

By: McClendon

H.B. No. 1549

A BILL TO BE ENTITLED

AN ACT

relating to nonsubstantive corrections in statutes to references to the Texas Youth Commission and Texas Juvenile Probation Commission.

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

SECTION 1. Section 104.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause of action based on conduct described in Section 104.002, the state shall indemnify the following persons, without regard to whether the persons performed their services for compensation, for actual damages, court costs, and attorney's fees adjudged against:

(1) an employee, a member of the governing board, or any other officer of a state agency, institution, or department;

(2) a former employee, former member of the governing board, or any other former officer of a state agency, institution, or department who was an employee or officer when the act or omission on which the damages are based occurred;

(3) a physician or psychiatrist licensed in this state who was performing services under a contract with any state agency, institution, or department or a racing official performing services under a contract with the Texas Racing Commission when the act or omission on which the damages are based occurred;

(3-a) a phlebotomist licensed in this state who was performing services under a contract with the Texas Department of

1 Criminal Justice when the act or omission on which the damages are
2 based occurred;

3 (4) a chaplain or spiritual advisor who was performing
4 services under contract with the Texas Department of Criminal
5 Justice [~~the Texas Youth Commission~~] or the Texas Juvenile
6 Justice Department [~~Probation Commission~~] when the act or omission
7 on which the damages are based occurred;

8 (5) a person serving on the governing board of a
9 foundation, corporation, or association at the request and on
10 behalf of an institution of higher education, as that term is
11 defined by Section 61.003(8), Education Code, not including a
12 public junior college;

13 (6) a state contractor who signed a waste manifest as
14 required by a state contract; or

15 (7) the estate of a person listed in this section.

16 SECTION 2. Article 13.34, Code of Criminal Procedure, is
17 amended to read as follows:

18 Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST A CHILD
19 COMMITTED TO THE TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH~~
20 ~~COMMISSION~~]. An offense described by Article 104.003(a) committed
21 by an employee or officer of the Texas Juvenile Justice Department
22 [~~Youth Commission~~] or a person providing services under a contract
23 with the department [~~commission~~] against a child committed to the
24 department [~~commission~~] may be prosecuted in:

25 (1) any county in which an element of the offense
26 occurred; or

27 (2) Travis County.

SECTION 3. Article 15.27(c), Code of Criminal Procedure, is amended to read as follows:

(c) A parole, probation, or community supervision office, including a community supervision and corrections department, a juvenile probation department, the paroles division of the Texas Department of Criminal Justice, and the Texas Juvenile Justice Department [~~Youth Commission~~], having jurisdiction over a student described by Subsection (a), (b), or (e) who transfers from a school or is subsequently removed from a school and later returned to a school or school district other than the one the student was enrolled in when the arrest, referral to a juvenile court, conviction, or adjudication occurred shall within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier, notify the superintendent or a person designated by the superintendent of the school district to which the student transfers or is returned or, in the case of a private school, the principal or a school employee designated by the principal of the school to which the student transfers or is returned of the arrest or referral in a manner similar to that provided for by Subsection (a) or (e)(1), or of the conviction or delinquent adjudication in a manner similar to that provided for by Subsection (b) or (e)(2). The superintendent of the school district to which the student transfers or is returned or, in the case of a private school, the principal of the school to which the student transfers or is returned shall, within 24 hours of receiving notification under this subsection or before the next school day, whichever is earlier, notify all instructional and

1 support personnel who have regular contact with the student.

2 SECTION 4. Article 38.43(c), Code of Criminal Procedure, is
3 amended to read as follows:

4 (c) An entity or individual described by Subsection (b)
5 shall ensure that biological evidence collected pursuant to an
6 investigation or prosecution of a felony offense or conduct
7 constituting a felony offense is retained and preserved:

8 (1) for not less than 40 years, or until the applicable
9 statute of limitations has expired, if there is an unapprehended
10 actor associated with the offense; or

11 (2) in a case in which a defendant has been convicted,
12 placed on deferred adjudication community supervision, or
13 adjudicated as having engaged in delinquent conduct and there are
14 no additional unapprehended actors associated with the offense:

15 (A) until the inmate is executed, dies, or is
16 released on parole, if the defendant is convicted of a capital
17 felony;

18 (B) until the defendant dies, completes the
19 defendant's sentence, or is released on parole or mandatory
20 supervision, if the defendant is sentenced to a term of confinement
21 or imprisonment in the Texas Department of Criminal Justice;

22 (C) until the defendant completes the
23 defendant's term of community supervision, including deferred
24 adjudication community supervision, if the defendant is placed on
25 community supervision;

26 (D) until the defendant dies, completes the
27 defendant's sentence, or is released on parole, mandatory

1 supervision, or juvenile probation, if the defendant is committed
2 to the Texas Juvenile Justice Department [~~Youth Commission~~]; or

3 (E) until the defendant completes the
4 defendant's term of juvenile probation, including a term of
5 community supervision upon transfer of supervision to a criminal
6 court, if the defendant is placed on juvenile probation.

7 SECTION 5. Article 49.18(d)(3), Code of Criminal Procedure,
8 is amended to read as follows:

9 (3) "State juvenile facility" means any facility or
10 halfway house:

11 (A) operated by or under contract with the Texas
12 Juvenile Justice Department [~~Youth Commission~~]; or

13 (B) described by Section 51.02(13) or (14),
14 Family Code.

15 SECTION 6. Articles 60.03(a) and (b), Code of Criminal
16 Procedure, are amended to read as follows:

17 (a) Criminal justice agencies, the Legislative Budget
18 Board, and the council are entitled to access to the data bases of
19 the Department of Public Safety, the Texas Juvenile Justice
20 Department [~~Probation Commission, the Texas Youth Commission~~], and
21 the Texas Department of Criminal Justice in accordance with
22 applicable state or federal law or regulations. The access granted
23 by this subsection does not grant an agency, the Legislative Budget
24 Board, or the council the right to add, delete, or alter data
25 maintained by another agency.

26 (b) The council or the Legislative Budget Board may submit
27 to the Department of Public Safety, the Texas Juvenile Justice

Department [~~Probation Commission, the Texas Youth Commission~~], and the Texas Department of Criminal Justice an annual request for a data file containing data elements from the departments' systems. The Department of Public Safety, the Texas Juvenile Justice Department [~~Probation Commission, the Texas Youth Commission~~], and the Texas Department of Criminal Justice shall provide the council and the Legislative Budget Board with that data file for the period requested, in accordance with state and federal law and regulations. If the council submits data file requests other than the annual data file request, the director of the agency maintaining the requested records must approve the request. The Legislative Budget Board may submit data file requests other than the annual data file request without the approval of the director of the agency maintaining the requested records.

SECTION 7. Article 61.01(9), Code of Criminal Procedure, is amended to read as follows:

(9) "Law enforcement agency" does not include the Texas Department of Criminal Justice, the Texas Juvenile Justice Department [~~Probation Commission~~], or a local juvenile probation department[, ~~or the Texas Youth Commission~~].

SECTION 8. Article 61.02(e)(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Penal institution" means a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice, a confinement facility operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission~~], or a juvenile secure pre-adjudication or

1 post-adjudication facility operated by or under a local juvenile
2 probation department, or a county jail.

3 SECTION 9. Articles 61.06(a) and (c), Code of Criminal
4 Procedure, are amended to read as follows:

5 (a) This article does not apply to information collected
6 under this chapter by the Texas Department of Criminal Justice or
7 the Texas Juvenile Justice Department [~~Youth Commission~~].

8 (c) In determining whether information is required to be
9 removed from an intelligence database under Subsection (b), the
10 five-year period does not include any period during which the
11 individual who is the subject of the information is:

12 (1) confined in a correctional facility operated by or
13 under contract with the Texas Department of Criminal Justice;

14 (2) committed to a secure correctional facility
15 operated by or under contract with the Texas Juvenile Justice
16 Department [~~Youth Commission~~], as defined by Section 51.02, Family
17 Code; or

18 (3) confined in a county jail or confined in or
19 committed to a facility operated by a juvenile board in lieu of
20 being confined in a correctional facility operated by or under
21 contract with the Texas Department of Criminal Justice or being
22 committed to a secure correctional facility operated by or under
23 contract with the Texas Juvenile Justice Department [~~Youth~~
24 ~~Commission~~].

25 SECTION 10. Articles 61.07(a) and (c), Code of Criminal
26 Procedure, are amended to read as follows:

27 (a) This article does not apply to information collected

1 under this chapter by the Texas Department of Criminal Justice or
2 the Texas Juvenile Justice Department [~~Youth Commission~~].

3 (c) In determining whether information is required to be
4 removed from an intelligence database under Subsection (b), the
5 two-year period does not include any period during which the child
6 who is the subject of the information is:

7 (1) committed to the Texas Juvenile Justice Department
8 [~~Youth Commission~~] for conduct that violates a penal law of the
9 grade of felony; or

10 (2) confined in the Texas Department of Criminal
11 Justice.

12 SECTION 11. Article 61.08(d), Code of Criminal Procedure,
13 is amended to read as follows:

14 (d) A person who is committed to the Texas Juvenile Justice
15 Department [~~Youth Commission~~] or confined in the Texas Department
16 of Criminal Justice does not while committed or confined have the
17 right to request review of criminal information under this article.

18 SECTION 12. Article 61.10(f), Code of Criminal Procedure,
19 is amended to read as follows:

20 (f) The task force shall consist of:

21 (1) a representative of the Department of Public
22 Safety designated by the director of that agency;

23 (2) two representatives of the Texas Department of
24 Criminal Justice, including a representative of the parole
25 division, designated by the executive director of that agency;

26 (3) a representative of the office of the inspector
27 general of the Texas Department of Criminal Justice designated by

the inspector general;

(4) two representatives [~~a representative~~] of the Texas Juvenile Justice Department [~~Youth Commission~~] designated by the executive director of that agency;

(5) [~~a representative of the Texas Juvenile Probation Commission designated by the executive director of that agency,~~

~~(6)]~~ a representative of the office of the attorney general designated by the attorney general;

(6) [~~(7)]~~ six representatives who are local law enforcement officers or local community supervision personnel, including juvenile probation personnel, designated by the governor; and

(7) [~~(8)]~~ two representatives who are local prosecutors designated by the governor.

SECTION 13. Article 62.001(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Penal institution" means a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice, a confinement facility operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission~~], or a juvenile secure pre-adjudication or post-adjudication facility operated by or under a local juvenile probation department, or a county jail.

SECTION 14. Articles 62.007(d) and (e), Code of Criminal Procedure, are amended to read as follows:

(d) The risk assessment review committee, the Texas Department of Criminal Justice, the Texas Juvenile Justice

1 Department [~~Youth Commission~~], or a court may override a risk level
2 only if the entity:

3 (1) believes that the risk level assessed is not an
4 accurate prediction of the risk the offender poses to the
5 community; and

6 (2) documents the reason for the override in the
7 offender's case file.

8 (e) Notwithstanding Chapter 58, Family Code, records and
9 files, including records that have been sealed under Section 58.003
10 of that code, relating to a person for whom a court, the Texas
11 Department of Criminal Justice, or the Texas Juvenile Justice
12 Department [~~Youth Commission~~] is required under this article to
13 determine a level of risk shall be released to the court, the Texas
14 Department of Criminal Justice [~~department~~], or the Texas Juvenile
15 Justice Department [~~commission~~], as appropriate, for the purpose of
16 determining the person's risk level.

17 SECTION 15. Article 62.008, Code of Criminal Procedure, is
18 amended to read as follows:

19 Art. 62.008. GENERAL IMMUNITY. The following persons are
20 immune from liability for good faith conduct under this chapter:

21 (1) an employee or officer of the Texas Department of
22 Criminal Justice, [~~the Texas Youth Commission~~], the Texas Juvenile
23 Justice Department [~~Probation Commission~~], the Department of
24 Public Safety, the Board of Pardons and Paroles, or a local law
25 enforcement authority;

26 (2) an employee or officer of a community supervision
27 and corrections department or a juvenile probation department;

(3) a member of the judiciary; and

(4) a member of the risk assessment review committee established under Article 62.007.

SECTION 16. Article 62.010, Code of Criminal Procedure, is amended to read as follows:

Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of Criminal Justice, ~~[the Texas Youth Commission]~~ the Texas Juvenile Justice Department ~~[Probation Commission]~~, and the department may adopt any rule necessary to implement this chapter.

SECTION 17. Article 62.051(b), Code of Criminal Procedure, is amended to read as follows:

(b) The department shall provide the Texas Department of Criminal Justice, ~~[the Texas Youth Commission]~~ the Texas Juvenile Justice Department ~~[Probation Commission]~~, and each local law enforcement authority, authority for campus security, county jail, and court with a form for registering persons required by this chapter to register.

SECTION 18. Article 104.003(a), Code of Criminal Procedure, is amended to read as follows:

(a) In a prosecution of a criminal offense or delinquent conduct committed on property owned or operated by or under contract with the Texas Department of Criminal Justice or the Texas Juvenile Justice Department ~~[Youth Commission]~~, or committed by or against a person in the custody of the Texas Department of Criminal Justice or the Texas Juvenile Justice Department ~~[department or commission]~~ while the person is performing a duty away from Texas Department of Criminal Justice or Texas Juvenile Justice Department

1 ~~[department or commission]~~ property, the state shall reimburse the
2 county for expenses incurred by the county, in an amount that the
3 court determines to be reasonable, for payment of:

4 (1) salaries and expenses of foreign language
5 interpreters and interpreters for deaf persons whose services are
6 necessary to the prosecution;

7 (2) consultation fees of experts whose assistance is
8 directly related to the prosecution;

9 (3) travel expenses for witnesses;

10 (4) expenses for the food, lodging, and compensation
11 of jurors;

12 (5) compensation of witnesses;

13 (6) the cost of preparation of a statement of facts and
14 a transcript of the trial for purposes of appeal;

15 (7) if the death of a person is an element of the
16 offense, expenses of an inquest relating to the death;

17 (8) food, lodging, and travel expenses incurred by the
18 prosecutor's staff during travel essential to the prosecution of
19 the offense;

20 (9) court reporter's fees; and

21 (10) the cost of special security officers.

22 SECTION 19. Section 1.001(b), Education Code, is amended to
23 read as follows:

24 (b) Except as provided by Chapter 18, Chapter 19, Subchapter
25 A of Chapter 29, Subchapter E of Chapter 30, or Chapter 30A, this
26 code does not apply to students, facilities, or programs under the
27 jurisdiction of the Department of Aging and Disability Services,

1 the Department of State Health Services, the Health and Human
2 Services Commission, the Texas Juvenile Justice Department [~~Youth~~
3 ~~Commission~~], the Texas Department of Criminal Justice, a Job Corps
4 program operated by or under contract with the United States
5 Department of Labor, or any juvenile probation agency.

6 SECTION 20. Section 7.055(b)(26), Education Code, is
7 amended to read as follows:

8 (26) The commissioner, with the assistance of the
9 comptroller, shall determine amounts to be distributed to the Texas
10 School for the Blind and Visually Impaired and the Texas School for
11 the Deaf as provided by Section 30.003 and to the Texas Juvenile
12 Justice Department [~~Youth Commission~~] as provided by Section
13 30.102.

14 SECTION 21. Section 25.042, Education Code, is amended to
15 read as follows:

16 Sec. 25.042. TRANSFER OF CHILDREN OF EMPLOYEES OF TEXAS
17 JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] FACILITIES. A
18 school-age child of an employee of a facility of the Texas Juvenile
19 Justice Department [~~Youth Commission~~] is entitled to attend school
20 in a school district adjacent to the district in which the student
21 resides free of any charge to the student's parents or guardian.
22 Any tuition charge required by the admitting district shall be paid
23 by the district from which the student transfers out of any funds
24 appropriated to the facility.

25 SECTION 22. Section 29.012(d), Education Code, is amended
26 to read as follows:

27 (d) The Texas Education Agency, the Texas Department of

1 Mental Health and Mental Retardation, the Texas Department of Human
2 Services, the Texas Department of Health, the Department of
3 Protective and Regulatory Services, the Interagency Council on
4 Early Childhood Intervention, the Texas Commission on Alcohol and
5 Drug Abuse, and the Texas Juvenile Justice Department [~~Probation~~
6 ~~Commission, and the Texas Youth Commission~~] by a cooperative effort
7 shall develop and by rule adopt a memorandum of understanding. The
8 memorandum must:

9 (1) establish the respective responsibilities of
10 school districts and of residential facilities for the provision of
11 a free, appropriate public education, as required by the
12 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
13 et seq.) and its subsequent amendments, including each requirement
14 for children with disabilities who reside in those facilities;

15 (2) coordinate regulatory and planning functions of
16 the parties to the memorandum;

17 (3) establish criteria for determining when a public
18 school will provide educational services;

19 (4) provide for appropriate educational space when
20 education services will be provided at the residential facility;

21 (5) establish measures designed to ensure the safety
22 of students and teachers; and

23 (6) provide for binding arbitration consistent with
24 Chapter 2009, Government Code, and Section [154.027](#), Civil Practice
25 and Remedies Code.

26 SECTION 23. Section [29.087](#)(d), Education Code, is amended
27 to read as follows:

(d) A student is eligible to participate in a program authorized by this section if:

(1) the student has been ordered by a court under Article 45.054, Code of Criminal Procedure, ~~[as added by Chapter 1514, Acts of the 77th Legislature, Regular Session, 2001,]~~ or by the Texas Juvenile Justice Department ~~[Youth Commission]~~ to:

(A) participate in a preparatory class for the high school equivalency examination; or

(B) take the high school equivalency examination administered under Section 7.111; or

(2) the following conditions are satisfied:

(A) the student is at least 16 years of age at the beginning of the school year or semester;

(B) the student is a student at risk of dropping out of school, as defined by Section 29.081;

(C) the student and the student's parent or guardian agree in writing to the student's participation;

(D) at least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the district or school; and

(E) any other conditions specified by the commissioner.

SECTION 24. The heading to Subchapter E, Chapter 30, Education Code, is amended to read as follows:

SUBCHAPTER E. TEXAS JUVENILE JUSTICE DEPARTMENT ~~[YOUTH COMMISSION]~~

FACILITIES

SECTION 25. Section 30.101, Education Code, is amended to read as follows:

Sec. 30.101. PURPOSE. The purpose of this subchapter is to provide the state available school fund apportionment to children committed to the Texas Juvenile Justice Department [~~Youth Commission~~]. To provide the state available school fund apportionment for educational purposes, the educational programs provided to those children are considered to be educational services provided by public schools.

SECTION 26. Section 30.102, Education Code, is amended to read as follows:

Sec. 30.102. ALLOCATION. (a) The Texas Juvenile Justice Department [~~Youth Commission~~] is entitled to receive the state available school fund apportionment based on the average daily attendance in the department's [~~commission's~~] educational programs of students who are at least three years of age and not older than 21 years of age.

(b) A classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, Chapter 21, or full-time school nurse employed by the department [~~commission~~] is entitled to receive as a minimum salary the monthly salary specified by Section 21.402. A classroom teacher, full-time librarian, full-time school counselor, or full-time school nurse may be paid, from funds appropriated to the department [~~commission~~], a salary in excess of the minimum specified by that section, but the salary may not exceed the rate of pay for a similar

1 position in the public schools of an adjacent school district.

