (1) ~~the court;~~

46-64 (2) ~~the Department of Family and Protective Services;~~

46-65 (3) ~~any attorney ad litem or guardian ad litem~~
 46-66 ~~appointed for the child; and~~

46-67 (4) ~~any volunteer advocate appointed for the child.~~

46-68 (b) ~~The report required by Subsection (a) must include:~~

46-69 (1) ~~the results of any assessments of the child during~~

47-1 the child's commitment to the department [~~commission~~], including
47-2 assessments of the child's emotional, mental, educational,
47-3 psychological, psychiatric, medical, or physical needs;

47-4 (2) information regarding the child's placement in
47-5 particular programs administered by the department [~~commission~~];
47-6 and

47-7 (3) a description of the child's progress in programs
47-8 administered by the department [~~commission~~].

47-9 Sec. 244.0106 [~~61.0767~~]. RULES REGARDING SERVICES FOR
47-10 FOSTER CHILDREN. (a) The board [~~commission~~] and the executive
47-11 commissioner of the Health and Human Services Commission shall
47-12 jointly adopt rules to ensure that a child for whom the Department
47-13 of Family and Protective Services has been appointed managing
47-14 conservator receives appropriate services while the child is
47-15 committed to the department [~~commission~~] or released under
47-16 supervision by the department [~~commission~~].

47-17 (b) The rules adopted under this section must require the
47-18 department [~~commission~~] and the Department of Family and Protective
47-19 Services to cooperate in providing appropriate services to a child
47-20 for whom the Department of Family and Protective Services has been
47-21 appointed managing conservator while the child is committed to the
47-22 department [~~commission~~] or released under supervision by the
47-23 department [~~commission~~], including:

47-24 (1) medical care, as defined by Section 266.001,
47-25 Family Code;

47-26 (2) mental health treatment and counseling;

47-27 (3) education, including special education;

47-28 (4) case management;

47-29 (5) drug and alcohol abuse assessment or treatment;

47-30 (6) sex offender treatment; and

47-31 (7) trauma informed care.

47-32 (c) The rules adopted under this section must require:

47-33 (1) the Department of Family and Protective Services
47-34 to:

47-35 (A) provide the department [~~commission~~] with
47-36 access to relevant health and education information regarding a
47-37 child; and

47-38 (B) require a child's caseworker to visit the
47-39 child in person at least once each month while the child is
47-40 committed to the department [~~commission~~];

47-41 (2) the department [~~commission~~] to:

47-42 (A) provide the Department of Family and
47-43 Protective Services with relevant health and education information
47-44 regarding a child;

47-45 (B) permit communication, including in person,
47-46 by telephone, and by mail, between a child committed to the
47-47 department [~~commission~~] and:

47-48 (i) the Department of Family and Protective
47-49 Services; and

47-50 (ii) the attorney ad litem, the guardian ad
47-51 litem, and the volunteer advocate for the child; and

47-52 (C) provide the Department of Family and
47-53 Protective Services and any attorney ad litem or guardian ad litem
47-54 for the child with timely notice of the following events relating to
47-55 the child:

47-56 (i) a meeting designed to develop or revise
47-57 the individual case plan for the child;

47-58 (ii) in accordance with any participation
47-59 protocols to which the Department of Family and Protective Services
47-60 and the department [~~commission~~] agree, a medical appointment at
47-61 which a person authorized to consent to medical care must
47-62 participate as required by Section 266.004(i), Family Code;

47-63 (iii) an education meeting, including
47-64 admission, review, or dismissal meetings for a child receiving
47-65 special education;

47-66 (iv) a grievance or disciplinary hearing
47-67 for the child;

47-68 (v) a report of abuse or neglect of the
47-69 child; and

48-1 (vi) a significant medical condition of the
48-2 child, as defined by Section 266.005, Family Code; and

48-3 (3) the Department of Family and Protective Services
48-4 and the department [~~commission~~] to participate in transition
48-5 planning for the child through release from detention, release
48-6 under supervision, and discharge.

48-7 Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR
48-8 MENTAL RETARDATION. (a) The department [~~commission~~] shall accept
48-9 a child committed to the department [~~commission~~] who is mentally
48-10 ill or mentally retarded.

48-11 (b) Unless a child is committed to the department
48-12 [~~commission~~] under a determinate sentence under Section
48-13 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department
48-14 [~~commission~~] shall discharge a child who is mentally ill or
48-15 mentally retarded from its custody if:

48-16 (1) the child has completed the minimum length of stay
48-17 for the child's committing offense; and

48-18 (2) the department [~~commission~~] determines that the
48-19 child is unable to progress in the department's [~~commission's~~]
48-20 rehabilitation programs because of the child's mental illness or
48-21 mental retardation.

48-22 (c) If a child who is discharged from the department
48-23 [~~commission~~] under Subsection (b) as a result of mental illness is
48-24 not receiving court-ordered mental health services, the child's
48-25 discharge is effective on the earlier of:

48-26 (1) the date the court enters an order regarding an
48-27 application for mental health services filed under Section
48-28 244.012(b) [~~61.0772(b)~~]; or

48-29 (2) the 30th day after the date the application is
48-30 filed.

48-31 (d) If a child who is discharged from the department
48-32 [~~commission~~] under Subsection (b) as a result of mental illness is
48-33 receiving court-ordered mental health services, the child's
48-34 discharge from the department [~~commission~~] is effective
48-35 immediately. If the child is receiving mental health services
48-36 outside the child's home county, the department [~~commission~~] shall
48-37 notify the mental health authority located in that county of the
48-38 discharge not later than the 30th day after the date that the
48-39 child's discharge is effective.

48-40 (e) If a child who is discharged from the department
48-41 [~~commission~~] under Subsection (b) as a result of mental retardation
48-42 is not receiving mental retardation services, the child's discharge
48-43 is effective on the earlier of:

48-44 (1) the date the court enters an order regarding an
48-45 application for mental retardation services filed under Section
48-46 244.012(b) [~~61.0772(c)~~]; or

48-47 (2) the 30th day after the date that the application is
48-48 filed.

48-49 (f) If a child who is discharged from the department
48-50 [~~commission~~] under Subsection (b) as a result of mental retardation
48-51 is receiving mental retardation services, the child's discharge
48-52 from the department [~~commission~~] is effective immediately.

48-53 (g) If a child who is mentally ill or mentally retarded is
48-54 discharged from the department [~~commission~~] under Subsection (b),
48-55 the child is eligible to receive continuity of care services from
48-56 the Texas Correctional Office on Offenders with Medical or Mental
48-57 Impairments under Chapter 614, Health and Safety Code.

48-58 Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE.
48-59 (a) The department [~~commission~~] shall establish a system that
48-60 identifies children in the department's [~~commission's~~] custody who
48-61 are mentally ill or mentally retarded.

48-62 (b) Before a child who is identified as mentally ill is
48-63 discharged from the department's [~~commission's~~] custody under
48-64 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]
48-65 psychiatrist shall examine the child. The department [~~commission~~]
48-66 shall refer a child requiring outpatient psychiatric treatment to
48-67 the appropriate mental health authority. For a child requiring
48-68 inpatient psychiatric treatment, the department [~~commission~~] shall
48-69 file a sworn application for court-ordered mental health services,

49-1 as provided in Subchapter C, Chapter 574, Health and Safety Code,
49-2 if:

49-3 (1) the child is not receiving court-ordered mental
49-4 health services; and

49-5 (2) the psychiatrist who examined the child determines
49-6 that the child is mentally ill and the child meets at least one of
49-7 the criteria listed in Section 574.034, Health and Safety Code.

49-8 (c) Before a child who is identified as mentally retarded
49-9 under Chapter 593, Health and Safety Code, is discharged from the
49-10 department's [~~commission's~~] custody under Section 244.011(b)
49-11 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for
49-12 mental retardation services if the child is not receiving mental
49-13 retardation services.

49-14 Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN
49-15 SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The
49-16 department [~~commission~~] may petition the juvenile court that
49-17 entered the order of commitment for a child for the initiation of
49-18 mental health commitment proceedings if the child is committed to
49-19 the department [~~commission~~] under a determinate sentence under
49-20 Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

49-21 (b) A petition made by the department [~~commission~~] shall be
49-22 treated as a motion under Section 55.11, Family Code, and the
49-23 juvenile court shall proceed in accordance with Subchapter B,
49-24 Chapter 55, Family Code.

49-25 (c) The department [~~commission~~] shall cooperate with the
49-26 juvenile court in any proceeding under this section.

49-27 (d) The juvenile court shall credit to the term of the
49-28 child's commitment to the department [~~commission~~] any time the
49-29 child is committed to an inpatient mental health facility.

49-30 (e) A child committed to an inpatient mental health facility
49-31 as a result of a petition filed under this section may not be
49-32 released from the facility on a pass or furlough.

49-33 (f) If the term of an order committing a child to an
49-34 inpatient mental health facility is scheduled to expire before the
49-35 end of the child's sentence and another order committing the child
49-36 to an inpatient mental health facility is not scheduled to be
49-37 entered, the inpatient mental health facility shall notify the
49-38 juvenile court that entered the order of commitment committing the
49-39 child to the department [~~commission~~]. The juvenile court may
49-40 transfer the child to the custody of the department [~~commission~~],
49-41 transfer the child to the Texas Department of Criminal Justice, or
49-42 release the child under supervision, as appropriate.

49-43 Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As
49-44 soon as practicable after the department [~~commission~~] makes a
49-45 decision to discharge a child or authorize the child's absence from
49-46 the department's [~~its~~] custody, the department [~~commission~~] shall
49-47 give notice of the department's [~~its~~] decision to the juvenile
49-48 court and the office of the prosecuting attorney of the county in
49-49 which the adjudication that the child engaged in delinquent conduct
49-50 was made.

49-51 Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL
49-52 OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment
49-53 under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,
49-54 becomes 16 years of age but before the child becomes 19 years of
49-55 age, the department [~~commission~~] may refer the child to the
49-56 juvenile court that entered the order of commitment for approval of
49-57 the child's transfer to the Texas Department of Criminal Justice
49-58 for confinement if:

49-59 (1) the child has not completed the sentence; and

49-60 (2) the child's conduct, regardless of whether the
49-61 child was released under supervision under Section 245.051
49-62 [~~61.081~~], indicates that the welfare of the community requires the
49-63 transfer.

49-64 (b) The department [~~commission~~] shall cooperate with the
49-65 court on any proceeding on the transfer of the child.

49-66 (c) If a child is released under supervision, a juvenile
49-67 court adjudication that the child engaged in delinquent conduct
49-68 constituting a felony offense, a criminal court conviction of the
49-69 child for a felony offense, or a determination under Section

50-1 244.005(4) [61.075(4)] revoking the child's release under
 50-2 supervision is required before referral of the child to the
 50-3 juvenile court under Subsection (a).

50-4 Sec. 244.015 [61.0791]. EVALUATION OF CERTAIN CHILDREN
 50-5 SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced
 50-6 to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),
 50-7 Family Code, becomes 18 years of age, the department [commission]
 50-8 shall evaluate whether the child is in need of additional services
 50-9 that can be completed in the six-month period after the child's 18th
 50-10 birthday to prepare the child for release from the custody of the
 50-11 department [commission] or transfer to the Texas Department of
 50-12 Criminal Justice.

50-13 (b) This section does not apply to a child who is released
 50-14 from the custody of the department [commission] or who is
 50-15 transferred to the Texas Department of Criminal Justice before the
 50-16 child's 18th birthday.

50-17 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

50-18 Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,
 50-19 AND OTHERS. (a) In the interest of achieving the purpose of the
 50-20 department and protecting the public, the department may disclose
 50-21 records and other information concerning a child to the child and
 50-22 the child's parent or guardian only if disclosure would not
 50-23 materially harm the treatment and rehabilitation of the child and
 50-24 would not substantially decrease the likelihood of the department
 50-25 receiving information from the same or similar sources in the
 50-26 future. Information concerning a person who is age 18 or older may
 50-27 not be disclosed to the person's parent or guardian without the
 50-28 person's consent.

50-29 (b) The department may disclose information regarding a
 50-30 child's location and committing court to a person having a
 50-31 legitimate need for the information.

50-32 (c) The department may disclose to a peace officer or law
 50-33 enforcement agency images of children recorded by an electronic
 50-34 recording device and incident reporting and investigation
 50-35 documents containing the names of children if the information is
 50-36 relevant to the investigation of a criminal offense alleged to have
 50-37 occurred in a facility operated by or under contract with the
 50-38 department.

50-39 (d) Notwithstanding Subsection (a), if the Department of
 50-40 Family and Protective Services has been appointed managing
 50-41 conservator for a child, the department shall disclose records and
 50-42 other information concerning the child to the Department of Family
 50-43 and Protective Services as provided by the rules of the Department
 50-44 of Family and Protective Services.

