

By: Whitmire
(Turner of Harris)

S.B. No. 1630

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the commitment of juveniles in post-adjudication secure
3 correctional facilities operated by the Texas Juvenile Justice
4 Department and by local probation departments.

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

6 SECTION 1. Section 54.04(d), Family Code, is amended to
7 read as follows:

8 (d) If the court or jury makes the finding specified in
9 Subsection (c) allowing the court to make a disposition in the case:

10 (1) the court or jury may, in addition to any order
11 required or authorized under Section 54.041 or 54.042, place the
12 child on probation on such reasonable and lawful terms as the court
13 may determine:

14 (A) in the child's own home or in the custody of a
15 relative or other fit person; or

16 (B) subject to the finding under Subsection (c)
17 on the placement of the child outside the child's home, in:

18 (i) a suitable foster home;

19 (ii) a suitable public or private
20 residential treatment facility licensed by a state governmental
21 entity or exempted from licensure by state law, except a facility
22 operated by the Texas Juvenile Justice Department; or

23 (iii) a suitable public or private
24 post-adjudication secure correctional facility that meets the

1 requirements of Section 51.125, except a facility operated by the
2 Texas Juvenile Justice Department;

3 (2) if the court or jury found at the conclusion of the
4 adjudication hearing that the child engaged in delinquent conduct
5 that violates a penal law of this state or the United States of the
6 grade of felony, the court or jury made a special commitment finding
7 under Section 54.04013, and [~~if~~] the petition was not approved by
8 the grand jury under Section 53.045, the court may commit the child
9 to the Texas Juvenile Justice Department under Section 54.04013, or
10 a post-adjudication secure correctional facility under Section
11 54.04011(c)(1), as applicable, without a determinate sentence;

12 (3) if the court or jury found at the conclusion of the
13 adjudication hearing that the child engaged in delinquent conduct
14 that included a violation of a penal law listed in Section 53.045(a)
15 and if the petition was approved by the grand jury under Section
16 53.045, the court or jury may sentence the child to commitment in
17 the Texas Juvenile Justice Department or a post-adjudication secure
18 correctional facility under Section 54.04011(c)(2) with a possible
19 transfer to the Texas Department of Criminal Justice for a term of:

20 (A) not more than 40 years if the conduct
21 constitutes:

22 (i) a capital felony;
23 (ii) a felony of the first degree; or
24 (iii) an aggravated controlled substance
25 felony;

26 (B) not more than 20 years if the conduct
27 constitutes a felony of the second degree; or

1 (C) not more than 10 years if the conduct
2 constitutes a felony of the third degree;

3 (4) the court may assign the child an appropriate
4 sanction level and sanctions as provided by the assignment
5 guidelines in Section 59.003;

6 (5) the court may place the child in a suitable
7 nonsecure correctional facility that is registered and meets the
8 applicable standards for the facility as provided by Section
9 51.126; or

10 (6) if applicable, the court or jury may make a
11 disposition under Subsection (m) or Section 54.04011(c)(2)(A).

12 SECTION 2. Chapter 54, Family Code, is amended by adding
13 Section 54.04013 to read as follows:

14 Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE
15 DEPARTMENT. Notwithstanding any other provision of this code,
16 after a disposition hearing held in accordance with Section 54.04,
17 the juvenile court may commit a child who is found to have engaged
18 in delinquent conduct that constitutes a felony offense to the
19 Texas Juvenile Justice Department without a determinate sentence if
20 the court makes a special commitment finding that the child has
21 behavioral health or other special needs that cannot be met with the
22 resources available in the community, as documented in a validated
23 needs assessment conducted by the juvenile probation department
24 serving the court.

25 SECTION 3. Chapter 203, Human Resources Code, is amended by
26 adding Sections 203.017 and 203.018 to read as follows:

27 Sec. 203.017. REGIONALIZATION PLAN. (a) The department

1 shall develop and the board shall adopt a regionalization plan for
2 keeping children closer to home in lieu of commitment to the secure
3 facilities operated by the department under Subtitle C.

4 (b) The department shall consult with juvenile probation
5 departments to identify post-adjudication facility capacity that
6 may be dedicated to support the regionalization plan.

7 (c) The regionalization plan must define regions of the
8 state to be served by facilities operated by juvenile probation
9 departments, counties, or private operators, based on the
10 post-adjudication facilities identified as being available for the
11 purpose of the plan.