2 (c) The commissioner, with the assistance of the
3 comptroller, shall determine the amount that the department
4 [~~commission~~] would have received from the available school fund if
5 Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984,
6 had not transferred statutorily dedicated taxes from the available
7 school fund to the foundation school fund. That amount, minus any
8 amount the schools do receive from the available school fund, shall
9 be set apart as a separate account in the foundation school fund and
10 appropriated to the department [~~commission~~] for educational
11 purposes.

12 SECTION 27. Section 30.103, Education Code, is amended to
13 read as follows:

14 Sec. 30.103. MEMORANDUM OF UNDERSTANDING. The Texas
15 Juvenile Justice Department [~~Youth Commission~~] with the assistance
16 of the Texas Workforce Commission and the Texas Workforce
17 Investment Council shall by rule adopt a memorandum of
18 understanding that establishes the respective responsibility of
19 those entities to provide through local workforce development
20 boards job training and employment assistance programs to children
21 committed or formerly sentenced to the department [~~Texas Youth~~
22 ~~Commission~~]. The department [~~Texas Youth Commission~~] shall
23 coordinate the development of the memorandum of understanding and
24 include in its annual report information describing the number of
25 children in the preceding year receiving services under the
26 memorandum.

27 SECTION 28. Section 30.104, Education Code, is amended to

1 read as follows:

2 Sec. 30.104. CREDIT FOR COMPLETION OF EDUCATIONAL PROGRAMS;
3 HIGH SCHOOL DIPLOMA AND CERTIFICATE. (a) A school district shall
4 grant to a student credit toward the academic course requirements
5 for high school graduation for courses the student successfully
6 completes in Texas Juvenile Justice Department [~~Youth Commission~~]
7 educational programs.

8 (b) A student may graduate and receive a diploma from a
9 department [~~Texas Youth Commission~~] educational program if:

10 (1) the student successfully completes the curriculum
11 requirements identified by the State Board of Education under
12 Section 28.025(a) and complies with Section 39.025; or

13 (2) the student successfully completes the curriculum
14 requirements under Section 28.025(a) as modified by an
15 individualized education program developed under Section 29.005.

16 (c) A department [~~Texas Youth Commission~~] educational
17 program may issue a certificate of course-work completion to a
18 student who successfully completes the curriculum requirements
19 identified by the State Board of Education under Section 28.025(a)
20 but who fails to comply with Section 39.025.

21 SECTION 29. Section 30.106, Education Code, is amended to
22 read as follows:

23 Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because
24 learning and behavior are inextricably linked and learning and
25 improved behavior correlate with decreased recidivism rates, the
26 Texas Juvenile Justice Department [~~Youth Commission~~] shall not only
27 fulfill the department's [~~commission's~~] duties under state and

1 federal law to provide general and special educational services to
2 students in department [~~commission~~] educational programs but also
3 shall implement a comprehensive plan to improve the reading skills
4 and behavior of those students.

5 (b) To improve the reading skills of students in department
6 [~~Texas Youth Commission~~] educational programs, the department
7 [~~commission~~] shall:

8 (1) adopt a reliable battery of reading assessments
9 that:

10 (A) are based on a normative sample appropriate
11 to students in department [~~commission~~] educational programs;

12 (B) are designed to be administered on an
13 individual basis; and

14 (C) allow school employees to:

15 (i) evaluate performance in each essential
16 component of effective reading instruction, including phonemic
17 awareness, phonics, fluency, vocabulary, and comprehension;

18 (ii) monitor progress in areas of
19 deficiency specific to an individual student; and

20 (iii) provide reading performance data;

21 (2) administer the assessments adopted under
22 Subdivision (1):

23 (A) at periodic intervals not to exceed 12
24 months, to each student in a department [~~commission~~] educational
25 program; and

26 (B) at least 15 days and not more than 30 days
27 before a student is released from the department [~~commission~~];

1 (3) provide at least 60 minutes per school day of
2 individualized reading instruction to each student in a department
3 ~~[commission]~~ educational program who exhibits deficits in reading
4 on the assessments adopted under Subdivision (1):

5 (A) by trained educators with expertise in
6 teaching reading to struggling adolescent readers; and

7 (B) through the use of scientifically based,
8 peer-reviewed reading curricula that:

9 (i) have proven effective in improving the
10 reading performance of struggling adolescent readers;

11 (ii) address individualized and
12 differentiated reading goals; and

13 (iii) include each of the essential
14 components of effective reading instruction, including phonemic
15 awareness, phonics, fluency, vocabulary, and comprehension;

16 (4) require each teacher in a department ~~[commission]~~
17 regular or special educational program who teaches English language
18 arts, reading, mathematics, science, social studies, or career and
19 technology education to be trained in incorporating content area
20 reading instruction using empirically validated instructional
21 methods that are appropriate for struggling adolescent readers; and

22 (5) evaluate the effectiveness of the department's
23 ~~[commission's]~~ plan to increase reading skills according to the
24 following criteria:

25 (A) an adequate rate of improvement in reading
26 performance, as measured by monthly progress monitoring using
27 curricular-based assessments in each of the essential components of

1 effective reading instruction, including phonemic awareness,
2 phonics, fluency, vocabulary, and comprehension;

3 (B) a significant annual rate of improvement in
4 reading performance, disaggregated by subgroups designated under
5 department [~~commission~~] rule, as measured using the battery of
6 reading assessments adopted under Subdivision (1); and

7 (C) student ratings of the quality and impact of
8 the reading plan under this subsection, as measured on a student
9 self-reporting instrument.

10 (c) To increase the positive social behaviors of students in
11 department [~~Texas Youth Commission~~] educational programs and to
12 create an educational environment that facilitates learning, the
13 department [~~commission~~] shall:

14 (1) adopt system-wide classroom and individual
15 positive behavior supports that incorporate a continuum of
16 prevention and intervention strategies that:

17 (A) are based on current behavioral research; and

18 (B) are systematically and individually applied
19 to students consistent with the demonstrated level of need;

20 (2) require each teacher and other educational staff
21 member in a department [~~commission~~] educational program to be
22 trained in implementing the positive behavior support system
23 adopted under Subdivision (1); and

24 (3) adopt valid assessment techniques to evaluate the
25 effectiveness of the positive behavior support system according to
26 the following criteria:

27 (A) documentation of school-related disciplinary

1 referrals, disaggregated by the type, location, and time of
2 infraction and by subgroups designated under department
3 ~~[commission]~~ rule;

4 (B) documentation of school-related disciplinary
5 actions, including time-out, placement in security, and use of
6 restraints and other aversive control measures, disaggregated by
7 subgroups designated under department ~~[commission]~~ rule;

8 (C) validated measurement of systemic positive
9 behavioral support interventions; and

10 (D) the number of minutes students are out of the
11 regular classroom because of disciplinary reasons.

12 (d) The department ~~[Texas Youth Commission]~~ shall consult
13 with faculty from institutions of higher education who have
14 expertise in reading instruction for adolescents, in juvenile
15 corrections, and in positive behavior supports to develop and
16 implement the plan under Subsections (b) and (c).

17 (e) A student in a department ~~[Texas Youth Commission]~~
18 educational program may not be released on parole from the
19 department ~~[commission]~~ unless the student participates, to the
20 extent required by department ~~[commission]~~ rule, in the positive
21 behavior support system under Subsection (c). A student in a
22 department ~~[commission]~~ educational program who exhibits deficits
23 in reading on the assessments adopted under Subsection (b)(1) must
24 also participate in reading instruction to the extent required by
25 this section and by department ~~[commission]~~ rule before the student
26 may be released on parole.

27 SECTION 30. Section 30A.105(c), Education Code, is amended

to read as follows:

(c) The agency shall pay the reasonable costs of evaluating and approving electronic courses. If funds available to the agency for that purpose are insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, the agency shall give priority to paying the costs of evaluating and approving the following courses:

(1) courses that satisfy high school graduation requirements;

(2) courses that would likely benefit a student in obtaining admission to a postsecondary institution;

(3) courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;

(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Juvenile Justice Department [~~Youth Commission~~], or the Texas Department of Criminal Justice; and

(5) courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.

SECTION 31. Section 31.021(c), Education Code, is amended to read as follows:

(c) Money in the state instructional materials fund shall be used to:

(1) fund the instructional materials allotment, as provided by Section 31.0211;

(2) purchase special instructional materials for the

1 education of blind and visually impaired students in public
2 schools;

3 (3) pay the expenses associated with the instructional
4 materials adoption and review process under this chapter;

5 (4) pay the expenses associated with the purchase or
6 licensing of open-source instructional material;

7 (5) pay the expenses associated with the purchase of
8 instructional material, including intrastate freight and shipping
9 and the insurance expenses associated with intrastate freight and
10 shipping;

11 (6) fund the technology lending grant program
12 established under Section 32.201; and

13 (7) provide funding to the Texas School for the Blind
14 and Visually Impaired, the Texas School for the Deaf, and the Texas
15 Juvenile Justice Department [~~Youth Commission~~].

16 SECTION 32. Sections 37.0062(a), (b), and (d), Education
17 Code, are amended to read as follows:

18 (a) The commissioner shall determine the instructional
19 requirements for education services provided by a school district
20 or open-enrollment charter school in a pre-adjudication secure
21 detention facility or a post-adjudication secure correctional
22 facility operated by a juvenile board or a post-adjudication secure
23 correctional facility operated under contract with the Texas
24 Juvenile Justice Department [~~Youth Commission~~], including
25 requirements relating to:

26 (1) the length of the school day;

27 (2) the number of days of instruction provided to

1 students each school year; and

2 (3) the curriculum of the educational program.

3 (b) The commissioner shall coordinate with the Texas
4 Juvenile Justice Department in determining the instructional
5 requirements for education services provided under Subsection (a):

6 (1) [~~the Texas Juvenile Probation Commission in~~
7 ~~determining the instructional requirements for education services~~
8 ~~provided under Subsection (a)] in a pre-adjudication secure~~

9 detention facility or a post-adjudication secure correctional

10 facility operated by a juvenile board; and

11 (2) [~~the Texas Youth Commission in determining the~~
12 ~~instructional requirements for education services provided under~~
13 ~~Subsection (a)] in a post-adjudication secure correctional~~

14 facility operated under contract with the department [~~Texas Youth~~
15 ~~Commission]~~.

16 (d) The Texas Juvenile Justice Department [~~Probation~~
17 ~~Commission or the Texas Youth Commission, as applicable,~~] shall

18 coordinate with the commissioner in establishing standards for:

19 (1) ensuring security in the provision of education

20 services in the facilities; and

21 (2) providing children in the custody of the

22 facilities access to education services.

23 SECTION 33. Sections 37.011(a), (a-1), (f), (g), and (h),

24 Education Code, are amended to read as follows:

25 (a) The juvenile board of a county with a population greater

26 than 125,000 shall develop a juvenile justice alternative education

27 program, subject to the approval of the Texas Juvenile Justice

1 Department [~~Probation Commission~~]. The juvenile board of a county
2 with a population of 125,000 or less may develop a juvenile justice
3 alternative education program. For the purposes of this
4 subchapter, only a disciplinary alternative education program
5 operated under the authority of a juvenile board of a county is
6 considered a juvenile justice alternative education program. A
7 juvenile justice alternative education program in a county with a
8 population of 125,000 or less:

9 (1) is not required to be approved by the department
10 [~~Texas Juvenile Probation Commission~~]; and

11 (2) is not subject to Subsection (c), (d), (f), or (g).

12 (a-1) For purposes of this section and Section 37.010(a), a
13 county with a population greater than 125,000 is considered to be a
14 county with a population of 125,000 or less if:

15 (1) the county had a population of 125,000 or less
16 according to the 2000 federal census; and

17 (2) the juvenile board of the county enters into, with
18 the approval of the Texas Juvenile Justice Department [~~Probation~~
19 ~~Commission~~], a memorandum of understanding with each school
20 district within the county that:

21 (A) outlines the responsibilities of the board
22 and school districts in minimizing the number of students expelled
23 without receiving alternative educational services; and

24 (B) includes the coordination procedures
25 required by Section 37.013.

26 (f) A juvenile justice alternative education program must
27 operate at least seven hours per day and 180 days per year, except

that a program may apply to the Texas Juvenile Justice Department [~~Probation Commission~~] for a waiver of the 180-day requirement. The department [~~commission~~] may not grant a waiver to a program under this subsection for a number of days that exceeds the highest number of instructional days waived by the commissioner during the same school year for a school district served by the program.

(g) A juvenile justice alternative education program shall be subject to a written operating policy developed by the local juvenile justice board and submitted to the Texas Juvenile Justice Department [~~Probation Commission~~] for review and comment. A juvenile justice alternative education program is not subject to a requirement imposed by this title, other than a reporting requirement or a requirement imposed by this chapter or by Chapter 39.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapter 39, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Justice Department [~~Probation Commission~~], with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapter 39, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The department [~~Texas Juvenile Probation Commission~~]

1 shall adopt rules for the distribution of funds appropriated under
2 this section to juvenile boards in counties required to establish
3 juvenile justice alternative education programs. Except as
4 determined by the commissioner, a student served by a juvenile
5 justice alternative education program on the basis of an expulsion
6 required under Section 37.007(a), (d), or (e) is not eligible for
7 Foundation School Program funding under Chapter 42 or 31 if the
8 juvenile justice alternative education program receives funding
9 from the department [~~Texas Juvenile Probation Commission~~] under
10 this subchapter.

11 SECTION 34. Section 37.084(b), Education Code, is amended
12 to read as follows:

13 (b) The commissioner may enter into an interagency
14 agreement to share educational information for research and
15 analytical purposes with the:

16 (1) Texas Juvenile Justice Department [~~Probation~~
17 ~~Commission~~]; and

18 (2) [~~Texas Youth Commission~~];

19 [~~(3)~~] Texas Department of Criminal Justice[, and

20 [~~(4) Criminal Justice Policy Council~~].

21 SECTION 35. Section 37.203(a), Education Code, is amended
22 to read as follows:

23 (a) The center is advised by a board of directors composed
24 of:

25 (1) the attorney general, or the attorney general's
26 designee;

27 (2) the commissioner, or the commissioner's designee;

1 (3) the executive director of the Texas Juvenile
2 Justice Department [~~Probation Commission~~], or the executive
3 director's designee;

4 (4) [~~the executive commissioner of the Texas Youth~~
5 ~~Commission, or the executive commissioner's designee,~~

6 [~~(5)~~] the commissioner of the Department of State
7 Health Services, or the commissioner's designee;

8 (5) [~~(6)~~] the commissioner of higher education, or the
9 commissioner's designee; and

10 (6) [~~(7)~~] the following members appointed by the
11 governor with the advice and consent of the senate:

12 (A) a juvenile court judge;

13 (B) a member of a school district's board of
14 trustees;

15 (C) an administrator of a public primary school;

16 (D) an administrator of a public secondary
17 school;

18 (E) a member of the state parent-teacher
19 association;

20 (F) a teacher from a public primary or secondary
21 school;

22 (G) a public school superintendent who is a
23 member of the Texas Association of School Administrators;

24 (H) a school district police officer or a peace
25 officer whose primary duty consists of working in a public school;
26 and

27 (I) two members of the public.

SECTION 36. Section 52.40(a), Education Code, is amended to read as follows:

(a) The board may cancel the repayment of a loan received by a student who earns a doctorate of psychology degree and who, prior to the date on which repayment of the loan is to commence, is employed by the Department of Aging and Disability Services, the Department of State Health Services, or the Health and Human Services Commission and performs duties formerly performed by employees of the Texas Department of Human Services or Texas Department of Mental Health and Mental Retardation, the Texas Juvenile Justice Department [~~Youth Commission~~], or the Texas Department of Criminal Justice.

SECTION 37. Section 32.001(b), Family Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, the Texas Juvenile Justice Department [~~Youth Commission~~] may consent to the medical, dental, psychological, and surgical treatment of a child committed to the department [~~Texas Youth Commission~~] under Title 3 when the person having the right to consent has been contacted and that person has not given actual notice to the contrary. Consent for medical, dental, psychological, and surgical treatment of a child for whom the Department of Family and Protective Services has been appointed managing conservator and who is committed to the Texas Juvenile Justice Department [~~Youth Commission~~] is governed by Sections 266.004, 266.009, and 266.010.

SECTION 38. Section 32.101(d), Family Code, is amended to read as follows:

1 (d) The Texas Juvenile Justice Department [~~Youth~~
2 ~~Commission~~] may consent to the immunization of a child committed to
3 it if a parent, managing conservator, or guardian of the minor or
4 other person who, under the law of another state or court order, may
5 consent for the minor has been contacted and:

6 (1) refuses to consent; and

7 (2) does not expressly deny to the department [~~Texas~~
8 ~~Youth Commission~~] the authority to consent for the child.

9 SECTION 39. Section 51.031(b), Family Code, is amended to
10 read as follows:

11 (b) For purposes of this section, an adjudication is final
12 if the child is placed on probation or committed to the Texas
13 Juvenile Justice Department [~~Youth Commission~~].

14 SECTION 40. Section 51.06(b), Family Code, is amended to
15 read as follows:

16 (b) An application for a writ of habeas corpus brought by or
17 on behalf of a person who has been committed to an institution under
18 the jurisdiction of the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~] and which attacks the validity of the judgment of
20 commitment shall be brought in the county in which the court that
21 entered the judgment of commitment is located.

22 SECTION 41. Section 51.10(b), Family Code, is amended to
23 read as follows:

24 (b) The child's right to representation by an attorney shall
25 not be waived in:

26 (1) a hearing to consider transfer to criminal court
27 as required by Section 54.02 [~~of this code~~];

1 (2) an adjudication hearing as required by Section
2 54.03 [~~of this code~~];

3 (3) a disposition hearing as required by Section 54.04
4 [~~of this code~~];

5 (4) a hearing prior to commitment to the Texas
6 Juvenile Justice Department [~~Youth Commission~~] as a modified
7 disposition in accordance with Section 54.05(f) [~~of this code~~]; or

8 (5) hearings required by Chapter 55 [~~of this code~~].

9 SECTION 42. Section 51.101(e), Family Code, is amended to
10 read as follows:

11 (e) The juvenile court shall determine whether the child's
12 family is indigent if a motion or petition is filed under Section
13 54.05 seeking to modify disposition by committing the child to the
14 Texas Juvenile Justice Department [~~Youth Commission~~] or placing the
15 child in a secure correctional facility. A court that makes a
16 finding of indigence shall appoint an attorney to represent the
17 child on or before the fifth working day after the date the petition
18 or motion has been filed. An attorney appointed under this
19 subsection shall continue to represent the child until the court
20 rules on the motion or petition, the family retains an attorney, or
21 a new attorney is appointed.