50-45 Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in
 50-46 consultation with advocacy and support groups such as those
 50-47 described in Section 242.056(a), shall develop a parent's bill of
 50-48 rights for distribution to the parent or guardian of a child who is
 50-49 under 18 years of age and committed to the department. The parent's
 50-50 bill of rights must include:

50-51 (1) a description of the department's grievance
 50-52 policies and procedures, including contact information for the
 50-53 office of inspector general and the office of the independent
 50-54 ombudsman established under Chapter 261;

50-55 (2) a list of possible incidents that require parental
 50-56 notification;

50-57 (3) policies concerning visits and telephone
 50-58 conversations with a child committed to the department;

50-59 (4) a description of department caseworker
 50-60 responsibilities;

50-61 (5) a statement that the department caseworker
 50-62 assigned to a child may assist the child's parent or guardian in
 50-63 obtaining information and services from the department and other
 50-64 resources concerning:

50-65 (A) counseling, including substance abuse and
 50-66 mental health counseling;

50-67 (B) assistance programs, including financial and
 50-68 travel assistance programs for visiting a child committed to the
 50-69 department;

51-1 (C) workforce preparedness programs;

51-2 (D) parenting programs; and

51-3 (E) department seminars; and

51-4 (6) information concerning the indeterminate
 51-5 sentencing structure at the department, an explanation of reasons
 51-6 that a child's commitment at the department could be extended, and
 51-7 an explanation of the review process under Sections 245.101 and
 51-8 245.104 for a child committed to the department without a
 51-9 determinate sentence.

51-10 (b) Not later than 48 hours after the time a child is
 51-11 admitted to a department facility, the department shall mail to the
 51-12 child's parent or guardian at the last known address of the parent
 51-13 or guardian:

51-14 (1) the parent's bill of rights; and

51-15 (2) the contact information of the department
 51-16 caseworker assigned to the child.

51-17 (c) The department shall on a quarterly basis provide to the
 51-18 parent, guardian, or designated advocate of a child who is in the
 51-19 custody of the department a report concerning the progress of the
 51-20 child at the department, including:

51-21 (1) the academic and behavioral progress of the child;
 51-22 and

51-23 (2) the results of any reexamination of the child
 51-24 conducted under Section 244.002.

51-25 (d) The department shall ensure that written information
 51-26 provided to a parent or guardian regarding the rights of a child in
 51-27 the custody of the department or the rights of a child's parent or
 51-28 guardian, including the parent's bill of rights, is clear and easy
 51-29 to understand.

51-30 (e) The department shall ensure that if the Department of
 51-31 Family and Protective Services has been appointed managing
 51-32 conservator of a child, the Department of Family and Protective
 51-33 Services is given the same rights as the child's parent under the
 51-34 parent's bill of rights developed under this section.

51-35 CHAPTER 245 [SUBCHAPTER F]. RELEASE

51-36 SUBCHAPTER A. GENERAL PROVISIONS

51-37 Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The
 51-38 department may employ parole officers to investigate, place,
 51-39 supervise, and direct the activities of a parolee to ensure the
 51-40 parolee's adjustment to society in accordance with the rules
 51-41 adopted by the board.

51-42 (b) Parole officers may work with local organizations,
 51-43 clubs, and agencies to formulate plans and procedures for the
 51-44 prevention of juvenile delinquency.

51-45 (c) The department shall develop a management system for
 51-46 parole services that objectively measures and provides for:

51-47 (1) the systematic examination of children's needs and
 51-48 the development of treatment plans to address those needs;

51-49 (2) the evaluation of homes, foster homes, and public
 51-50 and private institutions as constructive parole placements;

51-51 (3) the classification of children based on the level
 51-52 of children's needs and the degree of risk presented to the public;

51-53 (4) the objective measurement of parole officer
 51-54 workloads; and

51-55 (5) the gathering and analysis of information related
 51-56 to the effectiveness of parole services and to future parole
 51-57 requirements.

51-58 Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department
 51-59 may make a contract with a county to use the services of the
 51-60 county's juvenile probation department for the supervision of
 51-61 children within the county who are on furlough from a department
 51-62 facility or who are released under supervision from a department
 51-63 facility.

51-64 (b) Payments under a contract described by Subsection (a)
 51-65 shall be made to the county treasurer on a quarterly schedule.

51-66 (c) The department may not pay a county for supervision of a
 51-67 child for any time after the child:

51-68 (1) is discharged from the department's custody;

51-69 (2) is returned to a department facility; or

52-1 (3) transfers the child's residence to another county
 52-2 or state.

52-3 (d) A county that has a contract with the department must
 52-4 report to the department on the status and progress of each child
 52-5 for whom the county is receiving payments. The reports shall be
 52-6 made at the time and in the manner specified by the contract.

52-7 SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

52-8 Sec. 245.051 [61.081]. RELEASE UNDER SUPERVISION.

52-9 (a) The department [commission] may release under supervision any
 52-10 child in the department's [its] custody and place the child in the
 52-11 child's [his or her] home or in any situation or family approved by
 52-12 the department [commission]. Prior to placing a child in the
 52-13 child's [his or her] home, the department [commission] shall
 52-14 evaluate the home setting to determine the level of supervision and
 52-15 quality of care that is available in the home.

52-16 (b) [Subject to legislative appropriation, the commission
 52-17 may employ parole officers to investigate, place, supervise, and
 52-18 direct the activities of a parolee to ensure the parolee's
 52-19 adjustment to society in accordance with the rules adopted by the
 52-20 commission.

52-21 [(c) Parole officers may work with local organizations,
 52-22 clubs, and agencies to formulate plans and procedures for the
 52-23 prevention of juvenile delinquency.

52-24 [(d) The commission may resume the care and custody of any
 52-25 child released under supervision at any time before the final
 52-26 discharge of the child.

52-27 [(e)] Not later than 10 days before the day the department
 52-28 [commission] releases a child under this section, the department
 52-29 [commission] shall give notice of the release to the juvenile court
 52-30 and the office of the prosecuting attorney of the county in which
 52-31 the adjudication that the child engaged in delinquent conduct was
 52-32 made.

52-33 (c) [(f)] If a child is committed to the department
 52-34 [commission] under a determinate sentence under Section
 52-35 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
 52-36 the department [commission] may not release the child under
 52-37 supervision without approval of the juvenile court that entered the
 52-38 order of commitment unless the child has served at least:

52-39 (1) 10 years, if the child was sentenced to commitment
 52-40 for conduct constituting capital murder;

52-41 (2) 3 years, if the child was sentenced to commitment
 52-42 for conduct constituting an aggravated controlled substance felony
 52-43 or a felony of the first degree;

52-44 (3) 2 years, if the child was sentenced to commitment
 52-45 for conduct constituting a felony of the second degree; or

52-46 (4) 1 year, if the child was sentenced to commitment
 52-47 for conduct constituting a felony of the third degree.

52-48 (d) [(g)] The department [commission] may request the
 52-49 approval of the court under this section at any time.

52-50 (e) The department may resume the care and custody of any
 52-51 child released under supervision at any time before the final
 52-52 discharge of the child.

52-53 (f) [(h)] If the department [commission] finds that a child
 52-54 has violated an order under which the child is released under
 52-55 supervision, on notice by any reasonable method to all persons
 52-56 affected, the department [commission] may order the child:

52-57 (1) to return to an institution;

52-58 (2) if the violation resulted in property damage or
 52-59 personal injury:

52-60 (A) to make full or partial restitution to the
 52-61 victim of the offense; or

52-62 (B) if the child is financially unable to make
 52-63 full or partial restitution, to perform services for a charitable
 52-64 or educational institution; or

52-65 (3) to comply with any other conditions the department
 52-66 [commission] considers appropriate.

52-67 (g) [(i)] Notwithstanding Subsection (c) [(f)], if a child
 52-68 is committed to the department [commission] under a determinate
 52-69 sentence under Section 54.04(d)(3), Section 54.04(m), or Section

53-1 54.05(f), Family Code, the department [~~commission~~] may release the
 53-2 child under supervision without approval of the juvenile court that
 53-3 entered the order of commitment if not more than nine months remain
 53-4 before the child's discharge under Section 245.151(b) [~~61.084(b)~~].

53-5 Sec. 245.052 [~~61.0811. PAROLE MANAGEMENT. The commission~~
 53-6 ~~shall develop a management system for parole services that~~
 53-7 ~~objectively measures and provides for:~~

53-8 [~~(1) the systematic examination of children's needs~~
 53-9 ~~and the development of treatment plans to address those needs;~~

53-10 [~~(2) the evaluation of homes, foster homes, and public~~
 53-11 ~~and private institutions as constructive parole placements;~~

53-12 [~~(3) the classification of children based on the level~~
 53-13 ~~of children's needs and the degree of risk presented to the public;~~

53-14 [~~(4) the objective measurement of parole officer~~
 53-15 ~~workloads; and~~

53-16 [~~(5) the gathering and analysis of information related~~
 53-17 ~~to the effectiveness of parole services and to future parole~~
 53-18 ~~requirements.~~

53-19 [~~Sec. 61.0812~~]. SUBSTANCE ABUSE TREATMENT [~~FOR SUBSTANCE~~
 53-20 ~~ABUSE~~]. Subject to an express appropriation to fund the treatment
 53-21 programs required by this section, the department [~~commission~~] may
 53-22 not release a child under supervision or parole a child if:

53-23 (1) the child has a substance abuse problem, including
 53-24 the use of a controlled substance, hazardous inhalable substances,
 53-25 or alcohol habitually; and

53-26 (2) the child has not completed a treatment program
 53-27 for the problem.

53-28 Sec. 245.053 [~~61.0813~~]. SEX OFFENDER COUNSELING AND
 53-29 TREATMENT. (a) Before releasing a child described by Subsection
 53-30 (b) under supervision, the department [~~commission~~]:

53-31 (1) may require as a condition of release that the
 53-32 child:

53-33 (A) attend psychological counseling sessions for
 53-34 sex offenders as provided by Subsection (e); and

53-35 (B) submit to a polygraph examination as provided
 53-36 by Subsection (f) for purposes of evaluating the child's treatment
 53-37 progress; and

53-38 (2) shall require as a condition of release that the
 53-39 child:

53-40 (A) register under Chapter 62, Code of Criminal
 53-41 Procedure; and

53-42 (B) submit a blood sample or other specimen to
 53-43 the Department of Public Safety under Subchapter G, Chapter 411,
 53-44 Government Code, for the purpose of creating a DNA record of the
 53-45 child, unless the child has already submitted the required specimen
 53-46 under other state law.

53-47 (b) This section applies to a child adjudicated for engaging
 53-48 in delinquent conduct constituting an offense for which the child
 53-49 is required to register as a sex offender under Chapter 62, Code of
 53-50 Criminal Procedure.

53-51 (c) Psychological counseling required as a condition of
 53-52 release under Subsection (a) must be with an individual or
 53-53 organization that:

53-54 (1) provides sex offender treatment or counseling;

53-55 (2) is specified by the department [~~commission~~]; and

53-56 (3) meets minimum standards of counseling established
 53-57 by the department [~~commission~~].

53-58 (d) A polygraph examination required as a condition of
 53-59 release under Subsection (a) must be administered by an individual
 53-60 who is:

53-61 (1) specified by the department [~~commission~~]; and

53-62 (2) licensed as a polygraph examiner under Chapter
 53-63 1703, Occupations Code.

53-64 (e) In addition to specifying a sex offender treatment
 53-65 provider to provide counseling to a child described by Subsection
 53-66 (b), the department [~~commission~~] shall:

53-67 (1) establish with the cooperation of the treatment
 53-68 provider the date, time, and place of the first counseling session
 53-69 between the child and the treatment provider;

54-1 (2) notify the child and the treatment provider before
 54-2 the release of the child of the date, time, and place of the first
 54-3 counseling session between the child and the treatment provider;
 54-4 and

54-5 (3) require the treatment provider to notify the
 54-6 department [~~commission~~] immediately if the child fails to attend
 54-7 any scheduled counseling session.

54-8 (f) If the department [~~commission~~] specifies a polygraph
 54-9 examiner under Subsection (d) to administer a polygraph examination
 54-10 to a child, the department [~~commission~~] shall arrange for a
 54-11 polygraph examination to be administered to the child:

54-12 (1) not later than the 60th day after the date the
 54-13 child attends the first counseling session established under
 54-14 Subsection (e); and

54-15 (2) after the initial polygraph examination, as
 54-16 required by Subdivision (1), on the request of the treatment
 54-17 provider specified under Subsection (c).

54-18 (g) If the department [~~commission~~] requires as a condition
 54-19 of release that a child attend psychological counseling under
 54-20 Subsection (a), the department [~~commission~~] shall notify the court
 54-21 that committed the child to the department [~~commission~~]. After
 54-22 receiving notification from the department [~~commission~~] under this
 54-23 subsection, the court may order the parent or guardian of the child
 54-24 to:

54-25 (1) attend four sessions of instruction with an
 54-26 individual or organization specified by the department
 54-27 [~~commission~~] relating to:

- 54-28 (A) sexual offenses;
- 54-29 (B) family communication skills;
- 54-30 (C) sex offender treatment;
- 54-31 (D) victims' rights;
- 54-32 (E) parental supervision; and
- 54-33 (F) appropriate sexual behavior; and

54-34 (2) during the time the child attends psychological
 54-35 counseling, participate in monthly treatment groups conducted by
 54-36 the child's treatment provider relating to the child's
 54-37 psychological counseling.

