

BILL ANALYSIS

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S.B. 1020
By: Hinojosa, Hegar
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Youth Commission (TYC) is the state's juvenile corrections agency, supervising youth committed to state confinement by county courts. The Texas Juvenile Probation Commission (TJPC) supports and oversees 166 juvenile probation departments serving all of Texas's 254 counties. The Office of Independent Ombudsman (OIO) is responsible for investigating, evaluating, and securing the rights of children committed to TYC.

TYC and TJPC are subject to the Texas Sunset Act and will be abolished on September 1, 2009, unless continued by the legislature. The OIO is subject to Sunset review, but is not subject to abolishment. The Sunset Advisory Commission's recommendations for TYC, TJPC, and OIO are all contained in this legislation.

The Sunset review found an ongoing need for the functions of these three agencies, but not for the current organizational structure. Critical problems at TYC persist, and the long-standing problem of TYC and TJPC not working together impedes the accomplishment of their shared goal—the rehabilitation of youth who break the law in Texas. To address these issues, the Sunset Advisory Commission recommends merging the functions of TYC and TJPC under a single board, with a focus on state support of services and rehabilitation to youth in their home community through probation and not on commitment of youth to state facilities.

As proposed, S.B. 1020 creates a new Texas Juvenile Justice Department (TJJD) by merging the functions of TYC and TJPC under a single Texas Juvenile Justice Board, and sets a six-year sunset date for TJJD. The bill prioritizes services over state commitment, and recommends that the legislature direct more, not fewer, state resources to local probation departments. The bill provides for a one-year phase-in period to give TYC and TJPC the time to effectively merge their functions by delaying the merger until September 1, 2010. S.B. 1020 also establishes a transition team to assist in forming the new agency, with representatives of the lieutenant governor; speaker of the house of representatives; TYC; TJPC; small, medium, and large probation departments; and youth, families, and advocacy groups. The bill establishes a 13-member governor-appointed Texas Juvenile Justice Board and maintains OIO as an independent agency to oversee the rights of youth committed to state facilities. The bill requires TJJD to review and comment on OIO reports. The bill also requires the development of a comprehensive five-year plan to better integrate the respective duties of state and county juvenile justice programs and to ensure completion of critical state reforms. This ensures that specific goals, strategies, and timelines are set for addressing critical juvenile justice issues regarding changes to state juvenile justice facilities, sharing of data on youth across agencies, improvements to TYC programs, services, and reentry planning, and clear performance measurements for the entire system. S.B. 1020 also establishes a voluntary community corrections pilot program with state funding to encourage counties to keep lower-risk offenders in their home communities and out of state confinement. The bill encourages probation departments to develop model programs to rehabilitate youth and reduce commitments to the state. The bill also requires TJJD to distribute state funding to participating juvenile probation departments based on factors such as their average commitments to TYC and cost per day of TYC commitments and provides that "funds follow the youth" so that, if a probation department sends a youth participating in the pilot program to the state, the pilot program funds pay for that youth's state commitment.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Juvenile Justice Board (board) in SECTION 1.002 (Section 202.008, Human Resources Code) of this bill.

Rulemaking authority is expressly granted to the Texas Youth Commission (TYC) in SECTION 1.007 (Sections 242.052 and 254.104, Human Resources Code) of this bill. Effective September 1, 2010, TYC is abolished and this grant of rulemaking authority becomes a grant to TJJD.

Rulemaking authority previously granted to the Texas Juvenile Probation Commission (TJPC) is modified in SECTION 1.004 (Section 221.002, Human Resources Code) of this bill. Effective September 1, 2010, TJPC is abolished and this grant of rulemaking authority becomes a grant to the Texas Juvenile Justice Department (TJJD).

Rulemaking authority is expressly granted to TJPC in SECTION 1.004 (Sections 221.002, 221.003, 222.003, 223.001, 223.052, 223.053, 223.055, Human Resources Code) of this bill. Effective September 1, 2010, TJPC is abolished and this grant of rulemaking authority becomes a grant to the TJJD.

Rulemaking authority is expressly granted to TJPC in SECTION 1.004 (Sections 221.051, Human Resources Code) of this bill. This section containing a grant of rulemaking authority expires September 1, 2010.

Rulemaking authority previously granted to TJPC is rescinded in SECTION 1.004 (Section 221.003, Human Resources Code) of this bill.

Rulemaking authority is expressly granted to the TYC and the Office of Independent Ombudsman in SECTION 1.010 (Section 261.058, Human Resources Code) of this bill. Effective September 1, 2010, TYC is abolished and this grant of rulemaking authority becomes a grant to TJJD.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

SECTION 1.001. Amends the Human Resources Code, by adding Title 12, as follows:

TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

SECTION 1.002. Amends Title 12, Human Resources Code, as added by this Act, by adding Subtitle A, as follows:

SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 201. GENERAL PROVISIONS.

Sec. 201.001. DEFINITIONS. (a) Defines "board," "child," "court," "department," "executive director," "juvenile board," and "state aid."

(a-1) Provides that a reference to the Texas Juvenile Justice Department (TJJD) in Subtitle B means the Texas Juvenile Probation Commission (TJPC); in Subtitle C means the Texas Youth Commission (TYC); and in any law other than Subtitle B or C means TJPC or TYC, as applicable.

(a-2) Provides that this subsection and Subsection (a-1) expire September 1, 2010.

(b) Provides that effective September 1, 2010, a reference in other law to TJPC means TJJD or to TYC means TJJD.

CHAPTER 201A. TEMPORARY PROVISIONS

SUBCHAPTER A. TRANSITION TEAM

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

(a) Provides that the juvenile justice services and facilities transition team is composed of the following 11 members appointed by the governor:

- (1) a representative of the governor;
- (2) the executive director of TJPC;
- (3) the executive commissioner of TYC;
- (4) a representative of the lieutenant governor, chosen from a list submitted to the governor by the lieutenant governor;
- (5) a representative of the speaker of the house of representatives, chosen from a list submitted to the governor by the speaker;
- (6) one member who represents the interest of a juvenile probation department that serves a county with a small population;
- (7) one member who represents the interest of a juvenile probation department that serves a county with a medium population;
- (8) one member who represents the interests of a juvenile probation department that serves a county with a large population;
- (9) one member who represents the interests of juvenile offenders or the families of juvenile offenders;
- (10) one member who represents an organization that advocates on behalf of juvenile offenders or the families of juvenile offenders; and
- (11) one member who represents an organization that advocates on behalf of the victims of delinquent or criminal conduct.

(b) Requires the governor to make the appointments required by Subsection (a) as soon as possible after September 1, 2009.

(c) Provides that the transition team member who is appointed under Subsection (a)(1) serves as the presiding officer of the transition team.

(d) Provides that the transition team members appointed under Subsections (a)(2) and (3) remain on the transition team after August 31, 2009, regardless of the abolition of the agencies named in those subdivisions.

Sec. 201A.002. POWERS AND DUTIES. (a) Requires the transition team, after September 1, 2009, and before September 1, 2010, to coordinate and oversee the transition of services and facilities from TJPC and TYC to the TJJD.

Sec. 201A.003. ASSISTANCE. Requires the following state agencies, on request, to assist the transition team with the following matters:

- (1) the Legislative Budget Board (LBB) and the budget, planning, and policy division of the governor's office, with preparation of a suggested budget for TJJD;
- (2) the Department of Information Resources, with technological needs of TJJD;
- (3) the office of the attorney general, with legal matters concerning the transition of services and facilities from TJPC and TYC to TJJD;

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

(5) the Texas Facilities Commission, with assistance in efficiently using the office space in which the administrative offices of TJPC and TYC are located and, if necessary, locating additional office space for the administrative offices of TJJD.

[Reserves Sections 201A.004-201A.050 for expansion.]

SUBCHAPTER B. JUVENILE JUSTICE IMPROVEMENT PLAN

Sec. 201A.051. DEFINITIONS. Defines "committee" and "plan."

Sec. 201A.052. COMPOSITION OF COMMITTEE; PRESIDING OFFICERS. (a) Establishes the juvenile justice improvement plan committee (committee).

(b) Provides that the executive commissioner of TYC and the executive director of TJPC are co-presiding officers of the committee.

(c) Requires the executive commissioner of TYC and the executive director of TJPC to each appoint four members to the committee. Requires the executive commissioner of TYC and the executive director of TJPC to each appoint one committee member who represents the interests of a local juvenile probation department; one committee member who represents the interests of juvenile offenders; one committee member who represents the interests of the families of juvenile offenders; and one committee member who represents an organization that advocates on behalf of juvenile offenders, the families of juvenile offenders, or the victims of delinquent or criminal conduct.

Sec. 201A.053. DEVELOPMENT OF PLAN; SUBMISSION TO DEPARTMENT FOR ADOPTION. (a) Requires the committee, not later than June 1, 2010, to develop a comprehensive juvenile justice improvement plan (plan) for the fiscal years of 2011-2015 and deliver a copy of the plan to and accept comments and review of the plan from the governor, the lieutenant governor, the speaker of the house of representatives, and the Criminal Justice Legislative Oversight Committee.

(b) Provides that the committee is not obligated to make changes to the plan as a result of receiving review and comments under Subsection (a)(2).

(c) Requires the committee, on or after September 1, 2010, as soon as possible after developing the plan under Subsection (a), to submit the plan to TJJD for adoption under Section 203.013.

Sec. 201A.054. PLAN COMPONENT: JUVENILE JUSTICE FACILITIES. (a) Requires that the plan include a master plan for the operation of secure correctional facilities under Subtitle C. Requires the committee to evaluate state and country infrastructure to determine the number of beds needed in secure correctional facilities.

(b) Requires that the master plan developed under Subsection (a), taking into consideration the timing and cost of relocating or closing any facilities operated on September 1, 2009, by TYC, identify which facilities, if any, operated by TYC under Subtitle C should be closed and which areas of the state, if any, lack a sufficient number of locally operated secure or nonsecure correctional facilities.

(c) Requires the committee to develop the master plan to achieve the following goals:

(1) to the maximum extent possible, reserving facilities operated by or under contract with the state for higher risk juveniles;

- (2) increasing reliance on alternatives to secure placement, except when secure placement is necessary to address adequately a juvenile offender's treatment needs or prevent the juvenile offender from reoffending;
- (3) serving juveniles in settings that are as close to the juveniles' homes as possible;
- (4) using facility and program designs proven to be most effective in rehabilitating juveniles;
- (5) locating facilities as geographically close as possible to necessary workforce and other services; and
- (6) developing county centers or consortiums that enhance county collaboration.

Sec. 201A.055. PLAN COMPONENT: DATA SHARING. Requires that the plan include a specific process and procedures for developing common data systems between TJJD and local probation departments, and other agencies of this state that serve youth, including the Department of Family and Protective Services (DFPS), Department of State Health Services (DSHS), the Health and Human Services Commission (HHSC), and the Texas Education Agency (TEA); and to the maximum extent allowed by state and federal law, improving access to educational and mental health records for juveniles who are placed on probation or committed to the custody of the state.

