

By: Madden, Bonnen, Cook, McClendon, Cain

H.B. No. 1915

Substitute the following for H.B. No. 1915:

By: Madden

C.S.H.B. No. 1915

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to abolishing the Texas Youth Commission and the Texas  
3 Juvenile Probation Commission and transferring the powers and  
4 duties of those agencies to the newly created Texas Juvenile  
5 Justice Department and to the functions of the independent  
6 ombudsman that serves the department.

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

8 ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH

9 COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

10 SECTION 1.001. The Human Resources Code is amended by  
11 adding Title 12, and a heading is added to read as follows:

12 TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

13 SECTION 1.002. Title 12, Human Resources Code, as added by  
14 this Act, is amended by adding Subtitle A to read as follows:

15 SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE

16 JUSTICE DEPARTMENT

17 CHAPTER 201. GENERAL PROVISIONS

18 Sec. 201.001. DEFINITIONS. (a) In this title:

19 (1) "Board" means the Texas Juvenile Justice Board.

20 (2) "Child" means an individual 10 years of age or  
21 older and under 19 years of age who is committed to a secure  
22 post-adjudication facility operated by the department under  
23 Subtitle C.

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

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

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

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

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

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

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

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

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

19           (a-2) This subsection and Subsection (a-1) expire December  
20 1, 2011.

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

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

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

25           Sec. 201.002. PURPOSES AND INTERPRETATION. This title  
26 shall be construed to have the following public purposes:

27           (1) creating a unified state juvenile justice agency

1 that works in partnership with local county governments, the  
2 courts, and communities to promote public safety by providing a  
3 full continuum of effective supports and services to youth from  
4 initial contact through termination of supervision; and

5 (2) creating a juvenile justice system that produces  
6 positive outcomes for youth, families, and communities by:

7 (A) assuring accountability, quality,  
8 consistency, and transparency through effective monitoring and the  
9 use of systemwide performance measures;

10 (B) promoting the use of program and service  
11 designs and interventions proven to be most effective in  
12 rehabilitating youth;

13 (C) prioritizing the use of community-based or  
14 family-based programs and services for youth over the placement or  
15 commitment of youth to a secure facility;

16 (D) operating the state facilities to  
17 effectively house and rehabilitate the youthful offenders that  
18 cannot be safely served in another setting; and

19 (E) protecting and enhancing the cooperative  
20 agreements between state and local county governments.

21 Sec. 201.003. GOALS. The goals of the department and all  
22 programs, facilities, and services that are operated, regulated, or  
23 funded by the department are to:

24 (1) support the development of a consistent  
25 county-based continuum of effective interventions, supports, and  
26 services for youth and families that reduce the need for  
27 out-of-home placement;

1           (2) increase reliance on alternatives to placement and  
2 commitment to secure state facilities, consistent with adequately  
3 addressing a youthful offender's treatment needs and protection of  
4 the public;

5           (3) locate the facilities as geographically close as  
6 possible to necessary workforce and other services while supporting  
7 the youths' connection to their families;

8           (4) encourage regional cooperation that enhances  
9 county collaboration;

10           (5) enhance the continuity of care throughout the  
11 juvenile justice system; and

12           (6) use secure facilities of a size that supports  
13 effective youth rehabilitation and public safety.

14           Sec. 201.004. INTERAGENCY AND INTERGOVERNMENTAL  
15 COOPERATION. (a) To improve services to youth, the department may  
16 cooperate and contract with:

17           (1) the federal government;

18           (2) governmental agencies in this state and other  
19 states;

20           (3) political subdivisions of the state; and

21           (4) private agencies and foundations.

22           (b) The executive director, the commissioner of education,  
23 the commissioner of family and protective services, the  
24 commissioner of state health services, the executive commissioner  
25 of health and human services, and the chairman of the workforce  
26 commission, or their designees, shall meet at least annually to:

27           (1) discuss mutual issues relating to at-risk youth

1 and youthful offenders, and community support systems for families  
2 and youth;

3 (2) resolve conflicts in providing services to youth;  
4 and

5 (3) make recommendations to the governor and  
6 legislature.

7 CHAPTER 201A. TEMPORARY PROVISIONS

8 SUBCHAPTER A. TRANSITION TEAM

9 Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING

10 OFFICER. (a) The juvenile justice services and facilities  
11 transition team is composed of the following seven members:

12 (1) a representative of the Texas Juvenile Probation  
13 Commission, appointed by the board of the Texas Juvenile Probation  
14 Commission;

15 (2) a representative of the Texas Youth Commission,  
16 appointed by the board of the Texas Youth Commission;

17 (3) a representative of the governor;

18 (4) a representative of the lieutenant governor,  
19 chosen from a list submitted to the governor by the lieutenant  
20 governor;

21 (5) a representative of the speaker of the house of  
22 representatives, chosen from a list submitted to the governor by  
23 the speaker;

24 (6) one member who represents the interests of:

25 (A) youthful offenders or the families of  
26 youthful offenders;

27 (B) an organization that advocates on behalf of

1 youthful offenders or the families of youthful offenders; or

2 (C) an organization that advocates on behalf of  
3 the victims of delinquent or criminal conduct; and

4 (7) one member with experience in the merger or  
5 consolidation of governmental entities.

6 (b) The governor shall appoint the members of the transition  
7 team listed in Subsections (a)(3)-(7).

8 (c) The members of the transition team shall be appointed as  
9 provided by Subsections (a) and (b) as soon as possible after  
10 September 1, 2011, and not later than October 1, 2011.

11 (d) The transition team member who is appointed under  
12 Subsection (a)(3) serves as the presiding officer of the transition  
13 team.

14 (e) The transition team members appointed under Subsections  
15 (a)(1) and (2) remain on the transition team after November 30,  
16 2011, regardless of the abolition of the agencies named in those  
17 subdivisions.

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

23 (b) After November 30, 2011, and before March 1, 2012, the  
24 transition team shall:

25 (1) assist the Texas Juvenile Justice Department and  
26 advise the Texas Juvenile Justice Board in implementing the  
27 transition of services and facilities from the Texas Juvenile

1 Probation Commission and the Texas Youth Commission to the Texas  
2 Juvenile Justice Department; and

3 (2) prepare and submit to the Texas Juvenile Justice  
4 Department a transition plan that:

5 (A) shall include short-term, medium-term, and  
6 long-term transition goals for the department; and

7 (B) may include benchmarks and timelines for  
8 completion of certain transition-related tasks, as appropriate.

9 Sec. 201A.003. ASSISTANCE. The following state agencies  
10 shall, on request, assist the transition team with the following  
11 matters:

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

15 (2) the Department of Information Resources, with the  
16 technological needs of the department;

17 (3) the office of the attorney general, with legal  
18 matters concerning the transition of services and facilities from  
19 the Texas Juvenile Probation Commission and the Texas Youth  
20 Commission to the Texas Juvenile Justice Department;

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

23 (5) the Texas Facilities Commission, with assistance  
24 in efficiently using the office space in which the administrative  
25 offices of the Texas Juvenile Probation Commission and the Texas  
26 Youth Commission are located and, if necessary, locating additional  
27 office space for the administrative offices of the department.

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

2 SUBCHAPTER B. EXPIRATION

3 Sec. 201A.051. EXPIRATION. This chapter expires March 31,  
4 2012.

5 CHAPTER 202. ADMINISTRATIVE PROVISIONS

6 Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a)  
7 The board is composed of the following 11 members appointed by the  
8 governor with the advice and consent of the senate:

9 (1) one member who is a district court judge of a court  
10 designated as a juvenile court;

11 (2) two members who are county judges or county  
12 commissioners;

13 (3) one prosecutor in juvenile court;

14 (4) one chief juvenile probation officer of a juvenile  
15 probation department serving a county with a population that  
16 includes fewer than 7,500 persons younger than 18 years of age;

17 (5) one chief juvenile probation officer of a juvenile  
18 probation department serving a county with a population that  
19 includes at least 7,500 but fewer than 20,000 persons younger than  
20 18 years of age;

21 (6) one chief juvenile probation officer of a juvenile  
22 probation department serving a county with a population that  
23 includes 20,000 or more persons younger than 18 years of age;

24 (7) one adolescent mental health treatment  
25 professional licensed under Subtitle B or I, Title 3, Occupations  
26 Code;

27 (8) one educator, as that term is defined by Section



1 5.001, Education Code; and

2 (9) two members of the general public.

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

6 (c) The governor shall designate a member of the board as  
7 the presiding officer of the board to serve in that capacity at the  
8 pleasure of the governor.

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

12 Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND  
13 DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of  
14 the board if the person or the person's spouse:

15 (1) is employed in the field of criminal or juvenile  
16 justice;

17 (2) is employed by or participates in the management  
18 of a business entity or other organization regulated by or  
19 receiving money from the department;

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

24 (4) uses or receives a substantial amount of tangible  
25 goods, services, or money from the department, other than  
26 compensation or reimbursement authorized by law for board  
27 membership, attendance, or expenses.

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

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

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

13       (c) A person may not be a board member or act as the general  
14 counsel to the board or the department if the person is required to  
15 register as a lobbyist under Chapter 305, Government Code, because  
16 of the person's activities for compensation on behalf of a  
17 profession related to the operation of the department.

18       (d) In this section, "Texas trade association" means a  
19 cooperative and voluntarily joined statewide association of  
20 business or professional competitors in this state designed to  
21 assist its members and its industry or profession in dealing with  
22 mutual business or professional problems and in promoting their  
23 common interest.

24       Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS.

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

27       (b) A judge's service on the board is an additional duty of

1 office.

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

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

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

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

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

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

13 (3) is ineligible for membership under Section  
14 202.002;

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

17 (5) is absent from more than half of the regularly  
18 scheduled board meetings that the member is eligible to attend  
19 during a calendar year unless the absence is excused by majority  
20 vote of the board.

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

24 (c) If the executive director has knowledge that a potential  
25 ground for removal exists, the executive director shall notify the  
26 presiding officer of the board of the potential ground. The  
27 presiding officer shall then notify the governor and the attorney

1 general that a potential ground for removal exists. If the  
2 potential ground for removal involves the presiding officer, the  
3 executive director shall notify the next highest ranking officer of  
4 the board, who shall then notify the governor and the attorney  
5 general that a potential ground for removal exists.

6 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile  
7 probation officer who is a board member shall avoid the appearance  
8 of a conflict of interest by not voting or participating in any  
9 decision by the board that directly benefits or penalizes or  
10 otherwise directly impacts the juvenile probation department over  
11 which the chief juvenile probation officer has authority.

12 (b) The board may adopt recusal requirements in addition to  
13 those described by Subsection (a), including requirements that are  
14 more restrictive than those described by Subsection (a).

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

20 (b) The training program must provide the person with  
21 information regarding:

22 (1) the legislation that created the department;

23 (2) the programs, functions, rules, and budget of the  
24 department;

25 (3) the results of the most recent formal audit of the  
26 department;

27 (4) the requirements of laws relating to open

1 meetings, public information, administrative procedure, and  
2 conflicts of interest; and

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

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

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

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

17 (b) The board shall adopt rules regulating the board's  
18 proceedings.

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

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

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

1       (b) The state auditor, on request of the office of inspector  
2 general, may provide information or other assistance to the office  
3 of inspector general that the state auditor determines is  
4 appropriate. The office of inspector general may coordinate with  
5 the state auditor to review or schedule a plan for an investigation  
6 under Subchapter C, Chapter 242, or share other information.

7       (c) The state auditor may access all information maintained  
8 by the office of inspector general, such as vouchers, electronic  
9 data, and internal records, including information that is otherwise  
10 confidential under law. Information obtained by the state auditor  
11 under this subsection is confidential and is not subject to  
12 disclosure under Chapter 552, Government Code.

13       (d) Any provision of this title relating to the operations  
14 of the office of inspector general does not:

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

17               (2) prohibit the state auditor from:

18                       (A) conducting an audit, investigation, or other  
19 review; or

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

24       Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice  
25 Board and the Texas Juvenile Justice Department are subject to  
26 Chapter 325, Government Code (Texas Sunset Act). Unless continued  
27 in existence as provided by that chapter, the board and the

1 department are abolished September 1, 2017.

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

3 Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION.

4 (a) The board is the governing body of the department and is  
5 responsible for the operations of the department.

6 (b) The board shall develop and implement policies that  
7 clearly separate the policymaking responsibilities of the board and  
8 the management responsibilities of the executive director and the  
9 staff of the department.

10 (c) The board shall establish the mission of the department  
11 with the goal of establishing a cost-effective continuum of youth  
12 services that emphasizes keeping youth in their home communities  
13 while balancing the interests of rehabilitative needs with public  
14 safety. The board shall establish funding priorities for services  
15 that support this mission and that do not provide incentives to  
16 incarcerate youth.

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

18 (1) employ an executive director to administer the  
19 department; and

20 (2) supervise the director's administration of the  
21 department.

22 Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES.

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

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

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

4           (1) negotiated rulemaking procedures under Chapter  
5 2008, Government Code, for the adoption of department rules; and

6           (2) appropriate alternative dispute resolution  
7 procedures under Chapter 2009, Government Code, to assist in the  
8 resolution of internal and external disputes under the department's  
9 jurisdiction.

10       (b) The department's procedures relating to alternative  
11 dispute resolution must conform, to the extent possible, to any  
12 model guidelines issued by the State Office of Administrative  
13 Hearings for the use of alternative dispute resolution by state  
14 agencies.

15       (c) The department shall:

16           (1) coordinate the implementation of the policy  
17 adopted under Subsection (a);

18           (2) provide training as needed to implement the  
19 procedures for negotiated rulemaking or alternative dispute  
20 resolution; and

21           (3) collect data concerning the effectiveness of those  
22 procedures.

23       Sec. 203.005. GIFTS AND GRANTS. (a) The department may  
24 apply for and accept gifts and grants from any public or private  
25 source.

26       (b) The department shall deposit money received under this  
27 section in the state treasury. The department may use the money for



1 the purpose of funding any activity under this title.

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

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

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

8 (3) provide technical assistance to counties relating  
9 to eligibility for Medicaid benefits; and

10 (4) monitor the extent to which counties make use of  
11 Medicaid benefits.

12 Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The  
13 department may conduct or participate in studies relating to  
14 corrections methods and systems and to treatment and therapy  
15 programs at the governor's request or on the department's own  
16 initiative.

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

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

25 (d) The records must show, for each calendar quarter and for  
26 each calendar year:

27 (1) the number of juveniles participating in research

1 programs or studies for the appropriate reporting period;

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

4 (3) the name of the principal investigator conducting  
5 the research program or study; and

6 (4) the entity sponsoring the research program or  
7 study.

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

12 (1) governor;

13 (2) lieutenant governor;

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

15 (4) members of the senate and house of  
16 representatives.

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

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

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

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

27 (2) complaints;

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

4           (4) any other matter under the authority of the  
5 department, including a determination of treatment under Section  
6 244.005.

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

9           (1) the presiding officer of the board or, if the  
10 presiding officer is unavailable, the presiding officer's  
11 designee; and

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

14           (d) A hearings examiner appointed by the department may  
15 issue a subpoena requiring the attendance of a witness or the  
16 production of any record, book, paper, or document the hearings  
17 examiner considers necessary for a determination of treatment under  
18 Section 244.005. The hearings examiner may sign a subpoena.

19           (e) Any peace officer, department investigator, other  
20 department official, or person authorized under Article 24.01, Code  
21 of Criminal Procedure, may serve the subpoena in the same manner  
22 that similar process in a court of record having original  
23 jurisdiction of criminal actions is served.

24           (f) A subpoena under this section shall be served and  
25 witness fees and mileage paid as in civil cases in the district  
26 court in the county to which the witness is called, unless the  
27 proceeding for which the service or payment is made is under Chapter

1 2001, Government Code, in which case the service or payment shall be  
2 made as provided in that chapter. Witnesses subpoenaed at the  
3 instance of the department shall be paid their fees and mileage by  
4 the department out of funds appropriated for that purpose.

5 (g) On application of the department, a court of record  
6 having original jurisdiction of criminal actions may compel the  
7 attendance of a witness, the production of material, or the giving  
8 of testimony before the department, by an attachment for contempt  
9 or in the same manner as the court may otherwise compel the  
10 production of evidence.

11 (h) The presiding officer or a member of the board may  
12 administer an oath to a witness in attendance before the department  
13 or before an authorized representative of the department.

14 (i) If a witness in attendance before the department or  
15 before an authorized representative refuses without reasonable  
16 cause to be examined or answer a legal or pertinent question, or to  
17 produce evidence when ordered by the department, the department may  
18 apply to the district court for a rule or order returnable in not  
19 less than two or in more than five days, directing the witness to  
20 show cause before the judge why the witness should not be punished  
21 for contempt. The department may apply to the district court of any  
22 county where the witness is in attendance, on proof by affidavit of  
23 the fact, unless the order of contempt is sought under Chapter 2001,  
24 Government Code, in which case the department shall apply to a  
25 district court of Travis County, as provided by that chapter. On  
26 return of the order, the judge hearing the matter shall examine the  
27 witness under oath and the witness shall be given an opportunity to

1 be heard. If the judge determines that the witness has refused,  
2 without reasonable cause or legal excuse, to be examined or answer a  
3 legal or pertinent question, or to produce evidence that the  
4 witness was ordered to bring or produce, the judge may immediately  
5 find the witness in contempt of court.

6 (j) The department shall be granted access at any reasonable  
7 time to any evidence that is related to any matter the department or  
8 executive director considers necessary to administer the  
9 department's functions, powers, and duties.

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

12 (1) the executive director of the department or the  
13 executive director's designee;

14 (2) the director of probation services of the  
15 department or the director's designee;

16 (3) the executive commissioner of the Health and Human  
17 Services Commission or the commissioner's designee;

18 (4) one representative of the county commissioners  
19 courts appointed by the board;

20 (5) two juvenile court judges appointed by the board;  
21 and

22 (6) seven chief juvenile probation officers appointed  
23 by the board as provided by Subsection (b).

24 (b) The board shall appoint to the advisory council one  
25 chief juvenile probation officer from each regional chiefs  
26 association in this state from a list of nominees submitted to the  
27 board by each regional chiefs association. To the greatest extent

1 practicable, a regional chiefs association shall include in its  
2 list of nominees:

3 (1) one chief juvenile probation officer of a juvenile  
4 probation department serving a county with a population that  
5 includes fewer than 7,500 persons younger than 18 years of age;

6 (2) one chief juvenile probation officer of a juvenile  
7 probation department serving a county with a population that  
8 includes at least 7,500 but fewer than 20,000 persons younger than  
9 18 years of age; and

10 (3) one chief juvenile probation officer of a juvenile  
11 probation department serving a county with a population that  
12 includes 20,000 or more persons younger than 18 years of age.

13 (c) Advisory council members, other than ex officio  
14 members, serve staggered two-year terms, with the terms of one-half  
15 of the members, as nearly as practicable, expiring on February 1 of  
16 each year.

17 (d) The board may increase or decrease the number of  
18 advisory council members as the board considers necessary.

19 (e) The advisory council shall report to the board any  
20 determinations made under Subsection (f).

21 (f) The advisory council shall assist the department in:

22 (1) determining the needs and problems of county  
23 juvenile boards and probation departments;

24 (2) conducting long-range strategic planning;

25 (3) reviewing and proposing revisions to existing or  
26 newly proposed standards affecting juvenile probation programs,  
27 services, or facilities;

1           (4) analyzing the potential cost impact on juvenile  
2 probation departments of new standards proposed by the board; and

3           (5) advising the board on any other matter on the  
4 request of the board.

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

8                   (1) are reasonable and necessary;

9                   (2) produce revenue sufficient for the administration  
10 of this chapter; and

11                   (3) do not produce unnecessary revenue.

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

18           Sec. 203.010. COMPLAINTS. (a) The department shall  
19 maintain a system to promptly and efficiently act on complaints  
20 received by the department by or on behalf of a juvenile relating to  
21 the programs, services, or facilities of the department or a local  
22 juvenile probation department.

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

26                   (c) Complaints shall be initially referred to the office of  
27 the inspector general. The office of the inspector general retains

1 jurisdiction for a complaint that raises or has the potential to  
2 raise, wholly or partly, a criminal matter. The office of the  
3 inspector general shall refer a criminal complaint relating to  
4 juvenile probation programs, services, or facilities to the  
5 appropriate local law enforcement agency. Any other complaint  
6 shall be referred to the appropriate division of the department.  
7 The board by rule shall establish policies for the referral of  
8 noncriminal complaints.

9 (d) The department shall provide immediate notice to a local  
10 juvenile probation department of a complaint received by the  
11 department relating to the programs, services, or facilities of the  
12 local juvenile probation department.

13 (e) The department shall periodically notify the complaint  
14 parties of the status of the complaint until final disposition,  
15 unless the notice would jeopardize an undercover investigation. If  
16 the complaint relates to a claim of abuse, neglect, or exploitation  
17 involving a local juvenile probation department, the department  
18 shall provide monthly updates on the status of the complaint and  
19 immediate updates regarding department decisions to the local  
20 juvenile probation department.

21 (f) The department shall keep information about each  
22 written complaint filed with the department. The information must  
23 include:

- 24 (1) the subject matter of the complaint;  
25 (2) the parties to the complaint;  
26 (3) a summary of the results of the review or  
27 investigation of the complaint;



1           (4) the period of time between the date the complaint  
2 is received and the date the complaint is closed; and

3           (5) the disposition of the complaint.

4           Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR.

5 A juvenile probation department that is aggrieved by a decision of  
6 the executive director, including a decision relating to standards  
7 affecting juvenile probation programs, services, or facilities,  
8 may appeal the executive director's decision to the board. The  
9 decision of the board is final and cannot be appealed.

10          Sec. 203.012. ANNUAL FINANCIAL REPORT. The department  
11 shall prepare annually a complete and detailed written report  
12 accounting for all funds received and disbursed by the department  
13 during the preceding fiscal year. The annual report must meet the  
14 reporting requirements applicable to financial reporting provided  
15 in the General Appropriations Act.

16          Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department  
17 shall regularly conduct internal audits of the department,  
18 including audits of:

19           (1) facilities operated by and under contract with  
20 the department; and

21           (2) medical services provided to children in the  
22 custody of the department.

23          (b) The department shall on a quarterly basis report the  
24 results of the audits to:

25           (1) the committees of the senate and house of  
26 representatives with primary jurisdiction over matters concerning  
27 correctional facilities; and

1           (2) the state auditor.

2           Sec. 203.014. TOLL-FREE NUMBER. (a) The department shall  
3 establish a permanent, toll-free number for the purpose of  
4 receiving any information concerning the abuse, neglect, or  
5 exploitation of children in the custody of the department or housed  
6 in a local probation facility.

7           (b) The department shall ensure that:

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

10           (2) children in the custody of the department or  
11 housed in a local probation facility and employees of the  
12 department and the facility have confidential access to telephones  
13 for the purpose of calling the toll-free number; and

14           (3) the toll-free number is in operation and answered  
15 by staff 24 hours a day, every day of the year.

16           Sec. 203.015. PROGRAMS AND SERVICES EVALUATION SYSTEM. The  
17 department shall establish and implement a system to evaluate the  
18 effectiveness of county and state programs and services for youth.

19           SECTION 1.003. Title 12, Human Resources Code, as added by  
20 this Act, is amended by adding Subtitle B, and a heading is added to  
21 read as follows:

22           SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

23           SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human  
24 Resources Code, are transferred to Subtitle B, Title 12, Human  
25 Resources Code, as added by this Act, redesignated as Chapters 221,  
26 222, and 223, respectively, and amended to read as follows:

1 CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE

2 BOARDS AND JUVENILE PROBATION DEPARTMENTS

3 SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND~~

4 ~~DUTIES OF COMMISSION~~]

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

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

13 Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE  
14 BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND  
15 FACILITIES. (a) The board [~~commission~~] shall adopt reasonable  
16 rules that provide:

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

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

23 (3) appropriate educational, preservice and  
24 in-service training, and certification standards for probation and  
25 detention officers or court-supervised community-based program  
26 personnel;

27 (4) subject to Subsection (d), minimum standards for

1 public and private juvenile pre-adjudication secure detention  
2 facilities, public juvenile post-adjudication secure correctional  
3 facilities that are operated under the authority of a juvenile  
4 board or governmental unit, private juvenile post-adjudication  
5 secure correctional facilities operated under a contract with a  
6 governmental unit, except those facilities exempt from  
7 certification by Section 42.052(g), and nonsecure correctional  
8 facilities operated by or under contract with a governmental unit;  
9 and

10 (5) minimum standards for juvenile justice  
11 alternative education programs created under Section 37.011,  
12 Education Code, in collaboration and conjunction with the Texas  
13 Education Agency, or its designee.