54-38 (h) A court that orders a parent or guardian of a child to
 54-39 attend instructional sessions and participate in treatment groups
 54-40 under Subsection (g) shall require:

54-41 (1) the individual or organization specified by the
 54-42 department [~~commission~~] under Subsection (g) to notify the court
 54-43 immediately if the parent or guardian fails to attend any scheduled
 54-44 instructional session; and

54-45 (2) the child's treatment provider specified under
 54-46 Subsection (c) to notify the court immediately if the parent or
 54-47 guardian fails to attend a session in which the parent or guardian
 54-48 is required to participate in a scheduled treatment group.

54-49 (i) If the department [~~commission~~] requires as a condition
 54-50 of release that a child attend psychological counseling under
 54-51 Subsection (a), the department [~~commission~~] may, before the date
 54-52 the period of release ends, petition the appropriate court to
 54-53 request the court to extend the period of release for an additional
 54-54 period necessary to complete the required counseling as determined
 54-55 by the treatment provider, except that the release period may not be
 54-56 extended to a date after the date of the child's 18th birthday.

54-57 Sec. 245.0535 [61.08131]. COMPREHENSIVE REENTRY AND
 54-58 REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The
 54-59 department [~~commission~~] shall develop a comprehensive plan for each
 54-60 child committed to the custody of the department to reduce
 54-61 recidivism and ensure the successful reentry and reintegration of
 54-62 the child [children] into the community following the [a] child's
 54-63 release under supervision or final discharge, as applicable, from
 54-64 the department [commission]. The plan for a child must be designed
 54-65 to ensure that the child receives an extensive continuity of care in
 54-66 services from the time the child is committed to the department to
 54-67 the time of the child's final discharge from the department. The
 54-68 plan for a child must include, as applicable:

54-69 (1) housing assistance;

- 55-1 (2) a step-down program, such as placement in a
55-2 halfway house;
55-3 (3) family counseling;
55-4 (4) academic and vocational mentoring;
55-5 (5) trauma counseling for a child who is a victim of
55-6 abuse while in the custody of the department; and
55-7 (6) other specialized treatment services appropriate
55-8 for the child.
- 55-9 (b) The comprehensive reentry and reintegration plan
55-10 developed under this section must provide for:
- 55-11 (1) an assessment of each child committed to the
55-12 department [commission] to determine which skills the child needs
55-13 to develop to be successful in the community following release
55-14 under supervision or final discharge;
- 55-15 (2) programs that address the assessed needs of each
55-16 child;
- 55-17 (3) a comprehensive network of transition programs to
55-18 address the needs of children released under supervision or finally
55-19 discharged from the department [commission];
- 55-20 (4) the identification of providers of existing local
55-21 programs and transitional services with whom the department
55-22 [commission] may contract under this section to implement the
55-23 reentry and reintegration plan; and
- 55-24 (5) subject to Subsection (c), the sharing of
55-25 information between local coordinators, persons with whom the
55-26 department [commission] contracts under this section, and other
55-27 providers of services as necessary to adequately assess and address
55-28 the needs of each child.
- 55-29 (c) A child's personal health information may be disclosed
55-30 under Subsection (b)(5) only in the manner authorized by Section
55-31 244.051 [61.0731] or other state or federal law, provided that the
55-32 disclosure does not violate the Health Insurance Portability and
55-33 Accountability Act of 1996 (Pub. L. No. 104-191).
- 55-34 (d) The programs provided under Subsections (b)(2) and (3)
55-35 must:
- 55-36 (1) be implemented by highly skilled staff who are
55-37 experienced in working with reentry and reintegration programs for
55-38 children;
- 55-39 (2) provide children with:
- 55-40 (A) individualized case management and a full
55-41 continuum of care;
- 55-42 (B) life-skills training, including information
55-43 about budgeting, money management, nutrition, and exercise;
- 55-44 (C) education and, if a child has a learning
55-45 disability, special education;
- 55-46 (D) employment training;
- 55-47 (E) appropriate treatment programs, including
55-48 substance abuse and mental health treatment programs; and
- 55-49 (F) parenting and relationship-building classes;
- 55-50 and
- 55-51 (3) be designed to build for children post-release and
55-52 post-discharge support from the community into which the child is
55-53 released under supervision or finally discharged, including
55-54 support from agencies and organizations within that community.
- 55-55 (e) The department [commission] may contract and coordinate
55-56 with private vendors, units of local government, or other entities
55-57 to implement the comprehensive reentry and reintegration plan
55-58 developed under this section, including contracting to:
- 55-59 (1) coordinate the supervision and services provided
55-60 to children during the time children are in the custody of the
55-61 department [commission] with any supervision or services provided
55-62 children who have been released under supervision or finally
55-63 discharged from the department [commission];
- 55-64 (2) provide children awaiting release under
55-65 supervision or final discharge with documents that are necessary
55-66 after release or discharge, including identification papers,
55-67 medical prescriptions, job training certificates, and referrals to
55-68 services; and
- 55-69 (3) provide housing and structured programs,

56-1 including programs for recovering substance abusers, through which
56-2 children are provided services immediately following release under
56-3 supervision or final discharge.

56-4 (f) To ensure accountability, any contract entered into
56-5 under this section must contain specific performance measures that
56-6 the department [~~commission~~] shall use to evaluate compliance with
56-7 the terms of the contract.

56-8 [~~(g) The commission shall ensure that each reentry and~~
56-9 ~~reintegration plan developed for a child under Section 61.0814 is~~
56-10 ~~coordinated with the comprehensive reentry and reintegration plan~~
56-11 ~~developed under this section.]~~

56-12 (h) The department [~~commission~~] shall conduct and
56-13 coordinate research to determine whether the comprehensive reentry
56-14 and reintegration plan developed under this section reduces
56-15 recidivism rates.

56-16 (i) Not later than December 1 of each even-numbered year,
56-17 the department [~~commission~~] shall deliver a report of the results
56-18 of research conducted or coordinated under Subsection (h) to the
56-19 lieutenant governor, the speaker of the house of representatives,
56-20 and the standing committees of each house of the legislature with
56-21 primary jurisdiction over juvenile justice and corrections.

56-22 (j) If a program or service in the child's comprehensive
56-23 reentry and reintegration plan is not available at the time the
56-24 child is to be released, the department shall find a suitable
56-25 alternative program or service so that the child's release is not
56-26 postponed.

56-27 (k) The department shall:

56-28 (1) clearly explain the comprehensive reentry and
56-29 reintegration plan and any conditions of supervision to a child who
56-30 will be released on supervision; and

56-31 (2) require each child committed to the department
56-32 that is to be released on supervision to acknowledge and sign a
56-33 document containing any conditions of supervision.

56-34 Sec. 245.054 [61.0814]. INFORMATION PROVIDED TO COURT
56-35 BEFORE RELEASE. (a) In addition to providing the court with
56-36 notice of release of a child under Section 245.051(b) [~~61.081(e)~~],
56-37 as soon as possible but not later than the 30th day before the date
56-38 the department [~~commission~~] releases the child, the department
56-39 [~~commission~~] shall provide the court that committed the child to
56-40 the department [~~commission~~]:

56-41 (1) a copy of the child's reentry and reintegration
56-42 plan developed under Section 245.0535 [~~61.0814~~]; and

56-43 (2) a report concerning the progress the child has
56-44 made while committed to the department [~~commission~~].

56-45 (b) If, on release, the department [~~commission~~] places a
56-46 child in a county other than the county served by the court that
56-47 committed the child to the department [~~commission~~], the department
56-48 [~~commission~~] shall provide the information described by Subsection
56-49 (a) to both the committing court and the juvenile court in the
56-50 county where the child is placed after release.

56-51 (c) If, on release, a child's residence is located in
56-52 another state, the department [~~commission~~] shall provide the
56-53 information described by Subsection (a) to both the committing
56-54 court and a juvenile court of the other state that has jurisdiction
56-55 over the area in which the child's residence is located.

56-56 SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

56-57 Sec. 245.101 [61.0814. REENTRY AND REINTEGRATION PLAN.

56-58 (a) ~~The commission shall develop a reentry and reintegration plan~~
56-59 ~~for each child committed to the custody of the commission. The plan~~
56-60 ~~for a child must be designed to ensure that the child receives an~~
56-61 ~~extensive continuity of care in services from the time the child is~~
56-62 ~~committed to the commission to the time of the child's final~~
56-63 ~~discharge from the commission. The plan for a child must include,~~
56-64 ~~as applicable:~~

56-65 (1) ~~housing assistance,~~

56-66 (2) ~~a step-down program, such as placement in a~~
56-67 ~~halfway house,~~

56-68 (3) ~~family counseling,~~

56-69 (4) ~~academic and vocational mentoring,~~

57-1 ~~[(5) trauma counseling for a child who is a victim of~~
 57-2 ~~abuse while in the custody of the commission; and~~

57-3 ~~[(6) other specialized treatment services appropriate~~
 57-4 ~~for the child.~~

57-5 ~~[(b) If a program or service in the child's reentry and~~
 57-6 ~~reintegration plan is not available at the time the child is to be~~
 57-7 ~~released, the commission shall find a suitable alternative program~~
 57-8 ~~or service so that the child's release is not postponed.~~

57-9 ~~[Sec. 61.0815]. COMPLETION OF MINIMUM LENGTH OF STAY;~~
 57-10 PANEL. (a) After a child who is committed to the department
 57-11 [commission] without a determinate sentence completes the minimum
 57-12 length of stay established by the department [commission] for the
 57-13 child under Section 243.002 ~~[61.062]~~, the department [commission]
 57-14 shall, in the manner provided by this section and Section 245.102:

57-15 (1) discharge the child from the custody of the
 57-16 department [commission];

57-17 (2) release the child under supervision under Section
 57-18 245.051 [61.081]; or

57-19 (3) extend the length of the child's stay in the
 57-20 custody of the department [commission].

57-21 (b) The board [commission] by rule shall establish a panel
 57-22 whose function is to review and determine whether a child who has
 57-23 completed the child's minimum length of stay should be discharged
 57-24 from the custody of the department [commission] as provided by
 57-25 Subsection (a)(1), be released under supervision under Section
 57-26 245.051 [61.081] as provided by Subsection (a)(2), or remain in the
 57-27 custody of the department [commission] for an additional period of
 57-28 time as provided by Subsection (a)(3).

57-29 (c) The executive director [commissioner] shall determine
 57-30 the size of the panel described by Subsection (b) and the length of
 57-31 the members' terms of service on the panel. The panel must consist
 57-32 of an odd number of members and the terms of the panel's members
 57-33 must last for at least two years. The executive director
 57-34 [commissioner] shall adopt policies that ensure the transparency,
 57-35 consistency, and objectivity of the panel's composition,
 57-36 procedures, and decisions. The executive director [commissioner]
 57-37 shall appoint persons to serve as members of the panel. A person
 57-38 appointed to the panel must be a department [commission] employee
 57-39 who works at the department's [commission's] central office. A
 57-40 member of the panel may not be involved in any supervisory decisions
 57-41 concerning children in the custody of the department [commission].

57-42 Sec. 245.102. EXTENSION ORDER. (a) ~~A [(d) The]~~ panel may
 57-43 extend the length of the child's stay as provided by Section
 57-44 245.101(a)(3) [Subsection (a)(3)] only if the panel determines by
 57-45 majority vote and on the basis of clear and convincing evidence
 57-46 that:

57-47 (1) the child is in need of additional rehabilitation
 57-48 from the department; [commission] and

57-49 (2) ~~that~~ the department [commission] will provide
 57-50 the most suitable environment for that rehabilitation.

57-51 (b) In extending the length of a child's stay, the panel
 57-52 must specify the additional period of time that the child is to
 57-53 remain in the custody of the department [commission] and must
 57-54 conduct an additional review and determination as provided by
 57-55 Section 245.101 [this section] on the child's completion of the
 57-56 additional term of stay.

57-57 (c) If the panel determines that the child's length of stay
 57-58 should not be extended, the department [commission] must discharge
 57-59 the child from the custody of the department [commission] as
 57-60 provided by Section 245.101(a)(1) [Subsection (a)(1)] or release
 57-61 the child under supervision under Section 245.051 ~~[61.081]~~ as
 57-62 provided by Section 245.101(a)(2) [Subsection (a)(2)].

57-63 Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION
 57-64 ORDERS. (a) ~~(e)~~ The department [commission] shall maintain
 57-65 statistics of the number of extensions granted by a ~~the~~ panel
 57-66 under Section 245.102. The statistics must include aggregated
 57-67 information concerning:

57-68 (1) the race, age, sex, specialized treatment needs,
 57-69 and county of origin for each child for whom an extension order is

58-1 requested;

58-2 (2) the facility in which the child is confined; and

58-3 (3) if applicable, any allegations concerning the
58-4 abuse, mistreatment, or neglect of the child, aggregated by the
58-5 type of misconduct to which the child was subjected.

58-6 (b) ~~[(f)]~~ To the extent authorized under law, the
58-7 statistics maintained under Subsection (a) ~~[(e)]~~ are public
58-8 information under Chapter 552, Government Code, and the department
58-9 ~~[commission]~~ shall post the statistics on the department's
58-10 ~~[commission's]~~ Internet website.