22 SECTION 43. Section 51.102(b), Family Code, is amended to
23 read as follows:

24 (b) A plan adopted under Subsection (a) must:

25 (1) to the extent practicable, comply with the
26 requirements of Article 26.04, Code of Criminal Procedure, except
27 that:

1 (A) the income and assets of the child's parent
2 or other person responsible for the child's support must be used in
3 determining whether the child is indigent; and

4 (B) any alternative plan for appointing counsel
5 is established by the juvenile board in the county; and

6 (2) recognize the differences in qualifications and
7 experience necessary for appointments to cases in which:

8 (A) the allegation is:

9 (i) conduct indicating a need for
10 supervision or delinquent conduct, and commitment to the Texas
11 Juvenile Justice Department [~~Youth Commission~~] is not an authorized
12 disposition; or

13 (ii) delinquent conduct, and commitment to
14 the department [~~Texas Youth Commission~~] without a determinate
15 sentence is an authorized disposition; or

16 (B) determinate sentence proceedings have been
17 initiated or proceedings for discretionary transfer to criminal
18 court have been initiated.

19 SECTION 44. Sections 51.12(c), (c-1), (h), (i), (j), (l),
20 and (m), Family Code, are amended to read as follows:

21 (c) In each county, each judge of the juvenile court and a
22 majority of the members of the juvenile board shall personally
23 inspect all public or private juvenile pre-adjudication secure
24 detention facilities that are located in the county at least
25 annually and shall certify in writing to the authorities
26 responsible for operating and giving financial support to the
27 facilities and to the Texas Juvenile Justice Department [~~Probation~~]

1 ~~Commission~~] that the facilities are suitable or unsuitable for the
2 detention of children. In determining whether a facility is
3 suitable or unsuitable for the detention of children, the juvenile
4 court judges and juvenile board members shall consider:

5 (1) current monitoring and inspection reports and any
6 noncompliance citation reports issued by the department [~~Texas~~
7 ~~Juvenile Probation Commission~~], including the report provided
8 under Subsection (c-1), and the status of any required corrective
9 actions;

10 (2) current governmental inspector certification
11 regarding the facility's compliance with local fire codes;

12 (3) current building inspector certification
13 regarding the facility's compliance with local building codes;

14 (4) for the 12-month period preceding the inspection,
15 the total number of allegations of abuse, neglect, or exploitation
16 reported by the facility and a summary of the findings of any
17 investigations of abuse, neglect, or exploitation conducted by the
18 facility, a local law enforcement agency, and the department [~~Texas~~
19 ~~Juvenile Probation Commission~~];

20 (5) the availability of health and mental health
21 services provided to facility residents;

22 (6) the availability of educational services provided
23 to facility residents; and

24 (7) the overall physical appearance of the facility,
25 including the facility's security, maintenance, cleanliness, and
26 environment.

27 (c-1) The Texas Juvenile Justice Department [~~Probation~~

1 ~~Commission~~] shall annually inspect each public or private juvenile
2 pre-adjudication secure detention facility. The department [~~Texas~~
3 ~~Juvenile Probation Commission~~] shall provide a report to each
4 juvenile court judge presiding in the same county as an inspected
5 facility indicating whether the facility is suitable or unsuitable
6 for the detention of children in accordance with:

7 (1) the requirements of Subsections (a), (f), and (g);
8 and

9 (2) minimum professional standards for the detention
10 of children in pre-adjudication secure confinement promulgated by
11 the department [~~Texas Juvenile Probation Commission~~] or, at the
12 election of the juvenile board of the county in which the facility
13 is located, the current standards promulgated by the American
14 Correctional Association.

15 (h) This section does not apply to a person:

16 (1) who has been transferred to criminal court for
17 prosecution under Section 54.02 and is at least 17 years of age; or

18 (2) who is at least 17 years of age and who has been
19 taken into custody after having:

20 (A) escaped from a juvenile facility operated by
21 or under contract with the Texas Juvenile Justice Department [~~Youth~~
22 ~~Commission~~]; or

23 (B) violated a condition of release under
24 supervision of the department [~~Texas Youth Commission~~].

25 (i) Except for a facility as provided by Subsection (1), a
26 governmental unit or private entity that operates or contracts for
27 the operation of a juvenile pre-adjudication secure detention

1 facility under Subsection (b-1) in this state shall:

2 (1) register the facility annually with the Texas
3 Juvenile Justice Department [~~Probation Commission~~]; and

4 (2) adhere to all applicable minimum standards for the
5 facility.

6 (j) After being taken into custody, a child may be detained
7 in a secure detention facility until the child is released under
8 Section 53.01, 53.012, or 53.02 or until a detention hearing is held
9 under Section 54.01(a), regardless of whether the facility has been
10 certified under Subsection (c), if:

11 (1) a certified juvenile detention facility is not
12 available in the county in which the child is taken into custody;

13 (2) the detention facility complies with:

14 (A) the short-term detention standards adopted
15 by the Texas Juvenile Justice Department [~~Probation Commission~~];
16 and

17 (B) the requirements of Subsection (f); and

18 (3) the detention facility has been designated by the
19 county juvenile board for the county in which the facility is
20 located.

21 (1) A child who is taken into custody and required to be
22 detained under Section 53.02(f) may be detained in a county jail or
23 other facility until the child is released under Section 53.02(f)
24 or until a detention hearing is held as required by Section
25 54.01(p), regardless of whether the facility complies with the
26 requirements of this section, if:

27 (1) a certified juvenile detention facility or a

1 secure detention facility described by Subsection (j) is not
2 available in the county in which the child is taken into custody or
3 in an adjacent county;

4 (2) the facility has been designated by the county
5 juvenile board for the county in which the facility is located;

6 (3) the child is separated by sight and sound from
7 adults detained in the same facility through architectural design
8 or time-phasing;

9 (4) the child does not have any contact with
10 management or direct-care staff that has contact with adults
11 detained in the same facility on the same work shift;

12 (5) the county in which the child is taken into custody
13 is not located in a metropolitan statistical area as designated by
14 the United States Bureau of the Census; and

15 (6) each judge of the juvenile court and a majority of
16 the members of the juvenile board of the county in which the child
17 is taken into custody have personally inspected the facility at
18 least annually and have certified in writing to the Texas Juvenile
19 Justice Department [~~Probation Commission~~] that the facility
20 complies with the requirements of Subdivisions (3) and (4).

21 (m) The Texas Juvenile Justice Department [~~Probation~~
22 ~~Commission~~] may deny, suspend, or revoke the registration of any
23 facility required to register under Subsection (i) if the facility
24 fails to:

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

27 (2) timely correct any notice of noncompliance with

1 minimum standards.

2 SECTION 45. Sections 51.125(b), (c), (d), and (e), Family
3 Code, are amended to read as follows:

4 (b) In each county, each judge of the juvenile court and a
5 majority of the members of the juvenile board shall personally
6 inspect all public or private juvenile post-adjudication secure
7 correctional facilities that are not operated by the Texas Juvenile
8 Justice Department [~~Youth Commission~~] and that are located in the
9 county at least annually and shall certify in writing to the
10 authorities responsible for operating and giving financial support
11 to the facilities and to the department [~~Texas Juvenile Probation~~
12 ~~Commission~~] that the facility or facilities are suitable or
13 unsuitable for the confinement of children. In determining
14 whether a facility is suitable or unsuitable for the confinement of
15 children, the juvenile court judges and juvenile board members
16 shall consider:

17 (1) current monitoring and inspection reports and any
18 noncompliance citation reports issued by the department [~~Texas~~
19 ~~Juvenile Probation Commission~~], including the report provided
20 under Subsection (c), and the status of any required corrective
21 actions; and

22 (2) the other factors described under Sections
23 51.12(c)(2)-(7).

24 (c) The Texas Juvenile Justice Department [~~Probation~~
25 ~~Commission~~] shall annually inspect each public or private juvenile
26 post-adjudication secure correctional facility that is not
27 operated by the department [~~Texas Youth Commission~~]. The

1 department [~~Texas Juvenile Probation Commission~~] shall provide a
2 report to each juvenile court judge presiding in the same county as
3 an inspected facility indicating whether the facility is suitable
4 or unsuitable for the confinement of children in accordance with
5 minimum professional standards for the confinement of children in
6 post-adjudication secure confinement promulgated by the department
7 [~~Texas Juvenile Probation Commission~~] or, at the election of the
8 juvenile board of the county in which the facility is located, the
9 current standards promulgated by the American Correctional
10 Association.

11 (d) A governmental unit or private entity that operates or
12 contracts for the operation of a juvenile post-adjudication secure
13 correctional facility in this state under Subsection (a), except
14 for a facility operated by or under contract with the Texas Juvenile
15 Justice Department [~~Youth Commission~~], shall:

16 (1) register the facility annually with the department
17 [~~Texas Juvenile Probation Commission~~]; and

18 (2) adhere to all applicable minimum standards for the
19 facility.

20 (e) The Texas Juvenile Justice Department [~~Probation~~
21 ~~Commission~~] may deny, suspend, or revoke the registration of any
22 facility required to register under Subsection (d) if the facility
23 fails to:

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

26 (2) timely correct any notice of noncompliance with
27 minimum standards.

SECTION 46. Section 51.21(b), Family Code, is amended to read as follows:

(b) A probation department shall report each referral of a child to a local mental health authority made under Subsection (a) to the Texas Juvenile Justice Department [~~Probation Commission~~] in a format specified by the Texas Juvenile Justice Department [~~commission~~].

SECTION 47. Section 53.01(e), Family Code, is amended to read as follows:

(e) If a juvenile board adopts an alternative referral plan under Subsection (d), the board shall register the plan with the Texas Juvenile Justice Department [~~Probation Commission~~].

SECTION 48. Section 53.03(d), Family Code, is amended to read as follows:

(d) The juvenile board may adopt a fee schedule for deferred prosecution services and rules for the waiver of a fee for financial hardship in accordance with guidelines that the Texas Juvenile Justice Department [~~Probation Commission~~] shall provide. The maximum fee is \$15 a month. If the board adopts a schedule and rules for waiver, the probation officer or other designated officer of the court shall collect the fee authorized by the schedule from the parent, guardian, or custodian of a child for whom a deferred prosecution is authorized under this section or waive the fee in accordance with the rules adopted by the board. The officer shall deposit the fees received under this section in the county treasury to the credit of a special fund that may be used only for juvenile probation or community-based juvenile corrections services or

1 facilities in which a juvenile may be required to live while under
2 court supervision. If the board does not adopt a schedule and rules
3 for waiver, a fee for deferred prosecution services may not be
4 imposed.

5 SECTION 49. Sections 54.04(e), (i), (k), and (o), Family
6 Code, are amended to read as follows:

7 (e) The Texas Juvenile Justice Department [~~Youth~~
8 ~~Commission~~] shall accept a person properly committed to it by a
9 juvenile court even though the person may be 17 years of age or
10 older at the time of commitment.

11 (i) If the court places the child on probation outside the
12 child's home or commits the child to the Texas Juvenile Justice
13 Department [~~Youth Commission~~], the court:

14 (1) shall include in its order its determination that:

15 (A) it is in the child's best interests to be
16 placed outside the child's home;

17 (B) reasonable efforts were made to prevent or
18 eliminate the need for the child's removal from the home and to make
19 it possible for the child to return to the child's home; and

20 (C) the child, in the child's home, cannot be
21 provided the quality of care and level of support and supervision
22 that the child needs to meet the conditions of probation; and

23 (2) may approve an administrative body to conduct
24 permanency hearings pursuant to 42 U.S.C. Section 675 if required
25 during the placement or commitment of the child.

26 (k) Except as provided by Subsection (m), the period to
27 which a court or jury may sentence a person to commitment to the

1 Texas Juvenile Justice Department [~~Youth Commission~~] with a
2 transfer to the Texas Department of Criminal Justice under
3 Subsection (d)(3) applies without regard to whether the person has
4 previously been adjudicated as having engaged in delinquent
5 conduct.

6 (o) In a disposition under this title:

7 (1) a status offender may not, under any
8 circumstances, be committed to the Texas Juvenile Justice
9 Department [~~Youth Commission~~] for engaging in conduct that would
10 not, under state or local law, be a crime if committed by an adult;

11 (2) a status offender may not, under any circumstances
12 other than as provided under Subsection (n), be placed in a
13 post-adjudication secure correctional facility; and

14 (3) a child adjudicated for contempt of a county,
15 justice, or municipal court order may not, under any circumstances,
16 be placed in a post-adjudication secure correctional facility or
17 committed to the Texas Juvenile Justice Department [~~Youth~~
18 ~~Commission~~] for that conduct.

19 SECTION 50. Sections 54.0401(d) and (e), Family Code, are
20 amended to read as follows:

21 (d) The Texas Juvenile Justice Department [~~Probation~~
22 ~~Commission~~] shall establish guidelines for the implementation of
23 community-based programs described by this section. The juvenile
24 board of each county to which this section applies shall implement a
25 community-based program that complies with those guidelines.

26 (e) The Texas Juvenile Justice Department [~~Probation~~
27 ~~Commission~~] shall provide grants to selected juvenile boards to

1 assist with the implementation of a system of community-based
2 programs under this section.

3 SECTION 51. Section 54.0411(h), Family Code, is amended to
4 read as follows:

5 (h) The legislature shall determine and appropriate the
6 necessary amount from the juvenile probation diversion fund to the
7 Texas Juvenile Justice Department [~~Probation Commission~~] for the
8 purchase of services the department [~~commission~~] considers
9 necessary for the diversion of any juvenile who is at risk of
10 commitment to the department [~~Texas Youth Commission~~]. The
11 department [~~Texas Juvenile Probation Commission~~] shall develop
12 guidelines for the use of the fund. The department [~~commission~~] may
13 not purchase the services if a person responsible for the child's
14 support or a local juvenile probation department is financially
15 able to provide the services.

16 SECTION 52. Section 54.0462(a), Family Code, is amended to
17 read as follows:

18 (a) If a child is adjudicated as having engaged in
19 delinquent conduct that constitutes the commission of a felony and
20 the provision of a DNA sample is required under Section 54.0409 or
21 other law, the juvenile court shall order the child, parent, or
22 other person responsible for the child's support to pay to the court
23 as a cost of court:

24 (1) a \$50 fee if the disposition of the case includes a
25 commitment to a facility operated by or under contract with the
26 Texas Juvenile Justice Department [~~Youth Commission~~]; and

27 (2) a \$34 fee if the disposition of the case does not

1 include a commitment described by Subdivision (1) and the child is
2 required to submit a DNA sample under Section 54.0409 or other law.

3 SECTION 53. Section 54.0491(c), Family Code, is amended to
4 read as follows:

5 (c) If a child required to attend a criminal street gang
6 intervention program is committed to the Texas Juvenile Justice
7 Department [~~Youth Commission~~] as a result of the gang-related
8 conduct, the child must complete the intervention program before
9 being discharged from the custody of or released under supervision
10 by the department [~~commission~~].

11 SECTION 54. Sections 54.05(a), (g), and (h), Family Code,
12 are amended to read as follows:

13 (a) Except as provided by Subsection (a-1), any
14 disposition, except a commitment to the Texas Juvenile Justice
15 Department [~~Youth Commission~~], may be modified by the juvenile
16 court as provided in this section until:

17 (1) the child reaches:

18 (A) the child's 18th birthday; or

19 (B) the child's 19th birthday, if the child was
20 placed on determinate sentence probation under Section 54.04(q); or

21 (2) the child is earlier discharged by the court or
22 operation of law.

23 (g) Except as provided by Subsection (j), a disposition
24 based solely on a finding that the child engaged in conduct
25 indicating a need for supervision may not be modified to commit the
26 child to the Texas Juvenile Justice Department [~~Youth Commission~~].

27 A new finding in compliance with Section 54.03 must be made that the

1 child engaged in delinquent conduct that meets the requirements for
2 commitment under Section 54.04.

3 (h) A hearing shall be held prior to placement in a
4 post-adjudication secure correctional facility for a period longer
5 than 30 days or commitment to the Texas Juvenile Justice Department
6 [~~Youth Commission~~] as a modified disposition. In other disposition
7 modifications, the child and the child's parent, guardian, guardian
8 ad litem, or attorney may waive hearing in accordance with Section
9 51.09.

10 SECTION 55. Sections 54.06(a) and (b), Family Code, are
11 amended to read as follows:

12 (a) At any stage of the proceeding, when a child has been
13 placed outside the child's home, the juvenile court, after giving
14 the parent or other person responsible for the child's support a
15 reasonable opportunity to be heard, shall order the parent or other
16 person to pay in a manner directed by the court a reasonable sum for
17 the support in whole or in part of the child or the court shall waive
18 the payment by order. The court shall order that the payment for
19 support be made to the local juvenile probation department to be
20 used only for residential care and other support for the child
21 unless the child has been committed to the Texas Juvenile Justice
22 Department [~~Youth Commission~~], in which case the court shall order
23 that the payment be made to the Texas Juvenile Justice Department
24 [~~Youth Commission~~] for deposit in a special account in the general
25 revenue fund that may be appropriated only for the care of children
26 committed to the Texas Juvenile Justice Department [~~commission~~].

27 (b) At any stage of the proceeding, when a child has been

1 placed outside the child's home and the parent of the child is
2 obligated to pay support for the child under a court order under
3 Title 5, the juvenile court shall order that the person entitled to
4 receive the support assign the person's right to support for the
5 child placed outside the child's home to the local juvenile
6 probation department to be used for residential care and other
7 support for the child unless the child has been committed to the
8 Texas Juvenile Justice Department [~~Youth Commission~~], in which
9 event the court shall order that the assignment be made to the Texas
10 Juvenile Justice Department [~~Youth Commission~~].

11 SECTION 56. Section 57.002, Family Code, is amended to read
12 as follows:

13 Sec. 57.002. VICTIM'S RIGHTS. (a) A victim, guardian of a
14 victim, or close relative of a deceased victim is entitled to the
15 following rights within the juvenile justice system:

16 (1) the right to receive from law enforcement agencies
17 adequate protection from harm and threats of harm arising from
18 cooperation with prosecution efforts;

19 (2) the right to have the court or person appointed by
20 the court take the safety of the victim or the victim's family into
21 consideration as an element in determining whether the child should
22 be detained before the child's conduct is adjudicated;

23 (3) the right, if requested, to be informed of
24 relevant court proceedings, including appellate proceedings, and
25 to be informed in a timely manner if those court proceedings have
26 been canceled or rescheduled;

27 (4) the right to be informed, when requested, by the

1 court or a person appointed by the court concerning the procedures
2 in the juvenile justice system, including general procedures
3 relating to:

4 (A) the preliminary investigation and deferred
5 prosecution of a case; and

6 (B) the appeal of the case;

7 (5) the right to provide pertinent information to a
8 juvenile court conducting a disposition hearing concerning the
9 impact of the offense on the victim and the victim's family by
10 testimony, written statement, or any other manner before the court
11 renders its disposition;

12 (6) the right to receive information regarding
13 compensation to victims as provided by Subchapter B, Chapter 56,
14 Code of Criminal Procedure, including information related to the
15 costs that may be compensated under that subchapter and the amount
16 of compensation, eligibility for compensation, and procedures for
17 application for compensation under that subchapter, the payment of
18 medical expenses under Section 56.06, Code of Criminal Procedure,
19 for a victim of a sexual assault, and when requested, to referral to
20 available social service agencies that may offer additional
21 assistance;

22 (7) the right to be informed, upon request, of
23 procedures for release under supervision or transfer of the person
24 to the custody of the Texas Department of Criminal Justice for
25 parole, to participate in the release or transfer for parole
26 process, to be notified, if requested, of the person's release,
27 escape, or transfer for parole proceedings concerning the person,

1 to provide to the Texas Juvenile Justice Department for inclusion
2 in the person's file information to be considered by the department
3 [~~commission~~] before the release under supervision or transfer for
4 parole of the person, and to be notified, if requested, of the
5 person's release or transfer for parole;

6 (8) the right to be provided with a waiting area,
7 separate or secure from other witnesses, including the child
8 alleged to have committed the conduct and relatives of the child,
9 before testifying in any proceeding concerning the child, or, if a
10 separate waiting area is not available, other safeguards should be
11 taken to minimize the victim's contact with the child and the
12 child's relatives and witnesses, before and during court
13 proceedings;

14 (9) the right to prompt return of any property of the
15 victim that is held by a law enforcement agency or the attorney for
16 the state as evidence when the property is no longer required for
17 that purpose;

18 (10) the right to have the attorney for the state
19 notify the employer of the victim, if requested, of the necessity of
20 the victim's cooperation and testimony in a proceeding that may
21 necessitate the absence of the victim from work for good cause;

22 (11) the right to be present at all public court
23 proceedings related to the conduct of the child as provided by
24 Section 54.08, subject to that section; and

25 (12) any other right appropriate to the victim that a
26 victim of criminal conduct has under Article 56.02 or 56.021, Code
27 of Criminal Procedure.