14 (b) In adopting the rules, the board [~~commission~~] shall  
15 consider local information and evidence gathered through public  
16 review and comment.

17 (c) The department [~~commission~~] shall operate a statewide  
18 registry for all public and private juvenile pre-adjudication  
19 secure detention facilities and all public and private juvenile  
20 post-adjudication secure correctional facilities [~~except a~~  
21 ~~facility operated or certified by the Texas Youth Commission~~].

22 (d) In adopting rules under Subsection (a)(4), the board  
23 [~~commission~~] shall ensure that the minimum standards for facilities  
24 described by Subsection (a)(4) are designed to ensure that  
25 juveniles confined in those facilities are provided the rights,  
26 benefits, responsibilities, and privileges to which a juvenile is  
27 entitled under the United States Constitution, federal law, and the

1 constitution and laws of this state. The minimum standards must  
 2 include a humane physical and psychological environment, safe  
 3 conditions of confinement, protection from harm, adequate  
 4 rehabilitation and education, adequate medical and mental health  
 5 treatment, and due process of law.

6 (e) A juvenile board that does not accept state aid funding  
 7 from the department under Section 223.001 shall report to the  
 8 department each month on a form provided by the department the same  
 9 data as that required of counties accepting state aid funding  
 10 regarding juvenile justice activities under the jurisdiction of the  
 11 juvenile board. If the department makes available free software to  
 12 a juvenile board for the automation and tracking of juveniles under  
 13 the jurisdiction of the juvenile board, the department may require  
 14 the monthly report to be provided in an electronic format adopted by  
 15 rule by the board.

16 Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING  
 17 INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY  
 18 OF STATEMENTS. (a) The board by rule shall require juvenile [~~e~~]  
 19 Juvenile] probation departments to [~~shall~~] use the mental health  
 20 screening instrument selected by the department [~~commission~~] for  
 21 the initial screening of children under the jurisdiction of  
 22 probation departments who have been formally referred to a juvenile  
 23 probation [~~the~~] department. The department [~~commission~~] shall give  
 24 priority to training in the use of this instrument in any preservice  
 25 or in-service training that the department [~~commission~~] provides  
 26 for probation officers. The rules adopted by the board under this  
 27 section must allow a [A] clinical assessment by a licensed mental

1 health professional to [~~may~~] be substituted for the mental health  
2 screening instrument selected by the department [~~commission~~] if the  
3 clinical assessment is performed in the time prescribed by the  
4 department [~~commission~~].

5 (b) [~~(f)~~] A juvenile probation department must, before the  
6 disposition of a child's case and using a validated risk and needs  
7 assessment instrument or process provided or approved by the  
8 department [~~commission~~], complete a risk and needs assessment for  
9 each child under the jurisdiction of the juvenile probation  
10 department.

11 (c) [~~(g)~~] Any statement made by a child and any mental  
12 health data obtained from the child during the administration of  
13 the mental health screening instrument under this section is not  
14 admissible against the child at any other hearing. The person  
15 administering the mental health screening instrument shall inform  
16 the child that any statement made by the child and any mental health  
17 data obtained from the child during the administration of the  
18 instrument is not admissible against the child at any other  
19 hearing.

20 (d) [~~(h)~~] ~~A juvenile board that does not accept state aid~~  
21 ~~funding from the commission under Section 141.081 shall report to~~  
22 ~~the commission each month on a form provided by the commission the~~  
23 ~~same data as that required of counties accepting state aid funding~~  
24 ~~regarding juvenile justice activities under the jurisdiction of the~~  
25 ~~juvenile board. If the commission makes available free software to~~  
26 ~~the juvenile board for the automation and tracking of juveniles~~  
27 ~~under the jurisdiction of the juvenile board, the commission may~~

1 ~~require the monthly report to be provided in an electronic format~~  
2 ~~adopted by the commission.~~

3 ~~[(i)]~~ A juvenile probation department shall report data  
4 from the use of the screening instrument or clinical assessment  
5 under Subsection (a) ~~[(e)]~~ and the risk and needs assessment under  
6 Subsection (b) ~~[(f)]~~ to the department ~~[commission]~~ in the format  
7 and at the time prescribed by the department ~~[commission]~~.

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

13 Sec. 221.004 ~~[141.0421]~~. STANDARDS RELATING TO LOCAL  
14 PROBATION DEPARTMENTS. (a) The board ~~[commission]~~ shall adopt  
15 rules that provide:

16 (1) standards for the collection and reporting of  
17 information about juvenile offenders by local probation  
18 departments;

19 (2) performance measures to determine the  
20 effectiveness of probation services provided by local probation  
21 departments; and

22 (3) case management standards for all probation  
23 services provided by local probation departments.

24 (b) The department ~~[commission]~~ shall monitor local  
25 probation departments for compliance with the standards and  
26 measures that the board ~~[commission]~~ adopts.

27 (c) The department ~~[commission]~~ shall provide technical

1 assistance to local probation departments to aid compliance with  
2 the standards and measures that the board [~~commission~~] adopts.

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

7 (1) promote compliance with the standards required  
8 under this chapter; and

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

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

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

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

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

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

23 (2) submit periodic financial, programmatic, and  
24 statistical reports to the department [~~commission~~] as required by  
25 the department [~~commission~~] and in the format specified by the  
26 department [~~commission~~], including electronic submission.

27 Sec. 221.0071. CHARTER SCHOOL. (a) Notwithstanding any



1 other law and in addition to the number of charters allowed under  
2 Subchapter D, Chapter 12, Education Code, the State Board of  
3 Education shall grant a charter on the application of a detention,  
4 correctional, or residential facility established only for  
5 juvenile offenders under Section 51.12, 51.125, or 51.126, Family  
6 Code.

7 (b) If a local detention, correctional, or residential  
8 facility described by Subsection (a) applies for a charter, the  
9 facility must provide all educational opportunities and services,  
10 including special education instruction and related services, that  
11 a school district is required under state or federal law to provide  
12 for students residing in the district through a charter school  
13 operated in accordance with and subject to Subchapter D, Chapter  
14 12, Education Code.

15 ~~[Sec. 141.045. GIFTS AND GRANTS. (a) The commission may~~  
16 ~~apply for and accept gifts and grants from any public or private~~  
17 ~~source to use in maintaining and improving probation services in~~  
18 ~~the state.~~

19 ~~[(b) The commission shall deposit money received under this~~  
20 ~~section in the state treasury. The commission may use the money~~  
21 ~~only to make payments of state aid under this chapter and to~~  
22 ~~administer this chapter.]~~

23 Sec. 221.008 ~~[141.046]~~. INSPECTIONS AND AUDITS. (a) The  
24 department ~~[commission]~~ may inspect and evaluate a juvenile board  
25 and probation department and audit the juvenile board's ~~[its]~~  
26 financial, programmatic, and statistical records at reasonable  
27 times to determine compliance with the board's ~~[commission's]~~

1 rules.

2 (b) The department [~~commission~~] may inspect any program or  
3 facility operated on behalf of and under the authority of the  
4 juvenile board by the probation department, a governmental entity,  
5 or private vendor.

6 [~~Sec. 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER~~  
7 ~~OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this~~  
8 ~~section, "evidence" means any record, book, paper, document, data,~~  
9 ~~or other evidence maintained by electronic or other means.~~

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

13 [~~(1) abuse, neglect, or exploitation allegations;~~

14 [~~(2) complaints;~~

15 [~~(3) financial and programmatic audits of juvenile~~  
16 ~~probation programs services and facilities, including juvenile~~  
17 ~~justice alternative education programs; or~~

18 [~~(4) any matter under the authority of the commission.~~

19 [~~(c) The commission may issue a subpoena under Subsection~~  
20 ~~(b) only if the subpoena is signed by:~~

21 [~~(1) the chairman of the commission or, if the~~  
22 ~~chairman is unavailable, the vice-chairman of the commission; and~~

23 [~~(2) at least two other members of the commission,~~  
24 ~~including a member who is a judge.~~

25 [~~(d) Any peace officer, commission investigator, other~~  
26 ~~commission official, or person authorized under Article 24.01, Code~~  
27 ~~of Criminal Procedure, may serve the subpoena in the same manner~~

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

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

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

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

20 ~~[(h) If a witness in attendance before the commission or~~  
21 ~~before an authorized representative refuses without reasonable~~  
22 ~~cause to be examined or answer a legal or pertinent question, or to~~  
23 ~~produce evidence when ordered by the commission, the commission may~~  
24 ~~apply to the district court for a rule or order returnable in not~~  
25 ~~less than two or in more than five days, directing the witness to~~  
26 ~~show cause before the judge why the witness should not be punished~~  
27 ~~for contempt. The commission may apply to the district court of any~~

1 ~~county where the witness is in attendance, on proof by affidavit of~~  
2 ~~the fact, unless the order of contempt is sought under Chapter 2001,~~  
3 ~~Government Code, in which case the commission shall apply to a~~  
4 ~~district court of Travis County, as provided by that chapter. On~~  
5 ~~return of the order, the judge hearing the matter shall examine the~~  
6 ~~witness under oath and the witness shall be given an opportunity to~~  
7 ~~be heard. If the judge determines that the witness has refused,~~  
8 ~~without reasonable cause or legal excuse, to be examined or answer a~~  
9 ~~legal or pertinent question, or to produce evidence that the~~  
10 ~~witness was ordered to bring or produce, the judge may immediately~~  
11 ~~find the witness in contempt of court.~~

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

16 ~~[Sec. 141.047. INTERAGENCY COOPERATION. (a) To improve~~  
17 ~~probation services, the commission may cooperate and contract with:~~

18 ~~[(1) the federal government,~~

19 ~~[(2) governmental agencies in this state and other~~  
20 ~~states,~~

21 ~~[(3) political subdivisions of the state, and~~

22 ~~[(4) private agencies.~~

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

27 ~~[(1) discuss mutual problems,~~

1           ~~[(2) resolve conflicts in providing services to~~  
2 ~~juveniles; and~~

3           ~~[(3) make recommendations to the governor and~~  
4 ~~legislature.~~

5           ~~[Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.~~

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

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

15           ~~[(1) one committee member who represents the interests~~  
16 ~~of families of juvenile offenders;~~

17           ~~[(2) one committee member who represents the interests~~  
18 ~~of local juvenile probation departments; and~~

19           ~~[(3) one committee member who is a mental health~~  
20 ~~treatment professional licensed under Subtitle B or I, Title 3,~~  
21 ~~Occupations Code.~~

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

25           ~~[(1) one committee member who represents the interests~~  
26 ~~of juvenile offenders;~~

27           ~~[(2) one committee member who represents the interests~~

1 ~~of the victims of delinquent or criminal conduct, and~~

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

4 Sec. 221.009 [~~141.0472~~]. [~~COORDINATED~~] STRATEGIC PLAN;  
5 ADOPTION OF PLAN. (a) The board shall develop a [~~coordinated~~]  
6 strategic plan. The plan [~~developed by the strategic planning~~  
7 ~~committee under Section 141.0471~~] must:

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

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

11 (3) estimate population projections, including  
12 projections of population characteristics;

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

15 (5) describe intensive service and surveillance  
16 parole pilot programs to be [~~jointly~~] developed;

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

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

24 (8) identify [~~cross-agency~~] outcome measures by which  
25 to evaluate the effectiveness of services provided to youth in the  
26 juvenile justice system [~~the system generally~~];

27 (9) include a plan of implementation for the

1 development of common data sources and data sharing among the  
2 department [~~commission~~], juvenile probation departments, [~~the~~  
3 ~~Texas Youth Commission~~], the Department of Family and Protective  
4 Services, the Department of State Health Services, the Health and  
5 Human Services Commission, the Texas Education Agency, and other  
6 state agencies that serve youth in the juvenile justice system;

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

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

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

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

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

26 [(c)] The board [~~governing boards of the commission and the~~  
27 ~~Texas Youth Commission~~] shall review and adopt the [~~coordinated~~

1 strategic plan on or before December 1st of each odd-numbered  
2 year [~~, or before the adoption of the agency's individual strategic~~  
3 ~~plan, whichever is earlier~~].

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

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

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

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

18 [~~(1) the number of children participating in research~~  
19 ~~programs or studies for the appropriate reporting period;~~

20 [~~(2) the type of research program or study in which~~  
21 ~~each child is participating;~~

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

24 [~~(4) the entity sponsoring the research program or~~  
25 ~~study.~~

26 [~~(c) The commission shall submit a report that contains the~~  
27 ~~information in the records kept under Subsection (b) on or before~~



1 ~~the 15th day after the last day of the appropriate reporting period~~  
2 ~~to the:~~

- 3 ~~(1) governor,~~
- 4 ~~(2) lieutenant governor,~~
- 5 ~~(3) speaker of the house of representatives, and~~
- 6 ~~(4) members of the senate and house of~~  
7 ~~representatives.~~

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

10 Sec. 221.010. REPORT TO INDEPENDENT OMBUDSMAN. (a) A local  
11 juvenile probation department shall submit a report on a monthly  
12 basis to the independent ombudsman of the department describing the  
13 complaints received by the local juvenile probation department  
14 relating to youth served by the local juvenile probation  
15 department.

16 (b) The board by rule shall establish the procedures for  
17 submitting the report to the independent ombudsman and the  
18 requirements for the report, including the types of information in  
19 the report [~~141.049. COMPLAINTS RELATING TO JUVENILE BOARDS. (a)~~

20 ~~The commission shall maintain a system to promptly and efficiently~~  
21 ~~act on a complaint filed with the commission relating to a juvenile~~  
22 ~~board funded by the commission. The commission shall maintain~~  
23 ~~information about parties to the complaint, a summary of the~~  
24 ~~results of the review or investigation of the complaint, and the~~  
25 ~~disposition of the complaint.~~

26 ~~[(b) The commission shall make information available~~  
27 ~~describing the commission's procedures for the investigation and~~

1 ~~resolution of a complaint filed with the commission relating to a~~  
2 ~~juvenile board funded by the commission.~~

3 ~~[(c) The commission shall investigate the allegations in~~  
4 ~~the complaint and make a determination of whether there has been a~~  
5 ~~violation of the commission's rules relating to juvenile probation~~  
6 ~~programs, services, or facilities.~~

7 ~~[(d) If a written complaint is filed with the commission~~  
8 ~~relating to a juvenile board funded by the commission, the~~  
9 ~~commission shall periodically notify the complainant and the~~  
10 ~~juvenile board of the status of the complaint until final~~  
11 ~~disposition, unless notice would jeopardize an undercover~~  
12 ~~investigation].~~

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

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

22 Sec. 221.012. ANNUAL REPORTS. (a) The department shall  
23 report annually to the governor and the legislature on the  
24 department's operations and the condition of probation services in  
25 the state during the previous year. The report:

26 (1) may include recommendations; and

27 (2) must include:

1           (A) an evaluation of the effectiveness of the  
2 community-based programs operated under Section 54.0401, Family  
3 Code; and

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

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

14           SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

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

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

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

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

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

27           (1) to include the provisions of Subsection (a) in its

1 contracts with private service providers that involve the use of  
2 state funds; and

3 (2) to use data relating to the performance of private  
4 service providers in prior contracts as a factor in selecting  
5 providers to receive contracts.

6 (c) The department [~~commission~~] shall consider the past  
7 performance of a juvenile board when contracting with the juvenile  
8 board for local probation services other than basic probation  
9 services. In addition to the contract standards described by  
10 Subsection (a), a contract with a juvenile board for probation  
11 services other than basic probation services must:

12 (1) include specific performance targets for the  
13 juvenile board based on the juvenile board's historic performance  
14 of the services; and

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

18 Sec. 221.052 [~~141.051~~]. CONTRACT MONITORING. The  
19 department [~~commission~~] shall establish a formal program to monitor  
20 contracts under Section 221.051 [~~141.050~~] made by the department  
21 [~~commission~~]. The department [~~commission~~] must:

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

24 (2) obtain and evaluate program cost information to  
25 ensure that each cost, including an administrative cost, is  
26 reasonable and necessary to achieve program objectives.

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

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

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

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

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

10           ~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES.~~  
11 ~~The commission shall comply with federal and state laws relating to~~  
12 ~~program and facility accessibility. The executive director shall~~  
13 ~~also prepare and maintain a written plan that describes how a person~~  
14 ~~who does not speak English can be provided reasonable access to the~~  
15 ~~commission's programs and services.]~~

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

21           (1) a county or municipality; and

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

24           (b) The board [~~commission~~] shall develop rules, procedures,  
25 and minimum standards applicable to county or private correctional  
26 facilities housing out-of-state juvenile inmates. A contract made  
27 under Subsection (a) [~~of this section~~] shall require the county,

1 municipality, or private vendor to operate the facility in  
2 compliance with minimum standards adopted by the board  
3 [~~commission~~].

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

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

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

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

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

25 [(2) members of the legislature,

26 [(3) members of nongovernmental organizations that  
27 provide programs and services to combat and prevent trafficking of

1 ~~persons as described by Section 20A.02, Penal Code, in this state,~~  
2 ~~including the following with respect to that trafficking:~~

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

4 ~~[(B) programs to identify and provide services to~~  
5 ~~victims,~~

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

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

8 ~~and~~

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

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

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

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

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

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

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

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

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

14           Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY.  
15 (a) The department [~~commission~~] may contract with a local mental  
16 health and mental retardation authority [~~that, on April 1, 2009,~~  
17 ~~had an unutilized or underutilized residential treatment~~  
18 ~~facility,~~] for the establishment of a residential treatment  
19 facility for juveniles with mental illness or emotional injury who,  
20 as a condition of juvenile probation, are ordered by a court to  
21 reside at the facility and receive education services at the  
22 facility. The department [~~commission~~] may work in cooperation with  
23 the local mental health and mental retardation authority to provide  
24 mental health residential treatment services for juveniles  
25 residing at a facility established under this section.

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



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

3 (2) all educational opportunities and services,  
4 including special education instruction and related services, that  
5 a school district is required under state or federal law to provide  
6 for students residing in the district through a charter school  
7 operated in accordance with and subject to Subchapter D, Chapter  
8 12, Education Code.

9 (c) If a residential treatment facility established under  
10 this section is unable to provide adequate and sufficient  
11 educational opportunities and services to juveniles residing at the  
12 facility, the facility may not continue to operate beyond the end of  
13 the school year in which the opportunities or services provided by  
14 the facility are determined to be inadequate or insufficient.

15 (d) Notwithstanding any other law and in addition to the  
16 number of charters allowed under Subchapter D, Chapter 12,  
17 Education Code, the State Board of Education shall grant a charter  
18 on the application of a residential treatment facility established  
19 under this section for a school chartered for the purposes of this  
20 section.

21 CHAPTER 222. STANDARDS FOR AND REGULATION OF [SUBCHAPTER D.

22 PROVISIONS RELATING TO] CERTAIN OFFICERS AND EMPLOYEES

23 SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

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

1 (1) be of good moral character;

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

5 (3) have either:

6 (A) one year of graduate study in criminology,  
7 corrections, counseling, law, social work, psychology, sociology,  
8 or other field of instruction approved by the department  
9 [~~commission~~]; or

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

12 (i) in a social service, community,  
13 corrections, or juvenile agency that deals with offenders or  
14 disadvantaged persons; and

15 (ii) that the department [~~commission~~]  
16 determines provides the kind of experience necessary to meet this  
17 requirement;

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

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

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

25 (b) The board [~~commission~~] by rule may authorize the waiver  
26 of the requirement of a year of graduate study or full-time  
27 employment experience if the authority responsible for employing

1 the officer establishes to the satisfaction of the department  
2 [~~commission~~] that, after a diligent search, the authority cannot  
3 locate a person meeting that requirement to fill a job opening.

4 (c) The board [~~commission~~] by rule may authorize the  
5 temporary employment of a person who has not completed a course of  
6 preservice training, passed the examination, or attained the  
7 required level of certification, contingent on the person meeting  
8 those requirements within the time specified by the board  
9 [~~commission~~].

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

19 (e) The department [~~commission~~] may waive any certification  
20 requirement, except a fee requirement, for an applicant who has a  
21 valid certification from another state that has certification  
22 requirements that are substantially equivalent to the requirements  
23 in this state.

24 (f) The department [~~commission~~] may waive the degree  
25 accreditation requirement in Subsection (a)(2) if the applicant  
26 possesses a foreign or other degree that the department  
27 [~~commission~~] determines is the substantial equivalent of a

1 bachelor's degree. The board [~~commission~~] shall adopt rules  
2 defining the procedures to be used to request a waiver of the  
3 accreditation requirement in Subsection (a)(2).

4 Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION  
5 OFFICERS. To be eligible for appointment as a detention officer, a  
6 person who was not employed as a detention officer before September  
7 1, 2005, must:

8 (1) be of good moral character;

9 (2) be at least 21 years of age;

10 (3) have acquired a high school diploma or its  
11 equivalent;

12 (4) have satisfactorily completed the course of  
13 preservice training or instruction required by the department  
14 [~~commission~~];

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

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

19 Sec. 222.003 [~~141.0612~~]. MINIMUM STANDARDS FOR CERTAIN  
20 EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board  
21 [~~commission~~] by rule shall adopt certification standards for  
22 persons who are employed in nonsecure correctional facilities that  
23 accept only juveniles who are on probation and that are operated by  
24 or under contract with a governmental unit, as defined by Section  
25 101.001, Civil Practice and Remedies Code.

26 (b) The certification standards adopted under Subsection  
27 (a) must be substantially similar to the certification requirements

1 for detention officers under Section 222.002 [~~141.0611~~].

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

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

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

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

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

20 (b) This section does not apply to:

21 (1) an employee of the department; or

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

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

1           SUBCHAPTER B. CERTIFICATION AND EXAMINATION

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

8           (b) The department [~~commission~~] shall notify a person  
9 taking an examination graded or reviewed by a national testing  
10 service of the results not later than the 14th day after the date on  
11 which the department [~~commission~~] receives the results from the  
12 testing service.

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

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

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

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

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

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

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

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

12           (c) The executive director may convene, in person or  
13 telephonically, a panel of three board [~~commission~~] members to  
14 determine if a person's continued certification threatens  
15 juveniles in the juvenile justice system. If the panel determines  
16 that the person's continued certification threatens juveniles in  
17 the juvenile justice system, the person's license is temporarily  
18 suspended until an administrative hearing is held as soon as  
19 possible under Subsection (d). The executive director may convene  
20 a panel under this subsection only if the danger posed by the  
21 person's continued certification is imminent. The panel may hold a  
22 telephonic meeting only if immediate action is required and  
23 convening the panel at one location is inconvenient for any member  
24 of the panel.

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

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

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

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

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

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

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

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

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

25 ~~[(2) a juvenile probation officer authorized to carry~~  
26 ~~a firearm under Section 142.006.~~

27 ~~[Sec. 141.067. PROBATION OFFICER: COUNTY EMPLOYEE. A~~



1 ~~juvenile probation officer whose jurisdiction covers only one~~  
2 ~~county is considered to be an employee of that county.]~~

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

4 Sec. 223.001 [~~141.081~~]. DETERMINATION OF AMOUNT OF STATE  
5 AID. (a) The department [~~commission~~] shall annually allocate  
6 funds for financial assistance to juvenile boards to provide  
7 juvenile services according to current estimates of the number of  
8 juveniles in each county and other factors the department  
9 [~~commission~~] determines are appropriate.

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

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

18 [~~(d) The commission by rule shall, not later than September~~  
19 ~~1, 2010, establish one or more basic probation services funding~~  
20 ~~formulas and one or more community corrections funding formulas.~~  
21 ~~The funding formulas established under this subsection must include~~  
22 ~~each grant for which the commission, on or before September 1, 2009,~~  
23 ~~established an allocation formula.]~~

24 Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL  
25 SUPPORT. (a) To receive the full amount of state aid funds for  
26 which a juvenile board may be eligible, a juvenile board must  
27 demonstrate to the department's [~~commission's~~] satisfaction that

1 the amount of local or county funds budgeted for juvenile services  
2 is at least equal to the amount spent, excluding construction and  
3 capital outlay expenses, for those services in the 1994 county  
4 fiscal year. The department [~~commission~~] may waive this  
5 requirement only if the juvenile board demonstrates to the  
6 department [~~commission~~] that unusual, catastrophic, or exceptional  
7 circumstances existed during the relevant year to affect adversely  
8 the level of county funding. If the required amount of local funding  
9 is not budgeted and the department [~~commission~~] does not grant a  
10 waiver, the department [~~commission~~] shall reduce the allocation of  
11 state aid funds to the juvenile board by the amount equal to the  
12 amount that the county funding is below the required funding.