58-11 (c) The department ~~[commission]~~ shall prepare and deliver
58-12 to the standing committees of the senate and house of
58-13 representatives with primary jurisdiction over matters concerning
58-14 correctional facilities a report concerning the statistics
58-15 maintained under Subsection (a) ~~[(e)]~~.

58-16 (d) ~~[(g)]~~ The department ~~[commission]~~ shall provide a
58-17 report to the parent, guardian, or designated advocate of a child
58-18 whose length of stay is extended under Section 245.102 ~~[this~~
58-19 ~~section]~~ explaining the panel's reason for the extension.

58-20 Sec. 245.104 ~~[61.0816]~~. REQUEST FOR RECONSIDERATION OF
58-21 EXTENSION ORDER. (a) The board ~~[commission]~~ by rule shall
58-22 establish a process to request the reconsideration of an extension
58-23 order issued by a ~~[the]~~ panel ~~[established]~~ under Section 245.102
58-24 ~~[61.0815]~~.

58-25 (b) The process to request reconsideration must provide
58-26 that:

58-27 (1) a child, a parent, guardian, or designated
58-28 advocate of a child, an employee of the department ~~[commission]~~, or
58-29 a person who provides volunteer services at a department
58-30 ~~[commission]~~ facility may submit a request for reconsideration of
58-31 an extension order;

58-32 (2) the person submitting the request for
58-33 reconsideration of an extension order must state in the request the
58-34 reason for the request;

58-35 (3) after receiving a request for reconsideration of
58-36 an extension order, the panel shall reconsider an extension order
58-37 that:

58-38 (A) extends the child's stay in the custody of
58-39 the department ~~[commission]~~ by six months or more; or

58-40 (B) combined with previous extension orders will
58-41 result in an extension of the child's stay in the custody of the
58-42 department ~~[commission]~~ by six months or more;

58-43 (4) the panel's reconsideration of an extension order
58-44 includes consideration of the information submitted in the request;
58-45 and

58-46 (5) the panel shall send a written reply to the child,
58-47 the parent, guardian, or designated advocate of the child, and the
58-48 person who made the request for reconsideration of an extension
58-49 order that includes an explanation of the panel's decision after
58-50 reconsidering the extension order, including an indication that the
58-51 panel has considered the information submitted in the request.

58-52 (c) The department ~~[commission]~~ shall create a form for a
58-53 request for reconsideration of an extension order that is clear and
58-54 easy to understand. The department ~~[commission]~~ shall ensure that
58-55 a child may request assistance in completing a request for
58-56 reconsideration of an extension order.

58-57 Sec. 245.105. STATISTICS AND REPORTS CONCERNING
58-58 RECONSIDERATIONS OF EXTENSION ORDERS. (a) ~~[(d)]~~ The department
58-59 ~~[commission]~~ shall maintain statistics of the number of requests
58-60 for reconsideration of an extension order that are submitted under
58-61 Section 245.104 and the action taken on reconsideration of the
58-62 extension order. The statistics must include aggregated
58-63 information concerning:

58-64 (1) the race, age, sex, specialized treatment needs,
58-65 and county of origin for each child for whom a request for
58-66 reconsideration of an extension order is submitted;

58-67 (2) whether a request for reconsideration of an
58-68 extension order results in:

58-69 (A) a discharge or release under supervision; or

59-1 (B) the original extension order being upheld;
 59-2 (3) the facility in which the child is confined; and
 59-3 (4) if applicable, any allegations concerning the
 59-4 abuse, mistreatment, or neglect of the child, aggregated by the
 59-5 type of misconduct to which the child was subjected.

59-6 (b) ~~[(e)]~~ To the extent authorized under law, the
 59-7 statistics maintained under Subsection (a) ~~[(d)]~~ are public
 59-8 information under Chapter 552, Government Code, and the department
 59-9 ~~[commission]~~ shall post the statistics on the department's
 59-10 ~~[commission's]~~ Internet website.

59-11 (c) The department ~~[commission]~~ shall prepare and deliver
 59-12 to the standing committees of the senate and house of
 59-13 representatives with primary jurisdiction over matters concerning
 59-14 correctional facilities a report concerning the statistics
 59-15 maintained under Subsection (a) ~~[(d)]~~.

59-16 Sec. 245.106 ~~[61.082]~~. TRANSPORTATION, CLOTHING, MONEY.
 59-17 The department ~~[commission]~~ shall ensure that each child it
 59-18 releases under supervision has:

59-19 (1) suitable clothing;
 59-20 (2) ~~[7]~~ transportation to his or her home or to the
 59-21 county in which a suitable home or employment has been found; ~~[7]~~
 59-22 and

59-23 (3) money in an amount authorized by the rules of the
 59-24 department ~~[commission]~~.

59-25 SUBCHAPTER D. TERMINATION OF CONTROL

59-26 Sec. 245.151 ~~[61.083. CONTRACTS WITH COUNTIES.]~~ ~~(a) The~~
 59-27 ~~commission may make a contract with a county to use the services of~~
 59-28 ~~the county's juvenile probation department for the supervision of~~
 59-29 ~~children within the county who are on furlough from a commission~~
 59-30 ~~facility or who are released under supervision from a commission~~
 59-31 ~~facility.~~

59-32 ~~[(b) The payments shall be made to the county treasurer on a~~
 59-33 ~~quarterly schedule.~~

59-34 ~~[(c) The commission may not pay a county for supervision of~~
 59-35 ~~a child for any time after the child:~~

59-36 ~~[(1) is discharged from the commission's custody;~~
 59-37 ~~[(2) is returned to a commission facility; or~~
 59-38 ~~[(3) transfers his or her residence to another county~~
 59-39 ~~or state.~~

59-40 ~~[(d) A county that has a contract with the commission must~~
 59-41 ~~report to the commission on the status and progress of each child~~
 59-42 ~~for whom the county is receiving payments. The reports shall be~~
 59-43 ~~made at the time and in the manner specified by the contract.~~

59-44 ~~[Sec. 61.084].~~ TERMINATION OF CONTROL. (a) Except as
 59-45 provided by Subsections (b) and (c), if a person is committed to the
 59-46 department ~~[commission]~~ under a determinate sentence under Section
 59-47 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,
 59-48 the department ~~[commission]~~ may not discharge the person from its
 59-49 custody.

59-50 (b) The department ~~[commission]~~ shall discharge without a
 59-51 court hearing a person committed to the department ~~[it]~~ for a
 59-52 determinate sentence under Section 54.04(d)(3), Section 54.04(m),
 59-53 or Section 54.05(f), Family Code, who has not been transferred to
 59-54 the Texas Department of Criminal Justice under a court order on the
 59-55 date that the time spent by the person in detention in connection
 59-56 with the committing case plus the time spent at the department
 59-57 ~~[Texas Youth Commission]~~ under the order of commitment equals the
 59-58 period of the sentence.

59-59 (c) The department ~~[commission]~~ shall transfer to the Texas
 59-60 Department of Criminal Justice a person who is the subject of an
 59-61 order under Section 54.11(i)(2), Family Code, transferring the
 59-62 person to the custody of the Texas Department of Criminal Justice
 59-63 for the completion of the person's sentence.

59-64 (d) ~~[(e)]~~ Except as provided by Subsection (e) ~~[(g)]~~, the
 59-65 department ~~[commission]~~ shall discharge from its custody a person
 59-66 not already discharged on the person's 19th birthday.

59-67 (e) ~~[(g)]~~ The department ~~[commission]~~ shall transfer a
 59-68 person who has been sentenced under a determinate sentence to
 59-69 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),

60-1 Family Code, or who has been returned to the department
 60-2 [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody
 60-3 of the Texas Department of Criminal Justice on the person's 19th
 60-4 birthday, if the person has not already been discharged or
 60-5 transferred, to serve the remainder of the person's sentence on
 60-6 parole as provided by Section 508.156, Government Code.

60-7 Sec. 245.152 [~~61.084~~]. DETERMINATE SENTENCE PAROLE.

60-8 (a) Not later than the 90th day before the date the department
 60-9 [~~commission~~] transfers a person to the custody of the Texas
 60-10 Department of Criminal Justice for release on parole under Section
 60-11 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department
 60-12 [~~commission~~] shall submit to the Texas Department of Criminal
 60-13 Justice [~~department~~] all pertinent information relating to the
 60-14 person, including:

60-15 (1) the juvenile court judgment;
 60-16 (2) the circumstances of the person's offense;
 60-17 (3) the person's previous social history and juvenile
 60-18 court records;

60-19 (4) the person's physical and mental health record;
 60-20 (5) a record of the person's conduct, employment
 60-21 history, and attitude while committed to the department
 60-22 [~~commission~~];

60-23 (6) a record of the sentence time served by the person
 60-24 at the department [~~commission~~] and in a juvenile detention facility
 60-25 in connection with the conduct for which the person was
 60-26 adjudicated; and

60-27 (7) any written comments or information provided by
 60-28 the department [~~commission~~], local officials, family members of the
 60-29 person, victims of the offense, or the general public.

60-30 (b) The department [~~commission~~] shall provide instruction
 60-31 for parole officers of the Texas Department of Criminal Justice
 60-32 relating to juvenile programs at the department [~~commission~~]. The
 60-33 department [~~commission~~] and the Texas Department of Criminal
 60-34 Justice [~~department~~] shall enter into a memorandum of understanding
 60-35 relating to the administration of this subsection.

60-36 (c) The Texas Department of Criminal Justice shall grant
 60-37 credit for sentence time served by a person at the department
 60-38 [~~commission~~] and in a juvenile detention facility, as recorded by
 60-39 the department [~~commission~~] under Subsection (a)(6), in computing
 60-40 the person's eligibility for parole and discharge from the Texas
 60-41 Department of Criminal Justice [~~department~~].

60-42 SECTION 1.008. Subchapters H and I, Chapter 61, Human
 60-43 Resources Code, are transferred to Subtitle C, Title 12, Human
 60-44 Resources Code, as added by this Act, redesignated as Chapter 246,
 60-45 and amended to read as follows:

60-46 CHAPTER 246. MISCELLANEOUS PROGRAMS

60-47 SUBCHAPTER A [~~H~~]. YOUTH BOOT CAMP PROGRAMS

60-48 Sec. 246.001 [~~61.101~~]. YOUTH BOOT CAMP PROGRAMS. (a) The
 60-49 department [~~commission~~] may establish a youth boot camp program and
 60-50 may employ necessary personnel to operate the youth boot camps.

60-51 (b) The department [~~commission, in consultation with the~~
 60-52 ~~Texas Juvenile Probation Commission,~~] shall develop guidelines for
 60-53 a program of physical and correctional training and military-style
 60-54 discipline for children placed in youth boot camps operated by
 60-55 local probation departments for violating the conditions of release
 60-56 under supervision or parole under Chapter 245 [~~Section 61.081~~].

60-57 (c) The department [~~commission~~] shall develop a program of
 60-58 physical and correctional training and military-style discipline
 60-59 for children committed to the department [~~commission~~] who are
 60-60 placed in youth boot camps or other department [~~commission~~]
 60-61 facilities.

60-62 (d) The board [~~commission~~] shall adopt rules of conduct for
 60-63 children participating in the program under this section.

60-64 SUBCHAPTER B [~~I~~]. INDUSTRIES PROGRAM

60-65 Sec. 246.051 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The
 60-66 purposes of the department [~~commission~~] industries program are:

60-67 (1) to provide adequate employment and vocational
 60-68 training for children; and

60-69 (2) to develop and expand public and private

61-1 department [~~commission~~] industries.

61-2 Sec. 246.052 [~~61.122~~]. ADVISORY COMMITTEE. (a) A
61-3 department [~~commission~~] industries advisory committee is created
61-4 consisting of nine members appointed by the board [~~commission~~].

61-5 (b) Members serve staggered three-year terms, with the
61-6 terms of three members expiring February 1 of each odd-numbered
61-7 year.

61-8 (c) In making appointments under this section, the board
61-9 [~~commission~~] shall endeavor to include representatives of
61-10 industries appropriate for hiring children committed to the
61-11 department [~~commission~~].

61-12 Sec. 246.053 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The
61-13 department [~~commission~~] shall apportion wages earned by a child
61-14 working under the industries program in amounts determined at the
61-15 discretion of the department [~~commission~~], in the following
61-16 priority:

61-17 (1) a person to whom the child has been ordered by a
61-18 court or to whom the child has agreed to pay restitution;

61-19 (2) a person to whom the child has been ordered by a
61-20 court to pay child support;

61-21 (3) the compensation to victims of crime fund or the
61-22 compensation to victims of crime auxiliary fund; and

61-23 (4) the child's student account.

61-24 Sec. 246.054 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas
61-25 Juvenile Justice Department [~~Youth Commission~~] industries program
61-26 fund is created in the state treasury.

61-27 (b) Proceeds from the operation of the industries program
61-28 shall be deposited in the fund.

61-29 (c) Money from the fund may be appropriated only for use by
61-30 the department [~~commission~~] for the administration of this
61-31 subchapter.

