

1-1 By: Whitmire S.B. No. 1630  
1-2 (In the Senate - Filed March 12, 2015; March 23, 2015, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 7, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 7, 2015,  
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Whitmire	X			
1-10	Huffman	X			
1-11	Burton	X			
1-12	Creighton	X			
1-13	Hinojosa	X			
1-14	Menéndez	X			
1-15	Perry	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1630 By: Whitmire

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the commitment of juveniles in post-adjudication secure  
1-20 correctional facilities operated by the Texas Juvenile Justice  
1-21 Department and by local probation departments.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 54.04(d), Family Code, is amended to  
1-24 read as follows:

1-25 (d) If the court or jury makes the finding specified in  
1-26 Subsection (c) allowing the court to make a disposition in the case:

1-27 (1) the court or jury may, in addition to any order  
1-28 required or authorized under Section 54.041 or 54.042, place the  
1-29 child on probation on such reasonable and lawful terms as the court  
1-30 may determine:

1-31 (A) in the child's own home or in the custody of a  
1-32 relative or other fit person; or

1-33 (B) subject to the finding under Subsection (c)  
1-34 on the placement of the child outside the child's home, in:

1-35 (i) a suitable foster home;

1-36 (ii) a suitable public or private  
1-37 residential treatment facility licensed by a state governmental  
1-38 entity or exempted from licensure by state law, except a facility  
1-39 operated by the Texas Juvenile Justice Department; or

1-40 (iii) a suitable public or private  
1-41 post-adjudication secure correctional facility that meets the  
1-42 requirements of Section 51.125, except a facility operated by the  
1-43 Texas Juvenile Justice Department;

1-44 (2) if the court or jury found at the conclusion of the  
1-45 adjudication hearing that the child engaged in delinquent conduct  
1-46 that violates a penal law of this state or the United States of the  
1-47 grade of felony, the court or jury made a special commitment finding  
1-48 under Section 54.04013, and ~~if~~ the petition was not approved by  
1-49 the grand jury under Section 53.045, the court may commit the child  
1-50 to the Texas Juvenile Justice Department under Section 54.04013, or  
1-51 a post-adjudication secure correctional facility under Section  
1-52 54.04011(c)(1), as applicable, without a determinate sentence;

1-53 (3) if the court or jury found at the conclusion of the  
1-54 adjudication hearing that the child engaged in delinquent conduct  
1-55 that included a violation of a penal law listed in Section 53.045(a)  
1-56 and if the petition was approved by the grand jury under Section  
1-57 53.045, the court or jury may sentence the child to commitment in  
1-58 the Texas Juvenile Justice Department or a post-adjudication secure  
1-59 correctional facility under Section 54.04011(c)(2) with a possible  
1-60 transfer to the Texas Department of Criminal Justice for a term of:

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

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

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

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

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

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

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

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

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

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

Sec. 203.017. REGIONALIZATION PLAN. (a) The department shall develop and the board shall adopt a regionalization plan for keeping children closer to home in lieu of commitment to the secure facilities operated by the department under Subtitle C.

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

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

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

(e) The regionalization plan must:  
(1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan; and  
(2) create a new division of the department responsible for administering the regionalization plan and monitoring program quality and accountability.

(f) The division created under Subsection (e)(2) shall:  
(1) approve plans and related protocols to administer the developed regional model;

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

(3) assist in research-based program development;

(4) monitor contract and program measures for the developed regional model;

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

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

(g) A region is eligible for funding to support

evidence-based, intensive in-home services only if the region meets the performance standards established by the department and adopted in contracts for placement and services.

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

Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS.

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

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

(1) must include measures to reduce recidivism; and

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

(c) The department shall use case review strategies to identify children in department facilities who can safely and appropriately be transferred to alternative local placements or halfway houses, placed on probation or parole, or otherwise released under supervision.

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

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

Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID.

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

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

(c) The department shall ~~may~~ set aside a portion of the funds appropriated to the department for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. The department shall develop discretionary grant funding protocols based on documented, data-driven, and research-based practices.

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

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

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

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

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

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

SECTION 6. The changes in law made by Section 54.04(d), Family Code, as amended by this Act, and Section 54.04013, Family

4-1 Code, as added by this Act, apply only to conduct that occurs on or  
4-2 after September 1, 2017. Conduct that occurs before September 1,  
4-3 2017, is governed by the law in effect when the conduct occurred,  
4-4 and the former law is continued in effect for that purpose. For  
4-5 purposes of this section, conduct occurs before September 1, 2017,  
4-6 if any element of the conduct occurs before that date.  
4-7 SECTION 7. This Act takes effect September 1, 2015.

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