1 (b) In notifying a victim of the release or escape of a
2 person, the Texas Juvenile Justice Department [~~Youth Commission~~]
3 shall use the same procedure established for the notification of
4 the release or escape of an adult offender under Article 56.11, Code
5 of Criminal Procedure.

6 SECTION 57. Section 57.003(c), Family Code, is amended to
7 read as follows:

8 (c) The victim assistance coordinator shall ensure that a
9 victim, or close relative of a deceased victim, is afforded the
10 rights granted victims, guardians, and relatives by Section 57.002
11 and, on request, an explanation of those rights. The victim
12 assistance coordinator shall work closely with appropriate law
13 enforcement agencies, prosecuting attorneys, and the Texas
14 Juvenile Justice Department [~~Probation Commission, and the Texas~~
15 ~~Youth Commission~~] in carrying out that duty.

16 SECTION 58. Section 57.004, Family Code, is amended to read
17 as follows:

18 Sec. 57.004. NOTIFICATION. A court, a person appointed by
19 the court, or the Texas Juvenile Justice Department [~~Youth~~
20 ~~Commission~~] is responsible for notifying a victim, guardian of a
21 victim, or close relative of a deceased victim of a proceeding under
22 this chapter only if the victim, guardian of a victim, or close
23 relative of a deceased victim requests the notification in writing
24 and provides a current address to which the notification is to be
25 sent.

26 SECTION 59. Section 57.005, Family Code, is amended to read
27 as follows:

1 Sec. 57.005. LIABILITY. The Texas Juvenile Justice
2 Department [~~Youth Commission~~], a juvenile board, a court, a person
3 appointed by a court, an attorney for the state, a peace officer, or
4 a law enforcement agency is not liable for a failure or inability to
5 provide a right listed under Section 57.002 [~~of this code~~].

6 SECTION 60. Section 58.005(a), Family Code, is amended to
7 read as follows:

8 (a) Records and files concerning a child, including
9 personally identifiable information, and information obtained for
10 the purpose of diagnosis, examination, evaluation, or treatment or
11 for making a referral for treatment of a child by a public or
12 private agency or institution providing supervision of a child by
13 arrangement of the juvenile court or having custody of the child
14 under order of the juvenile court may be disclosed only to:

15 (1) the professional staff or consultants of the
16 agency or institution;

17 (2) the judge, probation officers, and professional
18 staff or consultants of the juvenile court;

19 (3) an attorney for the child;

20 (4) a governmental agency if the disclosure is
21 required or authorized by law;

22 (5) a person or entity to whom the child is referred
23 for treatment or services if the agency or institution disclosing
24 the information has entered into a written confidentiality
25 agreement with the person or entity regarding the protection of the
26 disclosed information;

27 (6) the Texas Department of Criminal Justice and the

1 Texas Juvenile Justice Department [~~Probation Commission~~] for the
2 purpose of maintaining statistical records of recidivism and for
3 diagnosis and classification; or

4 (7) with leave of the juvenile court, any other
5 person, agency, or institution having a legitimate interest in the
6 proceeding or in the work of the court.

7 SECTION 61. Section 58.007(d), Family Code, is amended to
8 read as follows:

9 (d) The law enforcement files and records of a person who is
10 transferred from the Texas Juvenile Justice Department [~~Youth~~
11 ~~Commission~~] to the Texas Department of Criminal Justice may be
12 transferred to a central state or federal depository for adult
13 records on or after the date of transfer.

14 SECTION 62. Sections 58.0072(a), (c), (d), (e), (f), and
15 (g), Family Code, are amended to read as follows:

16 (a) Except as provided by this section, juvenile justice
17 information collected and maintained by the Texas Juvenile Justice
18 Department [~~Probation Commission~~] for statistical and research
19 purposes is confidential information for the use of the department
20 [~~commission~~] and may not be disseminated by the department
21 [~~commission~~].

22 (c) The Texas Juvenile Justice Department [~~Probation~~
23 ~~Commission~~] may grant the following entities access to juvenile
24 justice information for research and statistical purposes or for
25 any other purpose approved by the department [~~commission~~]:

26 (1) criminal justice agencies as defined by Section
27 411.082, Government Code;

1 (2) the Texas Education Agency, as authorized under
2 Section 37.084, Education Code;

3 (3) any agency under the authority of the Health and
4 Human Services Commission; or

5 (4) a public or private university.

6 (d) The Texas Juvenile Justice Department [~~Probation~~
7 ~~Commission~~] may grant the following entities access to juvenile
8 justice information only for a purpose beneficial to and approved
9 by the department [~~commission~~] to:

10 (1) a person working on a research or statistical
11 project that:

12 (A) is funded in whole or in part by state or
13 federal funds; and

14 (B) meets the requirements of and is approved by
15 the department [~~commission~~]; or

16 (2) a governmental entity that has a specific
17 agreement with the department [~~commission~~], if the agreement:

18 (A) specifically authorizes access to
19 information;

20 (B) limits the use of information to the purposes
21 for which the information is given;

22 (C) ensures the security and confidentiality of
23 the information; and

24 (D) provides for sanctions if a requirement
25 imposed under Paragraph (A), (B), or (C) is violated.

26 (e) The Texas Juvenile Justice Department [~~Probation~~
27 ~~Commission~~] shall grant access to juvenile justice information for

1 legislative purposes under Section 552.008, Government Code.

2 (f) The Texas Juvenile Justice Department [~~Probation~~
3 ~~Commission~~] may not release juvenile justice information in
4 identifiable form, except for information released under
5 Subsection (c)(1), (2), or (3) or under the terms of an agreement
6 entered into under Subsection (d)(2). For purposes of this
7 subsection, identifiable information means information that
8 contains a juvenile offender's name or other personal identifiers
9 or that can, by virtue of sample size or other factors, be
10 reasonably interpreted as referring to a particular juvenile
11 offender.

12 (g) The Texas Juvenile Justice Department [~~Probation~~
13 ~~Commission~~] is not required to release or disclose juvenile justice
14 information to any person not identified under this section.

15 SECTION 63. Section 58.102(b), Family Code, is amended to
16 read as follows:

17 (b) The department shall develop and maintain the system
18 with the cooperation and advice of the:

19 (1) [~~Texas Youth Commission,~~
20 [~~(2)~~] Texas Juvenile Justice Department [~~Probation~~
21 ~~Commission~~];
22 [~~(3) Criminal Justice Policy Council,~~] and
23 (2) [~~(4)~~] juvenile courts and clerks of juvenile
24 courts.

25 SECTION 64. Section 58.104(b), Family Code, is amended to
26 read as follows:

27 (b) To the extent possible and subject to Subsection (a),

1 the department shall include in the juvenile justice information
2 system the following information for each juvenile offender taken
3 into custody, detained, or referred under this title for delinquent
4 conduct:

5 (1) the juvenile offender's name, including other
6 names by which the juvenile offender is known;

7 (2) the juvenile offender's date and place of birth;

8 (3) the juvenile offender's physical description,
9 including sex, weight, height, race, ethnicity, eye color, hair
10 color, scars, marks, and tattoos;

11 (4) the juvenile offender's state identification
12 number, and other identifying information, as determined by the
13 department;

14 (5) the juvenile offender's fingerprints;

15 (6) the juvenile offender's last known residential
16 address, including the census tract number designation for the
17 address;

18 (7) the name and identifying number of the agency that
19 took into custody or detained the juvenile offender;

20 (8) the date of detention or custody;

21 (9) the conduct for which the juvenile offender was
22 taken into custody, detained, or referred, including level and
23 degree of the alleged offense;

24 (10) the name and identifying number of the juvenile
25 intake agency or juvenile probation office;

26 (11) each disposition by the juvenile intake agency or
27 juvenile probation office;

(12) the date of disposition by the juvenile intake agency or juvenile probation office;

(13) the name and identifying number of the prosecutor's office;

(14) each disposition by the prosecutor;

(15) the date of disposition by the prosecutor;

(16) the name and identifying number of the court;

(17) each disposition by the court, including information concerning custody of a juvenile offender by a juvenile justice agency or probation;

(18) the date of disposition by the court;

(19) any commitment or release under supervision by the Texas Juvenile Justice Department [~~Youth Commission~~];

(20) the date of any commitment or release under supervision by the Texas Juvenile Justice Department [~~Youth Commission~~]; and

(21) a description of each appellate proceeding.

SECTION 65. Sections 58.106(a) and (c), Family Code, are amended to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a person or entity to which the department may grant access to adult criminal history records as provided by

Section 411.083, Government Code;

(3) to a juvenile justice agency;

(4) to the [~~Texas Youth Commission and the~~] Texas Juvenile Justice Department [~~Probation Commission~~] for analytical purposes;

(5) to the office of independent ombudsman of the Texas Juvenile Justice Department [~~Youth Commission~~]; and

(6) to a county, justice, or municipal court exercising jurisdiction over a juvenile, including a court exercising jurisdiction over a juvenile under Section 54.021.

(c) The department may, if necessary to protect the welfare of the community, disseminate to the public the following information relating to a juvenile who has escaped from the custody of the Texas Juvenile Justice Department [~~Youth Commission~~] or from another secure detention or correctional facility:

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

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

(3) a photograph of the juvenile; and

(4) a description of the conduct for which the juvenile was committed to the Texas Juvenile Justice Department [~~Youth Commission~~] or detained in the secure detention or correctional facility, including the level and degree of the alleged offense.

SECTION 66. Section 58.112, Family Code, is amended to read

1 as follows:

2 Sec. 58.112. REPORT TO LEGISLATURE. Not later than August
3 15 of each year, the Texas Juvenile Justice Department [~~Probation~~
4 ~~Commission~~] shall submit to the lieutenant governor, the speaker of
5 the house of representatives, and the governor a report that
6 contains the following statistical information relating to
7 children referred to a juvenile court during the preceding year:

8 (1) the ages, races, and counties of residence of the
9 children transferred to a district court or criminal district court
10 for criminal proceedings; and

11 (2) the ages, races, and counties of residence of the
12 children committed to the Texas Juvenile Justice Department [~~Youth~~
13 ~~Commission~~], placed on probation, or discharged without any
14 disposition.

15 SECTION 67. Section 58.304(b), Family Code, is amended to
16 read as follows:

17 (b) To the extent possible and subject to Subsections (a)
18 and (d), the local juvenile justice information system may include
19 the following information for each juvenile taken into custody,
20 detained, or referred under this title:

21 (1) the juvenile's name, including other names by
22 which the juvenile is known;

23 (2) the juvenile's date and place of birth;

24 (3) the juvenile's physical description, including
25 sex, weight, height, race, ethnicity, eye color, hair color, scars,
26 marks, and tattoos;

27 (4) the juvenile's state identification number and

1 other identifying information;

2 (5) the juvenile's fingerprints and photograph;

3 (6) the juvenile's last known residential address,
4 including the census tract number designation for the address;

5 (7) the name, address, and phone number of the
6 juvenile's parent, guardian, or custodian;

7 (8) the name and identifying number of the agency that
8 took into custody or detained the juvenile;

9 (9) each date of custody or detention;

10 (10) a detailed description of the conduct for which
11 the juvenile was taken into custody, detained, or referred,
12 including the level and degree of the alleged offense;

13 (11) the name and identifying number of the juvenile
14 intake agency or juvenile probation office;

15 (12) each disposition by the juvenile intake agency or
16 juvenile probation office;

17 (13) the date of disposition by the juvenile intake
18 agency or juvenile probation office;

19 (14) the name and identifying number of the
20 prosecutor's office;

21 (15) each disposition by the prosecutor;

22 (16) the date of disposition by the prosecutor;

23 (17) the name and identifying number of the court;

24 (18) each disposition by the court, including
25 information concerning custody of a juvenile by a juvenile justice
26 agency or county juvenile probation department;

27 (19) the date of disposition by the court;

1 (20) any commitment or release under supervision by
2 the Texas Juvenile Justice Department [~~Youth Commission~~],
3 including the date of the commitment or release;

4 (21) information concerning each appellate
5 proceeding; and

6 (22) electronic copies of all documents filed with the
7 court.

8 SECTION 68. Section 58.352(a), Family Code, is amended to
9 read as follows:

10 (a) A juvenile court judge in a county to which this
11 subchapter applies shall post a report on the Internet website of
12 the county in which the court is located. The report must include:

13 (1) the total number of children committed by the
14 judge to a correctional facility operated by the Texas Juvenile
15 Justice Department [~~Youth Commission~~]; and

16 (2) for each child committed to a facility described
17 by Subdivision (1):

18 (A) a general description of the offense
19 committed by the child or the conduct of the child that led to the
20 child's commitment to the facility;

21 (B) the year the child was committed to the
22 facility; and

23 (C) the age range, race, and gender of the child.

24 SECTION 69. Section 58.401(1), Family Code, is amended to
25 read as follows:

26 (1) "Department" [~~"Commission"~~] means the Texas
27 Juvenile Justice Department [~~Probation Commission~~].

SECTION 70. Sections 58.403(a), (b), and (c), Family Code, are amended to read as follows:

(a) Through the adoption of an interlocal contract under Chapter 791, Government Code, with one or more counties, the department [~~commission~~] may participate in and assist counties in the creation, operation, and maintenance of a system that is intended for statewide use to:

(1) aid in processing the cases of children under this title;

(2) facilitate the delivery of services to children in the juvenile justice system;

(3) aid in the early identification of at-risk and delinquent children; and

(4) facilitate cross-jurisdictional sharing of information related to juvenile offenders between authorized criminal and juvenile justice agencies and partner agencies.

(b) The department [~~commission~~] may use funds appropriated for the implementation of this section to pay costs incurred under an interlocal contract described by Subsection (a), including license fees, maintenance and operations costs, administrative costs, and any other costs specified in the interlocal contract.

(c) The department [~~commission~~] may provide training services to counties on the use and operation of a system created, operated, or maintained by one or more counties under Subsection (a).

SECTION 71. Section 58.404, Family Code, is amended to read as follows:

1 Sec. 58.404. INFORMATION COLLECTED BY DEPARTMENT
2 ~~[COMMISSION]~~. The department ~~[commission]~~ may collect and maintain
3 all information related to juvenile offenders and all offenses
4 committed by a juvenile offender, including all information
5 collected and maintained under Subchapters B and D.

6 SECTION 72. Section 58.405, Family Code, is amended to read
7 as follows:

8 Sec. 58.405. AUTHORITY CUMULATIVE. The authority granted
9 by this subchapter is cumulative of all other authority granted by
10 this chapter to a county, the department ~~[commission]~~, or a
11 juvenile justice agency and nothing in this subchapter limits the
12 authority of a county, the department ~~[commission]~~, or a juvenile
13 justice agency under this chapter to create an information system
14 or to share information related to a juvenile.

15 SECTION 73. Section 59.003(f), Family Code, is amended to
16 read as follows:

17 (f) Before the court assigns the child a sanction level that
18 involves the revocation of the child's probation and the commitment
19 of the child to the Texas Juvenile Justice Department ~~[Youth~~
20 ~~Commission]~~, the court shall hold a hearing to modify the
21 disposition as required by Section 54.05.

22 SECTION 74. Section 59.011, Family Code, is amended to read
23 as follows:

24 Sec. 59.011. DUTY OF JUVENILE BOARD. A juvenile board shall
25 require the juvenile probation department to report progressive
26 sanction data electronically to the Texas Juvenile Justice
27 Department ~~[Probation Commission]~~ in the format and time frames

specified by the Texas Juvenile Justice Department [~~commission~~].

SECTION 75. Section 59.013, Family Code, is amended to read as follows:

Sec. 59.013. LIABILITY. The Texas Juvenile Justice Department [~~Youth Commission~~], a juvenile board, a court, a person appointed by a court, an attorney for the state, a peace officer, or a law enforcement agency is not liable for a failure or inability to provide a service listed under Sections 59.004-59.010.

SECTION 76. Section 61.103(a), Family Code, is amended to read as follows:

(a) The parent of a child taken into custody for delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation imposed by the juvenile court has the right to communicate in person privately with the child for reasonable periods of time while the child is in:

- (1) a juvenile processing office;
- (2) a secure detention facility;
- (3) a secure correctional facility;
- (4) a court-ordered placement facility; or
- (5) the custody of the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 77. Section 61.104(a), Family Code, is amended to read as follows:

(a) When a petition for adjudication, a motion or petition to modify disposition, or a motion or petition for discretionary transfer to criminal court is served on a parent of the child, the parent must be provided with a form prescribed by the Texas Juvenile

1 Justice Department [~~Probation Commission~~] on which the parent can
2 make a written statement about the needs of the child or family or
3 any other matter relevant to disposition of the case.

4 SECTION 78. Section 61.107, Family Code, is amended to read
5 as follows:

6 Sec. 61.107. LIABILITY. The Texas Juvenile Justice
7 Department [~~Youth Commission~~], a juvenile board, a court, a person
8 appointed by the court, an employee of a juvenile probation
9 department, an attorney for the state, a peace officer, or a law
10 enforcement agency is not liable for a failure or inability to
11 provide a right listed in this chapter.

12 SECTION 79. Section 107.0161, Family Code, is amended to
13 read as follows:

14 Sec. 107.0161. AD LITEM APPOINTMENTS FOR CHILD COMMITTED TO
15 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. If an order
16 appointing the Department of Family and Protective Services as
17 managing conservator of a child does not continue the appointment
18 of the child's guardian ad litem or attorney ad litem and the child
19 is committed to the Texas Juvenile Justice Department [~~Youth~~
20 ~~Commission~~] or released under supervision by the Texas Juvenile
21 Justice Department [~~Youth Commission~~], the court may appoint a
22 guardian ad litem or attorney ad litem for the child.