Sec. 201A.056. PLAN COMPONENT: PROGRAMS, SERVICES, AND REENTRY PLANNING. Requires that the plan include a specific process and procedures and, if appropriate, a policy for:

- (1) routinely assessing the risk and needs of juveniles in this state who are placed on juvenile probation or committed to the custody of the state;
- (2) developing or improving validated risks and needs assessments and policies to assess juveniles at crucial points in the juvenile justice system, including before adjudication of a juvenile's case; on commitment of a juvenile to the custody of the state; and at release from a correctional facility or on the termination of control by the state;
- (3) ensuring that a juvenile's minimum length of stay and placement in a particular facility directly addresses the identified needs of the juvenile;
- (4) establishing timelines to identify and implement state and local programs for community supervision, local placement, and state commitment that have proven to be effective;
- (5) provide training concerning the programs described by Subdivision (4) to state and local personnel;
- (6) improving reentry into the community for juveniles existing the juvenile justice system at the state or local level;
- (7) increasing the use of the Texas Correctional Office on Offenders with Medical or Mental Impairments, community resource coordination groups, and other community resources for juveniles on parole or probation; and
- (8) ensuring that youth exiting state commitment or extended probation placements have the appropriate personal identification and service referrals to ensure the delivery of essential services, including mental health treatment, to them without delay on their return to the community.

Sec. 201A.057. **PLAN COMPONENT: PERFORMANCE MEASUREMENT.** (a) Requires that the plan include the development of a comprehensive system to measure the performance of the entire juvenile justice system in this state. Requires that the system include performance measures that show the costs of different levels of supervision and treatment to enable identification of the most cost-effective programs.

(b) Requires the committee to consult with the LBB and the budget, planning, and policy division of the governor's office in developing the comprehensive system to measure performance under Subsection (a).

[Reserves Sections 201A.058-201A.100 for expansion.]

SUBCHAPTER C. EXPIRATION

Sec. 201A.101. **EXPIRATION.** Provides that this chapter expires December 31, 2015.

CHAPTER 202. ADMINISTRATIVE PROVISIONS

Sec. 202.001. **COMPOSITION OF BOARD; PRESIDING OFFICER.** (a) Provides that the Texas Juvenile Justice Board (board) is composed of the following 13 members appointed by the governor with the advice and consent of the senate:

- (1) four members who are juvenile court judges or county commissioners;
- (2) one prosecutor in juvenile court;
- (3) one chief juvenile probation officer of a juvenile probation department serving a county with a small population;
- (4) one chief juvenile probation officer of a juvenile probation department serving a county with a medium population;
- (5) one chief juvenile probation officer of a juvenile probation department serving a county with a large population;
- (6) one treatment professional, who may be a mental health treatment professional;
- (7) one educator, as that term is defined by Section 5.001 (Definitions), Education Code;
- (8) one member who represents an organization that advocates on behalf of juvenile offenders or victims of delinquent or criminal conduct; and
- (9) two members of the public who are not employees of the criminal or juvenile justice system.

(b) Provides that members serve staggered six-year terms, with the terms of four or five members expiring on February 1 of each odd-numbered year.

(c) Requires the governor to designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

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

Sec. 202.002. **RESTRICTIONS ON BOARD MEMBERSHIP AND DEPARTMENT EMPLOYMENT.** (a) Prohibits a person from being a public member of the board if the person or the person's spouse:

- (1) is registered, certified, or licensed by a regulatory agency in the field of criminal or juvenile justice;
- (2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from TJJD;
- (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from TJJD; or
- (4) uses or receives a substantial amount of tangible goods, services, or money from TJJD, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(b) Prohibits a person from being a board member and prohibits a person from being a TJJD employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(c) Prohibits a person from being a board member or acting as the general counsel to the board of TJJD if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of TJJD.

(d) Defines "Texas trade association."

Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS. (a) Provides that a judge's place on the board becomes vacant when the judge ceases to hold a judicial office.

(b) Provides that a judge's service on the board is an additional duty of office.

(c) Requires a judge, at the time of appointment to the board, to be a judge of a court designated as a juvenile court or of a court that is one of several courts that rotate being the juvenile court.

Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) Provides that it is a ground for removal from the board if a member:

- (1) does not have at the time of taking office the qualifications required by Sections 202.001 and 202.003;
- (2) does not maintain during service on the board the qualifications required by Sections 202.001 and 202.003;
- (3) is ineligible for membership under Section 202.002;
- (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term; or
- (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

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

(c) Requires the executive director of TJJD, if the executive director of TJJD has knowledge that a potential ground for removal exists, to notify the presiding officer of the board of the potential ground. Requires the presiding officer to then notify the governor and the attorney general that a potential ground for removal exists. Requires the executive director of TJJD, if the potential ground for removal involves the presiding officer, to notify the next highest ranking officer of the board, who is required then to notify the governor and the attorney general that a potential ground for removal exists.

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

(b) Authorizes the board to adopt recusal requirements in addition to those described by Subsection (a), including requirements that are more restrictive than those described by Subsection (a).

Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) Prohibits a person who is appointed to and qualifies for office as a board member from voting, deliberating, or being counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) Requires that the training program provide the person with information regarding this chapter as it relates to the creation of the board and TJJD; the programs, functions, rules, and budget of TJJD; the results of the most recent formal audit of TJJD; the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and any applicable ethics policies adopted by TJJD or the Texas Ethics Commission.

(c) Entitles a person appointed to the board to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program, regardless of whether attendance at the program occurs before or after the person qualifies for office.

Sec. 202.007. REIMBURSEMENT. Provides that a board members is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a board member.

Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) Requires the board to hold regular quarterly meetings on dates set by the board and special meetings at the call of the presiding officer.

(b) Requires the board to adopt rules regulating the board's proceedings.

(c) Requires the board to keep a public record of the board's decisions at the board's general office.

(d) Requires the board to develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of TJJD.

Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) Provides that TJJD is subject to audit by the state auditor in accordance with Chapter 321 (State Auditor), Government Code.

(b) Authorizes the state auditor on request of the office of inspector general, to provide information or other assistance to the office of inspector general that the state auditor determines is appropriate. Authorizes the inspector general to

coordinate with the state auditor to review or schedule a plan for an investigation under Subchapter C, Chapter 242, or share other information.

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

(d) Provides that any provision of this title relating to the operations of the office of inspector general does not supersede the authority of the state auditor to conduct an audit under Chapter 321, Government Code; or prohibit the state auditor from conducting an audit, investigation, or other review; or having full and complete access to all records and other information concerning TJJD, including any witness statement or electronic data, that the state auditor considers necessary for the audit, investigation, or review.

Sec. 202.010. SUNSET PROVISION. Provides that the board and TJJD are subject to Chapter 325 (Sunset Law), Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, the board and TJJD are abolished September 1, 2015.

CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND DEPARTMENT

Sec. 203.001. CONTROL OVER DEPARTMENT; PRIORITIZATION OF SERVICES.

(a) Provides that the board is the governing body of TJJD and is responsible for the operations of TJJD.

(b) Requires the board to develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director of TJJD and the staff of TJJD.

(c) Provides that a mission of TJJD is to achieve the goal of prioritizing the use of probation services for juveniles over the commitment of juveniles to state facilities. Requires the board to develop and implement policies that prioritize the provision of probation services under Subtitle B over commitment under Subtitle C; and funding and assistance to juvenile probation departments operated in accordance with Chapter 142 (Juvenile Probation Departments and Personnel).

Sec. 203.002. EXECUTIVE DIRECTOR. Requires the board to employ an executive director to administer TJJD and supervise the director's administration of TJJD.

Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES. (a) Requires TJJD to comply with federal and state laws related to program and facility accessibility.

(b) Requires the board to prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to TJJD's programs and services.

Sec. 203.004. USE OF TECHNOLOGY. Requires the board to implement a policy requiring TJJD to use appropriate technological solutions to improve TJJD's ability to perform its functions. Requires that the policy ensure that the public is able to interact with TJJD on the Internet.

Sec. 203.005. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) Requires the board to develop and implement a policy to encourage the use of negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of department rules; and appropriate alternative dispute resolution procedures under Chapter 2009 (Alternative Dispute

Resolution for Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under TJJD's jurisdiction.

(b) Requires that TJJD's procedures relating to alternative dispute resolution conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires the board to designate a trained person to coordinate the implementation of the policy adopted under Subsection (a); serve as a resource for any tracking needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and collect data concerning the effectiveness of those procedures, as implemented by TJJD.

Sec. 203.006. GIFTS AND GRANTS. (a) Authorizes TJJD to apply for and accept gifts and grants from any public or private source to use in maintaining and improving services provided under this title.

(b) Requires TJJD to deposit money received under this section in the state treasury. Authorizes TJJD to use the money only to make payments of state aid under Subtitle B and to administer this title.

Sec. 203.007. MEDICAID BENEFITS. Requires TJJD to identify areas in which federal Medicaid program benefits could be used in a manner that is cost-effective for juveniles in the juvenile justice system; develop a program to encourage application for and receipt of Medicaid benefits; provide technical assistance to counties relating to eligibility for Medicaid benefits; and monitor the extent to which counties make use of Medicaid benefits.

Sec. 203.008. STUDIES; STATISTICAL RECORDS. (a) Authorizes TJJD to conduct or participate in studies relating to corrections methods and systems and to treatment and therapy programs at the governor's request or on TJJD's own initiative.

(b) Requires TJJD to continuously study the problem of juvenile delinquency in this state and the effectiveness of services provided or regulated by TJJD under Subtitle B or C and to report TJJD's findings to the governor and the legislature before each regular legislative session.

(c) Requires TJJD to keep records relating to juveniles within the juvenile justice system that participate in research programs or studies.

(d) Requires that the records show, for each calendar quarter and for each calendar year, the number of juveniles participating in research programs or studies for the appropriate reporting period; the type of research programs or study in which each juvenile is participating; the name of the principal investigator conducting the research program or study; and the entity sponsoring the research program or study.

(e) Requires TJJD to submit a report that contains the information in the records kept under Subsection (d) on or before the 15th day after the last day of the appropriate reporting period to the governor; lieutenant governor; speaker of the house of representatives; and members of the senate and house of representatives.

(f) Provides that a report submitted under this section is public information under Chapter 552, Government Code.

Sec. 203.009. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) Defines "evidence."

(b) Authorizes TJJD to issue a subpoena requiring the attendance of a witness or the production of evidence that TJJD considers necessary for the investigation of

abuse, neglect, or exploitation allegations; complaints; financial and programmatic audits of juvenile probation programs, services, and facilities, including juvenile justice alternative education programs; or any other matter under the authority of TJJD, including a determination of treatment under Section 244.005.

(c) Authorizes TJJD to issue a subpoena under Subsection (b) only if the subpoena is signed by the presiding officer of the board or, if the presiding officer is unavailable, the presiding officer's designee; and at least two other members of the board, including a board member who is a judge.

(d) Authorizes any peace officer, TJJD investigator, other TJJD official, or person authorized under Article 24.01 (Issuance of Subpoenas), Code of Criminal Procedure, to serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.

(e) Requires that a subpoena under this section be served and witness fees and mileage paid as in the county to which the witness is called, unless the proceeding for which the services or payment is made under Chapter 2001 (Administrative Procedure), Government Code, in which case the service or payment is required to be made as provided in that chapter. Requires witnesses subpoenaed at the instance of TJJD be paid their fees and mileage by TJJD out of funds appropriated for that purpose.