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

17 (c) The department [~~commission~~] must be satisfied at the end  
18 of each county fiscal year that the juvenile board actually spent  
19 local or county funds for juvenile services in the amount  
20 demonstrated to the department [~~commission~~] at the beginning of the  
21 fiscal year.

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

26 Sec. 223.003 [~~141.083~~]. SPECIAL RULES FOR MULTI-COUNTY  
27 JURISDICTIONS. If necessary, the board [~~commission~~] by rule may

1 provide for:

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

5 (2) the centralization of administrative  
6 responsibility associated with the state aid program in a county  
7 included in a multi-county jurisdiction; and

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

10 Sec. 223.004 [~~141.084~~]. PAYMENT OF STATE AID. (a) When the  
11 department [~~commission~~] determines that a juvenile board complies  
12 with the department's [~~commission's~~] standards, the department  
13 [~~commission~~] shall submit to the comptroller a voucher for payment  
14 to a juvenile board of the amount of state aid to which the board is  
15 entitled.

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

20 (c) A juvenile board receiving state aid under this chapter  
21 is subject to audit by:

22 (1) the Legislative Budget Board;

23 (2) [~~7~~] the governor's budget, policy, and planning  
24 office;

25 (3) [~~7~~] the state auditor; [~~7~~] and

26 (4) the comptroller.

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

1 shall submit reports as required by the department [~~commission~~].

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

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

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

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

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

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

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

1           (1) evaluation of project plans and specifications;  
2 and

3           (2) review and comment on the selection of architects  
4 and engineers, change orders, and sufficiency of project  
5 inspection.

6           (d) On completion of the review of project plans and  
7 specifications under Subsection (c), the Texas Department of  
8 Criminal Justice shall issue a comprehensive report that states in  
9 detail the proposed cost of the project. The department  
10 [~~commission~~] shall use the report in making a comparative  
11 evaluation of proposed projects and shall give priority to the  
12 projects the department [~~commission~~] finds are the most effective  
13 and economical.

14           (e) The department [~~commission~~] may not award money for a  
15 capital construction project for a facility under this section  
16 unless the department [~~commission~~] receives from the commissioners  
17 court of the county intending to use the facility a written  
18 commitment that the commissioners court has reviewed and accepted  
19 the conditions of the award. If more than one county intends to use  
20 the facility, the department [~~commission~~] must receive from each  
21 county a written commitment that the county will agree with the  
22 other counties to an interlocal contract to operate the facility in  
23 accordance with the conditions of the award.

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

27           (g) For a facility constructed under this section, not more

1 than 25 percent of the operating costs of the facility may be  
2 reimbursed by the department [~~commission~~].

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

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

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

13 SECTION 1.005. Title 12, Human Resources Code, as added by  
14 this Act, is amended by adding Subtitle C, and a heading is added to  
15 read as follows:

16 SUBTITLE C. SECURE FACILITIES

17 SECTION 1.006. Subchapter G, Chapter 61, Human Resources  
18 Code, is transferred to Subtitle C, Title 12, Human Resources Code,  
19 as added by this Act, redesignated as Chapter 241, and amended to  
20 read as follows:

21 CHAPTER 241. GENERAL [~~SUBCHAPTER G. MISCELLANEOUS~~] PROVISIONS

22 Sec. 241.001 [~~61.091~~]. COOPERATION OF OTHER AGENCIES. To  
23 effectuate the purpose of this subtitle [~~chapter~~] and to make  
24 maximum use of existing facilities and personnel, all departments  
25 and agencies of the state and all officers and employees of the  
26 state, when requested by the department [~~commission~~], shall  
27 cooperate with the department [~~it~~] in all activities consistent

1 with their proper functions.

2       Sec. 241.0015 [~~61.0911~~]. [~~COORDINATED~~] STRATEGIC PLAN.  
3 The department [~~Texas Youth Commission~~] shall biennially develop  
4 [~~with the Texas Juvenile Probation Commission~~] a [~~coordinated~~]  
5 strategic plan in the manner described by Section 221.009 [~~Sections~~  
6 ~~141.0471 and 141.0472~~].

7       Sec. 241.002 [~~61.092~~]. NO FORFEITURE OF CERTAIN CIVIL  
8 RIGHTS. Commitment of a child to the custody of the department  
9 [~~commission~~] does not disqualify the child in any future  
10 examination, appointment, or application for public service under  
11 the government of the state or of any political subdivision of the  
12 state.

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

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

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

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

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

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

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

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

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

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

13 ~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The~~  
14 ~~commission may employ and commission apprehension specialists as~~  
15 ~~peace officers for the purpose of apprehending a child under~~  
16 ~~Section 61.093.~~

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

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

24 ~~Sec. 241.004 [61.095]. REQUEST FOR CERTAIN RECORDS. For~~  
25 ~~the purpose of offering a record as evidence in the punishment phase~~  
26 ~~of a criminal proceeding, a prosecuting attorney may obtain the~~  
27 ~~record of a defendant's adjudication that is admissible under~~



1 Section 3(a), Article 37.07, Code of Criminal Procedure, by  
2 submitting a request for the record to the department [~~commission~~].  
3 If the department [~~commission~~] has a record to which the  
4 prosecuting attorney is entitled under this section, the department  
5 [~~commission~~] shall furnish a copy of the record to the prosecuting  
6 attorney. Otherwise, the department [~~commission~~] shall notify the  
7 prosecuting attorney that the department [~~commission~~] does not have  
8 a record to which the attorney is entitled under this section.

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

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

15 (2) not intentional or grossly negligent.

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

20 (1) the amount of financial responsibility required  
21 for the motor-driven equipment, if any, under Chapter 601,  
22 Transportation Code; or

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

25 (c) In this section, "volunteer" means an individual  
26 rendering services for or on behalf of the department [~~commission~~]  
27 who does not receive compensation in excess of reimbursement for

1 expenses incurred.

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

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

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

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

27           (1) any alleged criminal offense or delinquent conduct

1 concerning the department [~~commission~~] and described by Article  
2 104.003(a), Code of Criminal Procedure, that occurred during the  
3 preceding calendar quarter; and

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

8 (d) Notwithstanding Subsection (c), the office of inspector  
9 general shall immediately provide the special prosecution unit with  
10 a report concerning an alleged criminal offense or delinquent  
11 conduct concerning the department [~~commission~~] and described by  
12 Article 104.003(a), Code of Criminal Procedure, if the chief  
13 inspector general reasonably believes the offense or conduct is  
14 particularly serious and egregious.

15 (e) The chief inspector general of the office of inspector  
16 general, at the direction of the board of directors of the special  
17 prosecution unit, shall notify the foreman of the appropriate grand  
18 jury, in the manner provided by Article 20.09, Code of Criminal  
19 Procedure, if:

20 (1) the chief inspector general receives credible  
21 evidence of illegal or improper conduct by department [~~commission~~]  
22 officers, employees, or contractors that the inspector general  
23 reasonably believes jeopardizes the health, safety, and welfare of  
24 children in the custody of the department [~~commission~~];

25 (2) the chief inspector general reasonably believes  
26 the conduct:

27 (A) could constitute an offense under Article

1 104.003(a), Code of Criminal Procedure; and

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

5 (3) the chief inspector general has reason to believe  
6 that information concerning the conduct has not previously been  
7 presented to the appropriate grand jury.

8 Sec. 241.008 [~~61.099~~]. DUTY TO FILE COMPLAINT WITH LAW  
9 ENFORCEMENT AGENCY. If the executive director [~~commissioner~~] has  
10 reasonable cause to believe that a child in the custody of the  
11 department [~~commission~~] is the victim of a crime committed at a  
12 department [~~commission~~] facility operated under this subtitle, the  
13 executive director [~~commissioner~~] shall immediately file a  
14 complaint with the appropriate law enforcement agency.

15 SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human  
16 Resources Code, are transferred to Subtitle C, Title 12, Human  
17 Resources Code, as added by this Act, redesignated as Chapters 242,  
18 243, 244, and 245, respectively, and amended to read as follows:

19 CHAPTER 242. OPERATION OF SECURE FACILITIES  
20 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS [~~SUBCHAPTER C.~~  
21 ~~POWERS AND DUTIES~~]

22 Sec. 242.001. ACCREDITATION BY AMERICAN CORRECTIONAL  
23 ASSOCIATION. The board shall adopt a plan for each correctional  
24 facility operated by or under contract with the department under  
25 this subtitle to be accredited by the American Correctional  
26 Association. The department shall implement the plans.

27 Sec. 242.002. STUDY OF TREATMENT METHODS; STATISTICAL

1 RECORDS. (a) The department shall conduct continuing inquiry into  
2 the effectiveness of the treatment methods the department employs  
3 in the reformation of children. To this end, the department shall  
4 maintain a record of arrests and commitments of its wards  
5 subsequent to their discharge from the jurisdiction of the  
6 department and shall tabulate, analyze, and publish biennially the  
7 data for use in evaluating the relative merits of treatment  
8 methods.

9 (b) The department shall cooperate with courts and private  
10 and public agencies in the collection of statistics and information  
11 regarding juvenile delinquency, arrests made, complaints,  
12 informations, and petitions filed, and the dispositions made of  
13 them, and other information useful in determining the amount and  
14 causes of juvenile delinquency in this state.

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

19 Sec. 242.003 [61.0315]. EVALUATION OF TREATMENT PROGRAMS;  
20 AVAILABILITY. (a) The department [commission] shall annually  
21 review the effectiveness of the department's [commission's]  
22 programs for the rehabilitation and reestablishment in society of  
23 children committed to the department [commission], including  
24 programs for sex offenders, capital offenders, children who are  
25 chemically dependent, emotionally disturbed children, and females.

26 (b) On or before December 31 of each year, the department  
27 [commission] shall make a report on the effectiveness of the

1 programs to the Legislative Budget Board.

2 (c) The department [~~commission~~] shall offer or make  
3 available programs described by Subsection (a) in an adequate  
4 manner so that a child in the custody of the department [~~commission~~]  
5 receives appropriate rehabilitation services recommended for the  
6 child by the court committing the child to the department  
7 [~~commission~~].

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

15 (1) which programs are not offered or are unavailable;  
16 and

17 (2) the reason the programs are not offered or are  
18 unavailable.

19 (e) The department [~~commission~~] shall periodically review,  
20 document, and compare the accessibility and funding of treatment  
21 programs provided to female children committed to the department  
22 [~~commission~~] to the accessibility and funding of treatment provided  
23 to male children committed to the department [~~commission~~].

24 [~~Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The~~  
25 ~~commission shall administer the training, diagnostic treatment,~~  
26 ~~and supervisory facilities and services of the state for children~~  
27 ~~committed to the commission and shall manage and direct all~~

1 ~~institutions and training school facilities under the authority of~~  
2 ~~the commission.~~

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

9 ~~[Sec. 61.0331. INTERNAL AUDIT; REPORT. (a) The commission~~  
10 ~~shall regularly conduct internal audits of the commission,~~  
11 ~~including audits of:~~

12 ~~[(1) correctional facilities operated by and under~~  
13 ~~contract with the commission; and~~

14 ~~[(2) medical services provided to children in the~~  
15 ~~custody of the commission.~~

16 ~~[(b) The commission shall on a quarterly basis report the~~  
17 ~~results of the audits to:~~

18 ~~[(1) the committees of the senate and house of~~  
19 ~~representatives with primary jurisdiction over matters concerning~~  
20 ~~correctional facilities; and~~

21 ~~[(2) the state auditor.]~~

22 Sec. 242.006 [61.034]. POLICIES AND RULES. (a) The board  
23 [~~executive commissioner~~] is responsible for the review and approval  
24 [~~adoption~~] of all policies and shall make rules appropriate to the  
25 proper accomplishment of the department's [~~commission's~~]  
26 functions. The board may delegate to the executive director the  
27 board's responsibility for the adoption of certain policies as

1 appropriate for the proper accomplishment of the department's  
2 functions relating to state-operated facilities and the  
3 department's personnel.

4 (b) The board [~~executive commissioner~~] shall adopt rules  
5 for the government of the schools, facilities, and programs under  
6 the department's [~~commission's~~] authority under this subtitle and  
7 shall see that the schools, facilities, and programs are conducted  
8 according to law and to the board's [~~executive commissioner's~~]  
9 rules.

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

17 [~~Sec. 61.0345. MISSION STATEMENT. The commission shall~~  
18 ~~develop and adopt a statement regarding the role and mission of the~~  
19 ~~commission.~~]

20 Sec. 242.007 [~~61.035~~]. EMPLOYEES. (a) Within the limits  
21 specified by legislative appropriation, the department  
22 [~~commission~~] may employ and compensate personnel necessary to carry  
23 out the department's [~~its~~] duties.

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

27 (c) The department [~~commission~~] shall establish procedures



1 and practices governing:

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

4 (2) disciplinary actions within the department  
5 [~~commission~~], including a procedure allowing a department  
6 [~~commission~~] employee to elect to participate in an independent  
7 dismissal mediation if the employee is recommended for dismissal.

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

16 [~~Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board shall~~  
17 ~~develop and implement policies that clearly separate the~~  
18 ~~policymaking responsibilities of the board and the management~~  
19 ~~responsibilities of the staff of the commission.~~]

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

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

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

8           (1) personnel policies, including policies relating  
9 to recruitment, evaluation, selection, appointment, training, and  
10 promotion of personnel that are in compliance with requirements of  
11 Chapter 21, Labor Code;

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

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

21           (4) reasonable methods to appropriately address those  
22 areas of underuse.

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

27           (c) The governor's office shall deliver a biennial report to

1 the legislature based on the information received under Subsection  
2 (b). The report may be made separately or as a part of other  
3 biennial reports made to the legislature.

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

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

16 (1) the juvenile justice system of this state,  
17 including the juvenile correctional facility system;

18 (2) security procedures;

19 (3) the supervision of children committed to the  
20 department [~~commission~~];

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

22 (5) signs and symptoms of the abuse, assault, neglect,  
23 and exploitation of a child, including sexual abuse and sexual  
24 assault, and the manner in which to report the abuse, assault,  
25 neglect, or exploitation of a child;

26 (6) the neurological, physical, and psychological  
27 development of adolescents;

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

4           (8) appropriate restraint techniques;

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

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

9           (11) interpersonal relationship skills;

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

12           (13) first aid and cardiopulmonary resuscitation;

13           (14) counseling techniques;

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

16           (16) behavior management;

17           (17) mental health issues; and

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

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

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

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

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

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

18 (h) The board [~~commission~~] shall adopt rules necessary to  
19 administer this section.

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

22 [~~(1) "Department" means the Department of Public~~  
23 ~~Safety.~~

24 [~~(2) "National~~] criminal history record information"  
25 means criminal history record information obtained from the  
26 Department of Public Safety [~~department~~] under Subchapter F,  
27 Chapter 411, Government Code, and from the Federal Bureau of

1 Investigation under Section 411.087, Government Code.

2 (b) The executive director [~~commissioner~~] shall review the  
3 national criminal history record information, state criminal  
4 history record information maintained by the Department of Public  
5 Safety [~~department~~], and previous and current employment  
6 references of each person who:

7 (1) is an employee, contractor, volunteer, ombudsman,  
8 or advocate working for the department [~~commission~~] or working in a  
9 department [~~commission~~] facility or a facility under contract with  
10 the department [~~commission~~];

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

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

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

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

25 (e) The department [~~commission~~] shall ensure that the  
26 system used to check state criminal history record information  
27 maintained by the Department of Public Safety [~~department~~] is

1 capable of providing real time arrest information.

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

9 (g) The board [~~commission~~] shall adopt rules necessary to  
10 administer this section.

11 Sec. 242.016. BIENNIAL BUDGET. The executive director  
12 shall prepare a biennial budget of all funds necessary to be  
13 appropriated by the legislature to the department to carry out the  
14 purposes of this subtitle. The budget shall be submitted and filed  
15 by the executive director in the form and manner and within the time  
16 prescribed by law.

17 SUBCHAPTER B. SECURE FACILITIES; SERVICES

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

20 (1) administer the training, diagnostic treatment,  
21 and supervisory facilities and services of the state for children  
22 committed to the department; and

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

25 (b) The department shall have general charge of and be  
26 responsible for the welfare, custody, and rehabilitation of the  
27 children in a school, facility, or program operated or funded by the

1 department. The department shall seek to establish relationships  
2 and to organize a way of life that will meet the spiritual, moral,  
3 physical, emotional, intellectual, and social needs of the children  
4 under the department's care as those needs would be met in an  
5 adequate home.

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

8 Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The  
9 department may design, construct, equip, furnish, and maintain  
10 buildings and improvements at facilities under the department's  
11 jurisdiction.

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

15 (c) The board shall promulgate rules relating to the award  
16 of contracts for the construction of buildings and improvements.  
17 The rules shall provide for the award of contracts for the  
18 construction of buildings and improvements to the qualified bidder  
19 making the lowest and best bid. A construction contract may not be  
20 awarded for a sum in excess of the amount of funds available for the  
21 project. The department may reject any and all bids submitted.

22 (d) If a project is financed wholly or partly by federal  
23 funds, any standards required by the enabling federal statute or  
24 required by the rules of the administering federal agency control  
25 over this section.

26 (e) The department may employ professional, technical, and  
27 clerical personnel to carry out the design and construction



1 functions required by this section.

2 [~~Sec. 61.036. COOPERATION WITH OTHER AGENCIES. (a) The~~  
3 ~~commission shall cooperate with all existing agencies and encourage~~  
4 ~~the establishment of new programs, both local and statewide, the~~  
5 ~~object of which is services to delinquent and predelinquent youth~~  
6 ~~of this state.~~

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

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

23 (b) When funds are available for the purpose, the department  
24 [~~commission~~] may enter into agreements with appropriate public or  
25 private agencies for the separate care and treatment of persons  
26 subject to the control of the department [~~commission~~]. The  
27 department [~~commission~~] may not make use of any private institution

1 or agency without its consent. The department [~~commission~~] shall  
2 make reasonable efforts to ensure that the expenditure of  
3 appropriations for the purchase of contract residential care for  
4 children, not including the purchase of care in foster family  
5 homes, be allocated to providers on a fixed monthly basis if that  
6 allocation [~~it~~] is cost-effective and the number, type, needs, and  
7 conditions of the children to be served is reasonably constant.

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

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

21 Sec. 242.054 [~~61.038~~]. HALFWAY HOUSE PROGRAM. (a) The  
22 department [~~commission~~] may not develop a halfway house to be  
23 operated by the department [~~commission~~] if an appropriate private  
24 halfway house program is contractually available and the costs  
25 under the contract are less than the costs would be if the  
26 department [~~commission~~] provided the services.

27 (b) Before the department [~~commission~~] contracts for the

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

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

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

20 Sec. 242.056 [~~61.0386~~]. ADVOCACY AND SUPPORT GROUPS. (a)  
21 The department [~~commission~~] shall allow advocacy and support groups  
22 whose primary functions are to benefit children, inmates, girls and  
23 women, the mentally ill, or [~~and~~] victims of sexual assault to  
24 provide on-site information, support, and other services for  
25 children confined in department [~~commission~~] facilities.

26 (b) The department [~~commission~~] shall adopt security and  
27 privacy procedures for advocacy and support groups that provide

1 on-site information, support, and other services under this  
2 section. The security and privacy procedures may not be designed  
3 to deny an advocacy or support group access to children confined in  
4 department [~~commission~~] facilities.

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

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

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

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

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

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

9           Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE  
10 SUPERVISION. When funds are available, the department [~~commission~~]  
11 may:

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

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

18                   (3) establish active parole supervision to aid  
19 children given conditional release to find homes and employment and  
20 to become reestablished in the community; and

21                   (4) assist in establishing training facilities and  
22 programs owned and operated by private individuals or organizations  
23 which agree to provide services to children committed to the  
24 department [~~commission~~], including programs for children needing  
25 long-term residential care.

26           Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF  
27 FACILITY. In computing the daily costs of a residential facility

1 operated by the department [~~commission~~], the department  
2 [~~commission~~] shall use a standard method that is:

3 (1) consistent with methods used by other state  
4 agencies; and

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

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

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

22 [~~Sec. 61.042~~]. REFERRALS FROM FEDERAL COURT. The  
23 department [~~commission~~] may enter into agreements with the federal  
24 government to accept children from the federal court for an agreed  
25 compensation.

26 Sec. 242.062 [~~61.0421. PUBLIC INTEREST INFORMATION.~~ The  
27 ~~commission shall prepare information of public interest describing~~

1 ~~the functions of the commission and describing the procedures by~~  
2 ~~which complaints are filed with and resolved by the commission. The~~  
3 ~~commission shall make the information available to the general~~  
4 ~~public and appropriate state agencies.~~

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

14 ~~[(b) The commission shall make information available~~  
15 ~~describing the commission's procedures for complaint investigation~~  
16 ~~and resolution.~~

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

20 ~~[(d) The commission shall keep information about each~~  
21 ~~written complaint filed with the commission by a child receiving~~  
22 ~~services from the commission or the child's parent or guardian. The~~  
23 ~~information must include:~~

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

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

27 ~~[(3) the period of time between the date the complaint~~

1 ~~is received and the date the complaint is closed.~~

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

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

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

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

25 ~~(b) Proceeds in excess of the amount required for the~~  
26 ~~[~~these~~] expenses described by Subsection (a), donations for student~~  
27 ~~activities, and proceeds from children's fundraising projects~~



1 shall be deposited to the credit of a special account in the General  
2 Revenue Fund called the student benefit fund and may be used only  
3 to:

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

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

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

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

15 (2) [~~to~~] compensate the students who participate in  
16 the projects.

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

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

26 Sec. 242.063 [~~61.0432~~]. STUDENT TRUST FUND; CONTRABAND  
27 MONEY. (a) Except as provided by Subsection (b), money belonging

1 to a child committed to the department [~~commission~~] in excess of the  
2 amount the department [~~commission~~] allows in a child's possession  
3 shall be deposited in a trust fund established by the facility  
4 operated by the department [~~commission~~] to which the child is  
5 assigned. The board [~~commission~~] shall adopt rules governing the  
6 administration of the trust fund.

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

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

20 (1) merchandise from vending machines or canteens  
21 within the facilities;

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

23 (3) services that the facilities are authorized to  
24 provide.

25 (b) Cash received from cash-to-card machines and amounts  
26 electronically transferred for card use from the students' trust  
27 fund accounts shall be deposited to debit card suspense accounts in

1 local depositories and held pending card purchases.