23 SECTION 80. Section 261.103(b), Family Code, is amended to
24 read as follows:

25 (b) A report may be made to the Texas Juvenile Justice
26 Department [~~Youth Commission~~] instead of the entities listed under
27 Subsection (a) if the report is based on information provided by a

1 child while under the supervision of the Texas Juvenile Justice
2 Department [~~commission~~] concerning the child's alleged abuse of
3 another child.

4 SECTION 81. Section 261.105(e), Family Code, is amended to
5 read as follows:

6 (e) In cooperation with the department, the Texas Juvenile
7 Justice Department [~~Youth Commission~~] by rule shall adopt
8 guidelines for identifying a report made to the Texas Juvenile
9 Justice Department [~~commission~~] under Section 261.103(b) that is
10 appropriate to refer to the department or a law enforcement agency
11 for investigation. Guidelines adopted under this subsection must
12 require the Texas Juvenile Justice Department [~~commission~~] to
13 consider the severity and immediacy of the alleged abuse or neglect
14 of the child victim.

15 SECTION 82. Sections 261.201(i), (j), and (k), Family Code,
16 are amended to read as follows:

17 (i) Notwithstanding Subsection (a), the Texas Juvenile
18 Justice Department [~~Youth Commission~~] shall release a report of
19 alleged or suspected abuse or neglect made under this chapter if:

20 (1) the report relates to a report of abuse or neglect
21 involving a child committed to the Texas Juvenile Justice
22 Department [~~commission~~] during the period that the child is
23 committed to that department [~~the commission~~]; and

24 (2) the Texas Juvenile Justice Department
25 [~~commission~~] is not prohibited by Chapter 552, Government Code, or
26 other law from disclosing the report.

27 (j) The Texas Juvenile Justice Department [~~Youth~~

1 ~~Commission~~] shall edit any report disclosed under Subsection (i) to
2 protect the identity of:

3 (1) a child who is the subject of the report of alleged
4 or suspected abuse or neglect;

5 (2) the person who made the report; and

6 (3) any other person whose life or safety may be
7 endangered by the disclosure.

8 (k) Notwithstanding Subsection (a), an investigating
9 agency, other than the department or the Texas Juvenile Justice
10 Department [~~Youth Commission~~], on request, shall provide to the
11 parent, managing conservator, or other legal representative of a
12 child who is the subject of reported abuse or neglect, or to the
13 child if the child is at least 18 years of age, information
14 concerning the reported abuse or neglect that would otherwise be
15 confidential under this section. The investigating agency shall
16 withhold information under this subsection if the parent, managing
17 conservator, or other legal representative of the child requesting
18 the information is alleged to have committed the abuse or neglect.

19 SECTION 83. Section 261.401(c), Family Code, is amended to
20 read as follows:

21 (c) A state agency shall adopt rules relating to the
22 investigation and resolution of reports received as provided by
23 this subchapter. The Health and Human Services Commission shall
24 review and approve the rules of agencies other than the Texas
25 Department of Criminal Justice[~~, Texas Youth Commission,~~] or Texas
26 Juvenile Justice Department [~~Probation Commission~~] to ensure that
27 those agencies implement appropriate standards for the conduct of

1 investigations and that uniformity exists among agencies in the
2 investigation and resolution of reports.

3 SECTION 84. Sections 261.405(a), (b), (c), and (e), Family
4 Code, are amended to read as follows:

5 (a) In this section:

6 (1) "Juvenile justice facility" means a facility
7 operated wholly or partly by the juvenile board, by another
8 governmental unit, or by a private vendor under a contract with the
9 juvenile board, county, or other governmental unit that serves
10 juveniles under juvenile court jurisdiction. The term includes:

11 (A) a public or private juvenile
12 pre-adjudication secure detention facility, including a holdover
13 facility;

14 (B) a public or private juvenile
15 post-adjudication secure correctional facility except for a
16 facility operated solely for children committed to the Texas
17 Juvenile Justice Department [~~Youth Commission~~]; and

18 (C) a public or private non-secure juvenile
19 post-adjudication residential treatment facility that is not
20 licensed by the Department of Protective and Regulatory Services or
21 the Texas Commission on Alcohol and Drug Abuse.

22 (2) "Juvenile justice program" means a program or
23 department operated wholly or partly by the juvenile board or by a
24 private vendor under a contract with a juvenile board that serves
25 juveniles under juvenile court jurisdiction. The term includes:

26 (A) a juvenile justice alternative education
27 program;

1 (B) a non-residential program that serves
2 juvenile offenders under the jurisdiction of the juvenile court;
3 and

4 (C) a juvenile probation department.

5 (b) A report of alleged abuse, neglect, or exploitation in
6 any juvenile justice program or facility shall be made to the Texas
7 Juvenile Justice Department [~~Probation Commission~~] and a local law
8 enforcement agency for investigation.

9 (c) The Texas Juvenile Justice Department [~~Probation~~
10 ~~Commission~~] shall conduct an investigation as provided by this
11 chapter if that department [~~the commission~~] receives a report of
12 alleged abuse, neglect, or exploitation in any juvenile justice
13 program or facility.

14 (e) As soon as practicable after a child is taken into
15 custody or placed in a juvenile justice facility or juvenile
16 justice program, the facility or program shall provide the child's
17 parents with:

18 (1) information regarding the reporting of suspected
19 abuse, neglect, or exploitation of a child in a juvenile justice
20 facility or juvenile justice program to the Texas Juvenile Justice
21 Department [~~Probation Commission~~]; and

22 (2) the Texas Juvenile Justice Department's
23 [~~commission's~~] toll-free number for this reporting.

24 SECTION 85. Section 261.407(c), Family Code, is amended to
25 read as follows:

26 (c) This section does not apply to a facility under the
27 jurisdiction of the Texas Department of Criminal Justice [~~7-Texas~~

1 ~~Youth Commission,~~] or Texas Juvenile Justice Department [~~Probation~~
2 ~~Commission~~].

3 SECTION 86. Section 261.408(c), Family Code, is amended to
4 read as follows:

5 (c) This section does not apply to a facility under the
6 jurisdiction of the Texas Department of Criminal Justice [~~, Texas~~
7 ~~Youth Commission,~~] or Texas Juvenile Justice Department [~~Probation~~
8 ~~Commission~~].

9 SECTION 87. Section 261.409, Family Code, is amended to
10 read as follows:

11 Sec. 261.409. INVESTIGATIONS IN FACILITIES UNDER TEXAS
12 JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] JURISDICTION. The
13 board of the Texas Juvenile Justice Department [~~Youth Commission~~]
14 by rule shall adopt standards for:

15 (1) the investigation under Section 261.401 of
16 suspected child abuse, neglect, or exploitation in a facility under
17 the jurisdiction of the Texas Juvenile Justice Department [~~Youth~~
18 ~~Commission~~]; and

19 (2) compiling information on those investigations.

20 SECTION 88. Section 263.001(a)(4), Family Code, is amended
21 to read as follows:

22 (4) "Substitute care" means the placement of a child
23 who is in the conservatorship of the department or an authorized
24 agency in care outside the child's home. The term includes foster
25 care, institutional care, adoption, placement with a relative of
26 the child, or commitment to the Texas Juvenile Justice Department
27 [~~Youth Commission~~].

SECTION 89. Section 263.002, Family Code, is amended to read as follows:

Sec. 263.002. REVIEW OF PLACEMENTS BY COURT. In a suit affecting the parent-child relationship in which the department or an authorized agency has been appointed by the court or designated in an affidavit of relinquishment of parental rights as the temporary or permanent managing conservator of a child, the court shall hold a hearing to review:

(1) the conservatorship appointment and substitute care; and

(2) for a child committed to the Texas Juvenile Justice Department [~~Youth Commission~~], the child's commitment in that department [~~the Texas Youth Commission~~] or release under supervision by that department [~~the Texas Youth Commission~~].

SECTION 90. Section 263.302, Family Code, is amended to read as follows:

Sec. 263.302. CHILD'S ATTENDANCE AT HEARING. The child shall attend each permanency hearing unless the court specifically excuses the child's attendance. A child committed to the Texas Juvenile Justice Department [~~Youth Commission~~] may attend a permanency hearing in person, by telephone, or by videoconference. The court shall consult with the child in a developmentally appropriate manner regarding the child's permanency plan, if the child is four years of age or older and if the court determines it is in the best interest of the child. Failure by the child to attend a hearing does not affect the validity of an order rendered at the hearing.

SECTION 91. Section 263.303(b), Family Code, is amended to read as follows:

(b) The permanency progress report must:

(1) recommend that the suit be dismissed; or

(2) recommend that the suit continue, and:

(A) identify the date for dismissal of the suit under this chapter;

(B) provide:

(i) the name of any person entitled to notice under Chapter 102 who has not been served;

(ii) a description of the efforts by the department or another agency to locate and request service of citation; and

(iii) a description of each parent's assistance in providing information necessary to locate an unserved party;

(C) evaluate the parties' compliance with temporary orders and with the service plan;

(D) evaluate whether the child's placement in substitute care meets the child's needs and recommend other plans or services to meet the child's special needs or circumstances;

(E) describe the permanency plan for the child and recommend actions necessary to ensure that a final order consistent with that permanency plan, including the concurrent permanency goals contained in that plan, is rendered before the date for dismissal of the suit under this chapter;

(F) with respect to a child 16 years of age or

1 older, identify the services needed to assist the child in the
2 transition to adult life; and

3 (G) with respect to a child committed to the
4 Texas Juvenile Justice Department [~~Youth Commission~~] or released
5 under supervision by that department [~~the Texas Youth Commission~~]:

6 (i) evaluate whether the child's needs for
7 treatment and education are being met;

8 (ii) describe, using information provided
9 by the Texas Juvenile Justice Department [~~Youth Commission~~], the
10 child's progress in any rehabilitation program administered by that
11 department [~~the Texas Youth Commission~~]; and

12 (iii) recommend other plans or services to
13 meet the child's needs.

14 SECTION 92. Sections 263.501(f) and (g), Family Code, are
15 amended to read as follows:

16 (f) The child shall attend each placement review hearing
17 unless the court specifically excuses the child's attendance. A
18 child committed to the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~] may attend a placement review hearing in person, by
20 telephone, or by videoconference. The court shall consult with the
21 child in a developmentally appropriate manner regarding the child's
22 permanency or transition plan, if the child is four years of age or
23 older. Failure by the child to attend a hearing does not affect the
24 validity of an order rendered at the hearing.

25 (g) A court required to conduct placement review hearings
26 for a child for whom the department has been appointed permanent
27 managing conservator may not dismiss a suit affecting the

parent-child relationship filed by the department regarding the child while the child is committed to the Texas Juvenile Justice Department [~~Youth Commission~~] or released under the supervision of that department [~~the Texas Youth Commission~~], unless the child is adopted or permanent managing conservatorship of the child is awarded to an individual other than the department.

SECTION 93. Section 264.0091, Family Code, is amended to read as follows:

Sec. 264.0091. USE OF TELECONFERENCING AND VIDEOCONFERENCING TECHNOLOGY. Subject to the availability of funds, the department, in cooperation with district and county courts, shall expand the use of teleconferencing and videoconferencing to facilitate participation by medical experts, children, and other individuals in court proceedings, including children for whom the department, an authorized agency, or a licensed child-placing agency has been appointed managing conservator and who are committed to the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 94. Section 264.701(b), Family Code, is amended to read as follows:

(b) The committee is appointed by the Board of Protective and Regulatory Services and is composed of the following 15 members:

(1) an officer or employee of the Texas Education Agency;

(2) two officers or employees of the Department of Protective and Regulatory Services;

(3) an officer or employee of the Texas Juvenile
Justice Department [~~Probation Commission~~];

(4) an officer or employee of the Texas Department of
Mental Health and Mental Retardation;

(5) an officer or employee of the Health and Human
Services Commission;

(6) three members of the public who have knowledge of
and experience in the area of delivery of services relating to child
abuse and neglect;

(7) three members of the public who have knowledge of
and experience in the area of evaluation of programs relating to the
prevention and treatment of child abuse and neglect; and

(8) three members of the public who are or have been
recipients of services relating to the prevention or treatment of
child abuse or neglect.

SECTION 95. Section 41.102(c), Government Code, is amended
to read as follows:

(c) The attorney general may offer to assist a prosecuting
attorney in the prosecution of criminal offenses concerning the
Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 96. Section 41.303(a), Government Code, is amended
to read as follows:

(a) The unit is governed by a board of directors composed of
each prosecuting attorney who:

(1) represents the state in criminal matters before a
court in a county in which one or more facilities owned or operated
by or under contract with the department or the Texas Juvenile

1 Justice Department [~~commission~~] are located; and

2 (2) has entered into a memorandum of understanding
3 with the unit for the prosecution of offenses and delinquent
4 conduct described by Article 104.003(a), Code of Criminal
5 Procedure.

6 SECTION 97. Section 41.304(a), Government Code, is amended
7 to read as follows:

8 (a) The board of directors is governed by an executive board
9 composed of 11 members elected by the membership of the board of
10 directors on a majority vote from among that membership, as
11 follows:

12 (1) one member of the executive board who represents
13 the state in criminal matters before a court in a county in which
14 one or more facilities owned or operated by or under contract with
15 the Texas Juvenile Justice Department [~~commission~~] are located
16 shall be elected on a majority vote of the members of the board of
17 directors to serve a term expiring in an even-numbered year;

18 (2) an additional four members of the executive board
19 shall be elected on a majority vote of the members of the board of
20 directors to serve terms expiring in even-numbered years;

21 (3) one member of the executive board who represents
22 the state in criminal matters before a court in a county in which
23 one or more facilities owned or operated by or under contract with
24 the Texas Juvenile Justice Department [~~commission~~] are located
25 shall be elected on a majority vote of the members of the board of
26 directors to serve a term expiring in an odd-numbered year; and

27 (4) an additional five members of the executive board

1 shall be elected on a majority vote of the members of the board of
2 directors to serve terms expiring in odd-numbered years.

3 SECTION 98. Section 41.310, Government Code, is amended to
4 read as follows:

5 Sec. 41.310. DUTIES OF COUNSELLOR. (a) The counsellor
6 elected in accordance with Section 41.309:

7 (1) shall coordinate prosecution issues in and monitor
8 each case involving an offense or delinquent conduct described by
9 Article 104.003(a), Code of Criminal Procedure, that concerns the
10 Texas Juvenile Justice Department ~~[commission]~~;

11 (2) shall work with criminal justice analysts employed
12 by the Legislative Budget Board and other persons who monitor cases
13 involving offenses or delinquent conduct described by Article
14 104.003(a), Code of Criminal Procedure; and

15 (3) may conduct an investigation of any alleged
16 illegal or improper conduct by Texas Juvenile Justice Department
17 ~~[commission]~~ officers, employees, or contractors that the
18 counsellor reasonably believes:

19 (A) jeopardizes the health, safety, and welfare
20 of children in the custody of the Texas Juvenile Justice Department
21 ~~[commission]~~; and

22 (B) could constitute an offense described by
23 Article 104.003(a), Code of Criminal Procedure.

24 (b) In addition to the duties prescribed by Subsection (a),
25 the counsellor shall on a quarterly basis provide the board of
26 directors and the standing committees of the senate and house of
27 representatives with primary jurisdiction over matters concerning

1 correctional facilities with a report concerning offenses or
2 delinquent conduct prosecuted by the unit on receiving a request
3 for assistance under Section 241.007, Human Resources Code, or a
4 request for assistance otherwise from a prosecuting attorney. A
5 report under this subsection is public information under Chapter
6 552, Government Code, and the board of directors shall request that
7 the Texas Juvenile Justice Department [~~commission~~] publish the
8 report on that department's [~~the commission's~~] Internet website. A
9 report must be both aggregated and disaggregated by individual
10 facility and include information relating to:

11 (1) the number of requests for assistance received
12 under Section 241.007, Human Resources Code, and requests for
13 assistance otherwise received from prosecuting attorneys;

14 (2) the number of cases investigated and the number of
15 cases prosecuted;

16 (3) the types and outcomes of cases prosecuted, such
17 as whether the case concerned narcotics or an alleged incident of
18 sexual abuse; and

19 (4) the relationship of a victim to a perpetrator, if
20 applicable.

21 (c) The counsellor, in consultation with the board of
22 directors, shall notify the foreman of the appropriate grand jury,
23 in the manner provided by Article 20.09, Code of Criminal
24 Procedure, if:

25 (1) the counsellor receives credible evidence of
26 illegal or improper conduct by Texas Juvenile Justice Department
27 [~~commission~~] officers, employees, or contractors that the

1 counsellor reasonably believes jeopardizes the health, safety, and
2 welfare of children in the custody of that department [~~the~~
3 ~~commission~~];

4 (2) the counsellor reasonably believes the conduct:

5 (A) could constitute an offense described by
6 Article 104.003(a), Code of Criminal Procedure; and

7 (B) involves the alleged physical or sexual abuse
8 of a child in the custody of a Texas Juvenile Justice Department
9 [~~commission~~] facility or an investigation related to the alleged
10 abuse; and

11 (3) the counsellor has reason to believe that
12 information concerning the conduct has not previously been
13 presented to the appropriate grand jury.

14 SECTION 99. Section 322.019(d), Government Code, is amended
15 to read as follows:

16 (d) The Department of Public Safety, the Texas Department of
17 Criminal Justice, and the Texas Juvenile Justice Department
18 [~~Probation Commission, and the Texas Youth Commission~~] shall
19 provide the board with data relating to a criminal justice policy
20 analysis under this section in the manner requested.

21 SECTION 100. Section 402.035(c), Government Code, is
22 amended to read as follows:

23 (c) The task force is composed of the following:

24 (1) the governor or the governor's designee;

25 (2) the attorney general or the attorney general's
26 designee;

27 (3) the executive commissioner of the Health and Human

Services Commission or the executive commissioner's designee;

(4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;

(5) the commissioner of the Department of State Health Services or the commissioner's designee;

(6) the public safety director of the Department of Public Safety or the director's designee;

(7) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:

(A) the Texas Workforce Commission;

(B) the Texas Department of Criminal Justice;

(C) ~~[the Texas Youth Commission,~~

~~[(D)] the Texas Juvenile Justice Department [Probation Commission]; and~~

(D) ~~[(E)]~~ the Texas Alcoholic Beverage Commission; and

(8) as appointed by the attorney general:

(A) a chief public defender employed by a public defender's office, as defined by Article 26.044(a), Code of Criminal Procedure, or an attorney designated by the chief public defender;

(B) an attorney representing the state;

(C) a representative of:

(i) a hotel and motel association;

(ii) a district and county attorneys association; and

- (iii) a state police association;
- (D) representatives of sheriff's departments;
- (E) representatives of local law enforcement agencies affected by human trafficking; and
- (F) representatives of nongovernmental entities making comprehensive efforts to combat human trafficking by:
 - (i) identifying human trafficking victims;
 - (ii) providing legal or other services to human trafficking victims;
 - (iii) participating in community outreach or public awareness efforts regarding human trafficking;
 - (iv) providing or developing training regarding the prevention of human trafficking; or
 - (v) engaging in other activities designed to prevent human trafficking.