(f) Authorizes a court of record having original jurisdiction of criminal actions, on application of TJJD, to compel the attendance of a witness, the production of material, or the giving of testimony before TJJD, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

(g) Authorizes the presiding officer or a member of the board to administer an oath to a witness in attendance before TJJD or before an authorized representative of TJJD.

(h) Authorizes TJJD, if a witness in attendance before TJJD or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the commission, to apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. Authorizes TJJD to apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case TJJD is required to apply to a district court of Travis County, as provided by that chapter. Requires the judge hearing the matter, on return of the order, to examine the witness under oath and the witness is required to be given an opportunity to be heard. Authorizes the judge to immediately find the witness in contempt of the court if the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce.

(i) Requires TJJD to be granted access to any reasonable time to any evidence that is related to any matter TJJD or the executive director of TJJD considers necessary to administer TJJD's functions, powers, and duties.

Sec. 203.010. PUBLIC INTEREST INFORMATION. Requires TJJD to prepare information of public interest describing the functions of TJJD and describing the procedures by which complaints are filed with and resolved by TJJD. Requires TJJD to make the information available to the general public and appropriate state agencies.

Sec. 203.011. DEPARTMENT COMPLAINTS. (a) Requires TJJD to maintain a system to promptly and efficiently act on all complaints filed with TJJD. Requires TJJD to maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) Requires TJJD to make information available describing its procedures for complaint investigation and resolution.

(c) Requires TJJD to periodically notify the complaint parties of the status of the complaint until final disposition of the complaint.

Sec. 203.012. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR. Authorizes a juvenile probation department that is aggrieved by a decision of the executive director of TJJD to appeal the executive director's decision to the board. Provides that the decision of the board is final and cannot be appealed.

Sec. 203.013. JUVENILE JUSTICE IMPROVEMENT PLAN; ANNUAL REPORT. (a) Requires TJJD, as soon as possible after September 1 of each year, to review, update, and adopt the juvenile justice improvement plan adopted by TJJD in the previous fiscal year.

(b) Requires TJJD, in updating the juvenile justice improvement plan under Subsection (a), to have the following goals:

(1) to the maximum extent possible, reserving facilities operated by or under contract with the state for higher risk juveniles;

(2) increasing reliance on alternatives to secure placement, except when secure placement is necessary to address adequately a juvenile offender's treatment needs or prevent the juvenile offender from reoffending;

(3) serving juveniles in settings that are as close to the juveniles' homes as possible;

(4) using facility and program designs proven to be most effective in rehabilitating juveniles;

(5) locating facilities as geographically as close as possible to necessary workforce and other services; and

(6) developing county centers or consortiums that enhance county collaboration.

(c) Requires TJJD to make an annual implementation report to the governor, the lieutenant governor, the speaker of the house of representatives, and the Criminal Justice Legislative Oversight Committee concerning TJJD's progress in implementing the juvenile justice improvement plan; and using the comprehensive system to measure performance incorporated into the juvenile justice improvement plan, the overall performance of the juvenile justice system in this state.

(d) Requires TJJD to submit the annual implementation report described by Subsection (c) on the following dates for the following periods:

(1) December 2012, for the period of September 1, 2011, through August 31, 2012;

(2) December 2013, for the period of September 1, 2012, through August 31, 2013;

(3) December 2014, for the period of September 1, 2013, through August 31, 2014; and

(4) December 2015, for the period of September 1, 2014, through August 31, 2015.

(e) Requires TJJD, as soon as possible after September 1, 2010, and not later than December 31, 2010, to receive, amend, if necessary, and adopt the comprehensive juvenile improvement plan developed by the juvenile justice improvement plan committee under Subchapter B, Chapter 201A. Provides that this subsection expires December 31, 2010.

(f) Provides that this section expires December 31, 2015.

SECTION 1.003. Amends Title 12, Human Resources Code, as added by this Act, by adding Subtitle B, as follows:

SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

[**Note:** In Subtitle B, a reference to the "department" means the Texas Juvenile Probation Commission until September 1, 2010. Effective September 1, 2010, a reference to the department will mean the Texas Juvenile Justice Department.]

SECTION 1.004. Transfers Subchapters C, D, and E, Chapter 141, Human Resources Code, to Subtitle B, Title 12, Human Resources Code, as added by this Act, redesignates them as Chapters 221, 222, and 223, respectively, and amends, as follows:

CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE BOARDS AND JUVENILE PROBATION DEPARTMENTS

New heading: SUBCHAPTER A. GENERAL PROVISIONS

Sec. 221.001. PROVISION OF PROBATION AND DETENTION SERVICES. Redesignates Section 141.041 as Section 221.001. (a) Makes a conforming change.

(b) Makes a conforming change.

Sec. 221.002. New heading: GENERAL RULES GOVERNING JUVENILE BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND FACILITIES. Redesignates Section 141.042 as Section 221.002. (a) Makes a conforming change.

(b) Makes a conforming change.

(c) Makes a conforming change. Deletes existing text creating an exception for a facility operated or certified by TYC.

(d) Provides that the rules adopted under Subsection (a) apply to all correctional facilities that accept only juveniles who are on probation, regardless of whether the facility is operated by or under contract with a juvenile board or by a private entity independent from and not under contract with a juvenile board.

(e) Requires a juvenile board that does not accept state aid funding from the department under Section 223.001 to report to the department each month on a form provided by the department the same data that is required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the juvenile board. Authorizes the department, if the department makes available free software to a juvenile board for the automation and tracking of juveniles under the jurisdiction of the juvenile board, to require the monthly report to be provided in an electronic format adopted by rule by the department.

Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING INSTRUMENT; ADMISSIBILITY OF STATEMENTS. (a) Creates Subsection (a) from existing text. Requires the department by rule to require juvenile probation departments to use the mental health screening instrument, rather than are required to use the mental health screening instrument, selected by the department for the initial screening of children under the jurisdiction of probation departments who have been formally referred to a juvenile probation department, rather than the department. Requires the department to give priority to training in the use of this instrument in any preservice or in-service training that TJPC, provides for probation officers. Requires that the rules adopted by TJPC under this subsection allow a clinical assessment by a licensed mental health professional to be substituted, rather than are authorized to be substituted, for the mental health screening instrument selected by the department if the clinical assessment is performed in the time prescribed by the department. Makes conforming changes.

(b) Creates Subsection (b) from existing text. Deletes existing Subsection (h) (relating to requirements for a juvenile board that does not accept state aid funding from the department).

Sec. 221.004. STANDARDS RELATING TO LOCAL PROBATION DEPARTMENTS. Redesignates Section 141.0421 as Section 221.004. (a) Makes conforming changes.

Sec. 221.005. TRAINING AND ASSISTANCE TO LOCAL AUTHORITIES. Redesignates Section 141.043 as Section 221.005. Makes a conforming change.

Sec. 221.006. VIOLENCE PREVENTION AND CONFLICT RESOLUTION TRAINING. Redesignates Section 141.0431 as Section 221.006. Makes a conforming change.

Sec. 221.007. New heading: JUVENILE BOARD RECORDS AND REPORTS. Redesignates Section 141.044 as Section 221.007. Makes conforming changes. Deletes existing Section 141.045 (Gifts and Grants).

Sec. 221.008. INSPECTIONS AND AUDITS. Redesignates Section 141.046 as Section 221.008. (a) Authorizes the department, to inspect and evaluate a juvenile board and probation department and audit the juvenile board's, rather than it's, financial, programmatic, and statistical records at reasonable times to determine compliance with the department's rules.

(b) Authorizes the department to inspect any program or facility that accepts only juveniles who are on probation operated on behalf of and under the authority of the juvenile board by the probation department, a governmental entity, or by a private entity independent from and not under contract with or on behalf of the juvenile board. Deletes existing Section 141.0416 (Authority to Issue Subpoena, Administer Oath, Receive Evidence, and Gather Information).

Sec. 221.009. New heading: INTERAGENCY AND INTERGOVERNMENTAL COOPERATION. Redesignates Section 141.047 as Section 221.009. (a) Makes a conforming change.

(b) Makes conforming changes. Deletes existing Section 141.0471 (Coordinated Strategic Plan for Juvenile Justice System). Deletes existing Section 141.0486 (Reporting Concerning Research Programs or Studies).

Sec. 221.010. COMPLAINTS RELATING TO JUVENILE BOARDS. Redesignates Section 141.049 as Section 221.010. (a) Makes conforming changes.

(b) Requires the department to handle and dispose of complaints received under this section in the manner described by Section 203.011. Deletes existing text requiring TJPC, if a written complaint is filed with TJPC relating to a juvenile

board funded by TJPC, at least quarterly and until final disposition of the minority youth, and complaint, to notify the complaint and the juvenile board of the status of the complaint unless notice would jeopardize an undercover investigation.

Sec. 221.011. INVESTIGATORS. (a) Authorizes the department to employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.

(b) Requires that peace officers employed and commissioned under Subsection (a) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701 (Law Enforcement Officers), Occupations Code.

Sec. 221.012. DATA COLLECTION. (a) Requires the department to collect comprehensive data concerning the outcomes of local probation programs throughout the state.

(b) Requires that data collection under Subsection (a) include a description of the types of programs and services offered by a juvenile probation department, including a description of the components of each program or service offered; and the rate at which juveniles who enter or complete juvenile probation are later committed to the custody of the state.

Sec. 221.013. ANNUAL REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. (a) Requires the department, on September 1 of each year or as soon as possible after that date, to prepare and deliver a report to the board concerning the final outcome of any complaint received under Section 261.405 (Investigations in Juvenile Justice Programs and Facilities), Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. Requires that the report include a summary of the actions performed by the department and any applicable juvenile board or juvenile probation department in resolving the complaint.

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

[Reserves Sections 221.014-221.050 for expansion.]

SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

Sec. 221.051. CONTRACT STANDARDS. Redesignates Section 141.050 as Section 221.051. (a) Makes a conforming change.

(b) Makes a conforming change.

(c) Requires the department, on or after September 1, 2010, to consider the past performance of a juvenile board when contracting with the juvenile board for local probation services other than basic probation services. Requires that a contract with a juvenile board for probation services other than basic probation services, in addition to the contract standards described by Subsection (a), include specific performance targets for the juvenile board based on the juvenile board's historic performance of the services; and require a juvenile board to report on the juvenile board's success in meeting the performance targets described by this subsection.

(d) Requires TJPC, not later than September 1, 2010, by rule to establish the specific performance targets described by Subsection (c)(1) and define the types of contracts that are considered basic probation service contracts to which Subsection (c) does not apply. Provides that this subsection expires September 1, 2010.

Sec. 221.052. CONTRACT MONITORING. Redesignates Section 141.051 as Section 221.052. Makes conforming changes. Deletes existing Section 141.052 (Medicaid Benefits). Deletes existing Section 141.053 (Accessibility to Programs and Facilities).

Sec. 221.053. CONTRACTS FOR OUT-OF-STATE JUVENILE INMATES. Redesignates Section 141.054 as Section 221.053. (a) Makes no changes to this subsection.

(b) Requires that a contract made under Subsection (a), rather than of this section, to require the county, municipality, or private vendor to operate the facility in compliance with minimum standards adopted by the department. Makes conforming changes. Deletes existing Section 141.055 (Investigators).