12 (d) The department shall ensure that each region has
13 defined, appropriate, research-based programs for the target
14 populations under the regionalization plan.

15 (e) The regionalization plan must:

16 (1) include a budget review, redirection of staff, and
17 funding mechanisms necessary to support the plan; and

18 (2) create a new division of the department
19 responsible for administering the regionalization plan and
20 monitoring program quality and accountability.

21 (f) The division created under Subsection (e)(2) shall:

22 (1) approve plans and related protocols to administer
23 the developed regional model;

24 (2) provide training on best practices for all local
25 probation departments affected by the regionalization plan;

26 (3) assist in research-based program development;

27 (4) monitor contract and program measures for the

1 developed regional model;

2 (5) analyze department data to provide clear guidance
3 to local probation departments on outcome measures; and

4 (6) report on performance of specific programs and
5 placements to assist in implementing best practices and maximize
6 the impact of state funds.

7 (g) A region is eligible for funding to support
8 evidence-based, intensive in-home services only if the region meets
9 the performance standards established by the department and adopted
10 in contracts for placement and services.

11 (h) The department shall adopt rules to allow the local
12 probation departments implementing the regionalization plan to
13 access the data submitted by those departments in the state
14 juvenile case management system for planning and research purposes.

15 Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS.

16 (a) The department shall develop specialized programs for
17 children with a determinate sentence and children committed under
18 Section 54.04013, Family Code. The programs must ensure safety and
19 security for committed children and provide developmentally
20 appropriate program strategies.

21 (b) The department shall establish performance-based goals
22 related to improved outcomes that:

23 (1) must include measures to reduce recidivism; and

24 (2) may include other well-being outcome measures.

25 (c) The department shall use case review strategies to
26 identify children in department facilities who can safely and
27 appropriately be transferred to alternative local placements or

1 halfway houses, placed on probation or parole, or otherwise
2 released under supervision.

3 (d) The department shall study and report to the board on
4 the potential for repurposing existing secure facilities for the
5 confinement of children with a determinate sentence or children
6 committed under Section 54.04013, Family Code, or for other
7 purposes.

8 SECTION 4. Section 223.001, Human Resources Code, is
9 amended to read as follows:

10 Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID.

11 (a) The department shall annually allocate funds for financial
12 assistance to juvenile boards to provide juvenile services
13 according to current estimates of the number of juveniles in each
14 county, a basic probation funding formula for departments that
15 clearly defines what basic probation entails and which services are
16 provided, and other factors the department determines are
17 appropriate.

18 (b) The legislature may appropriate the amount of state aid
19 necessary to supplement local funds to maintain and improve
20 statewide juvenile services that comply with department standards
21 and to initiate the regionalization plan under Section 203.017 so
22 that savings are generated by decreases in the population of
23 department facilities operated under Subtitle C.

24 (c) The department shall [~~may~~] set aside a portion of the
25 funds appropriated to the department for discretionary state aid to
26 fund programs designed to address special needs or projects of
27 local juvenile boards, including projects dedicated to specific

1 target populations based on risk and needs, and with established
2 recidivism reduction goals. The department shall develop
3 discretionary grant funding protocols based on documented,
4 data-driven, and research-based practices.

5 (d) The department shall reimburse counties for the
6 placement of children in the regional specialized program at a rate
7 that offers a savings to the state in relation to the average cost
8 per day for confining a child in a department facility operated
9 under Subtitle C.

10 SECTION 5. Section 261.101(e), Human Resources Code, is
11 amended to read as follows:

12 (e) Notwithstanding any other provision of this chapter,
13 the powers of the office are limited to:

14 (1) facilities operated and services provided by the
15 department under Subtitle C;

16 (2) post-adjudication correctional facilities under
17 Section 51.125, Family Code; and

18 (3) the investigation of complaints alleging a
19 violation of the rights of the children committed to a facility
20 described by Subdivision (2).

21 SECTION 6. The changes in law made by Section 54.04(d),
22 Family Code, as amended by this Act, and Section 54.04013, Family
23 Code, as added by this Act, apply only to conduct that occurs on or
24 after September 1, 2017. Conduct that occurs before September 1,
25 2017, is governed by the law in effect when the conduct occurred,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, conduct occurs before September 1, 2017,

1 if any element of the conduct occurs before that date.

2 SECTION 7. This Act takes effect September 1, 2015.