SECTION 101. Section 411.138, Government Code, is amended to read as follows:

Sec. 411.138. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: JUVENILE BOARD OR JUVENILE PROBATION DEPARTMENT. A juvenile board or juvenile probation department is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a position with the juvenile probation department;

(2) an employee for whom the juvenile board or juvenile probation department will seek certification from the Texas Juvenile Justice Department [~~Probation Commission~~]; or

1 (3) an employee or department applicant who currently
2 holds certification from the Texas Juvenile Justice Department
3 ~~[Probation Commission]~~.

4 SECTION 102. Sections 411.148(a), (d), (f-1), (f-2), and
5 (j), Government Code, are amended to read as follows:

6 (a) This section applies to:

7 (1) an individual, other than a juvenile, who is:

8 (A) ordered by a magistrate or court to provide a
9 DNA sample under Section 411.154 or other law, including as part of
10 an order granting community supervision to the individual; or

11 (B) confined in a penal institution operated by
12 or under contract with the Texas Department of Criminal Justice; or

13 (2) a juvenile who, following an adjudication for
14 conduct constituting a felony, is:

15 (A) confined in a facility operated by or under
16 contract with the Texas Juvenile Justice Department ~~[Youth~~
17 ~~Commission]~~; or

18 (B) placed on probation, if the conduct
19 constitutes a felony described by Section 54.0409, Family Code.

20 (d) If an individual described by Subsection (a)(1)(B) is
21 received into custody by the Texas Department of Criminal Justice,
22 that department shall collect the sample from the individual during
23 the diagnostic process or at another time determined by the Texas
24 Department of Criminal Justice. If an individual described by
25 Subsection (a)(2)(A) is received into custody by the Texas Juvenile
26 Justice Department ~~[Youth Commission]~~, that department ~~[the youth~~
27 ~~commission]~~ shall collect the sample from the individual during the

1 initial examination or at another time it determines [~~determined by~~
2 ~~the youth commission~~]. If an individual who is required under this
3 section or other law to provide a DNA sample is in the custody or
4 under the supervision of another criminal justice agency, such as a
5 community supervision and corrections department, a parole office,
6 or a local juvenile probation department or parole office, that
7 agency shall collect the sample from the individual at a time
8 determined by the agency.

9 (f-1) The Texas Juvenile Justice Department [~~Youth~~
10 ~~Commission~~] shall notify the director that an individual described
11 by Subsection (a)(2)(A) is to be released from custody not earlier
12 than the 120th day before the individual's release date.

13 (f-2) The Texas Department of Criminal Justice and the Texas
14 Juvenile Justice Department [~~Youth Commission~~], in consultation
15 with the director, shall determine the form of the notification
16 described by Subsections (f) and (f-1).

17 (j)(1) The Texas Juvenile Justice Department [~~Youth~~
18 ~~Commission~~] as soon as practicable shall cause a sample to be
19 collected from an individual described by Subsection (a)(2)(A) if:

20 (A) the individual is detained in another
21 juvenile detention facility after adjudication and before
22 admission to the Texas Juvenile Justice Department [~~youth~~
23 ~~commission~~]; and

24 (B) the Texas Juvenile Justice Department [~~youth~~
25 ~~commission~~] determines the individual is likely to be released
26 before being admitted to that department [~~the youth commission~~].

27 (2) The administrator of the other juvenile detention

1 facility shall cooperate with the Texas Juvenile Justice Department
2 [~~Youth Commission~~] as necessary to allow that department [~~the youth~~
3 ~~commission~~] to perform its duties under this subsection.

4 SECTION 103. Section 420.008(c), Government Code, is
5 amended to read as follows:

6 (c) The legislature may appropriate money deposited to the
7 credit of the fund only to:

8 (1) the attorney general, for:

9 (A) sexual violence awareness and prevention
10 campaigns;

11 (B) grants to faith-based groups, independent
12 school districts, and community action organizations for programs
13 for the prevention of sexual assault and programs for victims of
14 human trafficking;

15 (C) grants for equipment for sexual assault nurse
16 examiner programs, to support the preceptorship of future sexual
17 assault nurse examiners, and for the continuing education of sexual
18 assault nurse examiners;

19 (D) grants to increase the level of sexual
20 assault services in this state;

21 (E) grants to support victim assistance
22 coordinators;

23 (F) grants to support technology in rape crisis
24 centers;

25 (G) grants to and contracts with a statewide
26 nonprofit organization exempt from federal income taxation under
27 Section 501(c)(3), Internal Revenue Code of 1986, having as a

1 primary purpose ending sexual violence in this state, for programs
2 for the prevention of sexual violence, outreach programs, and
3 technical assistance to and support of youth and rape crisis
4 centers working to prevent sexual violence; and

5 (H) grants to regional nonprofit providers of
6 civil legal services to provide legal assistance for sexual assault
7 victims;

8 (2) the Department of State Health Services, to
9 measure the prevalence of sexual assault in this state and for
10 grants to support programs assisting victims of human trafficking;

11 (3) the Institute on Domestic Violence and Sexual
12 Assault at The University of Texas at Austin, to conduct research on
13 all aspects of sexual assault and domestic violence;

14 (4) Texas State University, for training and technical
15 assistance to independent school districts for campus safety;

16 (5) the office of the governor, for grants to support
17 sexual assault and human trafficking prosecution projects;

18 (6) the Department of Public Safety, to support sexual
19 assault training for commissioned officers;

20 (7) the comptroller's judiciary section, for
21 increasing the capacity of the sex offender civil commitment
22 program;

23 (8) the Texas Department of Criminal Justice:

24 (A) for pilot projects for monitoring sex
25 offenders on parole; and

26 (B) for increasing the number of adult
27 incarcerated sex offenders receiving treatment;

1 (9) the Texas Juvenile Justice Department [~~Youth~~
2 ~~Commission~~], for increasing the number of incarcerated juvenile sex
3 offenders receiving treatment;

4 (10) the comptroller, for the administration of the
5 fee imposed on sexually oriented businesses under Section 102.052,
6 Business & Commerce Code; and

7 (11) the supreme court, to be transferred to the Texas
8 Equal Access to Justice Foundation, or a similar entity, to provide
9 victim-related legal services to sexual assault victims, including
10 legal assistance with protective orders, relocation-related
11 matters, victim compensation, and actions to secure privacy
12 protections available to victims under law.

13 SECTION 104. Section 492.0011, Government Code, is amended
14 to read as follows:

15 Sec. 492.0011. PRIVATE SECTOR PRISON INDUSTRIES PROGRAM
16 MANAGEMENT. (a) The board shall approve, certify, and supervise
17 private sector prison industries programs operated by the
18 department, the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~], and county correctional facilities in accordance with
20 Subchapter C, Chapter 497.

21 (b) This section does not authorize the board to direct the
22 general operations of or to govern the Texas Juvenile Justice
23 Department [~~Youth Commission~~] or county correctional facilities in
24 any manner not specifically described by Subsection (a).

25 SECTION 105. Sections 497.051(a), (b), and (c), Government
26 Code, are amended to read as follows:

27 (a) The board shall approve, certify, and supervise the

1 operation of private sector prison industries programs in the
2 department, the Texas Juvenile Justice Department [~~Youth~~
3 ~~Commission~~], and in county correctional facilities in compliance
4 with the federal prison enhancement certification program
5 established under 18 U.S.C. Section 1761. The board may use board
6 and department employees to provide the clerical and technical
7 support necessary for the board to perform the board's duties under
8 this subchapter and shall ensure that the department implements the
9 policies adopted by the board that relate to the operation of
10 private sector prison industries programs.

11 (b) In this subchapter:

12 (1) "Governmental entity" means the department, the
13 Texas Juvenile Justice Department [~~Youth Commission~~], and any
14 county that operates a private sector prison industries program
15 under this subchapter.

16 (2) "Participant" means a participant in a private
17 sector prison industries program.

18 (c) This subchapter does not authorize the board to direct
19 the general operations of or to govern the Texas Juvenile Justice
20 Department [~~Youth Commission~~] or county correctional facilities in
21 any manner not specifically described by Subsection (a).

22 SECTION 106. Section [497.058](#)(a), Government Code, is
23 amended to read as follows:

24 (a) The board by rule shall require that participants at
25 each private sector prison industries program be paid not less than
26 the prison industry enhancement certification program (PIECP) wage
27 as computed by the Texas Workforce Commission, except that:

1 (1) the board may permit employers to pay a
2 participant the federal minimum wage for the two-month period
3 beginning on the date participation begins; and

4 (2) the minimum wage for participants committed to the
5 Texas Juvenile Justice Department [~~Youth Commission~~], because of
6 the age of the participants and the extensive training component of
7 their employment, is the federal minimum wage.

8 SECTION 107. Section 497.0581(a), Government Code, is
9 amended to read as follows:

10 (a) The board by rule shall determine the amount of
11 deductions to be taken from wages received by the participant under
12 this subchapter and the disbursement of those deductions. The
13 board may establish deductions for participants committed to the
14 Texas Juvenile Justice Department [~~Youth Commission~~] that are
15 different than deductions established for other participants in the
16 program. In determining the amount of deductions under this
17 section, the board shall ensure that the deductions do not place the
18 private sector prison industries programs in the department in
19 noncompliance with the federal prison enhancement certification
20 program established under 18 U.S.C. Section 1761.

21 SECTION 108. Section 508.003(c), Government Code, is
22 amended to read as follows:

23 (c) The provisions of this chapter not in conflict with
24 Section 508.156 apply to parole of a person from the Texas Juvenile
25 Justice Department [~~Youth Commission~~] under that section.

26 SECTION 109. Sections 508.156(d), (e), and (f), Government
27 Code, are amended to read as follows:

1 (d) The period of parole for a person released on parole
2 under this section is the term for which the person was sentenced
3 less calendar time served at the Texas Juvenile Justice Department
4 [~~Youth Commission~~] and in a juvenile detention facility in
5 connection with the conduct for which the person was adjudicated.

6 (e) If a parole panel revokes the person's parole, the panel
7 may require the person to serve the remaining portion of the
8 person's sentence in the institutional division. The remaining
9 portion of the person's sentence is computed without credit for the
10 time from the date of the person's release to the date of
11 revocation. The panel may not recommit the person to the Texas
12 Juvenile Justice Department [~~Youth Commission~~].

13 (f) For purposes of this chapter, a person released from the
14 Texas Juvenile Justice Department [~~Youth Commission~~] on parole
15 under this section is considered to have been convicted of the
16 offense for which the person has been adjudicated.

17 SECTION 110. Sections [531.02418](#)(a) and (b), Government
18 Code, are amended to read as follows:

19 (a) The commission shall enter into a memorandum of
20 understanding with the Texas Juvenile Justice Department [~~Youth~~
21 ~~Commission~~] to ensure that each individual who is committed under
22 Title 3, Family Code, is assessed by the commission for eligibility
23 for the medical assistance program under Chapter 32, Human
24 Resources Code, and the child health plan program before that
25 individual's release from commitment.

26 (b) The commission shall enter into a memorandum of
27 understanding with the Texas Juvenile Justice Department

1 ~~[Probation Commission]~~ to ensure that each individual who is placed
2 or detained under Title 3, Family Code, is assessed by the
3 commission for eligibility for the medical assistance program under
4 Chapter 32, Human Resources Code, and the child health plan program
5 before the individual's release from placement or
6 detention. Local juvenile probation departments are subject to
7 the requirements of the memorandum.

8 SECTION 111. Section 531.047(a), Government Code, is
9 amended to read as follows:

10 (a) The commission, after consulting with representatives
11 from the Department of Protective and Regulatory Services, the
12 Texas Juvenile Justice Department ~~[Probation Commission]~~, and the
13 Texas Department of Mental Health and Mental Retardation, shall by
14 rule adopt result-oriented standards that a provider of substitute
15 care services for children under the care of the state must achieve.

16 SECTION 112. Section 531.055(a), Government Code, is
17 amended to read as follows:

18 (a) Each health and human services agency, the Texas Council
19 on Offenders with Mental Impairments, the Texas Department of
20 Criminal Justice, the Texas Department of Housing and Community
21 Affairs, the Texas Education Agency, the Texas Workforce
22 Commission, and the Texas Juvenile Justice Department ~~[Youth~~
23 ~~Commission]~~ shall adopt a joint memorandum of understanding to
24 promote a system of local-level interagency staffing groups to
25 coordinate services for persons needing multiagency services.

26 SECTION 113. Section 531.802(c), Government Code, is
27 amended to read as follows:

(c) Subject to Subsection (d), the council is composed of the following:

(1) the executive commissioner;

(2) the commissioner of state health services;

(3) the commissioner of the Department of Family and Protective Services;

(4) the commissioner of aging and disability services;

(5) the commissioner of assistive and rehabilitative services;

(6) the commissioner of education;

(7) the executive director of the Texas Juvenile Justice Department [~~Probation Commission~~];

~~(8) [the executive commissioner of the Texas Youth Commission];~~

~~[(9)]~~ the executive director of the Texas Workforce Commission;

(9) ~~[(10)]~~ the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments;

(10) ~~[(11)]~~ two public representatives who are parents of children who have received services from an agency represented on the council, appointed by the executive commissioner; and

(11) ~~[(12)]~~ two representatives who are young adults or adolescents who have received services from an agency represented on the council, appointed by the executive commissioner.

SECTION 114. Section 658.002(c), Government Code, is

1 amended to read as follows:

2 (c) This section does not apply to a houseparent who is
3 employed by and lives at a Texas Juvenile Justice Department [~~Youth~~
4 ~~Commission~~] facility.

5 SECTION 115. Section 659.044(e), Government Code, is
6 amended to read as follows:

7 (e) This subsection applies only to an employee of the Texas
8 Juvenile Justice Department [~~Youth Commission~~] who is receiving
9 less than the maximum amount of hazardous duty pay that the
10 department [~~commission~~] may pay to the employee under Section
11 659.303. The employee's monthly amount of longevity pay is the sum
12 of:

13 (1) \$4 for each year of lifetime service credit, which
14 may not include any period served in a hazardous duty position; and

15 (2) the lesser of:

16 (A) \$4 for each year served in a hazardous duty
17 position; or

18 (B) the difference between:

19 (i) \$7 for each year served in a hazardous
20 duty position; and

21 (ii) the amount paid by the department
22 [~~commission~~] for each year served in a hazardous duty position.

23 SECTION 116. Section 659.046(f), Government Code, is
24 amended to read as follows:

25 (f) The amount of an employee's lifetime service credit does
26 not include the period served in a hazardous duty position if the
27 employee is:

(1) entitled to receive hazardous duty pay under Section 659.302; or

(2) receiving the maximum amount of hazardous duty pay that the Texas Juvenile Justice Department [~~Youth Commission~~] may pay to the employee under Section 659.303.

SECTION 117. Section 659.302(b), Government Code, is amended to read as follows:

(b) This section does not apply to an employee of the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 118. Section 659.303, Government Code, is amended to read as follows:

Sec. 659.303. TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~] EMPLOYEES. (a) The department [~~commission~~] may include hazardous duty pay in the compensation paid to an individual for services rendered during a month if the individual:

(1) has routine direct contact with youth:

(A) placed in a residential facility of the department [~~commission~~]; or

(B) released under the department's [~~commission's~~] supervision; and

(2) has completed at least 12 months of lifetime service credit not later than the last day of the preceding month.

(b) For purposes of Subsection (a)(1), an individual who is having routine direct contact with youth on any portion of the first workday of a month is considered to have routine direct contact with youth for the entire month.

(c) The department's [~~commission's~~] authority under

1 Subsection (a) is subject to any conditions or limitations in the
2 General Appropriations Act.

3 (d) The department [~~commission~~] may not pay hazardous duty
4 pay:

5 (1) from funds authorized for payment of an
6 across-the-board employee salary increase; or

7 (2) to an employee who works at the department's
8 [~~commission's~~] central office.

9 (e) In this section, "department" [~~"commission"~~] means the
10 Texas Juvenile Justice Department [~~Youth Commission~~].

11 SECTION 119. Section 661.031(2), Government Code, is
12 amended to read as follows:

13 (2) "State employee" means an individual who is an
14 appointed officer or employee of a state agency and who normally
15 works 900 hours or more a year. The term includes:

16 (A) an hourly employee;

17 (B) a temporary employee;

18 (C) a person employed by:

19 (i) the Teacher Retirement System of Texas;

20 (ii) the Texas Education Agency;

21 (iii) the Texas Higher Education
22 Coordinating Board;

23 (iv) the Texas School for the Blind and
24 Visually Impaired;

25 (v) the Texas School for the Deaf;

26 (vi) the Texas Juvenile Justice Department
27 [~~Youth Commission~~];

(vii) the Windham School District; or

(viii) the Department of Assistive and
Rehabilitative Services; and

(D) a classified, administrative, faculty, or
professional employee of a state institution or agency of higher
education who has accumulated vacation leave, sick leave, or both,
during the employment.

SECTION 120. Section 661.061(2), Government Code, is
amended to read as follows:

(2) "State employee" means an employee or appointed
officer of a state agency. The term includes:

(A) a full-time employee or officer;

(B) a part-time employee or officer;

(C) an hourly employee;

(D) a temporary employee;

(E) a person employed by:

(i) the Teacher Retirement System of Texas;

(ii) the Texas Education Agency;

(iii) the Texas Higher Education
Coordinating Board;

(iv) the Texas School for the Blind and
Visually Impaired;

(v) the Texas School for the Deaf;

(vi) the Texas Juvenile Justice Department
~~[Youth Commission]~~;

(vii) the Windham School District; or

(viii) the Department of Assistive and

1 Rehabilitative Services; or

2 (F) a classified, administrative, faculty, or
3 professional employee of a state institution or agency of higher
4 education who has accumulated vacation leave during the employment.

5 SECTION 121. Section 661.152(a), Government Code, is
6 amended to read as follows:

7 (a) A state employee is entitled to a vacation in each
8 fiscal year without a deduction in salary, except for a state
9 employee who is:

10 (1) an employee of an institution of higher education
11 as defined by Section 61.003, Education Code, who:

12 (A) is not employed to work at least 20 hours per
13 week for a period of at least four and one-half months; or

14 (B) is employed in a position for which the
15 employee is required to be a student as a condition of the
16 employment;

17 (2) a faculty member employed for a period of fewer
18 than 12 months by an institution of higher education as defined by
19 Section 61.003, Education Code; or

20 (3) an instructional employee employed for a period of
21 fewer than 12 months by the Texas School for the Blind and Visually
22 Impaired, the Texas School for the Deaf, or the Texas Juvenile
23 Justice Department [~~Youth Commission~~].

24 SECTION 122. Section 814.104(b), Government Code, is
25 amended to read as follows:

26 (b) A member who is at least 55 years old and who has at
27 least 10 years of service credit as a commissioned peace officer

1 engaged in criminal law enforcement activities of the Department of
2 Public Safety, the Texas Alcoholic Beverage Commission, the Parks
3 and Wildlife Department, or the office of inspector general at the
4 Texas Juvenile Justice Department [~~Youth Commission~~], or as a
5 custodial officer, is eligible to retire and receive a service
6 retirement annuity.