CHAPTER 222. New heading: STANDARDS FOR AND REGULATION OF CERTAIN JUVENILE OFFICERS

SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

Sec. 222.001. MINIMUM STANDARDS FOR PROBATION OFFICERS. Redesignates Section 221.001 as 141.061. (a) Requires a person who was not employed as a probation officer before September 1, 1981, to be eligible for appointment as a probation officer, to, among other things, have satisfactorily completed the course of preservice training or instruction and any continuing education required by TJPC. Makes conforming changes.

(b) - (f) Makes conforming changes.

Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. Redesignates Section 141.0611 as Section 222.002. Requires a person who was not employed as a detention officer before September 1, 2005, to be eligible for appointment as a detention officer, to, among other things, have satisfactorily completed the course of preservices training or instruction and any continuing education required by the department. Makes conforming changes.

Sec. 222.003. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) Requires the department by rule to adopt certification standards for persons who are employed in nonsecure correctional facilities that accept only juveniles who are on probation, regardless of whether the facility is operated by or under contract with a governmental unit or by a private entity independent from and not under contract with a governmental unit.

(b) Requires that the certification standards adopted under Subsection (a) be substantially similar to the certification requirements for detention officers under Section 222.002.

Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) Prohibits a peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official from acting as a chief administrative, juvenile probation, or detention officer or being made responsible for supervising a juvenile on probation.

(b) Provides that for purposes of this section, a chief administrative officer, regardless of title, is the person who is hired or appointed by or under contract with the juvenile board; and responsible for the oversight of the operations of the juvenile probation department or any juvenile justice program operated by or under the authority of the juvenile board.

Sec. 222.005. PROHIBITION ON CARRYING FIREARM. (a) Prohibits a juvenile probation, detention, or corrections officer from carrying a firearm in the course of a person's official duties.

(b) Provides that this section does not apply to an employee of the department who is exclusively employed at a facility under Subtitle C.

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

[Reserves Sections 222.007-222.050 for expansion.]

SUBCHAPTER B. CERTIFICATION AND EXAMINATION

Sec. 222.051. NOTICE OF CERTIFICATION EXAMINATION RESULTS. Redesignates Section 141.062 as Section 222.051. (a) Makes conforming changes.

(b) and (c) Makes conforming changes.

Sec. 222.052. ANALYSIS OF EXAMINATION. Redesignates Section 141.063 as Section 222.052. Makes a conforming change.

Sec. 222.053. REVOCATION OR SUSPENSION OF CERTIFICATION. Redesignates Section 141.064 as Section 222.052. (a) Authorizes the department to revoke or suspend a certification, or reprimand a certified officer for a violation of this chapter or the department rule; or if, under Subsection (c), a panel determines that the continued certification of the person threatens juveniles in the juvenile justice system. Makes nonsubstantive changes.

(b) Authorizes the department to place on probation a person whose certification is suspended. Authorizes the department, if the suspension is probated, to require the person to report regularly to the department on matters that are the basis of the probation; and continue or review professional education until the person attains a degree of skill satisfactory to the department in those areas that are the basis of the probation.

(c) Authorizes the executive director to convene, in person or telephonically, a panel of three board members to determine if a person's continued certification threatens juveniles in the juvenile justice system. Provides that if the panel determines that the person's continued certification threatens juveniles in the juvenile justice system, the person's license is temporarily suspended until an administrative hearing is held as soon as possible under Subsection (d). Authorizes the executive director to convene a panel under this subsection only if the danger posed by the person's continued certification is imminent. Authorizes the panel to hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

(d) Creates Subsection (d) from existing text. Entitles a person to a hearing before the State Office of Administrative Hearings, rather than before TJPC or a hearings officer appointed by TJPC, if the department proposes to suspend or revoke the person's certification.

(e) Authorizes a person to appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. Provides that the standard of review is under the substantial evidence rule. Deletes existing text requiring TJPC to prescribe procedures by which each decision to suspend or revoke is made by or is appealable to TJPC. Deletes existing Section 141.065 (Persons Who May Not Act as Chief Administrative, Juvenile Probation, or Detention Officers). Deletes existing Section 141.066 (Prohibition or Carrying Firearm). Deletes existing Section 141.067 (Probation Officer: County Employee).

New heading: CHAPTER 223. STATE AID

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID. Redesignates Section 141.081 as Section 223.001. (a) Makes conforming changes.

(b) Makes a conforming change.

(c) Makes conforming changes.

(d) Requires the department by rule to establish one or more basic probation services funding formulas and one or more community corrections funding formulas. Requires that the funding formulas established under this subsection include each grant for which TJCP, on or before September 1, 2009, established an allocation formula.

Sec. 223.002. MAINTENANCE OF LOCAL FINANCIAL SUPPORT. Redesignates Section 141.082 as Section 223.002. (a) Makes conforming changes.

(b) Provides that for purposes of Subsection (a), the amount spent on juvenile detention and correctional facilities is included in determining the amount of local or county funds.

(c) Makes conforming changes.

(d) Authorizes the department to require a rebate of state aid, or withhold state aid, rather than may withhold state aid, to which the juvenile board would otherwise be entitled, as necessary to satisfy the requirement that a juvenile board spends funds as demonstrated.

Sec. 223.003. SPECIAL RULES FOR MULTI-COUNTY JURISDICTIONS. Redesignates Section 141.083 as Section 223.003. Authorizes TJPC, if necessary, by rule to provide for certain matters including the application of Section 223.001, rather than Section 141.081 of this code, to a multi-county jurisdiction.

Sec. 223.004. PAYMENT OF STATE AID. Redesignates Section 141.084 as Section 223.004. (a) Makes conforming changes.

(b) Makes no changes to this subsection.

(c) Provides that a juvenile board receiving state aid under this chapter is subject by audit by certain entities including the governor's budget, policy, and planning office. Makes nonsubstantive changes.

(d) Makes a conforming change.

Sec. 223.005. REFUSAL, REDUCTION, OR SUSPENSION OF STATE AID. Redesignates Section 141.085 as Section 223.005. (a) Authorizes the department to refuse, reduce, or suspend payment of state aid to a juvenile board that fails to comply with TJPC's rules or fails to maintain local financial support; or a county that fails to comply with the minimum standards provided under Section 221.002(a)(4), rather than Section 141.042(a)(4).

(b) Makes conforming changes.

Sec. 223.006. FUNDING AND CONSTRUCTION OF POST-ADJUDICATION FACILITIES. Redesignates Section 141.086 as Section 223.006. (a) Authorizes the department to provide state aid to a county to acquire, construct, and equip post-adjudication residential or day-treatment centers from money appropriated for those purposes. Authorizes the facilities to be used for children who are placed on probation by

a juvenile court under Section 54.04 (Disposition Hearing), Family Code, as an alternative to commitment to the facilities of the department, rather than TYC.

(b) Makes no changes to this subsection.

(c)-(g) Makes conforming changes.

(h) Makes no changes to this subsection. Deletes existing Subsection (i) (relating to requiring TJPC to conduct an annual audit and submit a report on the results of that audit to certain entities).

(i) Redesignates existing Subsection (j) as Subsection (i).

[Reserves Sections 223.007-223.050 for expansion.]

SUBCHAPTER B. COMMUNITY CORRECTIONS PILOT PROGRAMS

Sec. 223.051. ESTABLISHMENT OF COMMUNITY CORRECTIONS PILOT PROGRAMS. Requires the department to establish guidelines for the implementation of community corrections pilot programs to provide an array of rehabilitation services for juvenile offenders, including juvenile delinquency prevention services and substance abuse and mental health treatment services. Authorizes a juvenile court of a county that has established a community corrections pilot program under this section, instead of ordering commitment to the department under Section 54.04(d)(2) (relating to the circumstances under which a court is authorized to commit a child to TYC without a determinate sentence), Family Code, to require a child to participate in a community corrections pilot program if the child was found to have engaged in delinquent conduct that violates a penal law of the grade of felony under Title 7 (Offenses Against Property), Penal Code, or Chapter 481 (Texas Controlled Substances Act), Health and Safety Code; and did not involve the use of force or the threat of force against another person, including the use of exhibition of a deadly weapon.

Sec. 223.052. GRANTS. (a) Authorizes a juvenile board to apply to the department for a grant to implement a community corrections pilot program in the county.

(b) Requires the department to adopt rules that govern the administration and operation of a community corrections pilot program by a juvenile board and establish a competitive process through which juvenile boards are authorized to apply to the department for a grant under this section.

(c) Requires that the rules adopted under Subsection (b)(1):

(1) require a juvenile board that applies for a grant under this section to detail the manner in which the juvenile board intends to use any grant money the county receives;

(2) establish conditions that a county is required to meet in order to receive a grant under this section, including conditions related to reduced commitment targets for the county that the juvenile board serves; specific performance measures by which a community corrections pilot program will be evaluated; restrictions on the use of grant money; and any other standard condition the department requires; and

(3) require a juvenile board that receives a grant under this section and chooses to use the grant to contract for services to be provided under the community corrections pilot program to use a contracting process that is open to nonprofit, for-profit, and faith-based organizations that demonstrate experience in effectively implementing juvenile delinquency prevention and juvenile treatment programs; demonstrate the ability to quantify the effectiveness of the programs; and provide innovative or specialized juvenile justice or family programs.

Sec. 223.053. FUNDING TO JUVENILE BOARDS. (a) Requires the department by rule to establish a funding formula for juvenile boards implementing a community corrections pilot program. Requires that the formula take into account the average daily cost to the state of committing a juvenile to a facility operated by the department under Subtitle C; the average length of stay for a juvenile committed to a facility operated by the department under Subtitle C; and the projected yearly number of commitments for each county the juvenile board receiving the grant services.

(b) Authorizes the funding formula established under Subsection (a) to take into account any factor not described by Subsection (a) that the department determines is relevant, including the historic average annual number of referrals for a county and the population of a county.

(c) Requires the department, except as otherwise provided by this subsection, to distribute money for the community corrections pilot programs under this section in the same manner as other state aid is distributed under Subchapter A. Requires that costs associated with a child who is participating in the pilot program and who is committed to the department be subtracted from the juvenile board's pilot program allotment and transferred to an account in the general revenue fund for the operation of secure facilities under Subtitle C. Provides that the amount of money to be subtracted from a juvenile board's allotment is computed on the average daily cost of committing a juvenile to a facility operated by the department under Subtitle C as provided by Subsection (a)(1).

Sec. 223.054. JUVENILE BOARD OBLIGATIONS. Provides that a juvenile board that receives a grant under this subchapter is prohibited from using these funds to supplant existing expenditures associated with programs, services, and residential placement of youth in the local juvenile probation departments; is required to comply with all applicable department rules; and is required to report on the use and evaluate the effectiveness of the program.

Sec. 223.055. RESERVE ACCOUNT. (a) Requires the department to establish a reserve account through which a juvenile board receiving a grant under this subchapter is authorized to receive additional state aid if the juvenile board encounters unforeseen circumstances that cause the board to exhaust completely the grant received under this subchapter; or other programs operated by the juvenile board are jeopardized by the juvenile board's lack of funding for the community corrections pilot program.