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

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

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

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

23 [~~(b) The commission shall see that the buildings and~~  
24 ~~premises are kept in good sanitary order.~~

25 [~~Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office~~  
26 ~~of inspector general is established at the commission for the~~  
27 ~~purpose of investigating.~~

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

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

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

- 13           ~~[(1) the executive commissioner,~~  
14           ~~[(2) the advisory board,~~  
15           ~~[(3) the governor,~~  
16           ~~[(4) the lieutenant governor,~~  
17           ~~[(5) the speaker of the house of representatives,~~  
18           ~~[(6) the standing committees of the senate and house~~  
19 ~~of representatives with primary jurisdiction over matters~~  
20 ~~concerning correctional facilities,~~  
21           ~~[(7) the special prosecution unit,~~  
22           ~~[(8) the state auditor, and~~  
23           ~~[(9) any other appropriate state agency responsible~~  
24 ~~for licensing or certifying commission employees or facilities.~~

25          ~~[(c) The report prepared under Subsection (b) must include a~~  
26 ~~summary of the actions performed by the office of inspector general~~  
27 ~~in conducting the investigation, a statement of whether the~~

1 ~~investigation resulted in a finding that a criminal offense or~~  
2 ~~delinquent conduct occurred, and a description of the finding. The~~  
3 ~~report is public information under Chapter 552, Government Code,~~  
4 ~~only to the extent authorized under that chapter and other law.~~

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

10 ~~[(e) Peace officers employed and commissioned under~~  
11 ~~Subsection (d) must:~~

12 ~~[(1) be certified by the Commission on Law Enforcement~~  
13 ~~Officer Standards and Education under Chapter 1701, Occupations~~  
14 ~~Code; and~~

15 ~~[(2) complete advanced courses relating to the duties~~  
16 ~~of peace officers employed and commissioned under Subsection (d) as~~  
17 ~~part of any continuing education requirements for the peace~~  
18 ~~officers.~~

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

23 ~~[(g) The chief inspector general shall on a quarterly basis~~  
24 ~~prepare and deliver a report concerning the operations of the~~  
25 ~~office of inspector general to:~~

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

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

1           ~~[(3) the governor,~~

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

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

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

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

8           ~~[(8) the comptroller.~~

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

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

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

20           ~~[(3) the number of investigations conducted~~  
21 ~~concerning suicides, deaths, and hospitalizations of children in~~  
22 ~~the custody of the commission.~~

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

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

1 or

2           ~~[(2) any interference by the executive director, an~~  
3 ~~employee of the commission, a facility described by Subsection~~  
4 ~~(a)(2), or an officer or employee of a facility described by~~  
5 ~~Subsection (a)(2) with an investigation conducted by the office.~~

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

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

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

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

16           ~~[Sec. 61.046]. RELIGIOUS TRAINING. The department~~  
17 ~~[commission] shall provide for the religious and spiritual training~~  
18 ~~of children in its custody according to the children's individual~~  
19 ~~choices.~~

20           Sec. 242.066 ~~[61.0461]. EMPLOYMENT OR DESIGNATION OF~~  
21 ~~CHAPLAIN AT CERTAIN DEPARTMENT [COMMISSION] FACILITIES. The~~  
22 ~~department [commission] shall ensure that a chaplain is employed or~~  
23 ~~formally designated for each department [commission] correctional~~  
24 ~~facility that is an institution.~~

25           Sec. 242.067 ~~[61.047]. VIOLENCE PREVENTION AND CONFLICT~~  
26 ~~RESOLUTION EDUCATION. The department [commission] shall provide~~  
27 ~~education in violence prevention and conflict resolution that~~

1 includes discussion of domestic violence and child abuse issues to  
2 all children in its custody.

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

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

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

23       [~~Sec. 61.050~~]. FIRE PROTECTION ACTIVITIES. (a) The  
24 department [~~commission~~] may perform fire protection, fire  
25 prevention, and fire suppression activities at department  
26 [~~commission~~] facilities.

27       (b) The department [~~commission~~] may prescribe circumstances



1 under which, for the benefit of the public safety and welfare,  
2 department [~~commission~~] employees using department [~~commission~~]  
3 equipment may assist municipal or volunteer fire departments in the  
4 performance of fire protection, fire prevention, or fire  
5 suppression activities near department [~~commission~~] facilities.

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

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

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

13 (3) clearly specified accounting, reporting, and  
14 auditing requirements applicable to money received under the  
15 contract.

16 Sec. 242.070 [~~61.052~~]. CONTRACT MONITORING. The  
17 department [~~commission~~] shall establish a formal program to monitor  
18 residential program-related client services contracts made by the  
19 department [~~commission~~]. The department [~~commission~~] must:

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

22 (2) obtain and evaluate program cost information to  
23 ensure that each cost, including an administrative cost, is  
24 reasonable and necessary to achieve program objectives.

25 Sec. 242.071 [~~61.053. MEDICAID BENEFITS. The commission~~  
26 ~~shall apply for benefits under the federal Medicaid program if~~  
27 ~~application is cost effective in reducing health care costs~~

1 ~~incurred by the commission.~~

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

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

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

13       SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT

14               FACILITIES OR BY DEPARTMENT EMPLOYEES

15       Sec. 242.101 [~~61.055~~]. ZERO-TOLERANCE POLICY. (a) The  
16 department [~~commission~~] shall adopt and enforce a zero-tolerance  
17 policy concerning the detection, prevention, and punishment of the  
18 sexual abuse, including consensual sexual contact, of children in  
19 the custody of the department [~~commission~~].

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

23       (c) The department [~~commission~~] shall establish a procedure  
24 for children in the custody of the department [~~commission~~] and  
25 department [~~commission~~] employees to report incidents of sexual  
26 abuse involving a child in the custody of the department  
27 [~~commission~~]. The procedure must designate a person employed at

1 the department [~~commission~~] facility in which the abuse is alleged  
2 to have occurred as well as a person who is employed at the  
3 department's [~~commission's~~] headquarters to whom a person may  
4 report an incident of sexual abuse.

5 (d) The department [~~commission~~] shall prominently display  
6 the following notice in the office of the chief administrator of  
7 each department [~~commission~~] facility, the employees' break room of  
8 each department [~~commission~~] facility, the cafeteria of each  
9 department [~~commission~~] facility, and at least six additional  
10 locations in each department [~~commission~~] facility:

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

15 Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office  
16 of inspector general is established at the department under the  
17 direction of the board for the purpose of investigating:

18 (1) crimes committed by department employees,  
19 including parole officers employed by or under a contract with the  
20 department; and

21 (2) crimes and delinquent conduct committed at a  
22 facility operated by the department, a residential facility  
23 operated by another entity under a contract with the department, or  
24 any facility in which a child committed to the custody of the  
25 department is housed or receives medical or mental health  
26 treatment.

27 (b) The office of inspector general shall prepare and

1 deliver a report concerning the results of any investigation  
2 conducted under this section to:

3 (1) the board;

4 (2) the executive director;

5 (3) any applicable advisory board;

6 (4) the governor;

7 (5) the lieutenant governor;

8 (6) the speaker of the house of representatives;

9 (7) the standing committees of the senate and house of  
10 representatives with primary jurisdiction over matters concerning  
11 correctional facilities;

12 (8) the special prosecution unit;

13 (9) the state auditor; and

14 (10) any other appropriate state agency responsible  
15 for licensing or certifying department employees or facilities.

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

23 (d) The office of inspector general may employ and  
24 commission inspectors general as peace officers for the purpose of  
25 carrying out the duties described by this section. An inspector  
26 general shall have all of the powers and duties given to peace  
27 officers under Article 2.13, Code of Criminal Procedure.

1       (e) Peace officers employed and commissioned under  
2 Subsection (d) must:

3           (1) be certified by the Commission on Law Enforcement  
4 Officer Standards and Education under Chapter 1701, Occupations  
5 Code; and

6           (2) complete advanced courses relating to the duties  
7 of peace officers employed and commissioned under Subsection (d) as  
8 part of any continuing education requirements for the peace  
9 officers.

10       (f) The board shall select a commissioned peace officer as  
11 chief inspector general. The chief inspector general:

12           (1) operates directly under the authority of the  
13 board;

14           (2) is subject to the requirements of this section;  
15 and

16           (3) may only be discharged by the board for cause.

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

20           (1) the board;

21           (2) the executive director;

22           (3) any applicable advisory board;

23           (4) the governor;

24           (5) the lieutenant governor;

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

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

1 facilities;

2 (8) the state auditor; and

3 (9) the comptroller.

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

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

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

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

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

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

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

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

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

10           (c) An investigative or law enforcement officer or other  
11 person, on request of the office of inspector general, may assist  
12 the office in the operation and monitoring of an interception of  
13 wire, oral, or electronic communications if the investigative or  
14 law enforcement officer or other person:

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

17                   (2) acts in the presence and under the direction of a  
18 commissioned officer of the inspector general.

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

20                           SUBCHAPTER A. ADMISSION AND COMMITMENT

21           Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT  
22 [~~COMMISSION~~] FACILITIES. (a) The department [~~commission~~] may not  
23 assign a child younger than 15 years of age to the same correctional  
24 facility dormitory as a person who is at least 17 years of age  
25 unless the department [~~commission~~] determines that the placement is  
26 necessary to ensure the safety of children in the custody of the  
27 department [~~commission~~]. This subsection does not apply to a

1 dormitory that is used exclusively for short-term assessment and  
2 orientation purposes.

3 (b) The board [~~commission~~] by rule shall adopt scheduling,  
4 housing, and placement procedures for the purpose of protecting  
5 vulnerable children in the custody of the department [~~commission~~].  
6 The procedures must address the age, physical condition, and  
7 treatment needs of a child as well as any other relevant factor.

8 (c) The department [~~commission~~] shall consider the  
9 proximity of the residence of a child's family in determining the  
10 appropriate department [~~commission~~] facility in which to place a  
11 child.

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

16 (b) In establishing a minimum length of stay for a child,  
17 the department [~~commission~~] shall consider:

18 (1) the nature of and seriousness of the conduct  
19 engaged in by the child; and

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

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

26 (b) The cost of conveying the child shall be paid by the  
27 county from which the child is committed, except that [~~However,~~]



1 no compensation shall be allowed other than [~~except~~] for the actual  
2 and necessary expenses of the child and the person accompanying the  
3 child.

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

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

12       (c) If requested by the department [~~commission~~], the  
13 reports required by this section shall be made on forms furnished by  
14 the department [~~commission~~] or according to an outline furnished by  
15 the department [~~commission~~].

16       Sec. 243.005 [~~61.0651~~]. INFORMATION PROVIDED BY COMMITTING  
17 COURT. In addition to the information provided under Section  
18 243.004 [~~61.065~~], a court that commits a child to the department  
19 [~~commission~~] shall provide the department [~~commission~~] with a copy  
20 of the following documents:

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

23               (2) if the commitment is a result of revocation of  
24 probation, a copy of the conditions of probation and the revocation  
25 order;

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

27               (4) any psychological or psychiatric reports

- 1 concerning the child;
- 2 (5) the contact information sheet for the child's  
3 parents or guardian;
- 4 (6) any law enforcement incident reports concerning  
5 the offense for which the child is committed;
- 6 (7) any sex offender registration information  
7 concerning the child;
- 8 (8) any juvenile probation department progress  
9 reports concerning the child;
- 10 (9) any assessment documents concerning the child;
- 11 (10) the computerized referral and case history for  
12 the child, including case disposition;
- 13 (11) the child's birth certificate;
- 14 (12) the child's social security number or social  
15 security card, if available;
- 16 (13) the name, address, and telephone number of the  
17 court administrator in the committing county;
- 18 (14) Title IV-E eligibility screening information for  
19 the child, if available;
- 20 (15) the address in the committing county for  
21 forwarding funds collected to which the committing county is  
22 entitled;
- 23 (16) any of the child's school or immunization records  
24 that the committing county possesses;
- 25 (17) any victim information concerning the case for  
26 which the child is committed; and
- 27 (18) any of the child's pertinent medical records that

1 the committing court possesses.

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

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

7           (2) imposing sentence in any criminal proceedings  
8 against the same person; or

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

11       Sec. 243.007 [~~61.067~~]. INFORMATION PROVIDED TO COMMITTING  
12 COURT. (a) If a court that commits a child to the department  
13 [~~commission~~] requests, in the commitment order, that the department  
14 [~~commission~~] keep the court informed of the progress the child is  
15 making while committed to the department [~~commission~~], the  
16 department [~~commission~~] shall provide the court with periodic  
17 updates on the child's progress.

18           (b) A report provided under Subsection (a) may include any  
19 information the department [~~commission~~] determines to be relevant  
20 in evaluating the child's progress, including, as applicable,  
21 information concerning the child's treatment, education, and  
22 health.

23           (c) A report provided under this section may not include  
24 information that is protected from disclosure under state or  
25 federal law.

26       SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

27       Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF

1 RELEASE CONDITIONS. (a) If a child who has been committed to the  
2 department and placed by the department in any institution or  
3 facility has escaped or has been released under supervision and  
4 broken the conditions of release:

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

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

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

15 (c) Notwithstanding Section 58.005, Family Code, the  
16 department may disseminate to the public the following information  
17 relating to a child who has escaped from custody:

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

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

23 (3) a photograph of the child; and

24 (4) if necessary to protect the welfare of the  
25 community, any other information that reveals dangerous  
26 propensities of the child or expedites the apprehension of the  
27 child.

1        Sec. 243.052. APPREHENSION SPECIALISTS.        (a)        The  
2 department may employ and commission apprehension specialists as  
3 peace officers for the purpose of apprehending a child under  
4 Section 243.051.

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

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

10        SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

11        Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION.        (a)        The  
12 department [~~commission~~] shall examine and make a study of each  
13 child committed to it as soon as possible after commitment. The  
14 study shall be made according to rules established by the board  
15 [~~commission~~] and shall include:

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

20        (b) For a child for whom a minimum length of stay is  
21 established under Section 243.002 [~~61.062~~] of one year or longer,  
22 the initial examination must include a comprehensive psychiatric  
23 evaluation unless the department has received the results of a  
24 comprehensive psychiatric evaluation of the child conducted not  
25 more than 90 days before the date of the initial examination.

26        (c) The department [~~commission~~] shall administer  
27 comprehensive psychological assessments to a child as part of the

1 child's initial examination, including assessments designed to  
2 identify whether a child is in need of a psychiatric evaluation. If  
3 the results of a child's psychological assessments indicate that  
4 the child is in need of a psychiatric evaluation, the department  
5 [~~commission~~] shall as soon as practicable conduct a psychiatric  
6 evaluation of the child.

7       Sec. 244.002 [~~61.0711. HEALTH CARE DELIVERY SYSTEM.~~] (a)  
8 ~~In providing medical care, behavioral health care, or~~  
9 ~~rehabilitation services, the commission shall integrate the~~  
10 ~~provision of those services in an integrated comprehensive delivery~~  
11 ~~system.~~

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

- 15           [~~(1) health care,~~
- 16           [~~(2) dental care,~~
- 17           [~~(3) behavioral health care,~~
- 18           [~~(4) substance abuse treatment,~~
- 19           [~~(5) nutrition,~~
- 20           [~~(6) programming,~~
- 21           [~~(7) case management, and~~
- 22           [~~(8) general rehabilitation services, including~~  
23 ~~educational, spiritual, daily living, recreational, and security~~  
24 ~~services.~~

25       [~~Sec. 61.072~~]. REEXAMINATION.       (a)       The department  
26 [~~commission~~] shall periodically reexamine each child under its  
27 control, except those on release under supervision or in foster

1 homes, for the purpose of determining whether a rehabilitation plan  
2 made by the department [~~commission~~] concerning the child should be  
3 modified or continued.

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

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

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

16 (b) Except as provided by Section 243.051(c) [~~61.093(c)~~],  
17 these records and all other information concerning a child,  
18 including personally identifiable information, are not public and  
19 are available only according to the provisions of Section 58.005,  
20 Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and  
21 Chapter 61, Code of Criminal Procedure.

22 Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN,~~  
23 ~~PARENTS, AND OTHERS.~~ (a) ~~In the interest of achieving the purpose~~  
24 ~~of the commission and protecting the public, the commission may~~  
25 ~~disclose records and other information concerning a child to the~~  
26 ~~child and the child's parent or guardian only if disclosure would~~  
27 ~~not materially harm the treatment and rehabilitation of the child~~

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

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

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

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

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

27 (b) After due notice to the department [~~commission~~], the



1 committing court shall discharge the child from the control of the  
2 department [~~commission~~] unless the department [~~commission~~]  
3 satisfies the court that further control is necessary.

4 Sec. 244.005 [~~61.075~~]. DETERMINATION OF TREATMENT. When a  
5 child has been committed to the department [~~commission~~], the  
6 department [~~commission~~] may:

7 (1) permit the child liberty under supervision and on  
8 conditions the department [~~it~~] believes conducive to acceptable  
9 behavior;

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

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

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

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

21 Sec. 244.006 [~~61.0751~~]. ~~SUBPOENAS. (a) A hearings examiner~~  
22 ~~appointed by the commission may issue a subpoena requiring the~~  
23 ~~attendance of a witness or the production of any record, book,~~  
24 ~~paper, or document the hearings examiner considers necessary for a~~  
25 ~~determination of treatment under Section 61.075.~~

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

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

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

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

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

18           (1) require the child to participate in moral,  
19 academic, vocational, physical, and correctional training and  
20 activities;

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

24           (3) provide any medical or psychiatric treatment that  
25 is necessary; and

26           (4) place physically fit children in  
27 parks-maintenance camps, forestry camps, or ranches owned by the

1 state or the United States and require the performance of suitable  
2 conservation and maintenance work.

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

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

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

10 (a) The department [~~commission~~] may not use restraints to control  
11 the movement of a pregnant child who is committed to the department  
12 [~~commission~~] at any time during which the child is in labor or  
13 delivery or recovering from delivery, unless the executive director  
14 or executive director's designee determines that the use of  
15 restraints is necessary to:

16 (1) ensure the safety and security of the child or her  
17 infant, department [~~commission~~] or medical personnel, or any member  
18 of the public; or

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

21 (b) If a determination to use restraints is made under  
22 Subsection (a), the type of restraint used and the manner in which  
23 the restraint is used must be the least restrictive available under  
24 the circumstances to ensure safety and security or to prevent  
25 escape.

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

27 (a) In this section, "child" means the child of a person who is

1 committed to the department [~~commission~~].

2 (b) The department [~~commission~~] may establish child care  
3 and parenting programs for persons committed to the department  
4 [~~commission~~] who are parents.

5 (c) The department [~~commission~~] may permit a mother to have  
6 possession of her child in a residential program that has an infant  
7 care and parenting program or to have possession of her child in a  
8 department-funded [~~commission-funded~~] independent living  
9 residence for up to six months if:

10 (1) the child's father or another relative or guardian  
11 of the child agrees in advance of the child's placement with the  
12 child's mother to assume possession of the child immediately upon  
13 notice by the department [~~commission~~] to do so;

14 (2) the child's parents and any other person having a  
15 duty of support acknowledge that by permitting the mother to have  
16 possession of the child while the mother is confined in a  
17 residential facility or placed in an independent living residence,  
18 the department [~~commission~~] assumes no responsibility for the  
19 child's care beyond the responsibility of care that is ordinarily  
20 due the child's mother and the reasonable accommodations that are  
21 necessary for the mother's care of her child;

22 (3) the child's parents and any other person having a  
23 duty of support agree to indemnify and hold the department  
24 [~~commission~~] harmless from any claims that may be made against the  
25 department [~~commission~~] for the child's support, including medical  
26 support; and

27 (4) the department [~~commission~~] determines that the

1 placement is in the best interest of both the mother and her child.

2 Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In  
3 providing medical care, behavioral health care, or rehabilitation  
4 services, the department shall integrate the provision of those  
5 services in an integrated comprehensive delivery system.

6 (b) The delivery system may be used to deliver any medical,  
7 behavioral health, or rehabilitation services provided to a child  
8 in the custody of the department, including:

9 (1) health care;

10 (2) dental care;

11 (3) behavioral health care;

12 (4) substance abuse treatment;

13 (5) nutrition;

14 (6) programming;

15 (7) case management; and

16 (8) general rehabilitation services, including  
17 educational, spiritual, daily living, recreational, and security  
18 services.

19 ~~Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The~~  
20 ~~commission, in consultation with advocacy and support groups such~~  
21 ~~as those described in Section 61.0386(a), shall develop a parent's~~  
22 ~~bill of rights for distribution to the parent or guardian of a child~~  
23 ~~who is under 18 years of age and committed to the commission. The~~  
24 ~~parent's bill of rights must include:~~

25 ~~[(1) a description of the commission's grievance~~  
26 ~~policies and procedures, including contact information for the~~  
27 ~~office of inspector general and the office of the independent~~

1 ~~ombudsman established under Chapter 64;~~

2 ~~[(2) a list of possible incidents that require~~  
3 ~~parental notification;~~

4 ~~[(3) policies concerning visits and telephone~~  
5 ~~conversations with a child committed to the commission;~~

6 ~~[(4) a description of commission caseworker~~  
7 ~~responsibilities;~~

8 ~~[(5) a statement that the commission caseworker~~  
9 ~~assigned to a child may assist the child's parent or guardian in~~  
10 ~~obtaining information and services from the commission and other~~  
11 ~~resources concerning:~~

12 ~~[(A) counseling, including substance abuse and~~  
13 ~~mental health counseling;~~

14 ~~[(B) assistance programs, including financial~~  
15 ~~and travel assistance programs for visiting a child committed to~~  
16 ~~the commission;~~

17 ~~[(C) workforce preparedness programs;~~

18 ~~[(D) parenting programs; and~~

19 ~~[(E) commission seminars; and~~

20 ~~[(6) information concerning the indeterminate~~  
21 ~~sentencing structure at the commission, an explanation of reasons~~  
22 ~~that a child's commitment at the commission could be extended, and~~  
23 ~~an explanation of the review process under Sections 61.0815 and~~  
24 ~~61.0816 for a child committed to the commission without a~~  
25 ~~determinate sentence.~~

26 ~~[(b) Not later than 48 hours after the time a child is~~  
27 ~~admitted to a commission facility, the commission shall mail to the~~

1 ~~child's parent or guardian at the last known address of the parent~~  
2 ~~or guardian.~~

3 ~~[(1) the parent's bill of rights, and~~

4 ~~[(2) the contact information of the commission~~  
5 ~~caseworker assigned to the child.~~

6 ~~[(c) The commission shall on a quarterly basis provide to~~  
7 ~~the parent, guardian, or designated advocate of a child who is in~~  
8 ~~the custody of the commission a report concerning the progress of~~  
9 ~~the child at the commission, including:~~

10 ~~[(1) the academic and behavioral progress of the~~  
11 ~~child; and~~

12 ~~[(2) the results of any reexamination of the child~~  
13 ~~conducted under Section 61.072.~~

14 ~~[(d) The commission shall ensure that written information~~  
15 ~~provided to a parent or guardian regarding the rights of a child in~~  
16 ~~the custody of the commission or the rights of a child's parent or~~  
17 ~~guardian, including the parent's bill of rights, is clear and easy~~  
18 ~~to understand.~~

19 ~~[(e) The commission shall ensure that if the Department of~~  
20 ~~Family and Protective Services has been appointed managing~~  
21 ~~conservator of a child, the department is given the same rights as~~  
22 ~~the child's parent under the parent's bill of rights developed under~~  
23 ~~this section.~~

24 ~~[Sec. 61.0764].~~ DEPARTMENT [~~COMMISSION~~] CASEWORKERS. (a)  
25 The department [~~commission~~] shall assign a caseworker to a child  
26 committed to the department [~~commission~~]. A department  
27 [~~commission~~] caseworker shall:

1 (1) explore family issues and needs with the parent or  
2 guardian of a child committed to the department [~~commission~~];

3 (2) as needed, provide the parent or guardian of a  
4 child committed to the department [~~commission~~] with information  
5 concerning programs and services provided by the department  
6 [~~commission~~] or another resource; and

7 (3) perform other duties required by the department  
8 [~~commission~~].

9 (b) A department [~~commission~~] caseworker shall:

10 (1) at least once a month, attempt to contact the  
11 child's parent or guardian by phone, in person while the parent or  
12 guardian is visiting the facility, or, if necessary, by mail;

13 (2) if unsuccessful in contacting the child's parent  
14 or guardian under Subdivision (1), attempt at least one additional  
15 time each month to contact the child's parent or guardian; and

16 (3) document successful as well as unsuccessful  
17 attempts to contact the child's parent or guardian.

18 (c) To the extent practicable, a caseworker or another  
19 facility administrator shall attempt to communicate with a parent  
20 or guardian who does not speak English in the language of choice of  
21 the parent or guardian.

22 [~~Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR~~  
23 ~~STUDIES. (a) The commission shall keep records relating to~~  
24 ~~children committed to it that participate in research programs or~~  
25 ~~studies.~~

26 [~~(b) The records must show, for each calendar quarter and~~  
27 ~~for each calendar year.~~



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

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

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

7           ~~[(4) the entity sponsoring the research program or~~  
8 ~~study.~~

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

13                   ~~[(1) governor,~~

14                   ~~[(2) lieutenant governor,~~

15                   ~~[(3) speaker of the house of representatives, and~~

16                   ~~[(4) members of the legislature.~~

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

19           Sec. 244.0105 [~~61.0766~~]. REPORT CONCERNING FOSTER CHILDREN  
20 COMMITTED TO DEPARTMENT [~~COMMISSION~~]. (a) Not later than the 10th  
21 day before the date of a permanency hearing under Subchapter D,  
22 Chapter 263, Family Code, or a placement review hearing under  
23 Subchapter F, Chapter 263, Family Code, regarding a child for whom  
24 the Department of Family and Protective Services has been appointed  
25 managing conservator, a department [~~commission~~] caseworker shall  
26 submit a written report regarding the child's commitment to the  
27 department [~~commission~~] to:

- 1 (1) the court;
- 2 (2) the Department of Family and Protective Services;
- 3 (3) any attorney ad litem or guardian ad litem
- 4 appointed for the child; and
- 5 (4) any volunteer advocate appointed for the child.