7 SECTION 123. Section 815.505, Government Code, is amended
8 to read as follows:

9 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
10 CUSTODIAL OFFICERS. Not later than the 12th day of the month
11 following the month in which a person begins or ceases employment as
12 a law enforcement officer or custodial officer, the Public Safety
13 Commission, the Texas Alcoholic Beverage Commission, the Parks and
14 Wildlife Commission, the office of inspector general at the Texas
15 Juvenile Justice Department [~~Youth Commission~~], the Board of
16 Pardons and Paroles, or the Texas Board of Criminal Justice, as
17 applicable, shall certify to the retirement system, in the manner
18 prescribed by the system, the name of the employee and such other
19 information as the system determines is necessary for the crediting
20 of service and financing of benefits under this subtitle.

21 SECTION 124. Section 2155.143, Government Code, is amended
22 to read as follows:

23 Sec. 2155.143. PURCHASE OF CARE AND TREATMENT SERVICES BY
24 TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The
25 Texas Juvenile Justice Department [~~Youth Commission~~] may purchase
26 care and treatment services, including educational services, for
27 its wards.

(b) The Texas Juvenile Justice Department [~~Youth Commission~~] shall:

(1) negotiate purchases under this section to achieve fair and reasonable prices at rates that do not exceed any maximum provided by law; and

(2) select service providers according to each provider's qualifications and demonstrated competence.

SECTION 125. Section 2165.005(f), Government Code, is amended to read as follows:

(f) A building that will be used as a state or regional headquarters for a state agency, other than a university building, a secure correctional facility operated by the Texas Juvenile Justice Department [~~Youth Commission~~], or a prison, may bear the name of a person only if the person is deceased and was significant in the state's history.

SECTION 126. Section 2165.252(b), Government Code, is amended to read as follows:

(b) The commission may allocate space in buildings in the Texas Judicial Complex only to:

(1) a court;

(2) a judicial agency;

(3) the attorney general's office;

(4) the Texas Department of Criminal Justice;

(5) the Texas Juvenile Justice Department [~~Youth Commission~~];

(6) [~~the Criminal Justice Policy Council,~~

[~~7~~] the State Commission on Judicial Conduct;

1 (7) [~~(8)~~] the State Office of Administrative
2 Hearings;
3 (8) [~~(9)~~] the Board of Law Examiners;
4 (9) [~~(10)~~] the Council on Sex Offender Treatment;
5 (10) [~~(11)~~] building security;
6 (11) [~~(12)~~] building maintenance; or
7 (12) [~~(13)~~] a vending facility operated under Chapter
8 94, Human Resources Code.

9 SECTION 127. Section 2167.001(b), Government Code, is
10 amended to read as follows:

11 (b) This chapter does not apply to:

- 12 (1) radio antenna space;
- 13 (2) residential space for a Texas Department of Mental
14 Health and Mental Retardation program;
- 15 (3) residential space for a Texas Juvenile Justice
16 Department [~~Youth Commission~~] program;
- 17 (4) space to be used for less than one month for
18 meetings, conferences, conventions, seminars, displays,
19 examinations, auctions, or similar purposes;
- 20 (5) district office space for members of the
21 legislature;
- 22 (6) space used by the Texas Workforce Commission;
- 23 (7) residential property acquired by the Texas
24 Department of Housing and Community Affairs or the Texas State
25 Affordable Housing Corporation that is offered for sale or rental
26 to individuals and families of low or very low income or families of
27 moderate income;

1 (8) except as provided by Section 2167.007, space for
2 a university system or institution of higher education; or

3 (9) space leased by the Texas Veterans Commission to
4 administer the veterans employment services program.

5 SECTION 128. Section 2303.402(c), Government Code, is
6 amended to read as follows:

7 (c) For the purposes of this section, an economically
8 disadvantaged individual is an individual who:

9 (1) was unemployed for at least three months before
10 obtaining employment with the qualified business;

11 (2) receives public assistance benefits, including
12 welfare payments or food stamps, based on need and intended to
13 alleviate poverty;

14 (3) is a low-income individual, as defined by Section
15 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

16 (4) is an individual with a disability, as defined
17 by 29 U.S.C. Section 705(20)(A);

18 (5) is an inmate, as defined by Section 498.001;

19 (6) is entering the workplace after being confined in
20 a facility operated by or under contract with the Texas Department
21 of Criminal Justice for the imprisonment of individuals convicted
22 of felonies other than state jail felonies;

23 (7) has been released by the Texas Juvenile Justice
24 Department [~~Youth Commission~~] and is on parole, if state law
25 provides for such a person to be on parole;

26 (8) meets the current low income or moderate income
27 limits developed under Section 8, United States Housing Act of 1937

(42 U.S.C. Section 1437f et seq.); or

(9) was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday.

SECTION 129. Section 2306.5621(a)(6), Government Code, is amended to read as follows:

(6) "Corrections officer" means a corrections officer employed by the Texas Department of Criminal Justice or a juvenile correctional officer employed by the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 130. Section 2306.903(a), Government Code, is amended to read as follows:

(a) The Texas Interagency Council for the Homeless is composed of:

(1) one representative from each of the following agencies, appointed by the administrative head of that agency:

- (A) the Texas Department of Health;
- (B) the Texas Department of Human Services;
- (C) the Texas Department of Mental Health and Mental Retardation;
- (D) the Texas Department of Criminal Justice;
- (E) the Texas Department on Aging;
- (F) the Texas Rehabilitation Commission;
- (G) the Texas Education Agency;
- (H) the Texas Commission on Alcohol and Drug Abuse;
- (I) the Department of Protective and Regulatory

1 Services;

2 (J) the Health and Human Services Commission;

3 (K) the Texas Workforce Commission;

4 (L) the Texas Juvenile Justice Department [~~Youth~~
5 ~~Commission~~]; and

6 (M) the Texas Veterans Commission;

7 (2) two representatives from the department, one each
8 from the community affairs division and the housing finance
9 division, appointed by the director; and

10 (3) three members representing service providers to
11 the homeless, one each appointed by the governor, the lieutenant
12 governor, and the speaker of the house of representatives.

13 SECTION 131. Section 61.003(f), Health and Safety Code, is
14 amended to read as follows:

15 (f) For purposes of this chapter, a person who is an inmate
16 or resident of a state school or institution operated by the Texas
17 Department of Criminal Justice, Department of Aging and Disability
18 Services, Department of State Health Services, Texas Juvenile
19 Justice Department [~~Youth Commission~~], Texas School for the Blind
20 and Visually Impaired, Texas School for the Deaf, or any other state
21 agency or who is an inmate, patient, or resident of a school or
22 institution operated by a federal agency is not considered a
23 resident of a hospital district or of any governmental entity
24 except the state or federal government.

25 SECTION 132. Section 81.010(c), Health and Safety Code, is
26 amended to read as follows:

27 (c) The council consists of one representative from each of

the following agencies appointed by the executive director or commissioner of each agency:

- (1) the Department of State Health Services;
- (2) the Department of Aging and Disability Services;
- (3) the Department of Assistive and Rehabilitative Services;
- (4) the Department of Family and Protective Services;
- (5) ~~[the Texas Youth Commission];~~
- ~~[(6)]~~ the Texas Department of Criminal Justice;
- (6) ~~[(7)]~~ the Texas Juvenile Justice Department ~~[Probation Commission];~~
- (7) ~~[(8)]~~ the Texas Medical Board;
- (8) ~~[(9)]~~ the Texas Board of Nursing;
- (9) ~~[(10)]~~ the State Board of Dental Examiners;
- (10) ~~[(11)]~~ the Health and Human Services Commission;
- (11) ~~[(12)]~~ the Texas Workforce Commission; and
- (12) ~~[(13)]~~ the Texas Higher Education Coordinating Board.

SECTION 133. Section 81.102(a), Health and Safety Code, is amended to read as follows:

(a) A person may not require another person to undergo a medical procedure or test designed to determine or help determine if a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS unless:

- (1) the medical procedure or test is required under Subsection (d), under Section 81.050, or under Article 21.31, Code of Criminal Procedure;

1 (2) the medical procedure or test is required under
2 Section 81.090, and no objection has been made under Section
3 81.090(1);

4 (3) the medical procedure or test is authorized under
5 Chapter 545, Insurance Code;

6 (4) a medical procedure is to be performed on the
7 person that could expose health care personnel to AIDS or HIV
8 infection, according to board guidelines defining the conditions
9 that constitute possible exposure to AIDS or HIV infection, and
10 there is sufficient time to receive the test result before the
11 procedure is conducted; or

12 (5) the medical procedure or test is necessary:

13 (A) as a bona fide occupational qualification and
14 there is not a less discriminatory means of satisfying the
15 occupational qualification;

16 (B) to screen blood, blood products, body fluids,
17 organs, or tissues to determine suitability for donation;

18 (C) in relation to a particular person under this
19 chapter;

20 (D) to manage accidental exposure to blood or
21 other body fluids, but only if the test is conducted under written
22 infectious disease control protocols adopted by the health care
23 agency or facility;

24 (E) to test residents and clients of residential
25 facilities of the Texas Department of Mental Health and Mental
26 Retardation, but only if:

27 (i) the test result would change the

1 medical or social management of the person tested or others who
2 associated with that person; and

3 (ii) the test is conducted in accordance
4 with guidelines adopted by the residential facility or the Texas
5 Department of Mental Health and Mental Retardation and approved by
6 the department; or

7 (F) to test residents and clients of residential
8 facilities of the Texas Juvenile Justice Department [~~Youth~~
9 ~~Commission~~], but only if:

10 (i) the test result would change the
11 medical or social management of the person tested or others who
12 associate with that person; and

13 (ii) the test is conducted in accordance
14 with guidelines adopted by that department [~~the Texas Youth~~
15 ~~Commission~~].

16 SECTION 134. Section 85.113, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 85.113. WORKPLACE GUIDELINES FOR STATE CONTRACTORS.
19 An entity that contracts with or is funded by any of the following
20 state agencies to operate a program involving direct client contact
21 shall adopt and implement workplace guidelines similar to the
22 guidelines adopted by the agency that funds or contracts with the
23 entity:

- 24 (1) the Texas Commission on Alcohol and Drug Abuse;
25 (2) the Texas Commission for the Blind;
26 (3) the Texas Commission for the Deaf and Hard of
27 Hearing;

1 (4) the Texas Juvenile Justice Department [~~Probation~~
2 ~~Commission~~];

3 (5) the Texas Department of Criminal Justice;

4 (6) [~~the Texas Youth Commission~~;

5 ~~(7)~~] the department;

6 (7) [~~(8)~~] the Texas Department of Human Services;

7 (8) [~~(9)~~] the Texas Department of Mental Health and
8 Mental Retardation; and

9 (9) [~~(10)~~] the Texas Rehabilitation Commission.

10 SECTION 135. Section 89.101(1), Health and Safety Code, is
11 amended to read as follows:

12 (1) "Corrections facility" means:

13 (A) a jail or community corrections facility,
14 without regard to whether the jail or facility satisfies the
15 requirements of Section 89.002;

16 (B) any correctional facility operated by or
17 under contract with a division of the Texas Department of Criminal
18 Justice; or

19 (C) a detention facility operated by the Texas
20 Juvenile Justice Department [~~Youth Commission~~].

21 SECTION 136. Section 115.007(a), Health and Safety Code, is
22 amended to read as follows:

23 (a) The task force consists of:

24 (1) the commissioner, the executive director or
25 director, or a deputy or assistant commissioner of:

26 (A) the commission, designated by the executive
27 commissioner;

(B) the Department of Aging and Disability Services, designated by the commissioner of that agency;

(C) the Department of Assistive and Rehabilitative Services, designated by the commissioner of that agency;

(D) the division of early childhood intervention services, designated by the commissioner of the Department of Assistive and Rehabilitative Services;

(E) the Department of Family and Protective Services, designated by the commissioner of that agency;

(F) the Department of State Health Services, designated by the commissioner of that agency;

(G) the Texas Education Agency, designated by the commissioner of that agency;

~~(H) [the Texas Youth Commission, designated by the executive commissioner of that agency];~~

~~[(I)]~~ the Texas Juvenile Justice Department ~~[Probation Commission]~~, designated by the executive director of that agency; and

(I) ~~[(J)]~~ the Texas Correctional Office on Offenders with Medical or Mental Impairments, designated by the director of that office; and

(2) eight nonvoting members who are:

(A) a representative of a local mental health authority or a local mental retardation authority, appointed by the governor;

(B) two members of the house of representatives,

1 appointed by the speaker of the house of representatives;

2 (C) two senators, appointed by the lieutenant
3 governor; and

4 (D) three parents or consumer advocates, one each
5 appointed by the commission, the Texas Education Agency, and the
6 Texas Juvenile Justice Department [~~Youth Commission~~].

7 SECTION 137. Section 161.005(a), Health and Safety Code, is
8 amended to read as follows:

9 (a) On admission of a child to a facility of the Texas
10 Department of Mental Health and Mental Retardation, the Texas
11 Department of Criminal Justice, or the Texas Juvenile Justice
12 Department [~~Youth Commission~~], the facility physician shall review
13 the immunization history of the child and administer any needed
14 vaccinations or refer the child for immunization.

15 SECTION 138. Section 533.0415(a), Health and Safety Code,
16 is amended to read as follows:

17 (a) The department, the Texas Department of Human Services,
18 [~~the Texas Youth Commission,~~] the Texas Juvenile Justice Department
19 [~~Probation Commission~~], and the Texas Education Agency by rule
20 shall adopt a joint memorandum of understanding to develop
21 interagency training for the staffs of the agencies involved in the
22 functions of assessment, case planning, case management, and
23 in-home or direct delivery of services to children, youth, and
24 their families. The memorandum must:

25 (1) outline the responsibility of each agency in
26 coordinating and developing a plan for interagency training on
27 individualized assessment and effective intervention and treatment

1 services for children and dysfunctional families; and

2 (2) provide for the establishment of an interagency
3 task force to:

4 (A) develop a training program to include
5 identified competencies, content, and hours for completion of the
6 training with at least 20 hours of training required each year until
7 the program is completed;

8 (B) design a plan for implementing the program,
9 including regional site selection, frequency of training, and
10 selection of experienced clinical public and private professionals
11 or consultants to lead the training; and

12 (C) monitor, evaluate, and revise the training
13 program, including the development of additional curricula based on
14 future training needs identified by staff and professionals.

15 SECTION 139. Section 551.008(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) The department may transfer the South Campus of the
18 Vernon State Hospital to the Texas Juvenile Justice Department
19 [~~Youth Commission~~] contingent upon the agreement of the governing
20 board of the department and the executive director [~~commissioner~~]
21 of the Texas Juvenile Justice Department [~~Youth Commission~~].

22 SECTION 140. Section 555.002(e), Health and Safety Code, is
23 amended to read as follows:

24 (e) The department shall collect data regarding the
25 commitment of alleged offender residents to state supported living
26 centers, including any offense with which an alleged offender
27 resident is charged, the location of the committing court, whether

1 the alleged offender resident has previously been in the custody of
2 the Texas Juvenile Justice Department [~~Youth Commission~~] or the
3 Department of Family and Protective Services, and whether the
4 alleged offender resident receives mental health services or
5 previously received any services under a Section 1915(c) waiver
6 program. The department shall annually submit to the governor, the
7 lieutenant governor, the speaker of the house of representatives,
8 and the standing committees of the legislature with primary subject
9 matter jurisdiction over state supported living centers a report of
10 the information collected under this section. The report may not
11 contain personally identifiable information for any person in the
12 report.

13 SECTION 141. Section 574.001(f), Health and Safety Code, is
14 amended to read as follows:

15 (f) An application in which the proposed patient is a child
16 in the custody of the Texas Juvenile Justice Department [~~Youth~~
17 ~~Commission~~] may be filed in the county in which the child's
18 commitment to that department [~~the commission~~] was ordered.

19 SECTION 142. Section 593.041(e), Health and Safety Code, is
20 amended to read as follows:

21 (e) An application in which the proposed patient is a child
22 in the custody of the Texas Juvenile Justice Department [~~Youth~~
23 ~~Commission~~] may be filed in the county in which the child's
24 commitment to that department [~~the commission~~] was ordered.

25 SECTION 143. Section 614.019, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in

1 cooperation with the Texas Commission on Alcohol and Drug Abuse,
2 the Texas Department of Mental Health and Mental Retardation, the
3 Department of Protective and Regulatory Services, the Texas
4 Juvenile Justice Department [~~Probation Commission, the Texas Youth~~
5 ~~Commission~~], and the Texas Education Agency, may establish and
6 maintain programs, building on existing successful efforts in
7 communities, to address prevention, intervention, and continuity
8 of care for juveniles with mental health and substance abuse
9 disorders.

10 (b) A child with mental illness who is receiving continuity
11 of care services during parole from the Texas Juvenile Justice
12 Department [~~Youth Commission~~] and who is no longer eligible to
13 receive services from a local mental health authority when the
14 child becomes 17 years of age because the child does not meet the
15 requirements of a local service area plan under Section [533.0352](#)(a)
16 may continue to receive continuity of care services from the office
17 until the child completes the child's parole.

18 (c) A child with mental illness or mental retardation who is
19 discharged from the Texas Juvenile Justice Department under Section
20 [244.011](#), Human Resources Code, may receive continuity of care
21 services from the office for a minimum of 90 days after discharge
22 from that department [~~the commission~~] and for as long as necessary
23 for the child to demonstrate sufficient stability to transition
24 successfully to mental health or mental retardation services
25 provided by a local mental health or mental retardation authority.

26 SECTION 144. Section [42.052](#)(g), Human Resources Code, is
27 amended to read as follows:

(g) The certification requirements of this section do not apply to ~~[a Texas Youth Commission facility,~~ a Texas Juvenile Justice Department ~~[Probation Commission]~~ facility~~[,~~ or a facility providing services solely for that department ~~[the Texas Youth Commission]~~.

SECTION 145. Section 63.009, Human Resources Code, is amended to read as follows:

Sec. 63.009. BOARD POLICIES. The board of trustees shall develop policies consistent with the rules, regulations, and standards of the Texas Juvenile Justice Department ~~[Probation Commission]~~.

SECTION 146. Section 63.010, Human Resources Code, is amended to read as follows:

Sec. 63.010. STANDARDIZED PERSONNEL QUALIFICATIONS. The board of trustees shall standardize qualifications for personnel positions in the community center consistent with those established by the Texas Juvenile Justice Department ~~[Probation Commission]~~.

SECTION 147. Section 63.019, Human Resources Code, is amended to read as follows:

Sec. 63.019. RULES REGULATING ADMINISTRATION OF SERVICES. The board of trustees may make rules consistent with those promulgated by the Texas Juvenile Justice Department ~~[Probation Commission]~~ and the policies, principles, and standards provided in this Act to regulate the administration of services by the facility to the juveniles placed into the facility.

SECTION 148. Section 63.020(1), Human Resources Code, is amended to read as follows:

1 (1) Education. Upon admission into the facility, the
2 juvenile will be tested to determine his educational level, and a
3 program of instruction consistent with the juvenile's educational
4 level shall be developed to educate the juvenile. Education shall
5 be given to each juvenile admitted in the facility consistent with
6 the standards set forth by the Texas Juvenile Justice Department
7 ~~[Probation Commission]~~.