Sec. 223.056. REPORTS. (a) Requires a juvenile board that receives a grant under this subchapter to annually, and at the request of the executive director, report to the department concerning the implementation, cost-effectiveness, and success rate of a community corrections pilot program implemented under this subchapter.

(b) Requires the department, not later than January 1 of each odd-numbered year, to submit a report concerning the implementation, cost-effectiveness, and success rates of the community corrections pilot programs implemented by juvenile boards under this subchapter to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of representatives that have primary jurisdiction over the department.

(c) Requires that the report submitted under Subsection (b) contain recommendations as to whether any of the community corrections pilot programs implemented by juvenile boards under this subchapter should be implemented on a statewide basis.

Sec. 223.057. TEMPORARY PROVISIONS. (a) Defines "department."

(b) Requires TJPC and TYC, not later than September 1, 2010, to jointly establish the guidelines described by Section 223.051; adopt rules required under

Sections 223.052(b) and (c); and establish the funding formula described by Section 223.053.

(c) Requires TJJD to begin awarding grants under this subchapter as soon as practicable on or after September 1, 2010.

(d) Provides that this section expires September 1, 2010.

SECTION 1.005. Amends Title 12, Human Resources Code, as added by this Act, by adding Subtitle C with a heading to read as follows:

SUBTITLE C. SECURE FACILITIES

SECTION 1.006. Transfers Subchapter G, Chapter 61, Human Resources Code, to Subtitle C, Title 12 Human Resources Code, as added by this act, redesignates it as Chapter 241, and amends it as follows:

CHAPTER 241. New heading: GENERAL PROVISIONS

Sec. 241.001. COOPERATION OF OTHER AGENCIES. Redesignates Section 61.091 as Section 241.001. Makes conforming changes. Deletes existing Section 61.0911 (Coordinated Strategic Plan).

Sec. 241.002. New heading: NO FORFEITURE OF CERTAIN CIVIL RIGHTS. Redesignates Section 61.092 as Section 241.002. Makes a conforming change. Deletes existing Sections 61.093 (Escape and Apprehension) and 61.0931 (Apprehension Specialists).

Sec. 241.003. YOUTH DEVELOPMENT COUNCIL FUND. Redesignates Section 61.094 as Section 241.003. Makes no changes to this section.

Sec. 241.004. New heading: REQUEST FOR CERTAIN RECORDS. Redesignates Section 61.095 as Section 241.004. Makes conforming changes.

Sec. 241.005. LIABILITY OF VOLUNTEERS. Redesignates Section 61.096 as Section 241.005. (a) Makes no changes to this subsection.

(b) Makes no changes to this subsection.

(c) Makes a conforming change.

Sec. 241.006. APPLICATION OF LAW RELATING TO FREE EXERCISE OF RELIGION. Redesignates Section 61.097 as Section 241.006. Makes a conforming change.

Sec. 241.007. New heading: CERTAIN CRIMES CONCERNING THE DEPARTMENT. (a) Redesignates Section 61.098 as Section 241.007. Makes no changes to this subsection.

(b) Makes a conforming change.

(c) Requires the office of inspector general operated under Subchapter C, Chapter 242, on a quarterly basis to prepare and deliver to the board of directors of the special prosecution unit a report containing certain information relating to any criminal offense or delinquent conduct or the disposition of any case relating to such conduct or offense. Makes conforming changes.

(d) Makes a conforming change.

(e) Makes conforming changes.

Sec. 241.008. DUTY TO FILE COMPLAINT WITH LAW ENFORCEMENT AGENCY. Makes conforming changes.

SECTION 1.007. Transfers Subchapters C, D, E, and F, Chapter 61, Human Resources Code, to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignates them as Chapters 242, 243, 244, and 245, respectively, and amends as follows:

CHAPTER 242. OPERATION OF SECURE FACILITIES

[**Note:** In Subtitle C, a reference to the "department" means the Texas Youth Commission until September 1, 2010. Effective September 1, 2010, a reference to the department will mean the Texas Juvenile Justice Department.]

SUBCHAPTER A. New heading: GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 242.001. ACCREDITATION BY AMERICAN CORRECTIONAL ASSOCIATION. Requires the department to adopt and implement a plan for each correctional facility operated by or under contract with the department under this subtitle to be accredited by the American Correctional Association.

Sec. 242.002. STUDY OF TREATMENT METHODS; STATISTICAL RECORDS. (a) Requires the department to conduct continuing inquiry into the effectiveness of the treatment methods the department employs in the reformation of children. Requires the department, to this end, to maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the department and requires that the department tabulate, analyze, and publish biennially the data for use in evaluating the relative merits of treatment methods.

(b) Requires the department to cooperate with courts and private and public agencies in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, information, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state. Deletes existing Section 61.031 (Continuing Study).

Sec. 242.003. New heading: EVALUATION OF TREATMENT PROGRAMS; AVAILABILITY. Redesignates Section 61.0315 as Section 242.003. (a) Makes conforming changes.

(b) Makes conforming changes.

(c) Makes conforming changes.

(d) Makes conforming changes. Deletes existing Section 61.032 (Administration of Institutions).

Sec. 242.004. ANNUAL FINANCIAL REPORT. Redesignates Section 61.033 as Section 242.004. Makes conforming changes.

Sec. 242.005. INTERNAL AUDIT; REPORT. Redesignates Section 61.0331 as Section 242.005. (a) Makes conforming changes.

(b) Makes a conforming change.

Sec. 242.006. POLICIES AND RULES. Redesignates Section 61.034 as Section 242.006. (a) Makes conforming changes.

(b) Makes conforming changes.

(c) Provides that the purpose of the rules and of all education, work, training, discipline, and recreation adopted under this section and of all other activities in

the schools, facilities, and programs is to restore and increase the self-respect and self-reliance of the children, rather than youth, under the authority of the department and to qualify those children, rather than them, for good citizenship and honorable employment.

Sec. 242.007. EMPLOYEES. Deletes existing Section 61.0345 (Mission Statement). Redesignates Section 61.035 as Section 242.007. Makes conforming changes.

Sec. 242.008. PROFESSIONAL INFORMATION FOR ADVISORY BOARD MEMBERS AND EMPLOYEES. Redesignates Section 61.0351 as Section 242.008. Requires the executive director to provide to members of any applicable advisory board, rather than the advisory board, and to the department employees, as often as necessary, information regarding qualifications for office or employment, rather than their qualifications for office or employment, under this chapter and responsibilities, rather than their responsibilities, under applicable laws relating to standards of conduct for state officers or employees. Deletes existing Section 61.0352 (Division of Responsibility).

Sec. 242.009. INTRA-AGENCY CAREER LADDER PROGRAM. Redesignates Section 61.0353 as Section 242.009. Makes no changes to this section.

Sec. 242.010. JOB PERFORMANCE EVALUATIONS. Redesignates Section 61.0354 as Section 242.010. Makes a conforming change.

Sec. 242.011. EQUAL EMPLOYMENT OPPORTUNITY. Redesignates Section 61.0355 as Section 242.011. (a) Makes conforming changes.

(b) Requires that a policy statement prepared under Subsection (a) cover an annual period, be updated annually, be reviewed by the Texas Workforce Commission, rather than the Commission on Human Rights, for compliance with Subsection (a)(1), and be filed with the governor's office.

(c) Makes no changes to this subsection.

Sec. 242.012. JUVENILE CORRECTIONAL OFFICERS; STAFFING. Redesignates Section 61.0356 as Section 242.012. (a) Redefines "juvenile correctional officer."

(b) - (h) Makes conforming changes.

Sec. 242.013. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. Redesignates Section 61.0357 as Section 242.013. (a) Redefines "national criminal history record information."

(b) Requires the executive director of the department to review the national criminal history record information, state criminal history record information maintained by the Department of Public Safety (DPS), and previous and current employment references of each person who is an employee, contractor, volunteer, ombudsman, or advocate working for the department or working in a the department facility or a facility under contract with the department; provides direct delivery of services to children in the custody of the department; or has access to records in the department facilities or offices. Makes conforming changes.

(c) - (g) Makes conforming changes.

Sec. 242.014. COOPERATION WITH OTHER AGENCIES. Redesignates Section 61.036 as Section 242.014. (a) Makes conforming changes.

Sec. 242.015. COMPLAINTS REGARDING FACILITIES OR SERVICES. (a) Requires the department to keep a file about each written complaint that is filed with the department that relates to a facility operated or a service provided under this subtitle.

(b) Requires the department to keep a file about a complaint under Subsection (a), regardless of whether the person filing the complaint is a child committed to or receiving services from the department; the parent or guardian of a child described by Subdivision (1); or a person other than a child described by Subdivision (1) or a parent or guardian described by Subdivision (2).

(c) Requires the department to handle and dispose of complaints received under Subsection (a) in the manner described by Section 203.011.

Sec. 242.016. BIENNIAL BUDGET. Requires the executive director to prepare a biennial budget of all funds necessary to be appropriated by the legislature to the department to carry out the purposes of this subtitle. Requires that the budget be submitted and filed by the executive director in the form and manner and within the time prescribed by law.

[Reserves Sections 242.017-242.050 for expansion.]

SUBCHAPTER B. SECURE FACILITIES; SERVICES

Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF CHILDREN.

(a) Requires the department to administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the department; and manage and direct all institutions and training school facilities under the authority of the department.

(b) Requires the department to have general charge of and be responsible for the welfare, custody, and rehabilitation of the children in a school, facility, or program operated or funded by the department. Requires the department to seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under the department's care as those needs would be met in an adequate home.

(c) Requires the department to see that the buildings and premises are kept in good sanitary condition.

Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) Authorizes the department to design, construct, equip, furnish, and maintain buildings and improvements at facilities under the department's jurisdiction.

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

(c) Requires the department to promulgate rules relating to the award of contracts for the construction of buildings and improvements. Requires that the rules provide for the award of contracts for the construction of buildings and improvements to the qualified bidder making the lowest and best bid. Prohibits a construction contract from being awarded for a sum in excess of the amount of funds available for the project. Authorizes the department to reject any and all bids submitted.

(d) Provides that if a project is financed wholly or partly by federal funds, any standards required by the enabling federal statute or required by the rules of the administering federal agency control over this section.

(e) Authorizes the department to employ professional, technical, and clerical personnel to carry out the design and construction functions required by this section.

Sec. 242.053. USE OF EXISTING INSTITUTIONS AND AGENCIES. Redesignates Section 61.037 as Section 242.053. (a) Provides that this section does not authorize the

department to assume control of any other agency, institution, or facility in the state, or to require any agency, institution, or facility to serve the department in a manner inconsistent with the authority, rather than its authority, or function of the agency, institution, or facility or with any law or regulation governing the, rather than its, activity of the agency, institution, or facility. Makes conforming changes.

(b) Requires the department to make reasonable efforts to ensure that the expenditure of appropriations for the purchase of contract residential care for children, not including the purchase of care in foster family homes, be allocated to providers on a fixed monthly base if that allocation, rather than it, is cost-effective and the number, type, needs, and conditions of the children to be served is reasonably constant. Makes conforming changes.

(c) Requires every public and private institution and agency to allow the department, rather than afford to the department, reasonable opportunity to examine and consult with children who have been committed to the department and who are in the custody of the institution or agency.

(d) Makes conforming changes.