61-32 [~~(d) Sections 403.094 and 403.095, Government Code, do not~~
61-33 ~~apply to the fund.~~]

61-34 Sec. 246.055 [~~61.125~~]. CONTRACTS. To encourage the
61-35 development and expansion of the industries program, the department
61-36 [~~commission~~] may enter into necessary contracts related to the
61-37 program.

61-38 Sec. 246.056 [~~61.126~~]. DONATIONS. The industries program
61-39 may be financed through contributions donated for this purpose by
61-40 private businesses contracting with the department [~~commission~~].

61-41 Sec. 246.057 [~~61.127~~]. GRANTS. (a) The department
61-42 [~~commission~~] may accept a grant for the vocational rehabilitation
61-43 of children.

61-44 (b) The department [~~commission~~] shall maintain a record of
61-45 the receipt and disbursement of a grant and shall annually report to
61-46 the lieutenant governor and the speaker of the house of
61-47 representatives on the administration of grant funds.

61-48 Sec. 246.058 [~~61.128~~]. LEASE OF LAND. (a) The department
61-49 [~~commission~~] may lease land owned by the department [~~commission~~] to
61-50 a private business to expand and develop the industries program.

61-51 (b) The term of the lease may not exceed 20 years.

61-52 (c) The business must lease the land at fair market value.

61-53 (d) The business may construct a new facility on the land or
61-54 convert an existing facility.

61-55 Sec. 246.059 [~~61.129~~]. ~~CERTIFICATION FOR FRANCHISE CREDIT.~~
61-56 ~~The commission shall prepare and issue a certification that a~~
61-57 ~~corporation requires for the franchise tax credit for wages paid as~~
61-58 ~~provided by Subchapter M, Chapter 171, Tax Code.~~

61-59 [~~Sec. 61.130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A
61-60 business contracting with the department [~~commission~~] may enter
61-61 into an ad valorem tax abatement agreement under Subchapters B and
61-62 C, Chapter 312, Tax Code, with the governing body of the
61-63 municipality and county in which the business is located.

61-64 (b) If an area in which businesses contracting with the
61-65 department [~~commission~~] under this subchapter is designated as a
61-66 reinvestment zone under Chapter 312, Tax Code, the area satisfies
61-67 Section 312.202(a)(6), Tax Code, in that the area would be
61-68 reasonably likely as a result of the designation to contribute to
61-69 the retention or expansion of primary employment or to attract

62-1 major investment in the zone that would be a benefit to the property
 62-2 and that would contribute to the economic development of the entity
 62-3 designating the area as a reinvestment zone.

62-4 SECTION 1.009. Title 12, Human Resources Code, as added by
 62-5 this Act, is amended by adding Subtitle D with a heading to read as
 62-6 follows:

62-7 SUBTITLE D. INDEPENDENT OMBUDSMAN

62-8 SECTION 1.010. Chapter 64, Human Resources Code, is
 62-9 transferred to Subtitle D, Title 12, Human Resources Code, as added
 62-10 by this Act, redesignated as Chapter 261, and amended to read as
 62-11 follows:

62-12 CHAPTER 261 [~~64~~]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN
 62-13 [~~OF THE TEXAS YOUTH COMMISSION~~]

62-14 SUBCHAPTER A. GENERAL PROVISIONS

62-15 Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

62-16 (1) [~~"Commission" means the Texas Youth Commission.~~

62-17 [~~(2)~~] "Independent ombudsman" means the individual
 62-18 who has been appointed under this chapter to the office of
 62-19 independent ombudsman.

62-20 (2) [~~(3)~~] "Office" means the office of independent
 62-21 ombudsman created under this chapter.

62-22 Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office
 62-23 of independent ombudsman is [~~a state agency~~] established at the
 62-24 department for the purpose of investigating, evaluating, and
 62-25 securing the rights of the children committed to the department
 62-26 [~~commission~~], including a child released under supervision before
 62-27 final discharge.

62-28 Sec. 261.003 [~~64.003~~]. INDEPENDENCE. [~~(a)~~] The
 62-29 independent ombudsman in the performance of its duties and powers
 62-30 under this chapter acts independently of the department
 62-31 [~~commission~~].

62-32 [~~(b) Funding for the independent ombudsman is appropriated~~
 62-33 ~~separately from funding for the commission.~~]

62-34 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

62-35 Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT
 62-36 OMBUDSMAN. (a) The board [~~governor~~] shall appoint the independent
 62-37 ombudsman [~~with the advice and consent of the senate~~] for a term of
 62-38 two years, expiring February 1 of odd-numbered years.

62-39 (b) A person appointed as independent ombudsman is eligible
 62-40 for reappointment but may not serve more than three terms in that
 62-41 capacity.

62-42 Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent
 62-43 ombudsman may hire assistants to perform, under the direction of
 62-44 the independent ombudsman, the same duties and exercise the same
 62-45 powers as the independent ombudsman.

62-46 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person
 62-47 may not serve as independent ombudsman or as an assistant to the
 62-48 independent ombudsman if the person or the person's spouse:

62-49 (1) is employed by or participates in the management
 62-50 of a business entity or other organization receiving funds from the
 62-51 department [~~commission~~];

62-52 (2) owns or controls, directly or indirectly, any
 62-53 interest in a business entity or other organization receiving funds
 62-54 from the department [~~commission~~]; or

62-55 (3) uses or receives any amount of tangible goods,
 62-56 services, or funds from the department [~~commission~~].

62-57 (b) A person may not serve as independent ombudsman or as an
 62-58 assistant to the independent ombudsman if the person or the
 62-59 person's spouse is required to register as a lobbyist under Chapter
 62-60 305, Government Code, because of the person's activities for
 62-61 compensation on behalf of a profession related to the operation of
 62-62 the department [~~commission~~].

62-63 (c) A person may not serve as independent ombudsman or as an
 62-64 assistant to the independent ombudsman if the person or the
 62-65 person's spouse is an officer, employee, manager, or paid
 62-66 consultant of a Texas trade association in the field of criminal or
 62-67 juvenile justice.

62-68 (d) For the purposes of this section, a Texas trade
 62-69 association is a nonprofit, cooperative, and voluntarily joined

63-1 association of business or professional competitors in this state
 63-2 designed to assist its members and its industry or profession in
 63-3 dealing with mutual business or professional problems and in
 63-4 promoting their common interest.

63-5 ~~[Sec. 64.054. SUNSET PROVISION. (a) The office is subject~~
 63-6 ~~to review under Chapter 325, Government Code (Texas Sunset Act),~~
 63-7 ~~but is not abolished under that chapter. The office shall be~~
 63-8 ~~reviewed during the periods in which the Texas Youth Commission is~~
 63-9 ~~reviewed.~~

63-10 ~~[(b) Notwithstanding Subsection (a), the Sunset Advisory~~
 63-11 ~~Commission shall focus its review of the office on compliance with~~
 63-12 ~~requirements placed on the office by legislation enacted by the~~
 63-13 ~~81st Legislature, Regular Session, 2009, that becomes law. This~~
 63-14 ~~subsection expires September 1, 2011.]~~

63-15 Sec. 261.054 ~~[64.055]~~. REPORT. (a) The independent
 63-16 ombudsman shall submit on a quarterly basis to the board, the
 63-17 governor, the lieutenant governor, the state auditor, and each
 63-18 member of the legislature a report that is both aggregated and
 63-19 disaggregated by individual facility and describes:

63-20 (1) the work of the independent ombudsman;

63-21 (2) the results of any review or investigation
 63-22 undertaken by the independent ombudsman, including reviews or
 63-23 investigation of services contracted by the department
 63-24 ~~[commission]~~; and

63-25 (3) any recommendations that the independent
 63-26 ombudsman has in relation to the duties of the independent
 63-27 ombudsman.

63-28 (b) The independent ombudsman shall immediately report to
 63-29 the board, the governor, the lieutenant governor, the speaker of
 63-30 the house of representatives, the state auditor, and the office of
 63-31 the inspector general of the department ~~[commission]~~ any
 63-32 particularly serious or flagrant:

63-33 (1) case of abuse or injury of a child committed to the
 63-34 department ~~[commission]~~;

63-35 (2) problem concerning the administration of a
 63-36 department ~~[commission]~~ program or operation;

63-37 (3) problem concerning the delivery of services in a
 63-38 facility operated by or under contract with the department
 63-39 ~~[commission]~~; or

63-40 (4) interference by the department ~~[commission]~~ with
 63-41 an investigation conducted by the office.

63-42 Sec. 261.055 ~~[64.056]~~. COMMUNICATION AND CONFIDENTIALITY.

63-43 (a) The department ~~[commission]~~ shall allow any child committed to
 63-44 the department ~~[commission]~~ to communicate with the independent
 63-45 ombudsman or an assistant to the ombudsman. The communication:

63-46 (1) may be in person, by mail, or by any other means;

63-47 and

63-48 (2) is confidential and privileged.

63-49 (b) The records of the independent ombudsman are
 63-50 confidential, except that the independent ombudsman shall:

63-51 (1) share with the office of inspector general of the
 63-52 department ~~[commission]~~ a communication with a child that may
 63-53 involve the abuse or neglect of the child; and

63-54 (2) disclose its nonprivileged records if required by
 63-55 a court order on a showing of good cause.

63-56 (c) The independent ombudsman may make reports relating to
 63-57 an investigation public after the investigation is complete but
 63-58 only if the names of all children, parents, and employees are
 63-59 redacted from the report and remain confidential.

63-60 (d) The name, address, or other personally identifiable
 63-61 information of a person who files a complaint with the office of
 63-62 independent ombudsman, information generated by the office of
 63-63 independent ombudsman in the course of an investigation, and
 63-64 confidential records obtained by the office of independent
 63-65 ombudsman are confidential and not subject to disclosure under
 63-66 Chapter 552, Government Code, except that the information and
 63-67 records, other than confidential information and records
 63-68 concerning a pending law enforcement investigation or criminal
 63-69 action, may be disclosed to the appropriate person if the office

64-1 determines that disclosure is:

- 64-2 (1) in the general public interest;
 64-3 (2) necessary to enable the office to perform the
 64-4 responsibilities provided under this section; or
 64-5 (3) necessary to identify, prevent, or treat the abuse
 64-6 or neglect of a child.

64-7 Sec. 261.056 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.
 64-8 The independent ombudsman shall promote awareness among the public
 64-9 and the children committed to the department [~~commission~~] of:

- 64-10 (1) how the office may be contacted;
 64-11 (2) the purpose of the office; and
 64-12 (3) the services the office provides.

64-13 Sec. 261.057 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The
 64-14 board [~~office~~] by rule shall establish policies and procedures for
 64-15 the operations of the office of independent ombudsman.

64-16 (b) The board [~~office and the commission~~] shall adopt rules
 64-17 necessary to implement Section 261.058 [~~64.060~~], including rules
 64-18 that establish procedures for the department [~~commission~~] to review
 64-19 and comment on reports of the office and for the department
 64-20 [~~commission~~] to expedite or eliminate review of and comment on a
 64-21 report due to an emergency or a serious or flagrant circumstance
 64-22 described by Section 261.054(b) [~~64.055(b)~~].

64-23 [~~Sec. 64.059. AUTHORITY OF STATE AUDITOR. The office is~~
 64-24 ~~subject to audit by the state auditor in accordance with Chapter~~
 64-25 ~~321, Government Code.~~]

64-26 Sec. 261.058 [~~64.060~~]. REVIEW AND FORMAT OF REPORTS.
 64-27 (a) The office shall accept, both before and after publication,
 64-28 comments from the board [~~commission~~] concerning the following types
 64-29 of reports published by the office under this chapter:

64-30 (1) the office's quarterly report under Section
 64-31 261.054(a) [~~64.055(a)~~];

64-32 (2) reports concerning serious or flagrant
 64-33 circumstances under Section 261.054(b) [~~64.055(b)~~]; and

64-34 (3) any other formal reports containing findings and
 64-35 making recommendations concerning systemic issues that affect the
 64-36 department [~~commission~~].

64-37 (b) The board [~~commission~~] may not submit comments under
 64-38 Subsection (a) after the 30th day after the date the report on which
 64-39 the board [~~commission~~] is commenting is published.

64-40 (c) The office shall ensure that reports described by
 64-41 Subsection (a) are in a format to which the board [~~commission~~] can
 64-42 easily respond.

64-43 (d) After receipt of comments under this section, the office
 64-44 is not obligated to change any report or change the manner in which
 64-45 the office performs the duties of the office.