6 (b) The report required by Subsection (a) must include:

- 7 (1) the results of any assessments of the child during
- 8 the child's commitment to the department [~~commission~~], including
- 9 assessments of the child's emotional, mental, educational,
- 10 psychological, psychiatric, medical, or physical needs;
- 11 (2) information regarding the child's placement in
- 12 particular programs administered by the department [~~commission~~];
- 13 and
- 14 (3) a description of the child's progress in programs
- 15 administered by the department [~~commission~~].

16 Sec. 244.0106 [~~61.0767~~]. RULES REGARDING SERVICES FOR

17 FOSTER CHILDREN. (a) The board [~~commission~~] and the executive

18 commissioner of the Health and Human Services Commission shall

19 jointly adopt rules to ensure that a child for whom the Department

20 of Family and Protective Services has been appointed managing

21 conservator receives appropriate services while the child is

22 committed to the department [~~commission~~] or released under

23 supervision by the department [~~commission~~].

24 (b) The rules adopted under this section must require the

25 department [~~commission~~] and the Department of Family and Protective

26 Services to cooperate in providing appropriate services to a child

27 for whom the Department of Family and Protective Services has been

1 appointed managing conservator while the child is committed to the  
2 department [~~commission~~] or released under supervision by the  
3 department [~~commission~~], including:

- 4 (1) medical care, as defined by Section 266.001,  
5 Family Code;
- 6 (2) mental health treatment and counseling;
- 7 (3) education, including special education;
- 8 (4) case management;
- 9 (5) drug and alcohol abuse assessment or treatment;
- 10 (6) sex offender treatment; and
- 11 (7) trauma informed care.

12 (c) The rules adopted under this section must require:

- 13 (1) the Department of Family and Protective Services  
14 to:

- 15 (A) provide the department [~~commission~~] with  
16 access to relevant health and education information regarding a  
17 child; and

- 18 (B) require a child's caseworker to visit the  
19 child in person at least once each month while the child is  
20 committed to the department [~~commission~~];

- 21 (2) the department [~~commission~~] to:

- 22 (A) provide the Department of Family and  
23 Protective Services with relevant health and education information  
24 regarding a child;

- 25 (B) permit communication, including in person,  
26 by telephone, and by mail, between a child committed to the  
27 department [~~commission~~] and:

1 (i) the Department of Family and Protective  
2 Services; and

3 (ii) the attorney ad litem, the guardian ad  
4 litem, and the volunteer advocate for the child; and

5 (C) provide the Department of Family and  
6 Protective Services and any attorney ad litem or guardian ad litem  
7 for the child with timely notice of the following events relating to  
8 the child:

9 (i) a meeting designed to develop or revise  
10 the individual case plan for the child;

11 (ii) in accordance with any participation  
12 protocols to which the Department of Family and Protective Services  
13 and the department [~~commission~~] agree, a medical appointment at  
14 which a person authorized to consent to medical care must  
15 participate as required by Section 266.004(i), Family Code;

16 (iii) an education meeting, including  
17 admission, review, or dismissal meetings for a child receiving  
18 special education;

19 (iv) a grievance or disciplinary hearing  
20 for the child;

21 (v) a report of abuse or neglect of the  
22 child; and

23 (vi) a significant medical condition of the  
24 child, as defined by Section 266.005, Family Code; and

25 (3) the Department of Family and Protective Services  
26 and the department [~~commission~~] to participate in transition  
27 planning for the child through release from detention, release

1 under supervision, and discharge.

2 Sec. 244.011 [~~61.077~~]. CHILDREN WITH MENTAL ILLNESS OR  
3 MENTAL RETARDATION. (a) The department [~~commission~~] shall accept  
4 a child committed to the department [~~commission~~] who is mentally  
5 ill or mentally retarded.

6 (b) Unless a child is committed to the department  
7 [~~commission~~] under a determinate sentence under Section  
8 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department  
9 [~~commission~~] shall discharge a child who is mentally ill or  
10 mentally retarded from its custody if:

11 (1) the child has completed the minimum length of stay  
12 for the child's committing offense; and

13 (2) the department [~~commission~~] determines that the  
14 child is unable to progress in the department's [~~commission's~~]  
15 rehabilitation programs because of the child's mental illness or  
16 mental retardation.

17 (c) If a child who is discharged from the department  
18 [~~commission~~] under Subsection (b) as a result of mental illness is  
19 not receiving court-ordered mental health services, the child's  
20 discharge is effective on the earlier of:

21 (1) the date the court enters an order regarding an  
22 application for mental health services filed under Section  
23 244.012(b) [~~61.0772(b)~~]; or

24 (2) the 30th day after the date the application is  
25 filed.

26 (d) If a child who is discharged from the department  
27 [~~commission~~] under Subsection (b) as a result of mental illness is

1 receiving court-ordered mental health services, the child's  
2 discharge from the department [~~commission~~] is effective  
3 immediately. If the child is receiving mental health services  
4 outside the child's home county, the department [~~commission~~] shall  
5 notify the mental health authority located in that county of the  
6 discharge not later than the 30th day after the date that the  
7 child's discharge is effective.

8 (e) If a child who is discharged from the department  
9 [~~commission~~] under Subsection (b) as a result of mental retardation  
10 is not receiving mental retardation services, the child's discharge  
11 is effective on the earlier of:

12 (1) the date the court enters an order regarding an  
13 application for mental retardation services filed under Section  
14 244.012(b) [~~61.0772(c)~~]; or

15 (2) the 30th day after the date that the application is  
16 filed.

17 (f) If a child who is discharged from the department  
18 [~~commission~~] under Subsection (b) as a result of mental retardation  
19 is receiving mental retardation services, the child's discharge  
20 from the department [~~commission~~] is effective immediately.

21 (g) If a child who is mentally ill or mentally retarded is  
22 discharged from the department [~~commission~~] under Subsection (b),  
23 the child is eligible to receive continuity of care services from  
24 the Texas Correctional Office on Offenders with Medical or Mental  
25 Impairments under Chapter 614, Health and Safety Code.

26 Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE. (a)  
27 The department [~~commission~~] shall establish a system that

1 identifies children in the department's [~~commission's~~] custody who  
2 are mentally ill or mentally retarded.

3 (b) Before a child who is identified as mentally ill is  
4 discharged from the department's [~~commission's~~] custody under  
5 Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~]  
6 psychiatrist shall examine the child. The department [~~commission~~]  
7 shall refer a child requiring outpatient psychiatric treatment to  
8 the appropriate mental health authority. For a child requiring  
9 inpatient psychiatric treatment, the department [~~commission~~] shall  
10 file a sworn application for court-ordered mental health services,  
11 as provided in Subchapter C, Chapter 574, Health and Safety Code,  
12 if:

13 (1) the child is not receiving court-ordered mental  
14 health services; and

15 (2) the psychiatrist who examined the child determines  
16 that the child is mentally ill and the child meets at least one of  
17 the criteria listed in Section 574.034, Health and Safety Code.

18 (c) Before a child who is identified as mentally retarded  
19 under Chapter 593, Health and Safety Code, is discharged from the  
20 department's [~~commission's~~] custody under Section 244.011(b)  
21 [~~61.077(b)~~], the department [~~commission~~] shall refer the child for  
22 mental retardation services if the child is not receiving mental  
23 retardation services.

24 Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN  
25 SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The  
26 department [~~commission~~] may petition the juvenile court that  
27 entered the order of commitment for a child for the initiation of

1 mental health commitment proceedings if the child is committed to  
2 the department [~~commission~~] under a determinate sentence under  
3 Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

4 (b) A petition made by the department [~~commission~~] shall be  
5 treated as a motion under Section 55.11, Family Code, and the  
6 juvenile court shall proceed in accordance with Subchapter B,  
7 Chapter 55, Family Code.

8 (c) The department [~~commission~~] shall cooperate with the  
9 juvenile court in any proceeding under this section.

10 (d) The juvenile court shall credit to the term of the  
11 child's commitment to the department [~~commission~~] any time the  
12 child is committed to an inpatient mental health facility.

13 (e) A child committed to an inpatient mental health facility  
14 as a result of a petition filed under this section may not be  
15 released from the facility on a pass or furlough.

16 (f) If the term of an order committing a child to an  
17 inpatient mental health facility is scheduled to expire before the  
18 end of the child's sentence and another order committing the child  
19 to an inpatient mental health facility is not scheduled to be  
20 entered, the inpatient mental health facility shall notify the  
21 juvenile court that entered the order of commitment committing the  
22 child to the department [~~commission~~]. The juvenile court may  
23 transfer the child to the custody of the department [~~commission~~],  
24 transfer the child to the Texas Department of Criminal Justice, or  
25 release the child under supervision, as appropriate.

26 Sec. 244.013 [~~61.078~~]. NOTICE OF PENDING DISCHARGE. As  
27 soon as practicable after the department [~~commission~~] makes a



1 decision to discharge a child or authorize the child's absence from  
2 the department's [~~its~~] custody, the department [~~commission~~] shall  
3 give notice of the department's [~~its~~] decision to the juvenile  
4 court and the office of the prosecuting attorney of the county in  
5 which the adjudication that the child engaged in delinquent conduct  
6 was made.

7       Sec. 244.014 [~~61.079~~]. REFERRAL OF VIOLENT AND HABITUAL  
8 OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment  
9 under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code,  
10 becomes 16 years of age but before the child becomes 19 years of  
11 age, the department [~~commission~~] may refer the child to the  
12 juvenile court that entered the order of commitment for approval of  
13 the child's transfer to the Texas Department of Criminal Justice  
14 for confinement if:

- 15               (1) the child has not completed the sentence; and  
16               (2) the child's conduct, regardless of whether the  
17 child was released under supervision under Section 245.051  
18 [~~61.081~~], indicates that the welfare of the community requires the  
19 transfer.

20       (b) The department [~~commission~~] shall cooperate with the  
21 court on any proceeding on the transfer of the child.

22       (c) If a child is released under supervision, a juvenile  
23 court adjudication that the child engaged in delinquent conduct  
24 constituting a felony offense, a criminal court conviction of the  
25 child for a felony offense, or a determination under Section  
26 244.005(4) [~~61.075(4)~~] revoking the child's release under  
27 supervision is required before referral of the child to the

1 juvenile court under Subsection (a).

2       Sec. 244.015 [~~61.0791~~]. EVALUATION OF CERTAIN CHILDREN  
3 SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced  
4 to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),  
5 Family Code, becomes 18 years of age, the department [~~commission~~]  
6 shall evaluate whether the child is in need of additional services  
7 that can be completed in the six-month period after the child's 18th  
8 birthday to prepare the child for release from the custody of the  
9 department [~~commission~~] or transfer to the Texas Department of  
10 Criminal Justice.

11       (b) This section does not apply to a child who is released  
12 from the custody of the department [~~commission~~] or who is  
13 transferred to the Texas Department of Criminal Justice before the  
14 child's 18th birthday.

15 SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

16       Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS,  
17 AND OTHERS. (a) In the interest of achieving the purpose of the  
18 department and protecting the public, the department may disclose  
19 records and other information concerning a child to the child and  
20 the child's parent or guardian only if disclosure would not  
21 materially harm the treatment and rehabilitation of the child and  
22 would not substantially decrease the likelihood of the department  
23 receiving information from the same or similar sources in the  
24 future. Information concerning a person who is age 18 or older may  
25 not be disclosed to the person's parent or guardian without the  
26 person's consent.

27       (b) The department may disclose information regarding a

1 child's location and committing court to a person having a  
2 legitimate need for the information.

3 (c) The department may disclose to a peace officer or law  
4 enforcement agency images of children recorded by an electronic  
5 recording device and incident reporting and investigation  
6 documents containing the names of children if the information is  
7 relevant to the investigation of a criminal offense alleged to have  
8 occurred in a facility operated by or under contract with the  
9 department.

10 (d) Notwithstanding Subsection (a), if the Department of  
11 Family and Protective Services has been appointed managing  
12 conservator for a child, the department shall disclose records and  
13 other information concerning the child to the Department of Family  
14 and Protective Services as provided by the rules of the Department  
15 of Family and Protective Services.

16 Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in  
17 consultation with advocacy and support groups such as those  
18 described in Section 242.056(a), shall develop a parent's bill of  
19 rights for distribution to the parent or guardian of a child who is  
20 under 18 years of age and committed to the department. The parent's  
21 bill of rights must include:

22 (1) a description of the department's grievance  
23 policies and procedures, including contact information for the  
24 office of inspector general and the office of the independent  
25 ombudsman established under Chapter 261;

26 (2) a list of possible incidents that require parental  
27 notification;

1           (3) policies concerning visits and telephone  
2 conversations with a child committed to the department;

3           (4) a description of department caseworker  
4 responsibilities;

5           (5) a statement that the department caseworker  
6 assigned to a child may assist the child's parent or guardian in  
7 obtaining information and services from the department and other  
8 resources concerning:

9                   (A) counseling, including substance abuse and  
10 mental health counseling;

11                   (B) assistance programs, including financial and  
12 travel assistance programs for visiting a child committed to the  
13 department;

14                   (C) workforce preparedness programs;

15                   (D) parenting programs; and

16                   (E) department seminars; and

17           (6) information concerning the indeterminate  
18 sentencing structure at the department, an explanation of reasons  
19 that a child's commitment at the department could be extended, and  
20 an explanation of the review process under Sections 245.101 and  
21 245.104 for a child committed to the department without a  
22 determinate sentence.

23           (b) Not later than 48 hours after the time a child is  
24 admitted to a department facility, the department shall mail to the  
25 child's parent or guardian at the last known address of the parent  
26 or guardian:

27                   (1) the parent's bill of rights; and

1           (2) the contact information of the department  
2 caseworker assigned to the child.

3           (c) The department shall on a quarterly basis provide to the  
4 parent, guardian, or designated advocate of a child who is in the  
5 custody of the department a report concerning the progress of the  
6 child at the department, including:

7           (1) the academic and behavioral progress of the child;  
8 and

9           (2) the results of any reexamination of the child  
10 conducted under Section 244.002.

11           (d) The department shall ensure that written information  
12 provided to a parent or guardian regarding the rights of a child in  
13 the custody of the department or the rights of a child's parent or  
14 guardian, including the parent's bill of rights, is clear and easy  
15 to understand.

16           (e) The department shall ensure that if the Department of  
17 Family and Protective Services has been appointed managing  
18 conservator of a child, the Department of Family and Protective  
19 Services is given the same rights as the child's parent under the  
20 parent's bill of rights developed under this section.

21           CHAPTER 245 [~~SUBCHAPTER F~~]. RELEASE

22           SUBCHAPTER A. GENERAL PROVISIONS

23           Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The  
24 department may employ parole officers to investigate, place,  
25 supervise, and direct the activities of a parolee to ensure the  
26 parolee's adjustment to society in accordance with the rules  
27 adopted by the board.

1       (b) Parole officers may work with local organizations,  
2 clubs, and agencies to formulate plans and procedures for the  
3 prevention of juvenile delinquency.

4       (c) The department shall develop a management system for  
5 parole services that objectively measures and provides for:

6           (1) the systematic examination of children's needs and  
7 the development of treatment plans to address those needs;

8           (2) the evaluation of homes, foster homes, and public  
9 and private institutions as constructive parole placements;

10          (3) the classification of children based on the level  
11 of children's needs and the degree of risk presented to the public;

12          (4) the objective measurement of parole officer  
13 workloads; and

14          (5) the gathering and analysis of information related  
15 to the effectiveness of parole services and to future parole  
16 requirements.

17       Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department  
18 may make a contract with a county to use the services of the  
19 county's juvenile probation department for the supervision of  
20 children within the county who are on furlough from a department  
21 facility or who are released under supervision from a department  
22 facility.

23       (b) Payments under a contract described by Subsection (a)  
24 shall be made to the county treasurer on a quarterly schedule.

25       (c) The department may not pay a county for supervision of a  
26 child for any time after the child:

27           (1) is discharged from the department's custody;

1           (2) is returned to a department facility; or

2           (3) transfers the child's residence to another county  
3 or state.

4           (d) A county that has a contract with the department must  
5 report to the department on the status and progress of each child  
6 for whom the county is receiving payments. The reports shall be  
7 made at the time and in the manner specified by the contract.

8           SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

9           Sec. 245.051 [~~61.081~~]. RELEASE UNDER SUPERVISION. (a) The  
10 department [~~commission~~] may release under supervision any child in  
11 the department's [~~its~~] custody and place the child in the child's  
12 [~~his or her~~] home or in any situation or family approved by the  
13 department [~~commission~~]. Prior to placing a child in the child's  
14 [~~his or her~~] home, the department [~~commission~~] shall evaluate the  
15 home setting to determine the level of supervision and quality of  
16 care that is available in the home.

17           ~~(b) [Subject to legislative appropriation, the commission~~  
18 ~~may employ parole officers to investigate, place, supervise, and~~  
19 ~~direct the activities of a parolee to ensure the parolee's~~  
20 ~~adjustment to society in accordance with the rules adopted by the~~  
21 ~~commission.~~

22           ~~[(c) Parole officers may work with local organizations,~~  
23 ~~clubs, and agencies to formulate plans and procedures for the~~  
24 ~~prevention of juvenile delinquency.~~

25           ~~[(d) The commission may resume the care and custody of any~~  
26 ~~child released under supervision at any time before the final~~  
27 ~~discharge of the child.~~

1           ~~[(e)]~~ Not later than 10 days before the day the department  
2 ~~[commission]~~ releases a child under this section, the department  
3 ~~[commission]~~ shall give notice of the release to the juvenile court  
4 and the office of the prosecuting attorney of the county in which  
5 the adjudication that the child engaged in delinquent conduct was  
6 made.

7           (c) ~~[(f)]~~ If a child is committed to the department  
8 ~~[commission]~~ under a determinate sentence under Section  
9 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
10 the department ~~[commission]~~ may not release the child under  
11 supervision without approval of the juvenile court that entered the  
12 order of commitment unless the child has served at least:

13                   (1) 10 years, if the child was sentenced to commitment  
14 for conduct constituting capital murder;

15                   (2) 3 years, if the child was sentenced to commitment  
16 for conduct constituting an aggravated controlled substance felony  
17 or a felony of the first degree;

18                   (3) 2 years, if the child was sentenced to commitment  
19 for conduct constituting a felony of the second degree; or

20                   (4) 1 year, if the child was sentenced to commitment  
21 for conduct constituting a felony of the third degree.

22           (d) ~~[(g)]~~ The department ~~[commission]~~ may request the  
23 approval of the court under this section at any time.

24           (e) The department may resume the care and custody of any  
25 child released under supervision at any time before the final  
26 discharge of the child.

27           (f) ~~[(h)]~~ If the department ~~[commission]~~ finds that a child



1 has violated an order under which the child is released under  
2 supervision, on notice by any reasonable method to all persons  
3 affected, the department [~~commission~~] may order the child:

4 (1) to return to an institution;

5 (2) if the violation resulted in property damage or  
6 personal injury:

7 (A) to make full or partial restitution to the  
8 victim of the offense; or

9 (B) if the child is financially unable to make  
10 full or partial restitution, to perform services for a charitable  
11 or educational institution; or

12 (3) to comply with any other conditions the department  
13 [~~commission~~] considers appropriate.

14 (g) [~~(i)~~] Notwithstanding Subsection (c) [~~(f)~~], if a child  
15 is committed to the department [~~commission~~] under a determinate  
16 sentence under Section 54.04(d)(3), Section 54.04(m), or Section  
17 54.05(f), Family Code, the department [~~commission~~] may release the  
18 child under supervision without approval of the juvenile court that  
19 entered the order of commitment if not more than nine months remain  
20 before the child's discharge under Section 245.151(b) [~~61.084(b)~~].

21 Sec. 245.052 [~~61.0811. PAROLE MANAGEMENT. The commission~~  
22 ~~shall develop a management system for parole services that~~  
23 ~~objectively measures and provides for:~~

24 [~~(1) the systematic examination of children's needs~~  
25 ~~and the development of treatment plans to address those needs,~~

26 [~~(2) the evaluation of homes, foster homes, and public~~  
27 ~~and private institutions as constructive parole placements,~~

1           ~~[(3) the classification of children based on the level~~  
2 ~~of children's needs and the degree of risk presented to the public;~~

3           ~~[(4) the objective measurement of parole officer~~  
4 ~~workloads; and~~

5           ~~[(5) the gathering and analysis of information related~~  
6 ~~to the effectiveness of parole services and to future parole~~  
7 ~~requirements.~~

8           ~~[Sec. 61.0812].~~ SUBSTANCE ABUSE TREATMENT ~~[FOR SUBSTANCE~~  
9 ~~ABUSE]~~. Subject to an express appropriation to fund the treatment  
10 programs required by this section, the department ~~[commission]~~ may  
11 not release a child under supervision or parole a child if:

12           (1) the child has a substance abuse problem, including  
13 the use of a controlled substance, hazardous inhalable substances,  
14 or alcohol habitually; and

15           (2) the child has not completed a treatment program  
16 for the problem.

17           Sec. 245.053 ~~[61.0813]~~. SEX OFFENDER COUNSELING AND  
18 TREATMENT. (a) Before releasing a child described by Subsection  
19 (b) under supervision, the department ~~[commission]~~:

20           (1) may require as a condition of release that the  
21 child:

22           (A) attend psychological counseling sessions for  
23 sex offenders as provided by Subsection (e); and

24           (B) submit to a polygraph examination as provided  
25 by Subsection (f) for purposes of evaluating the child's treatment  
26 progress; and

27           (2) shall require as a condition of release that the

1 child:

2 (A) register under Chapter 62, Code of Criminal  
3 Procedure; and

4 (B) submit a blood sample or other specimen to  
5 the Department of Public Safety under Subchapter G, Chapter 411,  
6 Government Code, for the purpose of creating a DNA record of the  
7 child, unless the child has already submitted the required specimen  
8 under other state law.

9 (b) This section applies to a child adjudicated for engaging  
10 in delinquent conduct constituting an offense for which the child  
11 is required to register as a sex offender under Chapter 62, Code of  
12 Criminal Procedure.

13 (c) Psychological counseling required as a condition of  
14 release under Subsection (a) must be with an individual or  
15 organization that:

- 16 (1) provides sex offender treatment or counseling;  
17 (2) is specified by the department [~~commission~~]; and  
18 (3) meets minimum standards of counseling established  
19 by the department [~~commission~~].

20 (d) A polygraph examination required as a condition of  
21 release under Subsection (a) must be administered by an individual  
22 who is:

- 23 (1) specified by the department [~~commission~~]; and  
24 (2) licensed as a polygraph examiner under Chapter  
25 1703, Occupations Code.

26 (e) In addition to specifying a sex offender treatment  
27 provider to provide counseling to a child described by Subsection

1 (b), the department [~~commission~~] shall:

2 (1) establish with the cooperation of the treatment  
3 provider the date, time, and place of the first counseling session  
4 between the child and the treatment provider;

5 (2) notify the child and the treatment provider before  
6 the release of the child of the date, time, and place of the first  
7 counseling session between the child and the treatment provider;  
8 and

9 (3) require the treatment provider to notify the  
10 department [~~commission~~] immediately if the child fails to attend  
11 any scheduled counseling session.

12 (f) If the department [~~commission~~] specifies a polygraph  
13 examiner under Subsection (d) to administer a polygraph examination  
14 to a child, the department [~~commission~~] shall arrange for a  
15 polygraph examination to be administered to the child:

16 (1) not later than the 60th day after the date the  
17 child attends the first counseling session established under  
18 Subsection (e); and

19 (2) after the initial polygraph examination, as  
20 required by Subdivision (1), on the request of the treatment  
21 provider specified under Subsection (c).

22 (g) If the department [~~commission~~] requires as a condition  
23 of release that a child attend psychological counseling under  
24 Subsection (a), the department [~~commission~~] shall notify the court  
25 that committed the child to the department [~~commission~~]. After  
26 receiving notification from the department [~~commission~~] under this  
27 subsection, the court may order the parent or guardian of the child

1 to:

2 (1) attend four sessions of instruction with an  
3 individual or organization specified by the department  
4 [~~commission~~] relating to:

5 (A) sexual offenses;

6 (B) family communication skills;

7 (C) sex offender treatment;

8 (D) victims' rights;

9 (E) parental supervision; and

10 (F) appropriate sexual behavior; and

11 (2) during the time the child attends psychological  
12 counseling, participate in monthly treatment groups conducted by  
13 the child's treatment provider relating to the child's  
14 psychological counseling.