Sec. 242.054. HALFWAY HOUSE PROGRAM. Redesignates Section 61.038 as Section 242.054. (a) Makes conforming changes.

(b) and (c) Makes conforming changes.

Sec. 242.055. CRISIS INTERVENTION AND ASSESSMENT CENTERS. Redesignates Section 61.0385 as Section 242.055. Makes conforming changes.

Sec. 242.056. ADVOCACY AND SUPPORT GROUPS. Redesignates Section 61.0386 as Section 242.056. (a) Requires the department to allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, or, rather than and, victims of sexual assault to provide on-site information, support, and other services for children confined in the department facilities.

(b) and (c) Makes conforming changes.

Sec. 242.057. New heading: DEPARTMENT PROGRAMS. Redesignates Section 61.039 as Section 242.057. (a) Makes conforming changes.

(b) Requires the department, when practicable and feasible, to provide specific performance standards for a program serving 10 or more children through an agreement entered into under Section 242.053, rather than Section 61.037 of this chapter. Makes conforming changes.

(c) Makes conforming changes.

Sec. 242.058. New heading: SERVICES FOR CHILDREN NOT COMMITTED TO THE DEPARTMENT. Redesignates Section 61.0395 as Section 242.058. Authorizes TYC to provide services to a child not committed to the department if the department contracts with a local juvenile probation department, HHSC, rather than Texas Department of Human Services, or DFPS, rather than the Department of Protective and Regulatory Services, to provide services to the child.

Sec. 242.059. ADDITIONAL FACILITIES. Redesignates Section 61.040 as Section 242.059. Makes conforming changes.

Sec. 242.060. COMPUTATION OF DAILY COSTS OF FACILITY. Redesignates Section 61.041 as Section 242.060. Makes conforming and nonsubstantive changes.

Sec. 242.061. REFERRALS FROM FEDERAL COURT. Deletes existing Section 61.041 (Study of Treatment Methods; Statistical Records). Redesignates Section 61.042 as Section 242.061. Makes a conforming change.

Sec. 242.062. (a) SPECIAL ACCOUNTS. Deletes existing Sections 61.0421 (Public Interest Information), 61.0422 (Complaints Regarding Services), and 61.0423 (Public Hearings). Redesignates Section 61.0431 as Section 242.062. Makes a conforming change.

(b) Requires that proceeds in excess of the amount required for the expenses described by Subsection (a), rather than for those expenses, donations for student activities, and proceeds from children's fundraising projects be deposited to the credit of a special account in the General Revenue Fund called the student benefit fund and is authorized to be used only for certain purposes. Makes conforming changes.

(c) Makes conforming and nonsubstantive changes.

(d) Makes conforming and nonsubstantive changes.

(e) Provides that money in the special accounts described by this section is appropriated for the purposes indicated in this section and is required to be expended on warrants drawn by the comptroller on the order of the department. Makes conforming and nonsubstantive changes.

Sec. 242.063. STUDENT TRUST FUND; CONTRABAND MONEY. Redesignates Section 61.0432 as Section 242.063. (a) Makes conforming changes.

(b) Makes conforming changes.

Sec. 242.064. DEBIT CARD SUSPENSE ACCOUNTS. Redesignates Section 61.0433 as Section 242.064. (a) Makes conforming changes.

(b) - (d) Makes no changes to these subsections.

Sec. 242.065. RELIGIOUS TRAINING. Deletes existing Sections 61.044 (Biennial Budget), 61.045 (Operations of Programs and Facilities), 61.0451 (Office of Inspector General), and 61.0452 (Toll-Free Number). Redesignates Section 61.046 as Section 242.065. Makes a conforming change.

Sec. 242.066. New heading: EMPLOYMENT OR DESIGNATION OF CHAPLAIN AT CERTAIN DEPARTMENT FACILITIES. Redesignates Section 61.0461 as Section 242.066. Makes conforming changes.

Sec. 242.067. VIOLENCE PREVENTION AND CONFLICT RESOLUTION EDUCATION. Redesignates Section 61.047 as Section 242.067. Makes a conforming change.

Sec. 242.068. FIRE PROTECTION ACTIVITIES. Deletes existing Section 61.048 (Buildings and Improvements). Redesignates Section 61.050 as Section 242.068. Makes conforming changes.

Sec. 242.069. CLIENT SERVICE CONTRACT STANDARDS. Redesignates Section 61.051 as Section 242.069. Makes a conforming change.

Sec. 242.070. CONTRACT MONITORING. Redesignates Section 61.052 as Section 242.070. Makes conforming changes.

Sec. 242.071. SALE OR LICENSE OF TREATMENT PROGRAMS. Deletes existing Section 61.053 (Medicaid Benefits). Redesignates Section 61.054 as Section 242.071. (a) Makes conforming changes.

(b) and (c) Makes no changes to these subsections.

[Reserves Sections 242.072-242.100 for expansion.]

SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT FACILITIES OR BY DEPARTMENT EMPLOYEES

Sec. 242.101. ZERO-TOLERANCE POLICY. Redesignates Section 61.055 as Section 242.101. (a) Requires the department to adopt and enforce a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in the custody of the department.

(b) and (c) Makes conforming changes.

Sec. 242.102. OFFICE OF INSPECTOR GENERAL ESTABLISHED. Provides that the office of inspector general (OIG) is established at the department for the purpose of investigating crimes committed by the department employees, including parole officers employed by or under a contract with the department; and crimes and delinquent conduct committed at the facility operated by the department or at a residential facility operated by another entity under a contract with the department.

Sec. 242.103. CERTAIN REPORTS REQUIRED. (a) Requires OIG to prepare and deliver a report concerning the results of any investigation conducted under this subchapter to certain individuals and entities.

(b) Requires that the report prepared under Subsection (a) include a summary of the actions performed by OIG in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or delinquent conduct occurred, and a description of the finding.

(c) Provides that a report prepared under Subsection (a) is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

Sec. 242.104. EMPLOYMENT OF PEACE OFFICERS BY OFFICE OF INSPECTOR GENERAL. (a) Authorizes OIG to employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. Requires an inspector general to have all of the powers and duties given to peace officers under Article 2.13 (Duties and Powers), Code of Criminal Procedure.

(b) Requires that peace officers employed and commissioned under Subsection (a) be certified by the Department on Law Enforcement Officer Standards and Education under Chapter 1701 (Law Enforcement Officers), Occupations Code; and complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (a) as part of any continuing education requirements for the peace officers.

Sec. 242.105. CHIEF INSPECTOR GENERAL; SELECTION AND DUTIES. (a) Requires the executive director to select a commissioned peace officer as chief inspector general. Provides that the chief inspector general is subject to the requirements of Section 242.104 and is authorized only to be discharged for cause.

(b) Requires the chief inspector general on a quarterly basis to prepare and deliver a report concerning the operations of OIG to certain individuals, departments, and entities.

(c) Provides that a report prepared under Subsection (b) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department is required to publish the report on the department's Internet website.

(d) Requires that a report prepared under Subsection (b) be both aggregated and disaggregated by individual facility and include information relating to the types of investigations conducted by OIG, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse; the relationship of a victim to a perpetrator, if applicable; and the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department.

(e) Requires OIG to immediately report to the executive director, any applicable advisory board to the department, the governor's general counsel, and the state auditor any particularly serious or flagrant problem concerning the administration of a the department program or operation or any interference by the executive director of the department or operation or any interference by the executive director or an employee of the department with an investigation conducted by OIG.

Sec. 242.106. TOLL-FREE NUMBER. (a) Requires the department to establish a permanent, toll-free number of the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the department.

(b) Requires that OIG ensure that the toll-free number is prominently displayed in each the department facility; and children in the custody of the department and the department employees have confidential access to telephones for the purpose of calling the toll-free number.

CHAPTER 243. New heading: ADMISSION AND COMMITMENT; ESCAPE

SUBCHAPTER A. ADMISSION AND COMMITMENT

Sec. 243.001. New heading: PLACEMENT IN DEPARTMENT FACILITIES. Redesignates Section 61.061 as Section 243.001. Makes conforming changes.

Sec. 243.002. ESTABLISHMENT OF MINIMUM LENGTH OF STAY. Redesignates Section 61.062 as Section 243.002. Makes conforming changes.

Sec. 243.003. CONVEYANCE OF CHILD TO DEPARTMENT. Redesignates Section 61.064 as Section 243.003. (a) Makes conforming changes.

(b) Requires that the cost of conveying the child be paid by the county from which the child is committed, except that no compensation shall be allowed other than for the actual and necessary expenses of the child and the person accompanying the child. Makes nonsubstantive changes.

Sec. 243.004. NOTIFICATION AND DUTY TO FURNISH INFORMATION. Redesignates Section 61.065 as Section 243.004. Makes conforming changes.

Sec. 243.005. INFORMATION PROVIDED BY COMMITTING COURT. Redesignates Section 61.0651 as Section 243.005. Makes conforming changes.

Sec. 243.006. INFORMATION PROVIDED TO CONVICTING COURT. (a) Requires the department, at the request of a court that commits a child to the department, to provide the court with periodic updates on the progress the child is making while committed to the department.

(b) Authorizes a report provided under Subsection (a) to include any information the department determines to be relevant in evaluating the child's progress, including, as applicable, information concerning the child's treatment, education, and health.

(c) Prohibits a report provided under this section from including information that is protected from disclosure under state or federal law.

Sec. 243.007. COMMITMENT RECORDS. Redesignates Section 61.066 as Section 243.007. Makes a conforming change.

[Reserves Sections 243.008-243.050 for expansion.]

SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF RELEASE CONDITIONS. (a) Provides that if a child who has been committed to the department and placed by the department in any institution or facility has escaped or been released under supervision and broken the conditions of release a sheriff, deputy sheriff, constable, or police officer is authorized, without a warrant, to arrest the child; or a the department employee designated by the executive director is authorized, without a warrant or other order, to take the child into the custody of the department.

(b) Authorizes a child who is arrested or taken into custody under Subsection (a) to be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the department or transported to a department facility.

(c) Authorizes the department, notwithstanding Section 58.005 (Confidentiality of Records), Family Code, to disseminate to the public the following information relating to a child who has escaped from custody: the child's name, including other names by which the child is known; the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos; a photograph of the child; and if necessary to protect the welfare of the community, any other information that reveals dangerous propensities of the child or expedites the apprehension of the child.

Sec. 243.052. APPREHENSION SPECIALISTS. (a) Authorizes the department to employ and commission apprehension specialists as peace officers for the purpose of apprehending a child under Section 243.051.

(b) Requires peace officers employed and commissioned under Subsection (a) to be certified by the Texas Commission on Law Enforcement Officer Standards and Education under Chapter 1701 (Law Enforcement Officers), Occupations Code.

New heading: CHAPTER 244. CARE AND TREATMENT OF CHILDREN

SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

Sec. 244.001. INITIAL EXAMINATION. Redesignates Section 61.071 as Section 244.001. Makes conforming changes.

Sec. 244.002. REEXAMINATION. Deletes existing Section 61.0711 (Health Care Delivery System). Redesignates Section 61.072 as Section 244.002. (a) Makes conforming changes.

(b) Requires that the reexamination, rather than examination, include a study of all current circumstances of a child's personal and family situation and an evaluation of the progress made by the child since the child's last examination.