64-46 [~~Sec. 64.061. COMPLAINTS. (a) The office shall maintain a~~
 64-47 ~~system to promptly and efficiently act on complaints filed with the~~
 64-48 ~~office that relate to the operations or staff of the office. The~~
 64-49 ~~office shall maintain information about parties to the complaint,~~
 64-50 ~~the subject matter of the complaint, a summary of the results of the~~
 64-51 ~~review or investigation of the complaint, and the disposition of~~
 64-52 ~~the complaint.~~]

64-53 [~~(b) The office shall make information available describing~~
 64-54 ~~its procedures for complaint investigation and resolution.~~]

64-55 [~~(c) The office shall periodically notify the complaint~~
 64-56 ~~parties of the status of the complaint until final disposition.]~~]

64-57 SUBCHAPTER C. DUTIES AND POWERS

64-58 Sec. 261.101 [~~64.101~~]. DUTIES AND POWERS. (a) The
 64-59 independent ombudsman shall:

64-60 (1) review the procedures established by the board
 64-61 [~~commission~~] and evaluate the delivery of services to children to
 64-62 ensure that the rights of children are fully observed;

64-63 (2) review complaints filed with the independent
 64-64 ombudsman concerning the actions of the department [~~commission~~] and
 64-65 investigate each complaint in which it appears that a child may be
 64-66 in need of assistance from the independent ombudsman;

64-67 (3) conduct investigations of complaints, other than
 64-68 complaints alleging criminal behavior, if the office determines
 64-69 that:

65-1 (A) a child committed to the department
 65-2 [~~commission~~] or the child's family may be in need of assistance from
 65-3 the office; or

65-4 (B) a systemic issue in the department's
 65-5 [~~commission's~~] provision of services is raised by a complaint;

65-6 (4) review or inspect periodically the facilities and
 65-7 procedures of any institution or residence in which a child has been
 65-8 placed by the department [~~commission~~], whether public or private,
 65-9 to ensure that the rights of children are fully observed;

65-10 (5) provide assistance to a child or family who the
 65-11 independent ombudsman determines is in need of assistance,
 65-12 including advocating with an agency, provider, or other person in
 65-13 the best interests of the child;

65-14 (6) review court orders as necessary to fulfill its
 65-15 duties;

65-16 (7) recommend changes in any procedure relating to the
 65-17 treatment of children committed to the department [~~commission~~];

65-18 (8) make appropriate referrals under any of the duties
 65-19 and powers listed in this subsection; and

65-20 (9) supervise assistants who are serving as advocates
 65-21 in their representation of children committed to the department
 65-22 [~~commission~~] in internal administrative and disciplinary hearings.

65-23 (b) The independent ombudsman may apprise persons who are
 65-24 interested in a child's welfare of the rights of the child.

65-25 (c) To assess if a child's rights have been violated, the
 65-26 independent ombudsman may, in any matter that does not involve
 65-27 alleged criminal behavior, contact or consult with an
 65-28 administrator, employee, child, parent, expert, or any other
 65-29 individual in the course of its investigation or to secure
 65-30 information.

65-31 (d) Notwithstanding any other provision of this chapter,
 65-32 the independent ombudsman may not investigate alleged criminal
 65-33 behavior.

65-34 (e) Notwithstanding any other provision of this chapter,
 65-35 the powers of the office are limited to facilities operated and
 65-36 services provided by the department under Subtitle C.

65-37 Sec. 261.102 [64.102]. TREATMENT OF DEPARTMENT
 65-38 [COMMISSION] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.
 65-39 The department [commission] may not discharge or in any manner
 65-40 discriminate or retaliate against an employee who in good faith
 65-41 makes a complaint to the office of independent ombudsman or
 65-42 cooperates with the office in an investigation.

65-43 Sec. 261.103 [64.103]. TRAINING. The independent
 65-44 ombudsman shall attend annual sessions, including the training
 65-45 curriculum for juvenile correctional officers required under
 65-46 Section 242.010 [61.0356], and may participate in other appropriate
 65-47 professional training.

65-48 Sec. 261.104 [64.104]. MEMORANDUM OF UNDERSTANDING.
 65-49 (a) The office and the department [~~commission~~] shall enter into a
 65-50 memorandum of understanding concerning:

65-51 (1) the most efficient manner in which to share
 65-52 information with one another; and

65-53 (2) the procedures for handling overlapping
 65-54 monitoring duties and activities performed by the office and the
 65-55 department [~~commission~~].

65-56 (b) The memorandum of understanding entered into under
 65-57 Subsection (a), at a minimum, must:

65-58 (1) address the interaction of the office with that
 65-59 portion of the department [~~commission~~] that conducts an internal
 65-60 audit under Section 203.013 [61.0331];

65-61 (2) address communication between the office and the
 65-62 department [~~commission~~] concerning individual situations involving
 65-63 children committed to the department [~~commission~~] and how those
 65-64 situations will be documented and handled;

65-65 (3) contain guidelines on the office's role in
 65-66 relevant working groups and policy development decisions at the
 65-67 department [~~commission~~];

65-68 (4) ensure opportunities for sharing information
 65-69 between the office and the department [~~commission~~] for the purposes

66-1 of assuring quality and improving programming within the department
66-2 [~~commission~~]; and

66-3 (5) preserve the independence of the office by
66-4 authorizing the office to withhold information concerning matters
66-5 under active investigation by the office from the department
66-6 [~~commission~~] and department [~~commission~~] staff and to report the
66-7 information to the board and the governor.

66-8 SUBCHAPTER D. ACCESS TO INFORMATION

66-9 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF
66-10 GOVERNMENTAL ENTITIES. (a) The [~~commission shall allow the~~]
66-11 independent ombudsman has access to the department's [~~its~~] records
66-12 relating to the children committed to the department [~~commission~~].

66-13 (b) The Department of Public Safety shall allow the
66-14 independent ombudsman access to the juvenile justice information
66-15 system established under Subchapter B, Chapter 58, Family Code.

66-16 (c) A local law enforcement agency shall allow the
66-17 independent ombudsman access to its records relating to any child
66-18 in the care or custody of the department [~~commission~~].

66-19 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE
66-20 ENTITIES. The independent ombudsman shall have access to the
66-21 records of a private entity that relate to a child committed to the
66-22 department [~~commission~~].

66-23 SECTION 1.011. Subsection (a), Section 61.020, Human
66-24 Resources Code, is amended to read as follows:

66-25 (a) The Texas Youth Commission [~~is subject to Chapter 325,~~
66-26 ~~Government Code (Texas Sunset Act). Unless continued in existence~~
66-27 ~~as provided by that chapter, the commission~~] is abolished on
66-28 December [~~and this chapter expires September~~] 1, 2011.

66-29 SECTION 1.012. Subsection (a), Section 141.012, Human
66-30 Resources Code, is amended to read as follows:

66-31 (a) The Texas Juvenile Probation Commission [~~is subject to~~
66-32 ~~Chapter 325, Government Code (Texas Sunset Act). Unless continued~~
66-33 ~~in existence as provided by that chapter, the commission~~] is
66-34 abolished on December [~~and this chapter expires September~~] 1, 2011.

66-35 ARTICLE 2. MISCELLANEOUS PROVISIONS

66-36 SECTION 2.001. Section 51.126, Family Code, is amended by
66-37 amending Subsections (b), (c), (d), and (e) and adding Subsection
66-38 (f) to read as follows:

66-39 (b) In each county, each judge of the juvenile court and a
66-40 majority of the members of the juvenile board shall personally
66-41 inspect, at least annually, all nonsecure correctional facilities
66-42 that are located in the county and shall certify in writing to the
66-43 authorities responsible for operating and giving financial support
66-44 to the facilities and to the Texas Juvenile Justice Department
66-45 [~~Probation Commission~~] that the facility or facilities are suitable
66-46 or unsuitable for the confinement of children. In determining
66-47 whether a facility is suitable or unsuitable for the confinement of
66-48 children, the juvenile court judges and juvenile board members
66-49 shall consider:

66-50 (1) current monitoring and inspection reports and any
66-51 noncompliance citation reports issued by the Texas Juvenile Justice
66-52 Department [~~Probation Commission~~], including the report provided
66-53 under Subsection (c), and the status of any required corrective
66-54 actions; and

66-55 (2) the other factors described under Sections
66-56 51.12(c)(2)-(7).

66-57 (c) The Texas Juvenile Justice Department [~~Probation~~
66-58 ~~Commission~~] shall annually inspect each nonsecure correctional
66-59 facility. The Texas Juvenile Justice Department [~~Probation~~
66-60 ~~Commission~~] shall provide a report to each juvenile court judge
66-61 presiding in the same county as an inspected facility indicating
66-62 whether the facility is suitable or unsuitable for the confinement
66-63 of children in accordance with minimum professional standards for
66-64 the confinement of children in nonsecure confinement promulgated by
66-65 the Texas Juvenile Justice Department [~~Probation Commission~~] or, at
66-66 the election of the juvenile board of the county in which the
66-67 facility is located, the current standards promulgated by the
66-68 American Correctional Association.

66-69 (d) A governmental unit or private entity that operates or

67-1 contracts for the operation of a juvenile nonsecure correctional
 67-2 facility in this state under Subsection (a), except for a facility
 67-3 operated by or under contract with the Texas Juvenile Justice
 67-4 Department [~~Texas Youth Commission~~], shall:

67-5 (1) register the facility annually with the Texas
 67-6 Juvenile Justice Department [~~Probation Commission~~]; and
 67-7 (2) adhere to all applicable minimum standards for the
 67-8 facility.

67-9 (e) The Texas Juvenile Justice Department [~~Probation~~
 67-10 ~~Commission~~] may deny, suspend, or revoke the registration of any
 67-11 facility required to register under Subsection (d) if the facility
 67-12 fails to:

67-13 (1) adhere to all applicable minimum standards for the
 67-14 facility; or
 67-15 (2) timely correct any notice of noncompliance with
 67-16 minimum standards.

67-17 (f) In this section, "Texas Juvenile Justice Department"
 67-18 means the Texas Juvenile Probation Commission. This subsection
 67-19 expires December 1, 2011.

67-20 SECTION 2.002. Subdivision (1), Subsection (c), Section
 67-21 614.017, Health and Safety Code, is amended to read as follows:

67-22 (1) "Agency" includes any of the following entities
 67-23 and individuals, a person with an agency relationship with one of
 67-24 the following entities or individuals, and a person who contracts
 67-25 with one or more of the following entities or individuals:

67-26 (A) the Texas Department of Criminal Justice and
 67-27 the Correctional Managed Health Care Committee;

67-28 (B) the Board of Pardons and Paroles;

67-29 (C) the Department of State Health Services;

67-30 (D) the Texas Juvenile Justice Department
 67-31 [~~Probation Commission~~];

67-32 (E) [~~the Texas Youth Commission~~];

67-33 [~~(F)~~] the Department of Assistive and
 67-34 Rehabilitative Services;

67-35 (F) [~~(G)~~] the Texas Education Agency;

67-36 (G) [~~(H)~~] the Commission on Jail Standards;

67-37 (H) [~~(I)~~] the Department of Aging and Disability
 67-38 Services;

67-39 (I) [~~(J)~~] the Texas School for the Blind and
 67-40 Visually Impaired;

67-41 (J) [~~(K)~~] community supervision and corrections
 67-42 departments and local juvenile probation departments;

67-43 (K) [~~(L)~~] personal bond pretrial release offices
 67-44 established under Article 17.42, Code of Criminal Procedure;

67-45 (L) [~~(M)~~] local jails regulated by the
 67-46 Commission on Jail Standards;

67-47 (M) [~~(N)~~] a municipal or county health
 67-48 department;

67-49 (N) [~~(O)~~] a hospital district;

67-50 (O) [~~(P)~~] a judge of this state with jurisdiction
 67-51 over juvenile or criminal cases;

67-52 (P) [~~(Q)~~] an attorney who is appointed or
 67-53 retained to represent a special needs offender or a juvenile with a
 67-54 mental impairment;

67-55 (Q) [~~(R)~~] the Health and Human Services
 67-56 Commission;

67-57 (R) [~~(S)~~] the Department of Information
 67-58 Resources;

67-59 (S) [~~(T)~~] the bureau of identification and
 67-60 records of the Department of Public Safety, for the sole purpose of
 67-61 providing real-time, contemporaneous identification of individuals
 67-62 in the Department of State Health Services client data base; and

67-63 (T) [~~(U)~~] the Department of Family and
 67-64 Protective Services.

67-65 SECTION 2.003. Subsections (a) and (b), Section 614.018,
 67-66 Health and Safety Code, are amended to read as follows:

67-67 (a) The Texas Juvenile Justice Department [~~Probation~~
 67-68 ~~Commission, the Texas Youth Commission~~], the Department of Public
 67-69 Safety, the Department of State Health Services, the Department of

68-1 Aging and Disability Services, the Department of Family and
 68-2 Protective Services, the Texas Education Agency, and local juvenile
 68-3 probation departments shall adopt a memorandum of understanding
 68-4 that establishes their respective responsibilities to institute a
 68-5 continuity of care and service program for juveniles with mental
 68-6 impairments in the juvenile justice system. The Texas Correctional
 68-7 Office on Offenders with Medical and Mental Impairments shall
 68-8 coordinate and monitor the development and implementation of the
 68-9 memorandum of understanding.

