

BILL ANALYSIS

C.S.H.B. 3164
By: Moody
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the different standards applicable to juvenile justice facilities and programs and substance abuse facilities and programs present compliance problems for facilities and programs that provide both juvenile justice and substance abuse services. C.S.H.B. 3164 seeks to resolve this issue by requiring the Texas Juvenile Justice Board to set minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3164 amends the Human Resources Code to require the Texas Juvenile Justice Board to adopt reasonable rules that provide minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs, as those terms are defined by certain Family Code provisions. The bill expressly does not require a substance abuse facility or program operating under such standards to be licensed or otherwise approved by any other state or local agency.

C.S.H.B. 3164 amends the Health and Safety Code to exempt a juvenile justice facility and juvenile justice program as defined by those Family Code provisions from statutory provisions governing the regulation of chemical dependency treatment facilities.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3164 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 221.002, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

- (a) The board shall adopt reasonable rules that provide:
 - (1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;
 - (2) a code of ethics for probation and detention officers and for the enforcement of that code;
 - (3) appropriate educational, preservice and in-service training, and certification standards for probation and detention officers or court-supervised community-

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 464.003, Health and Safety Code, is amended to read as follows: Sec. 464.003. EXEMPTIONS. This subchapter does not apply to:

- (1) a facility maintained or operated by the federal government;
- (2) a facility directly operated by the state;
- (3) a facility licensed by the department under Chapter 241, 243, 248, 466, or 577;
- (4) an educational program for intoxicated drivers;
- (5) the individual office of a private, licensed health care practitioner who personally renders private individual or group services within the scope of the practitioner's license and in the practitioner's office;
- (6) an individual who personally provides counseling or support services to a person with a chemical dependency but does not offer or purport to offer a chemical dependency treatment program; ~~[or]~~
- (7) a 12-step or similar self-help chemical dependency recovery program:
 - (A) that does not offer or purport to offer a chemical dependency treatment program;
 - (B) that does not charge program participants; and
 - (C) in which program participants may maintain anonymity; or
- (8) a juvenile justice facility or juvenile justice program, as defined by Section 261.405, Family Code.

SECTION 2. Section 221.002, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

- (a) The board shall adopt reasonable rules that provide:
 - (1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;
 - (2) a code of ethics for probation and detention officers and for the enforcement of that code;
 - (3) appropriate educational, preservice and in-service training, and certification standards for probation and detention officers or court-supervised community-

based program personnel;
(4) subject to Subsection (d), minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental unit, except those facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; ~~and~~

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

(6) minimum standards for the operation of substance abuse facilities or programs by juvenile probation departments.

(f) A substance abuse facility or program operating under the standards adopted under this section is not required to be licensed or otherwise approved by any other state or local agency.

No equivalent provision.

based program personnel;
(4) subject to Subsection (d), minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental unit, except those facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; ~~and~~

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

(6) minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs, as defined by Section 261.405, Family Code.

(f) A substance abuse facility or program operating under the standards adopted under this section is not required to be licensed or otherwise approved by any other state or local agency.

SECTION 3. (a) The change in law made by this Act to Section 464.003, Health and Safety Code, does not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on the effective date of this Act.

(b) The change in law made by this Act does not apply to an offense committed under or a violation of Subchapter A, Chapter 464, Health and Safety Code, that occurred before the effective date of this Act. An offense committed or a violation that occurred before the effective date of this Act is governed by the law as it existed on the date the offense was committed or the violation occurred, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed or a violation occurred before the effective date of this Act if any element of the offense or violation occurred before that

date.

SECTION 2. This Act takes effect
September 1, 2017.

SECTION 4. Same as introduced version.