(c) Makes conforming changes.

Sec. 244.003. RECORDS OF EXAMINATIONS AND TREATMENT. Redesignates Section 61.073 as Section 244.003. Makes conforming changes.

Sec. 244.004. FAILURE TO EXAMINE OR REEXAMINE. Deletes existing Section 61.0731 (Information Available to Children, Parents, and Others). Redesignates Section 61.074 as Section 244.004. Makes conforming changes.

Sec. 244.005. DETERMINATION OF TREATMENT. Redesignates Section 61.075 as Section 244.005. Makes conforming changes.

Sec. 244.006. TYPE OF TREATMENT PERMITTED. Deletes existing Section 61.0751 (Subpoenas). Redesignates Section 61.076 as Section 244.006. Makes conforming changes.

Sec. 244.007. FAMILY PROGRAMS. Redesignates Section 61.0761 as Section 244.007. Makes a conforming change.

Sec. 244.008. INFANT CARE AND PARENTING PROGRAM. Redesignates Section 61.0762 as Section 224.008. (a) Redefines "child."

(b) and (c) Makes conforming changes.

Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) Requires the department, in providing medical care, behavioral health care, or rehabilitation services, to integrate the provision of those services in an integrated comprehensive delivery system.

(b) Authorizes the delivery system to be used to deliver any medical, behavioral health, or rehabilitation services provided to a child in the custody of the department, including health care; dental care; behavioral health care; substance abuse treatment; nutrition; programming; case management; and general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.

Sec. 244.010. New heading: DEPARTMENT CASEWORKERS. Deletes existing Sections 61.0763 (Rights of Parents) and 61.0763 (Reporting Concerning Research Programs or Studies). Redesignates Section 61.0764 as Section 244.010. Makes conforming changes.

Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR MENTAL RETARDATION. Redesignates Section 61.077 as Section 244.011. Makes conforming changes.

Sec. 244.012. EXAMINATION BEFORE DISCHARGE. Redesignates Section 61.0772 as Section 244.012. Makes conforming changes.

Sec. 244.013. NOTICE OF PENDING DISCHARGE. Redesignates Section 61.078 as Section 244.013. Makes conforming changes.

Sec. 244.014. REFERRAL OF VIOLENT AND HABITUAL OFFENDERS FOR TRANSFER. Redesignates Section 61.079 as Section 244.014. Makes conforming changes.

Sec. 244.015. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. Redesignates Section 61.0791 as Section 244.015. Makes conforming changes.

[Reserves Sections 244.016-244.050 for expansion.]

SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS. (a) Authorizes the department, in the interest of achieving the purpose of the department and protecting the public, to disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the department receiving information from the same or similar sources in the future. Prohibits information concerning a person who is

18 years of age or older from being disclosed to the person's parent or guardian without the person's consent.

(b) Authorizes the department to disclose information regarding a child's location and committing court to a person having a legitimate need for the information.

(c) Authorizes the department to disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the department.

Sec. 244.052. RIGHTS OF PARENTS. (a) Requires the department, in consultation with advocacy and support groups such as those described in Section 242.056(a), to develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to the department. Requires that the parent's bill of rights include:

(1) a description of the department's grievance policies and procedures, including contact information for OIG and the office of the independent ombudsman established under Chapter 64;

(2) a list of possible incidents that require parental notification;

(3) policies concerning visits and telephone conversations with a child committed to the department;

(4) a description of the department caseworker responsibilities;

(5) a statement that the department caseworker assigned to a child is authorized to assist the child's parent or guardian in obtaining information and services from the department and other resources concerning counseling, including substance abuse and mental health counseling; assistance programs, including financial and travel assistance programs for visiting a child committed to the department; workforce preparedness programs; parenting programs; and the department seminars; and

(6) information concerning the indeterminate sentencing structure at the department, an explanation of reasons that a child's commitment at the department could be extended, and an explanation of the review process under Sections 245.101 and 245.104 for a child committed to the department without a determinate sentence.

(b) Requires the department, not later than 48 hours after the time a child is admitted to a department facility, to mail to the child's parent or guardian at the last known address of the parent or guardian the parent's bill of rights and the contact information of the department caseworker assigned to the child.

(c) Requires the department on a quarterly basis to provide to the parent, guardian, or designated advocate of a child who is in the custody of the department a report concerning the progress of the child at the department including the academic and behavior progress of the child, and the results of any reexamination of the child conducted under Section 244.002.

(d) Requires the department to ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the department or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

New heading: CHAPTER 243. RELEASE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) Authorizes the department to employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by the department.

(b) Authorizes parole officers to work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.

(c) Requires the department to develop a management system for parole services that objectively measures and provides for:

(1) the systematic examination of children's needs and the development of treatment plans to address those needs;

(2) the evaluation of homes, foster homes, and public and private institutions as constructive parole placements;

(3) the classification of children based on the level of children's needs and the degree of risk presented to the public;

(4) the objective measurement of parole officer workloads; and

(5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.

Sec. 245.002. REENTRY AND REINTEGRATION PLAN. (a) Requires the department to develop a reentry and reintegration plan for each child committed to the custody of the department. Requires that the plan for a child be designed to ensure that the child receives an extensive continuity of care in services from the time the child is committed to the department to the time of the child's final discharge from the department. Requires that the plan for a child include as applicable: housing assistance; a step-down program, such as placement in a halfway house; family counseling; academic and vocational mentoring; trauma counseling for a child who is a victim of abuse while in the custody of the department; and other specialized treatment services appropriate for the child.

(b) Requires the department, if a program or service in the child's reentry and reintegration plan is not available at the time the child is to be released, to find a suitable alternative program or service so that the child's release is not postponed.

Sec. 245.003. CONTRACTS WITH COUNTIES. (a) Authorizes the department to make a contract with a county to use the services of the county's juvenile probation department for the supervision of children within the county who are on furlough from a department facility or who are released under supervision from a department facility.

(b) Requires that payments under a contract described by Subsection (a) to be made to the county treasurer on a quarterly schedule.

(c) Prohibits the department from paying a county for supervision of a child for any time after the child is discharged from the department's custody, is returned to a department facility, or transfers the child's residence to another county or state.

(d) Requires a county that has a contract with the department to report to the department on the status and progress of each child for whom the county is receiving payments. Requires that the reports be made at the time and in the manner specified by the contract.

[Reserves Sections 245.004-245.050 for expansion.]

SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

Sec. 245.051. **RELEASE UNDER SUPERVISION.** Redesignates Section 61.081 as Section 245.051. (a) Makes conforming and nonsubstantive changes.

(b) Deletes existing text relating to authorizing TYC to employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by TYC. Deletes existing Subsections (c) (relating to authorizing parole officers to work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency) and (d) (relating to authorizing TYC to resume the care and custody of any child released under supervision at any time before the final discharge of the child. Makes conforming and nonsubstantive changes.

(c) and (d) Makes conforming and nonsubstantive changes.

(e) Authorizes the department to resume the care and custody of any child released under supervision at the time before the final discharge of the child.

(f) and (g) Makes conforming and nonsubstantive changes.

Sec. 245.052. **NEW HEADING: SUBSTANCE ABUSE TREATMENT.** Deletes existing Section 61.0811 (Parole Management). Redesignates Section 61.0812 as Section 245.052. Makes a conforming change.

Sec. 245.053. **SEX OFFENDER COUNSELING AND TREATMENT.** Redesignates Section 61.0813 as Section 245.053. Makes conforming changes.

Sec. 245.054. **INFORMATION PROVIDED TO COURT BEFORE RELEASE.** (a) Requires the department, in addition to providing the court with notice of release of a child under Section 245.051(b), not later than the 90th day before the date the department releases the child, to provide the court that committed the child to the department a copy of the child's reentry and reintegration plan developed under Section 245.002 and a report concerning the progress the child has made while committed to the department.

(b) Requires the department, if, on release, the department places a child in a county other than the county served by the court that committed the child to the department, to provide the information described by Subsection (a) to both the committing court and the juvenile court in the county where the child is placed after release.

[Reserves Sections 245.055-245.100 for expansion.]

SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

Sec. 254.101. **NEW HEADING: COMPLETION OF MINIMUM LENGTH OF STAY; PANEL.** Deletes existing Section 61.0814 (Reentry and Reintegration Plan). Redesignates Section 61.0815 as Section 254.101. (a) Makes conforming changes.

(b) Makes conforming changes.

(c) Requires the executive director to determine the size of the panel described by Subsection (b) and the length of the members' terms of service on the panel. Makes conforming changes.

Sec. 254.102. **EXTENSION ORDER.** (a) Creates Subsection (a) from existing text. Makes conforming and nonsubstantive changes.

(b) Creates Subsection (b) from existing text. Makes a conforming change.

(c) Creates Subsection (c) from existing text. Makes conforming changes.

Sec. 254.103. STATISTICS AND REPORTS CONCERNING EXTENSION ORDER.

(a) Creates Subsection (a) from existing text. Requires the department to maintain statistics of the number of extensions granted by a panel under Section 245.102, rather than the panel. Makes a conforming change.

(b) Creates Subsection (b) from existing text. Makes conforming changes.

(c) Creates Subsection (c) from existing text. Makes conforming changes.

(d) Creates Subsection (d) from existing text. Makes a conforming change.

Sec. 254.104. REQUEST FOR RECONSIDERATION OF EXTENSION ORDER.

Redesignates Section 61.0816 as Section 245.104. (a) Requires the department by rule to establish a process to request the reconsideration of an extension order issued by a panel under Section 245.102, rather than by the panel established under Section 61.0815. Makes conforming changes.

(b) and (c) Makes conforming changes.

Sec. 245.105. STATISTICS AND REPORTS CONCERNING RECONSIDERATIONS OF EXTENSION ORDERS. (a) Creates Subsection (a) from existing text. Requires the department to maintain statistics of the number of requests for reconsideration of an extension order that are submitted under Section 245.104 and the action taken on reconsideration of the extension order. Makes conforming changes.

(b) Creates Subsection (b) from existing text. Makes conforming changes.

(c) Creates Subsection (c) from existing text. Makes conforming changes.

Sec. 245.106. TRANSPORTATION, CLOTHING, MONEY. Redesignates Section 61.082 as Section 245.106. Makes conforming changes.

[Reserves Sections 245.107-245.150 for expansion.]

SUBCHAPTER D. TERMINATION OF CONTROL

Sec. 245.151. TERMINATION OF CONTROL. Deletes existing Section 61.083 (Contracts with Counties). Redesignates Section 61.084 as Section 245.151. (a) Makes conforming changes.

(b) Requires the department to discharge without a court hearing a person committed to the department for a determinate sentence under Section 54.04 (d)(3) (relating to the authorization of the court or jury to sentence the child to commitment in TYC with a possible transfer to the Texas Department of Criminal Justice (TDCJ) for certain terms), Section 54.04(m) (relating to the authorization of the court or jury to sentence a child adjudicated for habitual felony conduct to a term prescribed by Subsection (d)(3) and applicable to the conduct adjudicated in the pending case in certain circumstances), or Section 54.05(f) (relating to the authorization of a felony to be), Family Code, who has not been transferred to the TDCJ, rather than the institutional division of TDCJ, under a court order on the date that the time spent by the person in detention in connection with the committing case place the time spent at the department under the order of commitment equals the period of the sentence. Makes conforming changes.