68-10 (b) The memorandum of understanding must establish methods
 68-11 for:

68-12 (1) identifying juveniles with mental impairments in
 68-13 the juvenile justice system and collecting and reporting relevant
 68-14 data to the office;

68-15 (2) developing interagency rules, policies, and
 68-16 procedures for the coordination of care of and the exchange of
 68-17 information on juveniles with mental impairments who are committed
 68-18 to or treated, served, or supervised by the [~~Texas Youth~~
 68-19 ~~Commission, the~~ Texas Juvenile Justice Department [~~Probation~~
 68-20 ~~Commission~~], the Department of Public Safety, the Department of
 68-21 State Health Services, the Department of Family and Protective
 68-22 Services, the Department of Aging and Disability Services, the
 68-23 Texas Education Agency, local juvenile probation departments,
 68-24 local mental health or mental retardation authorities, and
 68-25 independent school districts; and

68-26 (3) identifying the services needed by juveniles with
 68-27 mental impairments in the juvenile justice system.

68-28 ARTICLE 3. CONFORMING AMENDMENTS

68-29 SECTION 3.001. Article 2.12, Code of Criminal Procedure, is
 68-30 amended to read as follows:

68-31 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
 68-32 officers:

68-33 (1) sheriffs, their deputies, and those reserve
 68-34 deputies who hold a permanent peace officer license issued under
 68-35 Chapter 1701, Occupations Code;

68-36 (2) constables, deputy constables, and those reserve
 68-37 deputy constables who hold a permanent peace officer license issued
 68-38 under Chapter 1701, Occupations Code;

68-39 (3) marshals or police officers of an incorporated
 68-40 city, town, or village, and those reserve municipal police officers
 68-41 who hold a permanent peace officer license issued under Chapter
 68-42 1701, Occupations Code;

68-43 (4) rangers and officers commissioned by the Public
 68-44 Safety Commission and the Director of the Department of Public
 68-45 Safety;

68-46 (5) investigators of the district attorneys', criminal
 68-47 district attorneys', and county attorneys' offices;

68-48 (6) law enforcement agents of the Texas Alcoholic
 68-49 Beverage Commission;

68-50 (7) each member of an arson investigating unit
 68-51 commissioned by a city, a county, or the state;

68-52 (8) officers commissioned under Section 37.081,
 68-53 Education Code, or Subchapter E, Chapter 51, Education Code;

68-54 (9) officers commissioned by the General Services
 68-55 Commission;

68-56 (10) law enforcement officers commissioned by the
 68-57 Parks and Wildlife Commission;

68-58 (11) airport police officers commissioned by a city
 68-59 with a population of more than 1.18 million that operates an airport
 68-60 that serves commercial air carriers;

68-61 (12) airport security personnel commissioned as peace
 68-62 officers by the governing body of any political subdivision of this
 68-63 state, other than a city described by Subdivision (11), that
 68-64 operates an airport that serves commercial air carriers;

68-65 (13) municipal park and recreational patrolmen and
 68-66 security officers;

68-67 (14) security officers and investigators commissioned
 68-68 as peace officers by the comptroller;

68-69 (15) officers commissioned by a water control and

69-1 improvement district under Section 49.216, Water Code;
69-2 (16) officers commissioned by a board of trustees
69-3 under Chapter 54, Transportation Code;
69-4 (17) investigators commissioned by the Texas Medical
69-5 Board;
69-6 (18) officers commissioned by the board of managers of
69-7 the Dallas County Hospital District, the Tarrant County Hospital
69-8 District, or the Bexar County Hospital District under Section
69-9 281.057, Health and Safety Code;
69-10 (19) county park rangers commissioned under
69-11 Subchapter E, Chapter 351, Local Government Code;
69-12 (20) investigators employed by the Texas Racing
69-13 Commission;
69-14 (21) officers commissioned under Chapter 554,
69-15 Occupations Code;
69-16 (22) officers commissioned by the governing body of a
69-17 metropolitan rapid transit authority under Section 451.108,
69-18 Transportation Code, or by a regional transportation authority
69-19 under Section 452.110, Transportation Code;
69-20 (23) investigators commissioned by the attorney
69-21 general under Section 402.009, Government Code;
69-22 (24) security officers and investigators commissioned
69-23 as peace officers under Chapter 466, Government Code;
69-24 (25) an officer employed by the Department of State
69-25 Health Services under Section 431.2471, Health and Safety Code;
69-26 (26) officers appointed by an appellate court under
69-27 Subchapter F, Chapter 53, Government Code;
69-28 (27) officers commissioned by the state fire marshal
69-29 under Chapter 417, Government Code;
69-30 (28) an investigator commissioned by the commissioner
69-31 of insurance under Section 701.104, Insurance Code;
69-32 (29) apprehension specialists and inspectors general
69-33 commissioned by the Texas Juvenile Justice Department [~~Youth~~
69-34 ~~Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451~~
69-35 ~~and 61.0931~~], Human Resources Code;
69-36 (30) officers appointed by the inspector general of
69-37 the Texas Department of Criminal Justice under Section 493.019,
69-38 Government Code;
69-39 (31) investigators commissioned by the Commission on
69-40 Law Enforcement Officer Standards and Education under Section
69-41 1701.160, Occupations Code;
69-42 (32) commission investigators commissioned by the
69-43 Texas Private Security Board under Section 1702.061(f),
69-44 Occupations Code;
69-45 (33) the fire marshal and any officers, inspectors, or
69-46 investigators commissioned by an emergency services district under
69-47 Chapter 775, Health and Safety Code;
69-48 (34) officers commissioned by the State Board of
69-49 Dental Examiners under Section 254.013, Occupations Code, subject
69-50 to the limitations imposed by that section;
69-51 (35) investigators commissioned by the Texas Juvenile
69-52 Justice Department [~~Probation Commission~~] as officers under
69-53 Section 221.011 [~~141.055~~], Human Resources Code; and
69-54 (36) the fire marshal and any related officers,
69-55 inspectors, or investigators commissioned by a county under
69-56 Subchapter B, Chapter 352, Local Government Code.
69-57 SECTION 3.002. Subsection (d), Section 5, Article 18.20,
69-58 Code of Criminal Procedure, is amended to read as follows:
69-59 (d) The Texas Juvenile Justice Department [~~Youth~~
69-60 ~~Commission~~] may own electronic, mechanical, or other devices for a
69-61 use or purpose authorized by Section 242.104 [~~61.0455~~], Human
69-62 Resources Code, and the inspector general of the Texas Juvenile
69-63 Justice Department [~~Youth Commission~~], a commissioned officer of
69-64 that office, or another person acting in the presence and under the
69-65 direction of a commissioned officer of that office may possess,
69-66 install, operate, or monitor those devices as provided by Section
69-67 242.104 [~~61.0455~~].
69-68 SECTION 3.003. Subsection (e), Section 29.012, Education
69-69 Code, is amended to read as follows:

70-1 (e) This section does not apply to a residential treatment
70-2 facility for juveniles established under Section 221.056
70-3 [~~141.059~~], Human Resources Code.

70-4 SECTION 3.004. Subsection (c), Section 51.13, Family Code,
70-5 is amended to read as follows:

70-6 (c) A child may not be committed or transferred to a penal
70-7 institution or other facility used primarily for the execution of
70-8 sentences of persons convicted of crime, except:

70-9 (1) for temporary detention in a jail or lockup
70-10 pending juvenile court hearing or disposition under conditions
70-11 meeting the requirements of Section 51.12 of this code;

70-12 (2) after transfer for prosecution in criminal court
70-13 under Section 54.02 of this code; or

70-14 (3) after transfer from the Texas Juvenile Justice
70-15 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],
70-16 Human Resources Code.

70-17 SECTION 3.005. Subsection (a), Section 51.21, Family Code,
70-18 is amended to read as follows:

70-19 (a) A probation department that administers the mental
70-20 health screening instrument or clinical assessment required by
70-21 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the
70-22 child to the local mental health authority for assessment and
70-23 evaluation if:

70-24 (1) the child's scores on the screening instrument or
70-25 clinical assessment indicate a need for further mental health
70-26 assessment and evaluation; and

70-27 (2) the department and child do not have access to an
70-28 internal, contract, or private mental health professional.

70-29 SECTION 3.006. Subsection (d), Section 53.045, Family Code,
70-30 is amended to read as follows:

70-31 (d) If the grand jury approves of the petition, the fact of
70-32 approval shall be certified to the juvenile court, and the
70-33 certification shall be entered in the record of the case. For the
70-34 purpose of the transfer of a child to the Texas Department of
70-35 Criminal Justice as provided by Section 245.151(c) [~~61.084(c)~~],
70-36 Human Resources Code, a juvenile court petition approved by a grand
70-37 jury under this section is an indictment presented by the grand
70-38 jury.

70-39 SECTION 3.007. Subsections (a), (h), (i), and (j), Section
70-40 54.11, Family Code, are amended to read as follows:

70-41 (a) On receipt of a referral under Section 244.014(a)
70-42 [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas
70-43 Department of Criminal Justice of a person committed to the Texas
70-44 Juvenile Justice Department [~~Youth Commission~~] under Section
70-45 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by
70-46 the Texas Juvenile Justice Department [~~commission~~] under Section
70-47 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the
70-48 release under supervision of a person committed to the Texas
70-49 Juvenile Justice Department [~~commission~~] under Section
70-50 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and
70-51 place for a hearing on the release of the person.

70-52 (h) The hearing on a person who is referred for transfer
70-53 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall
70-54 be held not later than the 60th day after the date the court
70-55 receives the referral.

70-56 (i) On conclusion of the hearing on a person who is referred
70-57 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources
70-58 Code, the court may order:

70-59 (1) the return of the person to the Texas Juvenile
70-60 Justice Department [~~Youth Commission~~]; or

70-61 (2) the transfer of the person to the custody of the
70-62 Texas Department of Criminal Justice for the completion of the
70-63 person's sentence.

70-64 (j) On conclusion of the hearing on a person who is referred
70-65 for release under supervision under Section 245.051(c)
70-66 [~~61.081(f)~~], Human Resources Code, the court may order the return
70-67 of the person to the Texas Juvenile Justice Department [~~Youth~~
70-68 Commission]:

70-69 (1) with approval for the release of the person under

71-1 supervision; or
 71-2 (2) without approval for the release of the person
 71-3 under supervision.

71-4 SECTION 3.008. Subsection (g-1), Section 58.003, Family
 71-5 Code, is amended to read as follows:

71-6 (g-1) Any records collected or maintained by the Texas
 71-7 Juvenile Justice Department [~~Probation Commission~~], including
 71-8 statistical data submitted under Section 221.007 [~~141.044~~], Human
 71-9 Resources Code, are not subject to a sealing order issued under this
 71-10 section.

71-11 SECTION 3.009. Subsection (b), Section 58.0072, Family
 71-12 Code, is amended to read as follows:

71-13 (b) Juvenile justice information consists of information of
 71-14 the type described by Section 58.104, including statistical data in
 71-15 any form or medium collected, maintained, or submitted to the Texas
 71-16 Juvenile Justice Department [~~Probation Commission~~] under Section
 71-17 221.007 [~~141.044~~], Human Resources Code.

71-18 SECTION 3.010. Subsection (b), Section 41.310, Government
 71-19 Code, is amended to read as follows:

71-20 (b) In addition to the duties prescribed by Subsection (a),
 71-21 the counsellor shall on a quarterly basis provide the board of
 71-22 directors and the standing committees of the senate and house of
 71-23 representatives with primary jurisdiction over matters concerning
 71-24 correctional facilities with a report concerning offenses or
 71-25 delinquent conduct prosecuted by the unit on receiving a request
 71-26 for assistance under Section 241.007 [~~61.098~~], Human Resources
 71-27 Code, or a request for assistance otherwise from a prosecuting
 71-28 attorney. A report under this subsection is public information
 71-29 under Chapter 552, Government Code, and the board of directors
 71-30 shall request that the commission publish the report on the
 71-31 commission's Internet website. A report must be both aggregated
 71-32 and disaggregated by individual facility and include information
 71-33 relating to:

71-34 (1) the number of requests for assistance received
 71-35 under Section 241.007 [~~61.098~~], Human Resources Code, and requests
 71-36 for assistance otherwise received from prosecuting attorneys;

71-37 (2) the number of cases investigated and the number of
 71-38 cases prosecuted;

71-39 (3) the types and outcomes of cases prosecuted, such
 71-40 as whether the case concerned narcotics or an alleged incident of
 71-41 sexual abuse; and

71-42 (4) the relationship of a victim to a perpetrator, if
 71-43 applicable.

71-44 SECTION 3.011. Subsection (a), Section 411.1141,
 71-45 Government Code, is amended to read as follows:

71-46 (a) The Texas Juvenile Justice Department [~~Youth
 71-47 Commission~~] is entitled to obtain from the department criminal
 71-48 history record information maintained by the department that
 71-49 relates to a person described by Section 242.011(b) [~~61.0357(b)~~],
 71-50 Human Resources Code.

71-51 SECTION 3.012. Subsection (d), Section 493.017, Government
 71-52 Code, is amended to read as follows:

71-53 (d) A sex offender correction program that provides
 71-54 counseling sessions for a child who is released under supervision
 71-55 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report
 71-56 to the Texas Juvenile Justice Department [~~Youth Commission~~], not
 71-57 later than the 15th day of each month, the following information
 71-58 about the child:

71-59 (1) the total number of counseling sessions attended
 71-60 by the child during the preceding month; and

71-61 (2) if during the preceding month the child terminates
 71-62 participation in the program before completing counseling, the
 71-63 reason for the child's termination of counseling or that the reason
 71-64 for the termination of counseling is unknown.