8 SECTION 149. Section 142.002(a), Human Resources Code, is
9 amended to read as follows:

10 (a) A juvenile board may, with the advice and consent of the
11 commissioners court, employ probation officers and administrative,
12 supervisory, stenographic, and other clerical personnel necessary
13 to provide juvenile probation services according to the standards
14 established by the Texas Juvenile Justice Department ~~[Probation~~
15 ~~Commission]~~ and the local need as determined by the juvenile board.

16 SECTION 150. Section 142.003(b), Human Resources Code, is
17 amended to read as follows:

18 (b) A juvenile board may contract with the Texas Juvenile
19 Justice Department ~~[Youth Commission]~~ for juvenile probation
20 services.

21 SECTION 151. Section 142.006(b), Human Resources Code, is
22 amended to read as follows:

23 (b) A juvenile probation officer is disqualified from being
24 authorized to carry a firearm under this section if the officer has
25 been designated a perpetrator in a Texas Juvenile Justice
26 Department ~~[Probation Commission]~~ abuse, neglect, or exploitation
27 investigation.

SECTION 152. Section 152.0007(a), Human Resources Code, is amended to read as follows:

(a) The juvenile board shall:

(1) establish a juvenile probation department and employ a chief probation officer who meets the standards set by the Texas Juvenile Justice Department [~~Probation Commission~~]; and

(2) adopt a budget and establish policies, including financial policies, for juvenile services within the jurisdiction of the board.

SECTION 153. Section 152.0008(a), Human Resources Code, is amended to read as follows:

(a) The chief juvenile probation officer may, within the budget adopted by the board, employ:

(1) assistant officers who meet the standards set by the Texas Juvenile Justice Department [~~Probation Commission~~]; and

(2) other necessary personnel.

SECTION 154. Section 152.0461(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall pay the salaries of juvenile probation personnel and other expenses the chairman certifies as essential to provide services to the children of Cochran County from the juvenile board fund to the extent of the state aid received in the fund. The salaries approved by the commissioners court may be paid from funds received for that purpose from the Texas Juvenile Justice Department [~~Probation Commission~~]. The commissioners court shall pay the remaining approved salaries of juvenile probation personnel and other expenses certified as necessary by

1 the juvenile board chairman from the general funds of the county.

2 SECTION 155. Section 152.1161(f), Human Resources Code, is
3 amended to read as follows:

4 (f) The juvenile board shall pay the salaries of juvenile
5 probation personnel and other expenses the chairman certifies as
6 essential to provide services to the children of Hockley County
7 from the juvenile board fund to the extent of the state aid received
8 in the fund. The salaries approved by the commissioners court may
9 be paid from funds received for that purpose from the Texas Juvenile
10 Justice Department [~~Probation Commission~~]. The commissioners
11 court shall pay the remaining approved salaries of juvenile
12 probation personnel and other expenses certified as necessary by
13 the juvenile board chairman from the general funds of the county.

14 SECTION 156. Section 152.2401(f), Human Resources Code, is
15 amended to read as follows:

16 (f) The juvenile board shall make the financial and
17 statistical records and reports the board is required to make to the
18 Texas Juvenile Justice Department [~~Probation Commission~~] available
19 to the commissioners court.

20 SECTION 157. Section 152.2561(l), Human Resources Code, is
21 amended to read as follows:

22 (l) The board shall make available to the commissioners
23 court the financial and statistical reports required by the Texas
24 Juvenile Justice Department [~~Probation Commission~~].

25 SECTION 158. Section 306.002, Labor Code, is amended to
26 read as follows:

27 Sec. 306.002. PROJECT RIO. The project for reintegration

1 of offenders is a statewide employment referral program designed to
2 reintegrate into the labor force persons sentenced to the
3 correctional institutions division or committed to the Texas
4 Juvenile Justice Department [~~Youth Commission~~].

5 SECTION 159. Section 306.003, Labor Code, is amended to
6 read as follows:

7 Sec. 306.003. ADMINISTRATION. The department, the Texas
8 Juvenile Justice Department [~~Youth Commission~~], and the commission
9 shall cooperate to maximize the effectiveness of Project RIO. For
10 that purpose, the commission shall administer the project.

11 SECTION 160. Section 306.004, Labor Code, is amended to
12 read as follows:

13 Sec. 306.004. MEMORANDUM OF UNDERSTANDING--ADOPTION. (a)
14 The department, the commission, and the Texas Juvenile Justice
15 Department [~~Youth Commission~~] shall each adopt a memorandum of
16 understanding that establishes the respective responsibilities of
17 each agency and of the divisions within the department.

18 (b) The commission shall coordinate the development of the
19 memoranda of understanding. The department and the Texas Juvenile
20 Justice Department [~~Youth Commission~~] shall adopt rules as
21 necessary to implement their respective memoranda and may amend the
22 memorandum and those rules as necessary.

23 SECTION 161. Section 306.005(b), Labor Code, is amended to
24 read as follows:

25 (b) The memorandum of understanding between the Texas
26 Juvenile Justice Department [~~Youth Commission~~] and the commission
27 must establish the roles of the institutional and community

services division in the Texas Juvenile Justice Department [~~Youth Commission~~] and the role of the commission in the same manner the roles of the department and commission are established under Subsection (a).

SECTION 162. Section 306.007(a), Labor Code, is amended to read as follows:

(a) To assist in the reintegration into the labor force of persons formerly sentenced to the correctional institutions division or committed to the Texas Juvenile Justice Department [~~Youth Commission~~], the commission through Project RIO shall provide:

(1) to those persons:

(A) information from local workforce development boards on job training and employment referral services;

(B) information from the Department of State Health Services on substance abuse treatment services;

(C) information from the Texas Department of Housing and Community Affairs on housing services;

(D) information from the Texas Veterans Commission on services for veterans; and

(E) information on tax refund voucher programs under Subchapter H, Chapter 301; and

(2) to the employers and potential employers of those persons:

(A) information from the Texas Economic Development and Tourism Office on the enterprise zone program; and

(B) information from local workforce development

boards on services listed in Section 2308.304, Government Code.

SECTION 163. Sections 306.008(a) and (c), Labor Code, are amended to read as follows:

(a) To assist in the reintegration into the labor force of persons formerly sentenced to the correctional institutions division or committed to the Texas Juvenile Justice Department [~~Youth Commission~~], the commission, the Texas Juvenile Justice Department [~~Youth Commission~~], and the department shall establish a data interface that, at a minimum, provides to the commission:

(1) detailed information about persons released from a correctional facility who might benefit from post-release Project RIO services, including:

- (A) demographic and identifying information;
- (B) the person's address on release;
- (C) a comprehensive state offense history, including the date of release from the correctional facility, sentence discharge date, and conditions of parole;
- (D) assessment information;
- (E) educational and work history;
- (F) information related to participation in the work against recidivism program operated by the department's manufacturing and logistics division under the Texas Correctional Industries office; and
- (G) other services provided under this title before release from the correctional facility; and

(2) referral information from the department and the Texas Juvenile Justice Department [~~Youth Commission~~] necessary to

1 implement the provision of post-release employment services.

2 (c) Information received from the Texas Juvenile Justice
3 Department [~~Youth Commission~~] under this section is confidential
4 and is not subject to disclosure under Chapter 552, Government
5 Code.

6 SECTION 164. Section 504.017, Labor Code, is amended to
7 read as follows:

8 Sec. 504.017. FEDERAL AND STATE FUNDED TRANSPORTATION
9 ENTITIES. An entity is eligible to participate under Section
10 504.016 or Chapter 791 or 2259, Government Code, if the entity
11 provides transportation subsidized in whole or in part by and
12 provided to clients of:

13 (1) the Department of Assistive and Rehabilitative
14 Services;

15 (2) the Department of State Health Services;

16 (3) the Cancer Prevention and Research Institute of
17 Texas;

18 (4) the Texas Department of Housing and Community
19 Affairs;

20 (5) the Health and Human Services Commission;

21 (6) the Department of Aging and Disability Services;

22 or

23 (7) the Texas Juvenile Justice Department [~~Youth~~
24 ~~Commission~~].

25 SECTION 165. Section 244.001(1), Local Government Code, is
26 amended to read as follows:

27 (1) "Correctional or rehabilitation facility" means a

1 probation or parole office or a residential facility that:

2 (A) is operated by an agency of the state, a
3 political subdivision of the state, or a private vendor operating
4 under a contract with an agency of the state or a political
5 subdivision of the state; and

6 (B) houses persons convicted of misdemeanors or
7 felonies or children found to have engaged in delinquent conduct,
8 regardless of whether the persons are housed in the residential
9 facility:

10 (i) while serving a sentence of confinement
11 following conviction of an offense;

12 (ii) as a condition of probation, parole,
13 or mandatory supervision; or

14 (iii) under a court order for out-of-home
15 placement under Title 3, Family Code, other than in a foster home
16 operated under a contract with the juvenile board of the county in
17 which the foster home is located or under a contract with the Texas
18 Juvenile Justice Department [~~Youth Commission~~].

19 SECTION 166. Section 244.006, Local Government Code, is
20 amended to read as follows:

21 Sec. 244.006. EXEMPTIONS. This subchapter does not apply
22 to the operation of a correctional or rehabilitation facility at a
23 location subject to this subchapter if:

24 (1) on September 1, 1997, the correctional or
25 rehabilitation facility was in operation, under construction,
26 under contract for operation or construction, or planned for
27 construction at the location on land owned or leased by an agency or

1 political subdivision of the state and designated for use as a
2 correctional or rehabilitation facility;

3 (2) the correctional or rehabilitation facility was in
4 operation or under construction before the establishment of a
5 residential area the location of which makes the facility subject
6 to this subchapter;

7 (3) the correctional or rehabilitation facility is a
8 temporary correctional or rehabilitation facility that will be
9 operated at the location for less than one year;

10 (4) the correctional or rehabilitation facility is
11 required to obtain a special use permit or a conditional use permit
12 from the municipality in which the facility is located before
13 beginning operation;

14 (5) the correctional or rehabilitation facility is an
15 expansion of a facility operated by the correctional institutions
16 division of the Texas Department of Criminal Justice for the
17 imprisonment of individuals convicted of felonies other than state
18 jail felonies or by the Texas Juvenile Justice Department [~~Youth~~
19 ~~Commission~~];

20 (6) the correctional or rehabilitation facility is a
21 county jail or a pre-adjudication or post-adjudication juvenile
22 detention facility operated by a county or county juvenile board;

23 (7) the facility is:

24 (A) a juvenile probation office located at, and
25 operated in conjunction with, a juvenile justice alternative
26 education center; and

27 (B) used exclusively by students attending the

juvenile justice alternative education center;

(8) the facility is a public or private institution of higher education or vocational training to which admission is open to the general public;

(9) the facility is operated primarily as a treatment facility for juveniles under contract with the Department of Aging and Disability Services or the Department of State Health Services or a local mental health or mental retardation authority;

(10) the facility is operated as a juvenile justice alternative education program;

(11) the facility:

(A) is not operated primarily as a correctional or rehabilitation facility; and

(B) only houses persons or children described by Section 244.001(1)(B) for a purpose related to treatment or education; or

(12) the facility is a probation or parole office located in a commercial use area.

SECTION 167. Section 110.202(a), Occupations Code, is amended to read as follows:

(a) The executive head of each of the following agencies or that person's designated representative shall serve as a member of the interagency advisory committee:

(1) Texas Department of Criminal Justice;

(2) Texas Juvenile Justice Department [~~Probation Commission~~];

(3) Texas Department of Mental Health and Mental

1 Retardation;

2 (4) [~~Texas Youth Commission,~~

3 [~~(5)~~] Sam Houston State University;

4 (5) [~~(6)~~] Department of Protective and Regulatory
5 Services; and

6 (6) [~~(7)~~] Texas Council of Community Mental Health and
7 Mental Retardation Centers.

8 SECTION 168. Section 110.302(b), Occupations Code, is
9 amended to read as follows:

10 (b) In developing the rules, the council shall coordinate
11 with the Texas Department of Criminal Justice [~~, the Texas Youth~~
12 ~~Commission,~~] and the Texas Juvenile Justice Department [~~Probation~~
13 ~~Commission~~].

14 SECTION 169. Section 1701.259(a), Occupations Code, is
15 amended to read as follows:

16 (a) The commission and the Texas Juvenile Justice
17 Department [~~Probation Commission~~] by rule shall adopt a memorandum
18 of understanding that establishes a training program in the use of
19 firearms by juvenile probation officers. The memorandum of
20 understanding must establish a program that provides instruction
21 in:

22 (1) legal limitations on the use of firearms and on the
23 powers and authority of juvenile probation officers;

24 (2) range firing and procedure, and firearms safety
25 and maintenance; and

26 (3) other topics determined by the commission and the
27 department [~~Texas Juvenile Probation Commission~~] to be necessary

for the responsible use of firearms by juvenile probation officers.

SECTION 170. Section 22.11(d), Penal Code, is amended to read as follows:

(d) In this section, "correctional or detention facility" means:

(1) a secure correctional facility; or

(2) a "secure correctional facility" or a "secure detention facility" as defined by Section 51.02, Family Code, operated by or under contract with a juvenile board or the Texas Juvenile Justice Department [~~Youth Commission~~] or any other facility operated by or under contract with that department [~~commission~~].

SECTION 171. Section 38.06(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree if the actor:

(1) is under arrest for, charged with, or convicted of a felony;

(2) is confined or lawfully detained in a secure correctional facility or law enforcement facility; or

(3) is committed to or lawfully detained in a secure correctional facility, as defined by Section 51.02, Family Code, other than a halfway house, operated by or under contract with the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 172. Sections 39.04(a), (b), and (f), Penal Code, are amended to read as follows:

(a) An official of a correctional facility, an employee of a

1 correctional facility, a person other than an employee who works
2 for compensation at a correctional facility, a volunteer at a
3 correctional facility, or a peace officer commits an offense if the
4 person intentionally:

5 (1) denies or impedes a person in custody in the
6 exercise or enjoyment of any right, privilege, or immunity knowing
7 his conduct is unlawful; or

8 (2) engages in sexual contact, sexual intercourse, or
9 deviate sexual intercourse with an individual in custody or, in the
10 case of an individual in the custody of the Texas Juvenile Justice
11 Department [~~Youth Commission~~], employs, authorizes, or induces the
12 individual to engage in sexual conduct or a sexual performance.

13 (b) An offense under Subsection (a)(1) is a Class A
14 misdemeanor. An offense under Subsection (a)(2) is a state jail
15 felony, except that an offense under Subsection (a)(2) is a felony
16 of the second degree if the offense is committed against:

17 (1) an individual in the custody of the Texas Juvenile
18 Justice Department [~~Youth Commission~~]; or

19 (2) a juvenile offender detained in or committed to a
20 correctional facility the operation of which is financed primarily
21 with state funds.

22 (f) An employee of the Texas Department of Criminal Justice,
23 the Texas Juvenile Justice Department [~~Youth Commission~~], or a
24 local juvenile probation department commits an offense if the
25 employee engages in sexual contact, sexual intercourse, or deviate
26 sexual intercourse with an individual who the employee knows is
27 under the supervision of the department, juvenile justice

1 department [~~commission~~], or probation department but not in the
2 custody of the department, juvenile justice department
3 [~~commission~~], or probation department.

4 SECTION 173. Section 39.04(e)(2), Penal Code, is amended to
5 read as follows:

6 (2) "Custody" means the detention, arrest, or
7 confinement of an adult offender or the detention or the commitment
8 of a juvenile offender to a facility operated by or under a contract
9 with the Texas Juvenile Justice Department [~~Youth Commission~~] or a
10 facility operated by or under contract with a juvenile board.

11 SECTION 174. Section 201.603, Transportation Code, is
12 amended to read as follows:

13 Sec. 201.603. AGREEMENT WITH OTHER AGENCIES FOR ROADS. (a)
14 On request of the Texas Department of Mental Health and Mental
15 Retardation or the Texas Juvenile Justice Department [~~Youth~~
16 ~~Commission~~], the department may enter into agreements with either
17 [~~that~~] department [~~or commission~~] for the construction,
18 maintenance, or repair of roads in an institution, hospital, or
19 school under the control, management, or supervision of that
20 department [~~or commission~~].

21 (b) The Texas Department of Mental Health and Mental
22 Retardation or the Texas Juvenile Justice Department [~~Youth~~
23 ~~Commission~~] may reimburse the appropriate fund of the department
24 for the cost of construction or maintenance performed under
25 Subsection (a). Before a transfer of an amount under this
26 subsection, the reimbursing agency shall notify in writing the
27 comptroller of the amount to be transferred and the fund from which

1 the amount is to be taken.

2 SECTION 175. Section 721.003(a), Transportation Code, is
3 amended to read as follows:

4 (a) The governing bodies of the following state agencies or
5 divisions by rule may exempt from the requirements of Section
6 721.002 a motor vehicle that is under the control and custody of the
7 agency or division:

8 (1) Texas Commission on Fire Protection;

9 (2) Texas State Board of Pharmacy;

10 (3) Department of State Health Services and Department
11 of Aging and Disability Services;

12 (4) Department of Public Safety of the State of Texas;

13 (5) Texas Department of Criminal Justice;

14 (6) Board of Pardons and Paroles;

15 (7) Parks and Wildlife Department;

16 (8) Railroad Commission of Texas;

17 (9) Texas Alcoholic Beverage Commission;

18 (10) Texas Department of Banking;

19 (11) Department of Savings and Mortgage Lending;

20 (12) Texas Juvenile Justice Department [~~Probation~~
21 ~~Commission~~];

22 (13) Texas Commission on Environmental Quality;

23 (14) [~~Texas Youth Commission~~;

24 [~~(15)~~] Texas Lottery Commission;

25 (15) [~~(16)~~] the office of the attorney general;

26 (16) [~~(17)~~] Texas Department of Insurance; and

27 (17) [~~(18)~~] an agency that receives an appropriation

under an article of the General Appropriations Act that appropriates money to the legislature.

SECTION 176. Section 1(a), Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This section and Section 2 of this Act apply to:

(1) the governing boards of state-supported institutions of higher education;

(2) the Texas Higher Education Coordinating Board;

(3) the Texas Education Agency;

(4) the Texas School for the Deaf;

(5) the Texas School for the Blind and Visually Impaired;

(6) the Texas Department of Mental Health and Mental Retardation and the state schools, state hospitals, and other facilities and institutions under its jurisdiction;

(7) the Texas Department of Health and facilities and institutions under its jurisdiction;

(8) the Texas Juvenile Justice Department [~~Youth Commission~~] and facilities and institutions under its jurisdiction; and

(9) the governing boards of Centers for Community Mental Health and Mental Retardation Services, county hospitals, city hospitals, city-county hospitals, hospital authorities, hospital districts, affiliated state agencies, and each of their political subdivisions.

SECTION 177. Section 41.301(2), Government Code, is

1 repealed.

2 SECTION 178. If any provision of this Act conflicts with a
3 provision of another Act of the 84th Legislature, Regular Session,
4 2015, the provision of the other Act controls to the extent of the
5 conflict, regardless of the date of enactment.

6 SECTION 179. This Act takes effect September 1, 2015.