15 (h) A court that orders a parent or guardian of a child to  
16 attend instructional sessions and participate in treatment groups  
17 under Subsection (g) shall require:

18 (1) the individual or organization specified by the  
19 department [~~commission~~] under Subsection (g) to notify the court  
20 immediately if the parent or guardian fails to attend any scheduled  
21 instructional session; and

22 (2) the child's treatment provider specified under  
23 Subsection (c) to notify the court immediately if the parent or  
24 guardian fails to attend a session in which the parent or guardian  
25 is required to participate in a scheduled treatment group.

26 (i) If the department [~~commission~~] requires as a condition  
27 of release that a child attend psychological counseling under

1 Subsection (a), the department [~~commission~~] may, before the date  
2 the period of release ends, petition the appropriate court to  
3 request the court to extend the period of release for an additional  
4 period necessary to complete the required counseling as determined  
5 by the treatment provider, except that the release period may not be  
6 extended to a date after the date of the child's 18th birthday.

7 Sec. 245.0535 [~~61.08131~~]. COMPREHENSIVE REENTRY AND  
8 REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The  
9 department [~~commission~~] shall develop a comprehensive plan for each  
10 child committed to the custody of the department to reduce  
11 recidivism and ensure the successful reentry and reintegration of  
12 the child [~~children~~] into the community following the [~~a~~] child's  
13 release under supervision or final discharge, as applicable, from  
14 the department [~~commission~~]. The plan for a child must be designed  
15 to ensure that the child receives an extensive continuity of care in  
16 services from the time the child is committed to the department to  
17 the time of the child's final discharge from the department. The  
18 plan for a child must include, as applicable:

- 19 (1) housing assistance;  
20 (2) a step-down program, such as placement in a  
21 halfway house;  
22 (3) family counseling;  
23 (4) academic and vocational mentoring;  
24 (5) trauma counseling for a child who is a victim of  
25 abuse while in the custody of the department; and  
26 (6) other specialized treatment services appropriate  
27 for the child.

1 (b) The comprehensive reentry and reintegration plan  
2 developed under this section must provide for:

3 (1) an assessment of each child committed to the  
4 department [~~commission~~] to determine which skills the child needs  
5 to develop to be successful in the community following release  
6 under supervision or final discharge;

7 (2) programs that address the assessed needs of each  
8 child;

9 (3) a comprehensive network of transition programs to  
10 address the needs of children released under supervision or finally  
11 discharged from the department [~~commission~~];

12 (4) the identification of providers of existing local  
13 programs and transitional services with whom the department  
14 [~~commission~~] may contract under this section to implement the  
15 reentry and reintegration plan; and

16 (5) subject to Subsection (c), the sharing of  
17 information between local coordinators, persons with whom the  
18 department [~~commission~~] contracts under this section, and other  
19 providers of services as necessary to adequately assess and address  
20 the needs of each child.

21 (c) A child's personal health information may be disclosed  
22 under Subsection (b)(5) only in the manner authorized by Section  
23 244.051 [~~61.0731~~] or other state or federal law, provided that the  
24 disclosure does not violate the Health Insurance Portability and  
25 Accountability Act of 1996 (Pub. L. No. 104-191).

26 (d) The programs provided under Subsections (b)(2) and (3)  
27 must:

1           (1) be implemented by highly skilled staff who are  
2 experienced in working with reentry and reintegration programs for  
3 children;

4           (2) provide children with:

5                 (A) individualized case management and a full  
6 continuum of care;

7                 (B) life-skills training, including information  
8 about budgeting, money management, nutrition, and exercise;

9                 (C) education and, if a child has a learning  
10 disability, special education;

11                (D) employment training;

12                (E) appropriate treatment programs, including  
13 substance abuse and mental health treatment programs; and

14                (F) parenting and relationship-building classes;  
15 and

16           (3) be designed to build for children post-release and  
17 post-discharge support from the community into which the child is  
18 released under supervision or finally discharged, including  
19 support from agencies and organizations within that community.

20           (e) The department [~~commission~~] may contract and coordinate  
21 with private vendors, units of local government, or other entities  
22 to implement the comprehensive reentry and reintegration plan  
23 developed under this section, including contracting to:

24                (1) coordinate the supervision and services provided  
25 to children during the time children are in the custody of the  
26 department [~~commission~~] with any supervision or services provided  
27 children who have been released under supervision or finally



1 discharged from the department [~~commission~~];

2 (2) provide children awaiting release under  
3 supervision or final discharge with documents that are necessary  
4 after release or discharge, including identification papers,  
5 medical prescriptions, job training certificates, and referrals to  
6 services; and

7 (3) provide housing and structured programs,  
8 including programs for recovering substance abusers, through which  
9 children are provided services immediately following release under  
10 supervision or final discharge.

11 (f) To ensure accountability, any contract entered into  
12 under this section must contain specific performance measures that  
13 the department [~~commission~~] shall use to evaluate compliance with  
14 the terms of the contract.

15 [~~(g) The commission shall ensure that each reentry and  
16 reintegration plan developed for a child under Section 61.0814 is  
17 coordinated with the comprehensive reentry and reintegration plan  
18 developed under this section.~~]

19 (h) The department [~~commission~~] shall conduct and  
20 coordinate research to determine whether the comprehensive reentry  
21 and reintegration plan developed under this section reduces  
22 recidivism rates.

23 (i) Not later than December 1 of each even-numbered year,  
24 the department [~~commission~~] shall deliver a report of the results  
25 of research conducted or coordinated under Subsection (h) to the  
26 lieutenant governor, the speaker of the house of representatives,  
27 and the standing committees of each house of the legislature with

1 primary jurisdiction over juvenile justice and corrections.

2 (j) If a program or service in the child's comprehensive  
3 reentry and reintegration plan is not available at the time the  
4 child is to be released, the department shall find a suitable  
5 alternative program or service so that the child's release is not  
6 postponed.

7 (k) The department shall:

8 (1) clearly explain the comprehensive reentry and  
9 reintegration plan and any conditions of supervision to a child who  
10 will be released on supervision; and

11 (2) require each child committed to the department  
12 that is to be released on supervision to acknowledge and sign a  
13 document containing any conditions of supervision.

14 Sec. 245.054 [~~61.08141~~]. INFORMATION PROVIDED TO COURT  
15 BEFORE RELEASE. (a) In addition to providing the court with notice  
16 of release of a child under Section 245.051(b) [~~61.081(e)~~], as soon  
17 as possible but not later than the 30th day before the date the  
18 department [~~commission~~] releases the child, the department  
19 [~~commission~~] shall provide the court that committed the child to  
20 the department [~~commission~~]:

21 (1) a copy of the child's reentry and reintegration  
22 plan developed under Section 245.0535 [~~61.0814~~]; and

23 (2) a report concerning the progress the child has  
24 made while committed to the department [~~commission~~].

25 (b) If, on release, the department [~~commission~~] places a  
26 child in a county other than the county served by the court that  
27 committed the child to the department [~~commission~~], the department

1 ~~[commission]~~ shall provide the information described by Subsection  
2 (a) to both the committing court and the juvenile court in the  
3 county where the child is placed after release.

4 (c) If, on release, a child's residence is located in  
5 another state, the department ~~[commission]~~ shall provide the  
6 information described by Subsection (a) to both the committing  
7 court and a juvenile court of the other state that has jurisdiction  
8 over the area in which the child's residence is located.

9 SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

10 Sec. 245.101 ~~[61.0814. REENTRY AND REINTEGRATION PLAN. (a)~~  
11 ~~The commission shall develop a reentry and reintegration plan for~~  
12 ~~each child committed to the custody of the commission. The plan for~~  
13 ~~a child must be designed to ensure that the child receives an~~  
14 ~~extensive continuity of care in services from the time the child is~~  
15 ~~committed to the commission to the time of the child's final~~  
16 ~~discharge from the commission. The plan for a child must include,~~  
17 ~~as applicable:~~

18 ~~[(1) housing assistance,~~

19 ~~[(2) a step-down program, such as placement in a~~  
20 ~~halfway house,~~

21 ~~[(3) family counseling,~~

22 ~~[(4) academic and vocational mentoring,~~

23 ~~[(5) trauma counseling for a child who is a victim of~~  
24 ~~abuse while in the custody of the commission, and~~

25 ~~[(6) other specialized treatment services appropriate~~  
26 ~~for the child.~~

27 ~~[(b) If a program or service in the child's reentry and~~

1 ~~reintegration plan is not available at the time the child is to be~~  
2 ~~released, the commission shall find a suitable alternative program~~  
3 ~~or service so that the child's release is not postponed.~~

4 ~~[Sec. 61.0815]~~. COMPLETION OF MINIMUM LENGTH OF STAY;  
5 PANEL. (a) After a child who is committed to the department  
6 ~~[commission]~~ without a determinate sentence completes the minimum  
7 length of stay established by the department ~~[commission]~~ for the  
8 child under Section 243.002 ~~[61.062]~~, the department ~~[commission]~~  
9 shall, in the manner provided by this section and Section 245.102:

10 (1) discharge the child from the custody of the  
11 department ~~[commission]~~;

12 (2) release the child under supervision under Section  
13 245.051 ~~[61.081]~~; or

14 (3) extend the length of the child's stay in the  
15 custody of the department ~~[commission]~~.

16 (b) The board ~~[commission]~~ by rule shall establish a panel  
17 whose function is to review and determine whether a child who has  
18 completed the child's minimum length of stay should be discharged  
19 from the custody of the department ~~[commission]~~ as provided by  
20 Subsection (a)(1), be released under supervision under Section  
21 245.051 ~~[61.081]~~ as provided by Subsection (a)(2), or remain in the  
22 custody of the department ~~[commission]~~ for an additional period of  
23 time as provided by Subsection (a)(3).

24 (c) The executive director ~~[commissioner]~~ shall determine  
25 the size of the panel described by Subsection (b) and the length of  
26 the members' terms of service on the panel. The panel must consist  
27 of an odd number of members and the terms of the panel's members

1 must last for at least two years. The executive director  
2 [~~commissioner~~] shall adopt policies that ensure the transparency,  
3 consistency, and objectivity of the panel's composition,  
4 procedures, and decisions. The executive director [~~commissioner~~]  
5 shall appoint persons to serve as members of the panel. A person  
6 appointed to the panel must be a department [~~commission~~] employee  
7 who works at the department's [~~commission's~~] central office. A  
8 member of the panel may not be involved in any supervisory decisions  
9 concerning children in the custody of the department [~~commission~~].

10 Sec. 245.102. EXTENSION ORDER. (a) A [~~(d)~~—The] panel may  
11 extend the length of the child's stay as provided by Section  
12 245.101(a)(3) [~~Subsection (a)(3)~~] only if the panel determines by  
13 majority vote and on the basis of clear and convincing evidence  
14 that:

15 (1) the child is in need of additional rehabilitation  
16 from the department; [~~commission~~] and

17 (2) [~~that~~] the department [~~commission~~] will provide  
18 the most suitable environment for that rehabilitation.

19 (b) In extending the length of a child's stay, the panel  
20 must specify the additional period of time that the child is to  
21 remain in the custody of the department [~~commission~~] and must  
22 conduct an additional review and determination as provided by  
23 Section 245.101 [~~this section~~] on the child's completion of the  
24 additional term of stay.

25 (c) If the panel determines that the child's length of stay  
26 should not be extended, the department [~~commission~~] must discharge  
27 the child from the custody of the department [~~commission~~] as

1 provided by Section 245.101(a)(1) [~~Subsection (a)(1)~~] or release  
2 the child under supervision under Section 245.051 [~~Section 61.081~~]  
3 as provided by Section 245.101(a)(2) [~~Subsection (a)(2)~~].

4 Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION  
5 ORDERS. (a) [~~(e)~~] The department [~~commission~~] shall maintain  
6 statistics of the number of extensions granted by a [~~the~~] panel  
7 under Section 245.102. The statistics must include aggregated  
8 information concerning:

9 (1) the race, age, sex, specialized treatment needs,  
10 and county of origin for each child for whom an extension order is  
11 requested;

12 (2) the facility in which the child is confined; and

13 (3) if applicable, any allegations concerning the  
14 abuse, mistreatment, or neglect of the child, aggregated by the  
15 type of misconduct to which the child was subjected.

16 (b) [~~(f)~~] To the extent authorized under law, the  
17 statistics maintained under Subsection (a) [~~(e)~~] are public  
18 information under Chapter 552, Government Code, and the department  
19 [~~commission~~] shall post the statistics on the department's  
20 [~~commission's~~] Internet website.

21 (c) The department [~~commission~~] shall prepare and deliver  
22 to the standing committees of the senate and house of  
23 representatives with primary jurisdiction over matters concerning  
24 correctional facilities a report concerning the statistics  
25 maintained under Subsection (a) [~~(e)~~].

26 (d) [~~(g)~~] The department [~~commission~~] shall provide a  
27 report to the parent, guardian, or designated advocate of a child

1 whose length of stay is extended under Section 245.102 [~~this~~  
2 ~~section~~] explaining the panel's reason for the extension.

3 Sec. 245.104 [~~61.0816~~]. REQUEST FOR RECONSIDERATION OF  
4 EXTENSION ORDER. (a) The board [~~commission~~] by rule shall  
5 establish a process to request the reconsideration of an extension  
6 order issued by a [~~the~~] panel [~~established~~] under Section 245.102  
7 [~~61.0815~~].

8 (b) The process to request reconsideration must provide  
9 that:

10 (1) a child, a parent, guardian, or designated  
11 advocate of a child, an employee of the department [~~commission~~], or  
12 a person who provides volunteer services at a department  
13 [~~commission~~] facility may submit a request for reconsideration of  
14 an extension order;

15 (2) the person submitting the request for  
16 reconsideration of an extension order must state in the request the  
17 reason for the request;

18 (3) after receiving a request for reconsideration of  
19 an extension order, the panel shall reconsider an extension order  
20 that:

21 (A) extends the child's stay in the custody of  
22 the department [~~commission~~] by six months or more; or

23 (B) combined with previous extension orders will  
24 result in an extension of the child's stay in the custody of the  
25 department [~~commission~~] by six months or more;

26 (4) the panel's reconsideration of an extension order  
27 includes consideration of the information submitted in the request;

1 and

2 (5) the panel shall send a written reply to the child,  
3 the parent, guardian, or designated advocate of the child, and the  
4 person who made the request for reconsideration of an extension  
5 order that includes an explanation of the panel's decision after  
6 reconsidering the extension order, including an indication that the  
7 panel has considered the information submitted in the request.

8 (c) The department [~~commission~~] shall create a form for a  
9 request for reconsideration of an extension order that is clear and  
10 easy to understand. The department [~~commission~~] shall ensure that  
11 a child may request assistance in completing a request for  
12 reconsideration of an extension order.

13 Sec. 245.105. STATISTICS AND REPORTS CONCERNING  
14 RECONSIDERATIONS OF EXTENSION ORDERS. (a) [~~(d)~~] The department  
15 [~~commission~~] shall maintain statistics of the number of requests  
16 for reconsideration of an extension order that are submitted under  
17 Section 245.104 and the action taken on reconsideration of the  
18 extension order. The statistics must include aggregated  
19 information concerning:

20 (1) the race, age, sex, specialized treatment needs,  
21 and county of origin for each child for whom a request for  
22 reconsideration of an extension order is submitted;

23 (2) whether a request for reconsideration of an  
24 extension order results in:

25 (A) a discharge or release under supervision; or

26 (B) the original extension order being upheld;

27 (3) the facility in which the child is confined; and



1 (4) if applicable, any allegations concerning the  
2 abuse, mistreatment, or neglect of the child, aggregated by the  
3 type of misconduct to which the child was subjected.

4 (b) ~~[(e)]~~ To the extent authorized under law, the  
5 statistics maintained under Subsection (a) ~~[(d)]~~ are public  
6 information under Chapter 552, Government Code, and the department  
7 ~~[commission]~~ shall post the statistics on the department's  
8 ~~[commission's]~~ Internet website.

9 (c) The department ~~[commission]~~ shall prepare and deliver  
10 to the standing committees of the senate and house of  
11 representatives with primary jurisdiction over matters concerning  
12 correctional facilities a report concerning the statistics  
13 maintained under Subsection (a) ~~[(d)]~~.

14 Sec. 245.106 ~~[61.082]~~. TRANSPORTATION, CLOTHING, MONEY.  
15 The department ~~[commission]~~ shall ensure that each child it  
16 releases under supervision has:

17 (1) suitable clothing;

18 (2) [7] transportation to his or her home or to the  
19 county in which a suitable home or employment has been found; [7]  
20 and

21 (3) money in an amount authorized by the rules of the  
22 department ~~[commission]~~.

23 SUBCHAPTER D. TERMINATION OF CONTROL

24 Sec. 245.151 ~~[61.083. CONTRACTS WITH COUNTIES. (a) The~~  
25 ~~commission may make a contract with a county to use the services of~~  
26 ~~the county's juvenile probation department for the supervision of~~  
27 ~~children within the county who are on furlough from a commission~~

1 ~~facility or who are released under supervision from a commission~~  
2 ~~facility.~~

3 ~~[(b) The payments shall be made to the county treasurer on a~~  
4 ~~quarterly schedule.~~

5 ~~[(c) The commission may not pay a county for supervision of~~  
6 ~~a child for any time after the child:~~

7 ~~[(1) is discharged from the commission's custody,~~

8 ~~[(2) is returned to a commission facility; or~~

9 ~~[(3) transfers his or her residence to another county~~  
10 ~~or state.~~

11 ~~[(d) A county that has a contract with the commission must~~  
12 ~~report to the commission on the status and progress of each child~~  
13 ~~for whom the county is receiving payments. The reports shall be~~  
14 ~~made at the time and in the manner specified by the contract.~~

15 ~~[Sec. 61.084].~~ TERMINATION OF CONTROL. (a) Except as  
16 provided by Subsections (b) and (c), if a person is committed to the  
17 department ~~[commission]~~ under a determinate sentence under Section  
18 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code,  
19 the department ~~[commission]~~ may not discharge the person from its  
20 custody.

21 (b) The department ~~[commission]~~ shall discharge without a  
22 court hearing a person committed to the department ~~[it]~~ for a  
23 determinate sentence under Section 54.04(d)(3), Section 54.04(m),  
24 or Section 54.05(f), Family Code, who has not been transferred to  
25 the Texas Department of Criminal Justice under a court order on the  
26 date that the time spent by the person in detention in connection  
27 with the committing case plus the time spent at the department

1 ~~[Texas Youth Commission]~~ under the order of commitment equals the  
2 period of the sentence.

3 (c) The department ~~[commission]~~ shall transfer to the Texas  
4 Department of Criminal Justice a person who is the subject of an  
5 order under Section 54.11(i)(2), Family Code, transferring the  
6 person to the custody of the Texas Department of Criminal Justice  
7 for the completion of the person's sentence.

8 (d) ~~[(e)]~~ Except as provided by Subsection (e) ~~[(g)]~~, the  
9 department ~~[commission]~~ shall discharge from its custody a person  
10 not already discharged on the person's 19th birthday.

11 (e) ~~[(g)]~~ The department ~~[commission]~~ shall transfer a  
12 person who has been sentenced under a determinate sentence to  
13 commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f),  
14 Family Code, or who has been returned to the department  
15 ~~[commission]~~ under Section 54.11(i)(1), Family Code, to the custody  
16 of the Texas Department of Criminal Justice on the person's 19th  
17 birthday, if the person has not already been discharged or  
18 transferred, to serve the remainder of the person's sentence on  
19 parole as provided by Section 508.156, Government Code.

20 Sec. 245.152 ~~[61.0841]~~. DETERMINATE SENTENCE PAROLE. (a)  
21 Not later than the 90th day before the date the department  
22 ~~[commission]~~ transfers a person to the custody of the Texas  
23 Department of Criminal Justice for release on parole under Section  
24 245.051(c) ~~[61.081(f)]~~ or 245.151(e) ~~[61.084(g)]~~, the department  
25 ~~[commission]~~ shall submit to the Texas Department of Criminal  
26 Justice ~~[department]~~ all pertinent information relating to the  
27 person, including:

- 1           (1) the juvenile court judgment;
- 2           (2) the circumstances of the person's offense;
- 3           (3) the person's previous social history and juvenile  
4 court records;
- 5           (4) the person's physical and mental health record;
- 6           (5) a record of the person's conduct, employment  
7 history, and attitude while committed to the department  
8 [~~commission~~];
- 9           (6) a record of the sentence time served by the person  
10 at the department [~~commission~~] and in a juvenile detention facility  
11 in connection with the conduct for which the person was  
12 adjudicated; and
- 13           (7) any written comments or information provided by  
14 the department [~~commission~~], local officials, family members of the  
15 person, victims of the offense, or the general public.
- 16           (b) The department [~~commission~~] shall provide instruction  
17 for parole officers of the Texas Department of Criminal Justice  
18 relating to juvenile programs at the department [~~commission~~]. The  
19 department [~~commission~~] and the Texas Department of Criminal  
20 Justice [~~department~~] shall enter into a memorandum of understanding  
21 relating to the administration of this subsection.
- 22           (c) The Texas Department of Criminal Justice shall grant  
23 credit for sentence time served by a person at the department  
24 [~~commission~~] and in a juvenile detention facility, as recorded by  
25 the department [~~commission~~] under Subsection (a)(6), in computing  
26 the person's eligibility for parole and discharge from the Texas  
27 Department of Criminal Justice [~~department~~].

1 SECTION 1.008. Subchapter I, Chapter 61, Human Resources  
2 Code, is transferred to Subtitle C, Title 12, Human Resources Code,  
3 as added by this Act, redesignated as Chapter 246, and amended to  
4 read as follows:

5 CHAPTER 246 [~~SUBCHAPTER I~~]. INDUSTRIES PROGRAM

6 Sec. 246.001 [~~61.121~~]. PURPOSE; IMPLEMENTATION. The  
7 purposes of the department [~~commission~~] industries program are:

8 (1) to provide adequate employment and vocational  
9 training for children; and

10 (2) to develop and expand public and private  
11 department [~~commission~~] industries.

12 Sec. 246.002 [~~61.122~~]. ADVISORY COMMITTEE. (a) A  
13 department [~~commission~~] industries advisory committee is created  
14 consisting of nine members appointed by the board [~~commission~~].

15 (b) Members serve staggered three-year terms, with the  
16 terms of three members expiring February 1 of each odd-numbered  
17 year.

18 (c) In making appointments under this section, the board  
19 [~~commission~~] shall endeavor to include representatives of  
20 industries appropriate for hiring children committed to the  
21 department [~~commission~~].

22 Sec. 246.003 [~~61.123~~]. PAY AND DISTRIBUTION OF PAY. The  
23 department [~~commission~~] shall apportion wages earned by a child  
24 working under the industries program in amounts determined at the  
25 discretion of the department [~~commission~~], in the following  
26 priority:

27 (1) a person to whom the child has been ordered by a

1 court or to whom the child has agreed to pay restitution;

2 (2) a person to whom the child has been ordered by a  
3 court to pay child support;

4 (3) the compensation to victims of crime fund or the  
5 compensation to victims of crime auxiliary fund; and

6 (4) the child's student account.

7 Sec. 246.004 [~~61.124~~]. INDUSTRIES FUND. (a) A Texas  
8 Juvenile Justice Department [~~Youth Commission~~] industries program  
9 fund is created in the state treasury.

10 (b) Proceeds from the operation of the industries program  
11 shall be deposited in the fund.

12 (c) Money from the fund may be appropriated only for use by  
13 the department [~~commission~~] for the administration of this  
14 subchapter.

15 [~~(d) Sections 403.094 and 403.095, Government Code, do not~~  
16 ~~apply to the fund.~~]

17 Sec. 246.005 [~~61.125~~]. CONTRACTS. To encourage the  
18 development and expansion of the industries program, the department  
19 [~~commission~~] may enter into necessary contracts related to the  
20 program.

21 Sec. 246.006 [~~61.126~~]. DONATIONS. The industries program  
22 may be financed through contributions donated for this purpose by  
23 private businesses contracting with the department [~~commission~~].