71-65 SECTION 3.013. Section 499.053, Government Code, is amended
 71-66 to read as follows:

71-67 Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE
 71-68 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional
 71-69 division~~] shall accept persons transferred to the department

72-1 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
72-2 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

72-3 (b) A person transferred to the department [~~institutional~~
72-4 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~
72-5 ~~Commission~~] is entitled to credit on the person's sentence for the
72-6 time served in the custody of the Texas Juvenile Justice Department
72-7 [~~youth commission~~].

72-8 (c) All laws relating to good conduct time and eligibility
72-9 for release on parole or mandatory supervision apply to a person
72-10 transferred to the department [~~institutional division~~] by the Texas
72-11 Juvenile Justice Department [~~youth commission~~] as if the time the
72-12 person was detained in a detention facility and the time the person
72-13 served in the custody of the Texas Juvenile Justice Department
72-14 [~~youth commission~~] was time served in the custody of the department
72-15 [~~division~~].

72-16 (d) A person transferred from the Texas Juvenile Justice
72-17 Department [~~Youth Commission~~] for the offense of capital murder
72-18 shall become eligible for parole as provided in Section 508.145(d)
72-19 for an offense listed in Section 3g, Article 42.12, Code of Criminal
72-20 Procedure, or an offense for which a deadly weapon finding has been
72-21 made.

72-22 SECTION 3.014. Subsection (a), Section 508.156, Government
72-23 Code, is amended to read as follows:

72-24 (a) Before the release of a person who is transferred under
72-25 Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], Human
72-26 Resources Code, to the department [~~division~~] for release on parole,
72-27 a parole panel shall review the person's records and may interview
72-28 the person or any other person the panel considers necessary to
72-29 determine the conditions of parole. The panel may impose any
72-30 reasonable condition of parole on the person that the panel may
72-31 impose on an adult inmate under this chapter.

72-32 SECTION 3.015. Subsection (c), Section 614.019, Health and
72-33 Safety Code, is amended to read as follows:

72-34 (c) A child with mental illness or mental retardation who is
72-35 discharged from the Texas Juvenile Justice Department [~~Youth~~
72-36 ~~Commission~~] under Section 244.011 [~~61.077~~], Human Resources Code,
72-37 may receive continuity of care services from the office for a
72-38 minimum of 90 days after discharge from the commission and for as
72-39 long as necessary for the child to demonstrate sufficient stability
72-40 to transition successfully to mental health or mental retardation
72-41 services provided by a local mental health or mental retardation
72-42 authority.

72-43 SECTION 3.016. Subsection (b), Section 152.0007, Human
72-44 Resources Code, is amended to read as follows:

72-45 (b) The board may establish guidelines for the initial
72-46 assessment of a child by the juvenile probation department. The
72-47 guidelines shall provide a means for assessing a child's mental
72-48 health status, family background, and level of education. The
72-49 guidelines shall assist the probation department in determining
72-50 whether a comprehensive psychological evaluation of the child
72-51 should be conducted. The board shall require that probation
72-52 department personnel use assessment information compiled by the
72-53 child's school, if the information is available, before conducting
72-54 a comprehensive psychological evaluation of the child. The board
72-55 may adopt all or part of the Texas Juvenile Justice Department's
72-56 [~~Juvenile Probation Commission's~~] minimum standards for assessment
72-57 under Section 221.002 [~~141.042~~] in complying with this subsection.

72-58 SECTION 3.017. Subsections (b) and (c), Section 152.0011,
72-59 Human Resources Code, are amended to read as follows:

72-60 (b) The juvenile board or local probation department may
72-61 contract with a private vendor for the financing, construction,
72-62 operation, maintenance, or management of a youth boot camp in the
72-63 same manner as the state. [~~The juvenile board may not award a~~
72-64 ~~contract under this subsection unless the board requests proposals~~
72-65 ~~and receives a proposal that meets or exceeds, in addition to~~
72-66 ~~requirements specified in the request for proposals, the~~
72-67 ~~requirements specified in Section 141.0434.]~~

72-68 (c) A juvenile board youth boot camp must offer a program
72-69 that complies with the requirements of the youth boot camps set

73-1 forth in Section 246.001 [~~141.0432~~].

73-2 SECTION 3.018. Subsection (f), Section 152.0301, Human
73-3 Resources Code, is amended to read as follows:

73-4 (f) The juvenile board shall ensure that the chief juvenile
73-5 officer and fiscal officer:

73-6 (1) keep the financial and statistical records and
73-7 submit reports to the Texas Juvenile Justice Department [~~Probation~~
73-8 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

73-9 (2) submit periodic financial and statistical reports
73-10 to the county commissioners court.

73-11 SECTION 3.019. Subsection (g), Section 152.0791, Human
73-12 Resources Code, is amended to read as follows:

73-13 (g) The juvenile board shall ensure that the chief juvenile
73-14 officer and fiscal officer:

73-15 (1) keep the financial and statistical records and
73-16 submit reports to the Texas Juvenile Justice Department [~~Probation~~
73-17 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

73-18 (2) submit periodic financial and statistical reports
73-19 to the commissioners courts.

73-20 SECTION 3.020. Subsection (f), Section 152.1371, Human
73-21 Resources Code, is amended to read as follows:

73-22 (f) The juvenile board shall ensure that the chief juvenile
73-23 officer and fiscal officer:

73-24 (1) keep the financial and statistical records and
73-25 submit reports to the Texas Juvenile Justice Department [~~Probation~~
73-26 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

73-27 (2) submit periodic financial and statistical reports
73-28 to the county commissioners court.

73-29 SECTION 3.021. Subsection (f), Section 152.1431, Human
73-30 Resources Code, is amended to read as follows:

73-31 (f) The juvenile board shall ensure that the chief juvenile
73-32 officer and fiscal officer:

73-33 (1) keep the financial and statistical records and
73-34 submit reports to the Texas Juvenile Justice Department [~~Probation~~
73-35 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

73-36 (2) submit periodic financial and statistical reports
73-37 to the county commissioners court.

73-38 SECTION 3.022. Subsection (f), Section 152.2511, Human
73-39 Resources Code, is amended to read as follows:

73-40 (f) The juvenile board shall ensure that the chief juvenile
73-41 officer and fiscal officer:

73-42 (1) keep the financial and statistical records and
73-43 submit reports to the Texas Juvenile Justice Department [~~Probation~~
73-44 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

73-45 (2) submit periodic financial and statistical reports
73-46 to the county commissioners court.

73-47 SECTION 3.023. Subsection (e-1), Section 16.02, Penal Code,
73-48 is amended to read as follows:

73-49 (e-1) It is a defense to prosecution under Subsection (d)(1)
73-50 that the electronic, mechanical, or other device is possessed by a
73-51 person authorized to possess the device under Section 500.008,
73-52 Government Code, or Section 242.104 [~~61.0455~~], Human Resources
73-53 Code.

73-54 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

73-55 SECTION 4.001. (a) Effective December 1, 2011,
73-56 Subchapters A and B, Chapter 61, Human Resources Code, and
73-57 Subchapters A and B, Chapter 141, Human Resources Code, are
73-58 repealed.

73-59 (b) Effective December 1, 2011, the Texas Youth Commission
73-60 and the Texas Juvenile Probation Commission are abolished and the
73-61 powers and duties of those agencies are transferred to the Texas
73-62 Juvenile Justice Board and the Texas Juvenile Justice Department in
73-63 accordance with Title 12, Human Resources Code, as added by this
73-64 Act.

73-65 SECTION 4.002. (a) Not later than December 1, 2011, the
73-66 governor shall appoint the initial members of the Texas Juvenile
73-67 Justice Board under Section 202.001, Human Resources Code, as added
73-68 by this Act. The governor shall appoint:

73-69 (1) four members whose terms expire February 1, 2013;

74-1 (2) four members whose terms expire February 1, 2015;
74-2 and

74-3 (3) three members whose terms expire February 1, 2017.

74-4 (b) The initial members of the Advisory Council on Juvenile
74-5 Services shall be appointed as provided by Section 203.0081, Human
74-6 Resources Code, as added by this Act, not later than December 1,
74-7 2011.

74-8 (c) The Texas Juvenile Justice Board shall appoint the
74-9 independent ombudsman, as provided by Section 261.051, Human
74-10 Resources Code, as designated and amended by this Act, as soon as
74-11 practicable after December 1, 2011.

74-12 SECTION 4.003. (a) All money, records, property, and
74-13 equipment in the possession of the Texas Youth Commission or the
74-14 Texas Juvenile Probation Commission on December 1, 2011, shall be
74-15 transferred to the possession of the Texas Juvenile Justice
74-16 Department on December 1, 2011, or as soon as possible after that
74-17 date.

74-18 (b) Effective December 1, 2011, a rule adopted by the Texas
74-19 Youth Commission or the Texas Juvenile Probation Commission is a
74-20 rule of the Texas Juvenile Justice Department until and unless the
74-21 Texas Juvenile Justice Board amends or repeals the rule.

74-22 (c) Effective December 1, 2011, a memorandum of
74-23 understanding entered into by the Texas Youth Commission or the
74-24 Texas Juvenile Probation Commission is binding against the Texas
74-25 Juvenile Justice Department to the same extent that the memorandum
74-26 bound the agency that entered into the memorandum of understanding,
74-27 until and unless the department enters into a new memorandum of
74-28 understanding that modifies the department's responsibilities.

74-29 SECTION 4.004. As soon as practicable after September 1,
74-30 2011, the Texas Juvenile Justice Department shall establish the
74-31 toll-free number for complaints, as required under Section 203.015,
74-32 Human Resources Code, as added by this Act.

74-33 SECTION 4.005. Unless another provision of this Act
74-34 specifically provides otherwise, the Texas Youth Commission and the
74-35 Texas Juvenile Probation Commission, as applicable, shall
74-36 implement each change in law made by this Act, including adopting
74-37 any necessary or required rule, not later than December 1, 2011.

74-38 SECTION 4.006. (a) The validity of a disposition of a child
74-39 under Title 3, Family Code, made before, on, or after the effective
74-40 date of this Act is not affected solely because:

74-41 (1) the terms of the disposition refer to the Texas
74-42 Youth Commission or the Texas Juvenile Probation Commission; and

74-43 (2) during the time the disposition is in effect, the
74-44 Texas Youth Commission or the Texas Juvenile Probation Commission
74-45 cease to exist and their powers and duties are transferred, as
74-46 provided by this Act, to the Texas Juvenile Justice Department.

74-47 (b) The action of a juvenile probation department taken in
74-48 relation to a child before, on, or after the effective date of this
74-49 Act is not affected solely because:

74-50 (1) the terms of the action refer to the Texas Youth
74-51 Commission or the Texas Juvenile Probation Commission; and

74-52 (2) during the time the action is in effect, the Texas
74-53 Youth Commission or the Texas Juvenile Probation Commission cease
74-54 to exist and their powers and duties are transferred, as provided by
74-55 this Act, to the Texas Juvenile Justice Department.

74-56 (c) The changes in law made by this Act to Title 3, Family
74-57 Code, are not substantive in nature and apply to conduct by a child
74-58 that occurs before, on, or after the effective date of this Act.

74-59 SECTION 4.007. (a) This section applies only to a closed
74-60 facility on real property owned by the Texas Youth Commission or the
74-61 Texas Juvenile Justice Department that is located wholly or partly
74-62 in a county that has a population of less than 100,000.

74-63 (b) The Texas Youth Commission or the Texas Juvenile Justice
74-64 Department may transfer a closed facility to the county or
74-65 municipality in which the facility is located.

74-66 (c) The consideration for the transfer authorized by
74-67 Subsection (b) of this section is the requirement that the county or
74-68 municipality use the property transferred only for a purpose that
74-69 benefits the public interest of the state. If the county or

75-1 municipality no longer uses the property for a public purpose,
75-2 ownership of the property automatically reverts to the Texas
75-3 Juvenile Justice Department.

75-4 (d) The Texas Youth Commission or the Texas Juvenile Justice
75-5 Department shall transfer the property by an appropriate instrument
75-6 of transfer, executed on the agency's behalf by the commissioner of
75-7 the General Land Office. The instrument of transfer must:

75-8 (1) provide that:

75-9 (A) the transferee shall use the property only
75-10 for a purpose that benefits the public interest of the state; and

75-11 (B) ownership of the property will automatically
75-12 revert to the Texas Juvenile Justice Department if the transferee
75-13 uses the property for any purpose other than a purpose that benefits
75-14 the interest of the state;

75-15 (2) describe the property to be transferred by metes
75-16 and bounds; and

75-17 (3) exclude from the transfer all mineral interests in
75-18 and under the property and prohibit any exploration, drilling, or
75-19 other similar intrusion on the property related to mineral
75-20 interests.

75-21 (e) The Texas Juvenile Justice Department shall retain
75-22 custody of the instrument of transfer after the instrument of
75-23 transfer is filed in the real property records of the county in
75-24 which the property is located.

75-25 (f) This section expires September 1, 2017.

75-26 SECTION 4.008. This Act takes effect September 1, 2011.

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