24 Sec. 246.007 [~~61.127~~]. GRANTS. (a) The department  
25 [~~commission~~] may accept a grant for the vocational rehabilitation  
26 of children.

27 (b) The department [~~commission~~] shall maintain a record of

1 the receipt and disbursement of a grant and shall annually report to  
2 the lieutenant governor and the speaker of the house of  
3 representatives on the administration of grant funds.

4 Sec. 246.008 [~~61.128~~]. LEASE OF LAND. (a) The department  
5 [~~commission~~] may lease land owned by the department [~~commission~~] to  
6 a private business to expand and develop the industries program.

7 (b) The term of the lease may not exceed 20 years.

8 (c) The business must lease the land at fair market value.

9 (d) The business may construct a new facility on the land or  
10 convert an existing facility.

11 Sec. 246.009 [~~Sec. 61.129. CERTIFICATION FOR FRANCHISE~~  
12 ~~CREDIT. The commission shall prepare and issue a certification~~  
13 ~~that a corporation requires for the franchise tax credit for wages~~  
14 ~~paid as provided by Subchapter M, Chapter 171, Tax Code.~~

15 [~~Sec. 61.130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A  
16 business contracting with the department [~~commission~~] may enter  
17 into an ad valorem tax abatement agreement under Subchapters B and  
18 C, Chapter 312, Tax Code, with the governing body of the  
19 municipality and county in which the business is located.

20 (b) If an area in which businesses contracting with the  
21 department [~~commission~~] under this subchapter is designated as a  
22 reinvestment zone under Chapter 312, Tax Code, the area satisfies  
23 Section 312.202(a)(6), Tax Code, in that the area would be  
24 reasonably likely as a result of the designation to contribute to  
25 the retention or expansion of primary employment or to attract  
26 major investment in the zone that would be a benefit to the property  
27 and that would contribute to the economic development of the entity

1 designating the area as a reinvestment zone.

2 SECTION 1.009. Title 12, Human Resources Code, as added by  
3 this Act, is amended by adding Subtitle D, and a heading is added to  
4 read as follows:

5 SUBTITLE D. INDEPENDENT OMBUDSMAN

6 SECTION 1.010. Chapter 64, Human Resources Code, is  
7 transferred to Subtitle D, Title 12, Human Resources Code, as added  
8 by this Act, redesignated as Chapter 261, and amended to read as  
9 follows:

10 CHAPTER 261 [~~64~~]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN

11 [~~OF THE TEXAS YOUTH COMMISSION~~]

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

14 (1) [~~"Commission" means the Texas Youth Commission.~~

15 [~~(2)~~] "Independent ombudsman" means the individual  
16 who has been appointed under this chapter to the office of  
17 independent ombudsman.

18 (2) [~~(3)~~] "Office" means the office of independent  
19 ombudsman created under this chapter.

20 Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office  
21 of independent ombudsman is [~~a state agency~~] established at the  
22 department for the purpose of investigating, evaluating, and  
23 securing the rights of the children committed to the department  
24 [~~commission~~], including a child released under supervision before  
25 final discharge.

26 Sec. 261.003 [~~64.003~~]. INDEPENDENCE. (a) The independent  
27 ombudsman in the performance of its duties and powers under this



1 chapter acts independently of the department [~~commission~~].

2 (b) Funding for the independent ombudsman is appropriated  
3 separately from funding for the department [~~commission~~].

4 SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

5 Sec. 261.051 [~~64.051~~]. APPOINTMENT OF INDEPENDENT  
6 OMBUDSMAN. (a) The governor shall appoint the independent  
7 ombudsman with the advice and consent of the senate for a term of  
8 two years, expiring February 1 of odd-numbered years.

9 (b) A person appointed as independent ombudsman is eligible  
10 for reappointment but may not serve more than three terms in that  
11 capacity.

12 Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent  
13 ombudsman may hire assistants to perform, under the direction of  
14 the independent ombudsman, the same duties and exercise the same  
15 powers as the independent ombudsman.

16 Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person  
17 may not serve as independent ombudsman or as an assistant to the  
18 independent ombudsman if the person or the person's spouse:

19 (1) is employed by or participates in the management  
20 of a business entity or other organization receiving funds from the  
21 department [~~commission~~];

22 (2) owns or controls, directly or indirectly, any  
23 interest in a business entity or other organization receiving funds  
24 from the department [~~commission~~]; or

25 (3) uses or receives any amount of tangible goods,  
26 services, or funds from the department [~~commission~~].

27 (b) A person may not serve as independent ombudsman or as an

1 assistant to the independent ombudsman if the person or the  
2 person's spouse is required to register as a lobbyist under Chapter  
3 305, Government Code, because of the person's activities for  
4 compensation on behalf of a profession related to the operation of  
5 the department [~~commission~~].

6 (c) A person may not serve as independent ombudsman or as an  
7 assistant to the independent ombudsman if the person or the  
8 person's spouse is an officer, employee, manager, or paid  
9 consultant of a Texas trade association in the field of criminal or  
10 juvenile justice.

11 (d) For the purposes of this section, a Texas trade  
12 association is a nonprofit, cooperative, and voluntarily joined  
13 association of business or professional competitors in this state  
14 designed to assist its members and its industry or profession in  
15 dealing with mutual business or professional problems and in  
16 promoting their common interest.

17 [~~Sec. 64.054. SUNSET PROVISION. (a) The office is subject~~  
18 ~~to review under Chapter 325, Government Code (Texas Sunset Act),~~  
19 ~~but is not abolished under that chapter. The office shall be~~  
20 ~~reviewed during the periods in which the Texas Youth Commission is~~  
21 ~~reviewed.~~

22 [~~(b) Notwithstanding Subsection (a), the Sunset Advisory~~  
23 ~~Commission shall focus its review of the office on compliance with~~  
24 ~~requirements placed on the office by legislation enacted by the~~  
25 ~~81st Legislature, Regular Session, 2009, that becomes law. This~~  
26 ~~subsection expires September 1, 2011.]~~

27 Sec. 261.055 [~~64.055~~]. REPORT. (a) The independent

1 ombudsman shall submit on a quarterly basis to the board, the  
2 governor, the lieutenant governor, the state auditor, and each  
3 member of the legislature a report that is both aggregated and  
4 disaggregated by individual facility and describes:

5 (1) the work of the independent ombudsman;

6 (2) the results of any review or investigation  
7 undertaken by the independent ombudsman, including reviews or  
8 investigation of services contracted by the department  
9 [~~commission~~]; and

10 (3) any recommendations that the independent  
11 ombudsman has in relation to the duties of the independent  
12 ombudsman.

13 (b) The independent ombudsman shall immediately report to  
14 the board, the governor, the lieutenant governor, the speaker of  
15 the house of representatives, the state auditor, and the office of  
16 the inspector general of the department [~~commission~~] any  
17 particularly serious or flagrant:

18 (1) case of abuse or injury of a child committed to the  
19 department [~~commission~~];

20 (2) problem concerning the administration of a  
21 department [~~commission~~] program or operation;

22 (3) problem concerning the delivery of services in a  
23 facility operated by or under contract with the department  
24 [~~commission~~]; or

25 (4) interference by the department [~~commission~~] with  
26 an investigation conducted by the office.

27 Sec. 261.056 [~~64.056~~]. COMMUNICATION AND CONFIDENTIALITY.

1 (a) The department [~~commission~~] shall allow any child committed to  
2 the department [~~commission~~] to communicate with the independent  
3 ombudsman or an assistant to the ombudsman. The communication:

4 (1) may be in person, by mail, or by any other means;  
5 and

6 (2) is confidential and privileged.

7 (b) The records of the independent ombudsman are  
8 confidential, except that the independent ombudsman shall:

9 (1) share with the office of inspector general of the  
10 department [~~commission~~] a communication with a child that may  
11 involve the abuse or neglect of the child; and

12 (2) disclose its nonprivileged records if required by  
13 a court order on a showing of good cause.

14 (c) The independent ombudsman may make reports relating to  
15 an investigation public after the investigation is complete but  
16 only if the names of all children, parents, and employees are  
17 redacted from the report and remain confidential.

18 (d) The name, address, or other personally identifiable  
19 information of a person who files a complaint with the office of  
20 independent ombudsman, information generated by the office of  
21 independent ombudsman in the course of an investigation, and  
22 confidential records obtained by the office of independent  
23 ombudsman are confidential and not subject to disclosure under  
24 Chapter 552, Government Code, except that the information and  
25 records, other than confidential information and records  
26 concerning a pending law enforcement investigation or criminal  
27 action, may be disclosed to the appropriate person if the office

1 determines that disclosure is:

- 2 (1) in the general public interest;
- 3 (2) necessary to enable the office to perform the  
4 responsibilities provided under this section; or
- 5 (3) necessary to identify, prevent, or treat the abuse  
6 or neglect of a child.

7 Sec. 261.057 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE.  
8 The independent ombudsman shall promote awareness among the public  
9 and the children committed to the department [~~commission~~] of:

- 10 (1) how the office may be contacted;
- 11 (2) the purpose of the office; and
- 12 (3) the services the office provides.

13 Sec. 261.058 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The  
14 board [~~office~~] by rule shall establish policies and procedures for  
15 the operations of the office of independent ombudsman.

16 (b) The board [~~office and the commission~~] shall adopt rules  
17 necessary to implement Section 261.060 [~~64.060~~], including rules  
18 that establish procedures for the department [~~commission~~] to review  
19 and comment on reports of the office and for the department  
20 [~~commission~~] to expedite or eliminate review of and comment on a  
21 report due to an emergency or a serious or flagrant circumstance  
22 described by Section 261.055(b) [~~64.055(b)~~].

23 [~~Sec. 64.059. AUTHORITY OF STATE AUDITOR. The office is~~  
24 ~~subject to audit by the state auditor in accordance with Chapter~~  
25 ~~321, Government Code.~~]

26 Sec. 261.060 [~~64.060~~]. REVIEW AND FORMAT OF REPORTS. (a)  
27 The office shall accept, both before and after publication,

1 comments from the board [~~commission~~] concerning the following types  
2 of reports published by the office under this chapter:

3 (1) the office's quarterly report under Section  
4 261.055(a) [~~64.055(a)~~];

5 (2) reports concerning serious or flagrant  
6 circumstances under Section 261.055(b) [~~64.055(b)~~]; and

7 (3) any other formal reports containing findings and  
8 making recommendations concerning systemic issues that affect the  
9 department [~~commission~~].

10 (b) The board [~~commission~~] may not submit comments under  
11 Subsection (a) after the 30th day after the date the report on which  
12 the board [~~commission~~] is commenting is published.

13 (c) The office shall ensure that reports described by  
14 Subsection (a) are in a format to which the board [~~commission~~] can  
15 easily respond.

16 (d) After receipt of comments under this section, the office  
17 is not obligated to change any report or change the manner in which  
18 the office performs the duties of the office.

19 [~~Sec. 64.061. COMPLAINTS. (a) The office shall maintain a~~  
20 ~~system to promptly and efficiently act on complaints filed with the~~  
21 ~~office that relate to the operations or staff of the office. The~~  
22 ~~office shall maintain information about parties to the complaint,~~  
23 ~~the subject matter of the complaint, a summary of the results of the~~  
24 ~~review or investigation of the complaint, and the disposition of~~  
25 ~~the complaint.~~

26 [~~(b) The office shall make information available describing~~  
27 ~~its procedures for complaint investigation and resolution.~~

1       ~~[(c) The office shall periodically notify the complaint~~  
2 ~~parties of the status of the complaint until final disposition.]~~

3                   SUBCHAPTER C. DUTIES AND POWERS

4       Sec. 261.101 ~~[64.101]~~. DUTIES AND POWERS.       (a)       The  
5 independent ombudsman shall:

6               (1) review the procedures established by the board  
7 ~~[commission]~~ and evaluate the delivery of services to children to  
8 ensure that the rights of children are fully observed;

9               (2) review complaints filed with the independent  
10 ombudsman concerning the actions of the department ~~[commission]~~ and  
11 investigate each complaint in which it appears that a child may be  
12 in need of assistance from the independent ombudsman;

13              (3) conduct investigations of complaints, other than  
14 complaints alleging criminal behavior, if the office determines  
15 that:

16                   (A) a child committed to the department  
17 ~~[commission]~~ or the child's family may be in need of assistance from  
18 the office; or

19                   (B) a systemic issue in the department's  
20 ~~[commission's]~~ provision of services is raised by a complaint;

21              (4) review or inspect periodically the facilities and  
22 procedures of any institution or residence in which a child has been  
23 placed by the department ~~[commission]~~, whether public or private,  
24 to ensure that the rights of children are fully observed;

25              (5) provide assistance to a child or family who the  
26 independent ombudsman determines is in need of assistance,  
27 including advocating with an agency, provider, or other person in

1 the best interests of the child;

2 (6) review court orders as necessary to fulfill its  
3 duties;

4 (7) recommend changes in any procedure relating to the  
5 treatment of children committed to the department [~~commission~~];

6 (8) make appropriate referrals under any of the duties  
7 and powers listed in this subsection; [~~and~~]

8 (9) supervise assistants who are serving as advocates  
9 in their representation of children committed to the department  
10 [~~commission~~] in internal administrative and disciplinary hearings;

11 (10) review local probation department reports  
12 received under Section 221.010 and analyze the data contained in  
13 the reports to identify trends in complaints; and

14 (11) report a possible standards violation by a local  
15 probation department to the appropriate division of the department.

16 (b) The independent ombudsman may apprise persons who are  
17 interested in a child's welfare of the rights of the child.

18 (c) To assess if a child's rights have been violated, the  
19 independent ombudsman may, in any matter that does not involve  
20 alleged criminal behavior, contact or consult with an  
21 administrator, employee, child, parent, expert, or any other  
22 individual in the course of its investigation or to secure  
23 information.

24 (d) Notwithstanding any other provision of this chapter,  
25 the independent ombudsman may not investigate alleged criminal  
26 behavior.

27 (e) Notwithstanding any other provision of this chapter,



1 the powers of the office are limited to facilities operated and  
2 services provided by the department under Subtitle C.

3       Sec. 261.102 [~~64.102~~]. TREATMENT           OF           DEPARTMENT  
4 [~~COMMISSION~~] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.  
5 The department [~~commission~~] may not discharge or in any manner  
6 discriminate or retaliate against an employee who in good faith  
7 makes a complaint to the office of independent ombudsman or  
8 cooperates with the office in an investigation.

9       Sec. 261.103 [~~64.103~~]. TRAINING.           The       independent  
10 ombudsman shall attend annual sessions, including the training  
11 curriculum for juvenile correctional officers required under  
12 Section 242.012 [~~61.0356~~], and may participate in other appropriate  
13 professional training.

14       Sec. 261.104 [~~64.104~~]. MEMORANDUM OF UNDERSTANDING. (a)  
15 The office and the department [~~commission~~] shall enter into a  
16 memorandum of understanding concerning:

17           (1) the most efficient manner in which to share  
18 information with one another; and

19           (2) the procedures for handling overlapping  
20 monitoring duties and activities performed by the office and the  
21 department [~~commission~~].

22       (b) The memorandum of understanding entered into under  
23 Subsection (a), at a minimum, must:

24           (1) address the interaction of the office with that  
25 portion of the department [~~commission~~] that conducts an internal  
26 audit under Section 203.013 [~~61.0331~~];

27           (2) address communication between the office and the

1 department [~~commission~~] concerning individual situations involving  
2 children committed to the department [~~commission~~] and how those  
3 situations will be documented and handled;

4 (3) contain guidelines on the office's role in  
5 relevant working groups and policy development decisions at the  
6 department [~~commission~~];

7 (4) ensure opportunities for sharing information  
8 between the office and the department [~~commission~~] for the purposes  
9 of assuring quality and improving programming within the department  
10 [~~commission~~]; and

11 (5) preserve the independence of the office by  
12 authorizing the office to withhold information concerning matters  
13 under active investigation by the office from the department  
14 [~~commission~~] and department [~~commission~~] staff and to report the  
15 information to the board and the governor.

16 SUBCHAPTER D. ACCESS TO INFORMATION

17 Sec. 261.151 [~~64.151~~]. ACCESS TO INFORMATION OF  
18 GOVERNMENTAL ENTITIES. (a) The [~~commission shall allow the~~]  
19 independent ombudsman has access to the department's [~~its~~] records  
20 relating to the children committed to the department [~~commission~~].

21 (b) The Department of Public Safety shall allow the  
22 independent ombudsman access to the juvenile justice information  
23 system established under Subchapter B, Chapter 58, Family Code.

24 (c) A local law enforcement agency shall allow the  
25 independent ombudsman access to its records relating to any child  
26 in the care or custody of the department [~~commission~~].

27 Sec. 261.152 [~~64.152~~]. ACCESS TO INFORMATION OF PRIVATE

1 ENTITIES. The independent ombudsman shall have access to the  
2 records of a private entity that relate to a child committed to the  
3 department [~~commission~~].

4 SECTION 1.011. Section 61.020(a), Human Resources Code, is  
5 amended to read as follows:

6 (a) The Texas Youth Commission [~~is subject to Chapter 325,~~  
7 ~~Government Code (Texas Sunset Act). Unless continued in existence~~  
8 ~~as provided by that chapter, the commission~~] is abolished on  
9 December [~~and this chapter expires September~~] 1, 2011.

10 SECTION 1.012. Section 141.012(a), Human Resources Code, is  
11 amended to read as follows:

12 (a) The Texas Juvenile Probation Commission [~~is subject to~~  
13 ~~Chapter 325, Government Code (Texas Sunset Act). Unless continued~~  
14 ~~in existence as provided by that chapter, the commission~~] is  
15 abolished on December [~~and this chapter expires September~~] 1, 2011.

16 ARTICLE 2. MISCELLANEOUS PROVISIONS

17 SECTION 2.001. Section 51.126, Family Code, is amended by  
18 amending Subsections (b), (c), (d), and (e) and adding Subsection  
19 (f) to read as follows:

20 (b) In each county, each judge of the juvenile court and a  
21 majority of the members of the juvenile board shall personally  
22 inspect, at least annually, all nonsecure correctional facilities  
23 that are located in the county and shall certify in writing to the  
24 authorities responsible for operating and giving financial support  
25 to the facilities and to the Texas Juvenile Justice Department  
26 [~~Probation Commission~~] that the facility or facilities are suitable  
27 or unsuitable for the confinement of children. In determining

1 whether a facility is suitable or unsuitable for the confinement of  
2 children, the juvenile court judges and juvenile board members  
3 shall consider:

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

9 (2) the other factors described under Sections  
10 51.12(c)(2)-(7).

11 (c) The Texas Juvenile Justice Department [~~Probation~~  
12 ~~Commission~~] shall annually inspect each nonsecure correctional  
13 facility. The Texas Juvenile Justice Department [~~Probation~~  
14 ~~Commission~~] shall provide a report to each juvenile court judge  
15 presiding in the same county as an inspected facility indicating  
16 whether the facility is suitable or unsuitable for the confinement  
17 of children in accordance with minimum professional standards for  
18 the confinement of children in nonsecure confinement promulgated by  
19 the Texas Juvenile Justice Department [~~Probation Commission~~] or, at  
20 the election of the juvenile board of the county in which the  
21 facility is located, the current standards promulgated by the  
22 American Correctional Association.

23 (d) A governmental unit or private entity that operates or  
24 contracts for the operation of a juvenile nonsecure correctional  
25 facility in this state under Subsection (a), except for a facility  
26 operated by or under contract with the Texas Juvenile Justice  
27 Department [~~Texas Youth Commission~~], shall:

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

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

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

9 (1) adhere to all applicable minimum standards for the  
10 facility; or

11 (2) timely correct any notice of noncompliance with  
12 minimum standards.

13 (f) In this section, "Texas Juvenile Justice Department"  
14 means the Texas Juvenile Probation Commission. This subsection  
15 expires December 1, 2011.

16 SECTION 2.002. Section 58.102, Family Code, is amended by  
17 adding Subsection (f) to read as follows:

18 (f) Subchapter L, Chapter 2054, Government Code, does not  
19 apply to the juvenile justice information system.

20 SECTION 2.003. Section 614.017(c)(1), Health and Safety  
21 Code, is amended to read as follows:

22 (1) "Agency" includes any of the following entities  
23 and individuals, a person with an agency relationship with one of  
24 the following entities or individuals, and a person who contracts  
25 with one or more of the following entities or individuals:

26 (A) the Texas Department of Criminal Justice and  
27 the Correctional Managed Health Care Committee;

- 1 (B) the Board of Pardons and Paroles;
- 2 (C) the Department of State Health Services;
- 3 (D) the Texas Juvenile Justice Department
- 4 [~~Probation Commission~~];
- 5 (E) [~~the Texas Youth Commission~~];
- 6 [~~(F)~~] the Department of Assistive and
- 7 Rehabilitative Services;
- 8 (F) [~~(G)~~] the Texas Education Agency;
- 9 (G) [~~(H)~~] the Commission on Jail Standards;
- 10 (H) [~~(I)~~] the Department of Aging and Disability
- 11 Services;
- 12 (I) [~~(J)~~] the Texas School for the Blind and
- 13 Visually Impaired;
- 14 (J) [~~(K)~~] community supervision and corrections
- 15 departments and local juvenile probation departments;
- 16 (K) [~~(L)~~] personal bond pretrial release offices
- 17 established under Article 17.42, Code of Criminal Procedure;
- 18 (L) [~~(M)~~] local jails regulated by the
- 19 Commission on Jail Standards;
- 20 (M) [~~(N)~~] a municipal or county health
- 21 department;
- 22 (N) [~~(O)~~] a hospital district;
- 23 (O) [~~(P)~~] a judge of this state with jurisdiction
- 24 over juvenile or criminal cases;
- 25 (P) [~~(Q)~~] an attorney who is appointed or
- 26 retained to represent a special needs offender or a juvenile with a
- 27 mental impairment;

1            (Q) [~~(R)~~] the Health and Human Services  
2 Commission;

3            (R) [~~(S)~~] the Department of Information  
4 Resources;

5            (S) [~~(T)~~] the bureau of identification and  
6 records of the Department of Public Safety, for the sole purpose of  
7 providing real-time, contemporaneous identification of individuals  
8 in the Department of State Health Services client data base; and

9            (T) [~~(U)~~] the Department of Family and  
10 Protective Services.

11            SECTION 2.004. Sections 614.018(a) and (b), Health and  
12 Safety Code, are amended to read as follows:

13            (a) The Texas Juvenile Justice Department [~~Probation~~  
14 ~~Commission, the Texas Youth Commission~~], the Department of Public  
15 Safety, the Department of State Health Services, the Department of  
16 Aging and Disability Services, the Department of Family and  
17 Protective Services, the Texas Education Agency, and local juvenile  
18 probation departments shall adopt a memorandum of understanding  
19 that establishes their respective responsibilities to institute a  
20 continuity of care and service program for juveniles with mental  
21 impairments in the juvenile justice system. The Texas Correctional  
22 Office on Offenders with Medical and Mental Impairments shall  
23 coordinate and monitor the development and implementation of the  
24 memorandum of understanding.

25            (b) The memorandum of understanding must establish methods  
26 for:

27            (1) identifying juveniles with mental impairments in

1 the juvenile justice system and collecting and reporting relevant  
2 data to the office;

3 (2) developing interagency rules, policies, and  
4 procedures for the coordination of care of and the exchange of  
5 information on juveniles with mental impairments who are committed  
6 to or treated, served, or supervised by the [~~Texas Youth~~  
7 ~~Commission, the~~] Texas Juvenile Justice Department [~~Probation~~  
8 ~~Commission~~], the Department of Public Safety, the Department of  
9 State Health Services, the Department of Family and Protective  
10 Services, the Department of Aging and Disability Services, the  
11 Texas Education Agency, local juvenile probation departments,  
12 local mental health or mental retardation authorities, and  
13 independent school districts; and

14 (3) identifying the services needed by juveniles with  
15 mental impairments in the juvenile justice system.

16 ARTICLE 3. CONFORMING AMENDMENTS

17 SECTION 3.001. Article 2.12, Code of Criminal Procedure, is  
18 amended to read as follows:

19 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
20 officers:

21 (1) sheriffs, their deputies, and those reserve  
22 deputies who hold a permanent peace officer license issued under  
23 Chapter 1701, Occupations Code;

24 (2) constables, deputy constables, and those reserve  
25 deputy constables who hold a permanent peace officer license issued  
26 under Chapter 1701, Occupations Code;

27 (3) marshals or police officers of an incorporated



1 city, town, or village, and those reserve municipal police officers  
2 who hold a permanent peace officer license issued under Chapter  
3 1701, Occupations Code;

4 (4) rangers and officers commissioned by the Public  
5 Safety Commission and the Director of the Department of Public  
6 Safety;

7 (5) investigators of the district attorneys', criminal  
8 district attorneys', and county attorneys' offices;

9 (6) law enforcement agents of the Texas Alcoholic  
10 Beverage Commission;

11 (7) each member of an arson investigating unit  
12 commissioned by a city, a county, or the state;

13 (8) officers commissioned under Section 37.081,  
14 Education Code, or Subchapter E, Chapter 51, Education Code;

15 (9) officers commissioned by the General Services  
16 Commission;

17 (10) law enforcement officers commissioned by the  
18 Parks and Wildlife Commission;

19 (11) airport police officers commissioned by a city  
20 with a population of more than 1.18 million that operates an airport  
21 that serves commercial air carriers;

22 (12) airport security personnel commissioned as peace  
23 officers by the governing body of any political subdivision of this  
24 state, other than a city described by Subdivision (11), that  
25 operates an airport that serves commercial air carriers;

26 (13) municipal park and recreational patrolmen and  
27 security officers;

- 1           (14) security officers and investigators commissioned  
2 as peace officers by the comptroller;
- 3           (15) officers commissioned by a water control and  
4 improvement district under Section 49.216, Water Code;
- 5           (16) officers commissioned by a board of trustees  
6 under Chapter 54, Transportation Code;
- 7           (17) investigators commissioned by the Texas Medical  
8 Board;
- 9           (18) officers commissioned by the board of managers of  
10 the Dallas County Hospital District, the Tarrant County Hospital  
11 District, or the Bexar County Hospital District under Section  
12 281.057, Health and Safety Code;
- 13           (19) county park rangers commissioned under  
14 Subchapter E, Chapter 351, Local Government Code;
- 15           (20) investigators employed by the Texas Racing  
16 Commission;
- 17           (21) officers commissioned under Chapter 554,  
18 Occupations Code;
- 19           (22) officers commissioned by the governing body of a  
20 metropolitan rapid transit authority under Section 451.108,  
21 Transportation Code, or by a regional transportation authority  
22 under Section 452.110, Transportation Code;
- 23           (23) investigators commissioned by the attorney  
24 general under Section 402.009, Government Code;
- 25           (24) security officers and investigators commissioned  
26 as peace officers under Chapter 466, Government Code;
- 27           (25) an officer employed by the Department of State

- 1 Health Services under Section 431.2471, Health and Safety Code;
- 2 (26) officers appointed by an appellate court under
- 3 Subchapter F, Chapter 53, Government Code;
- 4 (27) officers commissioned by the state fire marshal
- 5 under Chapter 417, Government Code;
- 6 (28) an investigator commissioned by the commissioner
- 7 of insurance under Section 701.104, Insurance Code;
- 8 (29) apprehension specialists and inspectors general
- 9 commissioned by the Texas Juvenile Justice Department [~~Texas Youth~~
- 10 ~~Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451~~
- 11 ~~and 61.0931~~], Human Resources Code;
- 12 (30) officers appointed by the inspector general of
- 13 the Texas Department of Criminal Justice under Section 493.019,
- 14 Government Code;
- 15 (31) investigators commissioned by the Commission on
- 16 Law Enforcement Officer Standards and Education under Section
- 17 1701.160, Occupations Code;
- 18 (32) commission investigators commissioned by the
- 19 Texas Private Security Board under Section 1702.061(f),
- 20 Occupations Code;
- 21 (33) the fire marshal and any officers, inspectors, or
- 22 investigators commissioned by an emergency services district under
- 23 Chapter 775, Health and Safety Code;
- 24 (34) officers commissioned by the State Board of
- 25 Dental Examiners under Section 254.013, Occupations Code, subject
- 26 to the limitations imposed by that section;
- 27 (35) investigators commissioned by the Texas Juvenile

1 Justice Department [~~Probation Commission~~] as officers under  
2 Section 221.011 [~~141.055~~], Human Resources Code; and

3 (36) the fire marshal and any related officers,  
4 inspectors, or investigators commissioned by a county under  
5 Subchapter B, Chapter 352, Local Government Code.

6 SECTION 3.002. Section 5(d), Article 18.20, Code of  
7 Criminal Procedure, is amended to read as follows:

8 (d) The Texas Juvenile Justice Department [~~Youth~~  
9 ~~Commission~~] may own electronic, mechanical, or other devices for a  
10 use or purpose authorized by Section 242.104 [~~61.0455~~], Human  
11 Resources Code, and the inspector general of the Texas Juvenile  
12 Justice Department [~~Youth Commission~~], a commissioned officer of  
13 that office, or another person acting in the presence and under the  
14 direction of a commissioned officer of that office may possess,  
15 install, operate, or monitor those devices as provided by Section  
16 242.104 [~~61.0455~~].

17 SECTION 3.003. Section 29.012(e), Education Code, is  
18 amended to read as follows:

19 (e) This section does not apply to a residential treatment  
20 facility for juveniles established under Section 221.056  
21 [~~141.059~~], Human Resources Code.

22 SECTION 3.004. Section 51.13(c), Family Code, is amended to  
23 read as follows:

24 (c) A child may not be committed or transferred to a penal  
25 institution or other facility used primarily for the execution of  
26 sentences of persons convicted of crime, except:

27 (1) for temporary detention in a jail or lockup

1 pending juvenile court hearing or disposition under conditions  
2 meeting the requirements of Section 51.12 of this code;

3 (2) after transfer for prosecution in criminal court  
4 under Section 54.02 of this code; or

5 (3) after transfer from the Texas Juvenile Justice  
6 Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~],  
7 Human Resources Code.

8 SECTION 3.005. Section 51.21(a), Family Code, is amended to  
9 read as follows:

10 (a) A probation department that administers the mental  
11 health screening instrument or clinical assessment required by  
12 Section 221.003 [~~141.042(e)~~], Human Resources Code, shall refer the  
13 child to the local mental health authority for assessment and  
14 evaluation if:

15 (1) the child's scores on the screening instrument or  
16 clinical assessment indicate a need for further mental health  
17 assessment and evaluation; and

18 (2) the department and child do not have access to an  
19 internal, contract, or private mental health professional.

20 SECTION 3.006. Section 53.045(d), Family Code, is amended  
21 to read as follows:

22 (d) If the grand jury approves of the petition, the fact of  
23 approval shall be certified to the juvenile court, and the  
24 certification shall be entered in the record of the case. For the  
25 purpose of the transfer of a child to the Texas Department of  
26 Criminal Justice as provided by Section 245.151(c) [~~61.084(e)~~],  
27 Human Resources Code, a juvenile court petition approved by a grand

1 jury under this section is an indictment presented by the grand  
2 jury.

3 SECTION 3.007. Sections 54.11(a), (h), (i), and (j), Family  
4 Code, are amended to read as follows:

5 (a) On receipt of a referral under Section 244.014(a)  
6 [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas  
7 Department of Criminal Justice of a person committed to the Texas  
8 Juvenile Justice Department [~~Youth Commission~~] under Section  
9 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by  
10 the Texas Juvenile Justice Department [~~commission~~] under Section  
11 245.051(d) [~~61.081(g)~~], Human Resources Code, for approval of the  
12 release under supervision of a person committed to the Texas  
13 Juvenile Justice Department [~~commission~~] under Section  
14 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and  
15 place for a hearing on the release of the person.

16 (h) The hearing on a person who is referred for transfer  
17 under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall  
18 be held not later than the 60th day after the date the court  
19 receives the referral.

20 (i) On conclusion of the hearing on a person who is referred  
21 for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources  
22 Code, the court may order:

23 (1) the return of the person to the Texas Juvenile  
24 Justice Department [~~Youth Commission~~]; or

25 (2) the transfer of the person to the custody of the  
26 Texas Department of Criminal Justice for the completion of the  
27 person's sentence.

1 (j) On conclusion of the hearing on a person who is referred  
2 for release under supervision under Section 245.051(c)  
3 [~~61.081(f)~~], Human Resources Code, the court may order the return  
4 of the person to the Texas Juvenile Justice Department [~~Youth~~  
5 ~~Commission~~]:

6 (1) with approval for the release of the person under  
7 supervision; or

8 (2) without approval for the release of the person  
9 under supervision.

10 SECTION 3.008. Section 58.003(g-1), Family Code, is amended  
11 to read as follows:

12 (g-1) Any records collected or maintained by the Texas  
13 Juvenile Justice Department [~~Probation Commission~~], including  
14 statistical data submitted under Section 221.007 [~~141.044~~], Human  
15 Resources Code, are not subject to a sealing order issued under this  
16 section.

17 SECTION 3.009. Section 58.0072(b), Family Code, is amended  
18 to read as follows:

19 (b) Juvenile justice information consists of information of  
20 the type described by Section 58.104, including statistical data in  
21 any form or medium collected, maintained, or submitted to the Texas  
22 Juvenile Justice Department [~~Probation Commission~~] under Section  
23 221.007 [~~141.044~~], Human Resources Code.

24 SECTION 3.010. Section 41.310(b), Government Code, is  
25 amended to read as follows:

26 (b) In addition to the duties prescribed by Subsection (a),  
27 the counsellor shall on a quarterly basis provide the board of

1 directors and the standing committees of the senate and house of  
2 representatives with primary jurisdiction over matters concerning  
3 correctional facilities with a report concerning offenses or  
4 delinquent conduct prosecuted by the unit on receiving a request  
5 for assistance under Section 241.007 [~~61.098~~], Human Resources  
6 Code, or a request for assistance otherwise from a prosecuting  
7 attorney. A report under this subsection is public information  
8 under Chapter 552, Government Code, and the board of directors  
9 shall request that the commission publish the report on the  
10 commission's Internet website. A report must be both aggregated  
11 and disaggregated by individual facility and include information  
12 relating to:

13 (1) the number of requests for assistance received  
14 under Section 241.007 [~~61.098~~], Human Resources Code, and requests  
15 for assistance otherwise received from prosecuting attorneys;

16 (2) the number of cases investigated and the number of  
17 cases prosecuted;

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

21 (4) the relationship of a victim to a perpetrator, if  
22 applicable.

23 SECTION 3.011. Section 411.1141(a), Government Code, is  
24 amended to read as follows:

25 (a) The Texas Juvenile Justice Department [~~Youth~~  
26 ~~Commission~~] is entitled to obtain from the department criminal  
27 history record information maintained by the department that



1 relates to a person described by Section 242.013(b) [~~61.0357(b)~~],  
2 Human Resources Code.

3 SECTION 3.012. Section 493.017(d), Government Code, is  
4 amended to read as follows:

5 (d) A sex offender correction program that provides  
6 counseling sessions for a child who is released under supervision  
7 under Section 245.053 [~~61.0813~~], Human Resources Code, shall report  
8 to the Texas Juvenile Justice Department [~~Youth Commission~~], not  
9 later than the 15th day of each month, the following information  
10 about the child:

11 (1) the total number of counseling sessions attended  
12 by the child during the preceding month; and

13 (2) if during the preceding month the child terminates  
14 participation in the program before completing counseling, the  
15 reason for the child's termination of counseling or that the reason  
16 for the termination of counseling is unknown.

17 SECTION 3.013. Section 499.053, Government Code, is amended  
18 to read as follows:

19 Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE  
20 DEPARTMENT [~~YOUTH COMMISSION~~]. (a) The department [~~institutional~~  
21 ~~division~~] shall accept persons transferred to the department  
22 [~~division~~] from the Texas Juvenile Justice Department [~~Youth~~  
23 ~~Commission~~] under Section 245.151 [~~61.084~~], Human Resources Code.

24 (b) A person transferred to the department [~~institutional~~  
25 ~~division~~] from the Texas Juvenile Justice Department [~~Youth~~  
26 ~~Commission~~] is entitled to credit on the person's sentence for the  
27 time served in the custody of the Texas Juvenile Justice Department

1 ~~[youth commission]~~.

2 (c) All laws relating to good conduct time and eligibility  
3 for release on parole or mandatory supervision apply to a person  
4 transferred to the department ~~[institutional division]~~ by the Texas  
5 Juvenile Justice Department ~~[youth commission]~~ as if the time the  
6 person was detained in a detention facility and the time the person  
7 served in the custody of the Texas Juvenile Justice Department  
8 ~~[youth commission]~~ was time served in the custody of the department  
9 ~~[division]~~.

10 (d) A person transferred from the Texas Juvenile Justice  
11 Department ~~[Youth Commission]~~ for the offense of capital murder  
12 shall become eligible for parole as provided in Section 508.145(d)  
13 for an offense listed in Section 3g, Article 42.12, Code of Criminal  
14 Procedure, or an offense for which a deadly weapon finding has been  
15 made.

16 SECTION 3.014. Section 508.156(a), Government Code, is  
17 amended to read as follows:

18 (a) Before the release of a person who is transferred under  
19 Section 245.051(c) ~~[61.081(f)]~~ or 245.151(e) ~~[61.084(g)]~~, Human  
20 Resources Code, to the department ~~[division]~~ for release on parole,  
21 a parole panel shall review the person's records and may interview  
22 the person or any other person the panel considers necessary to  
23 determine the conditions of parole. The panel may impose any  
24 reasonable condition of parole on the person that the panel may  
25 impose on an adult inmate under this chapter.

26 SECTION 3.015. Section 614.019(c), Health and Safety Code,  
27 is amended to read as follows:

1 (c) A child with mental illness or mental retardation who is  
2 discharged from the Texas Juvenile Justice Department [~~Youth~~  
3 ~~Commission~~] under Section 244.011 [~~61.077~~], Human Resources Code,  
4 may receive continuity of care services from the office for a  
5 minimum of 90 days after discharge from the commission and for as  
6 long as necessary for the child to demonstrate sufficient stability  
7 to transition successfully to mental health or mental retardation  
8 services provided by a local mental health or mental retardation  
9 authority.

10 SECTION 3.016. Section 152.0007(b), Human Resources Code,  
11 is amended to read as follows:

12 (b) The board may establish guidelines for the initial  
13 assessment of a child by the juvenile probation department. The  
14 guidelines shall provide a means for assessing a child's mental  
15 health status, family background, and level of education. The  
16 guidelines shall assist the probation department in determining  
17 whether a comprehensive psychological evaluation of the child  
18 should be conducted. The board shall require that probation  
19 department personnel use assessment information compiled by the  
20 child's school, if the information is available, before conducting  
21 a comprehensive psychological evaluation of the child. The board  
22 may adopt all or part of the Texas Juvenile Justice Department's  
23 [~~Juvenile Probation Commission's~~] minimum standards for assessment  
24 under Section 221.002 [~~141.042~~] in complying with this subsection.

25 SECTION 3.017. Section 152.0011, Human Resources Code, is  
26 amended to read as follows:

27 Sec. 152.0011. LOCAL YOUTH BOOT CAMPS; CONTRACTS WITH

1 PRIVATE VENDORS. (a) The juvenile board or local juvenile  
2 probation department may establish a youth boot camp and employ  
3 necessary personnel to operate the camp.

4 (b) The juvenile board or local juvenile probation  
5 department may contract with a private vendor for the financing,  
6 construction, operation, maintenance, or management of a youth boot  
7 camp [~~in the same manner as the state. The juvenile board may not~~  
8 ~~award a contract under this subsection unless the board requests~~  
9 ~~proposals and receives a proposal that meets or exceeds, in~~  
10 ~~addition to requirements specified in the request for proposals,~~  
11 ~~the requirements specified in Section 141.0434.~~

12 [~~(c) A juvenile board youth boot camp must offer a program~~  
13 ~~that complies with the requirements of the youth boot camps set~~  
14 ~~forth in Section 141.0432].~~

15 (c) [~~(d)~~] If a juvenile board or its designee determines  
16 that a child is not complying with the rules of conduct promulgated  
17 by the board [~~commission~~] or is medically or psychologically  
18 unsuitable for the program, the board shall terminate the child's  
19 participation in the program and request the sentencing court to  
20 reassume custody of the child.

21 SECTION 3.018. Section 152.0301(f), Human Resources Code,  
22 is amended to read as follows:

23 (f) The juvenile board shall ensure that the chief juvenile  
24 officer and fiscal officer:

25 (1) keep the financial and statistical records and  
26 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
27 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

1           (2) submit periodic financial and statistical reports  
2 to the county commissioners court.

3           SECTION 3.019. Section 152.0791(g), Human Resources Code,  
4 is amended to read as follows:

5           (g) The juvenile board shall ensure that the chief juvenile  
6 officer and fiscal officer:

7           (1) keep the financial and statistical records and  
8 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
9 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

10           (2) submit periodic financial and statistical reports  
11 to the commissioners courts.

12           SECTION 3.020. Section 152.1371(f), Human Resources Code,  
13 is amended to read as follows:

14           (f) The juvenile board shall ensure that the chief juvenile  
15 officer and fiscal officer:

16           (1) keep the financial and statistical records and  
17 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
18 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

19           (2) submit periodic financial and statistical reports  
20 to the county commissioners court.

21           SECTION 3.021. Section 152.1431(f), Human Resources Code,  
22 is amended to read as follows:

23           (f) The juvenile board shall ensure that the chief juvenile  
24 officer and fiscal officer:

25           (1) keep the financial and statistical records and  
26 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
27 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

1           (2) submit periodic financial and statistical reports  
2 to the county commissioners court.

3           SECTION 3.022. Section 152.2511(f), Human Resources Code,  
4 is amended to read as follows:

5           (f) The juvenile board shall ensure that the chief juvenile  
6 officer and fiscal officer:

7           (1) keep the financial and statistical records and  
8 submit reports to the Texas Juvenile Justice Department [~~Probation~~  
9 ~~Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

10           (2) submit periodic financial and statistical reports  
11 to the county commissioners court.

12           SECTION 3.023. Section 16.02(e-1), Penal Code, is amended  
13 to read as follows:

14           (e-1) It is a defense to prosecution under Subsection (d)(1)  
15 that the electronic, mechanical, or other device is possessed by a  
16 person authorized to possess the device under Section 500.008,  
17 Government Code, or Section 242.104 [~~61.0455~~], Human Resources  
18 Code.

19           ARTICLE 4. TRANSITION AND EFFECTIVE DATE

20           SECTION 4.001. (a) Effective December 1, 2011, Subchapters  
21 A, B, and H, Chapter 61, Human Resources Code, and Subchapters A and  
22 B, Chapter 141, Human Resources Code, are repealed.

23           (b) Effective December 1, 2011, the Texas Youth Commission  
24 and the Texas Juvenile Probation Commission are abolished and the  
25 powers and duties of those agencies are transferred to the Texas  
26 Juvenile Justice Board and the Texas Juvenile Justice Department in  
27 accordance with Title 12, Human Resources Code, as added by this

1 Act.

2 SECTION 4.002. (a) Not later than December 1, 2011, the  
3 governor shall appoint the initial members of the Texas Juvenile  
4 Justice Board under Section 202.001, Human Resources Code, as added  
5 by this Act. The governor shall appoint:

- 6 (1) four members whose terms expire February 1, 2013;  
7 (2) four members whose terms expire February 1, 2015;  
8 and  
9 (3) three members whose terms expire February 1, 2017.

10 (b) The initial members of the Advisory Council on Juvenile  
11 Services shall be appointed as provided by Section 203.0081, Human  
12 Resources Code, as added by this Act, not later than December 1,  
13 2011. At the first advisory council meeting, the members, other  
14 than the ex officio members, shall draw lots to determine the length  
15 of each member's initial term and which members' terms expire each  
16 year.

17 SECTION 4.003. (a) All money, records, property, and  
18 equipment in the possession of the Texas Youth Commission or the  
19 Texas Juvenile Probation Commission on December 1, 2011, shall be  
20 transferred to the possession of the Texas Juvenile Justice  
21 Department on December 1, 2011, or as soon as possible after that  
22 date.

23 (b) Effective December 1, 2011, a rule adopted by the Texas  
24 Youth Commission or the Texas Juvenile Probation Commission is a  
25 rule of the Texas Juvenile Justice Department until and unless the  
26 Texas Juvenile Justice Board amends or repeals the rule.

27 (c) Effective December 1, 2011, a memorandum of

1 understanding entered into by the Texas Youth Commission or the  
2 Texas Juvenile Probation Commission is binding against the Texas  
3 Juvenile Justice Department to the same extent that the memorandum  
4 bound the agency that entered into the memorandum of understanding,  
5 until and unless the department enters into a new memorandum of  
6 understanding that modifies the department's responsibilities.

7 SECTION 4.004. As soon as practicable after September 1,  
8 2011, the Texas Juvenile Justice Department shall establish the  
9 toll-free number for complaints, as required under Section 203.015,  
10 Human Resources Code, as added by this Act.

11 SECTION 4.005. Unless another provision of this Act  
12 specifically provides otherwise, the Texas Youth Commission and the  
13 Texas Juvenile Probation Commission, as applicable, shall  
14 implement each change in law made by this Act, including adopting  
15 any necessary or required rule, not later than December 1, 2011.

16 SECTION 4.006. (a) The validity of a disposition of a child  
17 under Title 3, Family Code, made before, on, or after the effective  
18 date of this Act is not affected solely because:

19 (1) the terms of the disposition refer to the Texas  
20 Youth Commission or the Texas Juvenile Probation Commission; and

21 (2) during the time for which the disposition is in  
22 effect, the Texas Youth Commission and the Texas Juvenile Probation  
23 Commission cease to exist and their powers and duties are  
24 transferred, as provided by this Act, to the Texas Juvenile Justice  
25 Department.

26 (b) The action of a juvenile probation department taken in  
27 relation to a child before, on, or after the effective date of this



1 Act is not affected solely because:

2 (1) the terms of the action refer to the Texas Youth  
3 Commission or the Texas Juvenile Probation Commission; and

4 (2) during the time for which the action is in effect,  
5 the Texas Youth Commission and the Texas Juvenile Probation  
6 Commission cease to exist and their powers and duties are  
7 transferred, as provided by this Act, to the Texas Juvenile Justice  
8 Department.

9 (c) The changes in law made by this Act to Title 3, Family  
10 Code, are not substantive in nature and apply to conduct by a child  
11 that occurs before, on, or after the effective date of this Act.

12 (d) The disposition of an individual 10 years of age or  
13 older and under 21 years of age who was committed to the Texas Youth  
14 Commission under Title 3, Family Code, before June 8, 2007, is not  
15 affected by Section 201.001(a)(2), Human Resources Code, as added  
16 by this Act.

17 SECTION 4.007. (a) This section applies only to a closed  
18 facility on real property owned by the Texas Youth Commission or the  
19 Texas Juvenile Justice Department that is located wholly or partly  
20 in a county that has a population of less than 100,000.

21 (b) The Texas Youth Commission or the Texas Juvenile Justice  
22 Department may transfer a closed facility to the county or  
23 municipality in which the facility is located.

24 (c) The consideration for the transfer authorized by  
25 Subsection (b) of this section is the requirement that the county or  
26 municipality use the property transferred only for a purpose that  
27 benefits the public interest of the state. If the county or

1 municipality no longer uses the property for a public purpose,  
2 ownership of the property automatically reverts to the Texas  
3 Juvenile Justice Department.

4 (d) The Texas Youth Commission or the Texas Juvenile Justice  
5 Department shall transfer the property by an appropriate instrument  
6 of transfer, executed on the agency's behalf by the commissioner of  
7 the General Land Office. The instrument of transfer must:

8 (1) provide that:

9 (A) the transferee shall use the property only  
10 for a purpose that benefits the public interest of the state; and

11 (B) ownership of the property will automatically  
12 revert to the Texas Juvenile Justice Department if the transferee  
13 uses the property for any purpose other than a purpose that benefits  
14 the interest of the state;

15 (2) describe the property to be transferred by metes  
16 and bounds; and

17 (3) exclude from the transfer all mineral interests in  
18 and under the property and prohibit any exploration, drilling, or  
19 other similar intrusion on the property related to mineral  
20 interests.

21 (e) The Texas Juvenile Justice Department shall retain  
22 custody of the instrument of transfer after the instrument of  
23 transfer is filed in the real property records of the county in  
24 which the property is located.

25 (f) This section expires September 1, 2017.

26 SECTION 4.008. This Act takes effect September 1, 2011.