(c) - (e) Makes conforming changes.

Sec. 245.152. DETERMINATE SENTENCE PAROLE. Redesignates Section 61.0841 as Section 245.152. (a) Makes conforming changes.

(b) Requires the department to provide instruction for parole officers of the parole division, rather than the pardons and paroles division, relating to juvenile programs at the department. Makes conforming changes.

(c) Makes conforming changes.

SECTION 1.008. Transfers Subchapters H and I, Chapter 61, Human Resources Code, to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignates them as Chapter 246, and amends as follows:

CHAPTER 246. MISCELLANEOUS PROGRAMS

New heading: SUBCHAPTER A. YOUTH BOOT CAMP PROGRAMS

Sec. 246.001. YOUTH BOOT CAMP PROGRAMS. Redesignates Section 61.101 as Section 246.001. (a) Makes a conforming change.

(b) Requires the department, rather than TYC in consultation with TJPC, to develop guidelines for a program of physical and correctional training and military-style discipline for children placed in youth boot camps operated by local probation departments for violating the conditions of release under supervision or parole under Chapter 245, rather than Section 61.081. Makes a conforming change.

(c) and (d) Makes conforming changes.

New heading: SUBCHAPTER B. INDUSTRIES PROGRAM

Sec. 246.051. PURPOSE; IMPLEMENTATION. Redesignates Section 61.121 as Section 246.051. Makes conforming changes.

Sec. 246.052. ADVISORY COMMITTEE. Redesignates Section 61.122 as Section 246.052. Makes conforming changes.

Sec. 246.053. PAY AND DISTRIBUTION OF PAY. Redesignates Section 61.123 as Section 246.053. Makes conforming changes.

Sec. 246.054. INDUSTRIES FUND. Redesignates Section 61.124 as Section 246.054. (a) Provides that a TJJD industries program fund, rather than a TYC industries program fund, is created in the state treasury.

(b) Makes no changes to this subsection.

(c) Makes a conforming change. Deletes existing Subsection (d) (providing that certain sections do not apply to the fund).

Sec. 246.055. CONTRACTS. Redesignates Section 61.125 as Section 246.055. Makes a conforming change.

Sec. 246.056. DONATIONS. Redesignates Section 61.126 as Section 246.056. Makes a conforming change.

Sec. 246.057. GRANTS. Redesignates Section 61.127 as Section 246.057. Makes conforming changes.

Sec. 246.058. LEASE OF LAND. Redesignates Section 61.128 as Section 246.058. Makes conforming changes.

Sec. 246.059. OPTIONAL AD VALOREM TAX ABATEMENT. Deletes existing Section 61.129 (Certification for Franchise Credit). Redesignates Section 61.130 as Section 246.059. Makes conforming changes.

SECTION 1.009. Amends Title 12, Human Resources Code, as added by this Act, by adding Subtitle D, with a heading to read as follows:

SUBTITLE D. INDEPENDENT OMBUDSMAN

SECTION 1.010. Transfers Chapter 64, Human Resources Code, to Subtitle D, Title 12, Human Resources Code, as added by this Act, redesignates it as Chapter 261, and amends it as follows:

New heading: CHAPTER 261. INDEPENDENT OMBUDSMAN

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 261.001. DEFINITIONS. Redesignates Section 64.001 as Section 261.001. Deletes existing text defining "commission." Makes nonsubstantive changes.

Sec. 261.002. ESTABLISHMENT; PURPOSE. Redesignates Section 64.002 as Section 261.002. Makes a conforming change.

Sec. 261.003. INDEPENDENCE. Redesignates Section 64.003 as Section 261.003. Makes conforming changes.

SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

Sec. 261.051. APPOINTMENT OF INDEPENDENT OMBUDSMAN. Redesignates Section 64.051 as Section 261.051. Makes no changes to this section.

Sec. 261.052. ASSISTANTS. Redesignates Section 64.052 as Section 261.052. Makes no changes to this section.

Sec. 261.053. CONFLICT OF INTEREST. Redesignates Section 64.053 as Section 261.053. Makes conforming changes.

Sec. 261.054. SUNSET PROVISION. Redesignates Section 64.054 as Section 261.054. Requires the office of independent ombudsman (office) to be reviewed during the periods in which TJJDD or its successor agency is reviewed, rather than during the periods in which state agencies abolished in 2009 and every 12th year after 2009 are reviewed.

Sec. 261.055. REPORT. Redesignates Section 64.055 as Section 261.055. Makes conforming changes.

Sec. 261.056. COMMUNICATION AND CONFIDENTIALITY. Redesignates Section 64.056 as Section 261.056. Makes conforming changes.

Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. Redesignates Section 64.057 as Section 261.057. Makes a conforming change.

Sec. 261.058. RULEMAKING AUTHORITY. Redesignates Section 64.058 as Section 261.058. (a) Creates this subsection from existing text.

(b) Requires the office and the department to adopt rules necessary to implement Section 261.060, including rules that identify which reports of the office are subject to review and comment by the department before publication; and establish procedures for the department to review and comment on the reports, including procedures for the department to expedite or eliminate review of and comment on a report due to an emergency or a serious or flagrant circumstance described by Section 261.055(b).

(c) Requires the department and the office, notwithstanding Section 201.001(a-1), to jointly adopt the rules required under Subsection (B) not later than March 1, 2010. Provides that this subsection expires September 1, 2010.

Sec. 261.059. **AUTHORITY OF STATE AUDITOR.** Redesignates Section 64.059 as Section 261.059. Makes no changes to this section.

Sec. 261.060. **REVIEW AND FORMAT OF REPORTS.** (a) Requires the office to accept, both before and after publication, comments from the department concerning the following types of reports published by the office under this chapter: the office's quarterly report under Section 261.055(a), reports concerning serious or flagrant circumstances under Section 261.055(b), and any other formal reports containing findings and making recommendations concerning systemic issues that affect the department.

(b) Prohibits the department from submitting comments under Subsection (a) after the 30th day after the date the report on which the department is commenting is published.

(c) Requires the office to ensure that reports described by Subsection (a) are in a format to which the department can easily respond.

(d) Provides that after receipt of comments under this section, the office is not obligated to change any report or change the manner in which the office performs the duties of the office.

Sec. 261.061. **COMPLAINTS.** (a) Requires the office to maintain a system to promptly and efficiently act on complaints filed with the office that relate to the operations or staff of the office. Requires the office to maintain information about parties to the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) Requires the office to make information available describing its procedures for complaint investigation and resolution.

(c) Requires the office to periodically notify the complaint parties of the status of the complaint until final disposition.

SUBCHAPTER C. DUTIES AND POWERS

Sec. 261.101. **DUTIES AND POWERS.** Redesignates Section 64.101 as Section 261.101. (a) Makes conforming changes.

(b) - (d) Makes no changes to these subsections.

(e) Provides that notwithstanding any other provision of this chapter, the powers of the office are limited to facilities operated and services provided by the department under Subtitle C.

Sec. 261.102. New heading: **TREATMENT OF DEPARTMENT EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN.** Redesignates Section 64.102 as Section 261.102. Makes a conforming change.

Sec. 261.103. **TRAINING.** Redesignates Section 64.103 as Section 261.103. Makes a conforming change.

Sec. 261.104. **MEMORANDUM OF UNDERSTANDING.** (a) Requires the office and the department to enter into a memorandum of understanding concerning the most efficient manner in which to share information with one another; and the procedures for handling overlapping monitoring duties and activities performing by the office and the department.

(b) Requires that the memorandum of understanding entered into under Subsection (a), at a minimum, to:

(1) address the interaction of the office with that portion of the department that conducts an internal audit under Section 242.005;

(2) address communication between the office and the department concerning individual situations involving children committed to the department and how those situations will be documented and handled;

(3) contain guidelines on the office's role in relevant working groups and policy development decisions at the department;

(4) ensure opportunities for sharing information between the office and the department for the purposes of assuring quality and improving programming within the department; and

(5) recognize the independence of the office and the office's right to withhold confidential information from the department.

(c) Requires the department and the office, notwithstanding Section 201.001(a-1), to adopt the memorandum of understanding required by this section not later than March 1, 2010. Provides that this subsection expires September 1, 2010.

SUBCHAPTER D. ACCESS TO INFORMATION

Sec. 261.151. ACCESS TO INFORMATION OF GOVERNMENTAL ENTITIES. Redesignates Section 64.151 as Section 261.151. Makes conforming changes.

Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES. Redesignates Section 64.152 as Section 261.151. Makes a conforming change.

SECTION 1.011. Amends Section 61.012(e), Human Resources Code, to provide that this section expires September 1, 2010, rather than 2009.

SECTION 1.012. Amends Section 61.0121(f), Human Resources Code, to provide that this section expires September 1, 2010, rather than 2009.

SECTION 1.013. Amends Section 61.123(d), Human Resources Code, to provide that this section expires September 1, 2010, rather than 2009.

SECTION 1.014. Amends Section 61.013(h), Human Resources Code, to provide that this section expires September 1, 2010, rather than 2009.

SECTION 1.015. Amends Section 61.019(c), Human Resources Code, to provide that this section expires September 1, 2010, rather than 2009.

SECTION 1.016. Amends Section 61.020, Human Resources Code, as follows:

Sec. 61.020. SUNSET PROVISION. Provides that TYC is abolished on September 1, 2010, and this section expires September 1, 2010. Deletes existing text providing that TYC is subject to Chapter 325, Government Code, (Texas Sunset Act), and providing that unless continued in existence as provided by that chapter, TYC is abolished and this chapter expires September 1, 2009.

SECTION 1.017. Amends Section 141.012, Human Resources Code, as follows:

Sec. 141.012. SUNSET PROVISION. Provides that TJPC is abolished on September 1, 2010, and this section expires September 1, 2010. Deletes existing text providing that TJPC is subject to Chapter 325, Government Code (Texas Sunset Act), and that unless

continued in existence as provided by that chapter, TJPC is abolished and this chapter expires September 1, 2009.

SECTION 1.018. Repealer: Section 61.024 (Governance of Commission), Human Resources Code.

ARTICLE 2. MISCELLANEOUS PROVISIONS

SECTION 2.001. Amends Section 51.02, Family Code, by adding Subdivision (8-a), to define "nonsecure correctional facility."

SECTION 2.002. Amends Chapter 51, Family Code, by adding Section 51.126, as follows:

Sec. 51.126. NONSECURE CORRECTIONAL FACILITIES. (a) Requires each judge of the juvenile court and a majority of the members of the juvenile board, in each county, to personally inspect, at least annually, all nonsecure correctional facilities that are not operated by TJJD and that are located in the county and to certify in writing to the authorities responsible for operating and giving financial support to the facilities and to TJJD that the facility or facilities are suitable or unsuitable for the confinement of children. Requires the juvenile court judges and juvenile board members, in determining whether a facility is suitable or unsuitable for the confinement of children, to consider:

(1) current monitoring and inspection reports and any noncompliance citation reports issued by TJJD, including the report provided under Subsection (b), and the status of any required corrective actions; and

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

(b) Requires TJJD to annually inspect each nonsecure correctional facility that is not operated by TJJD. Requires TJJD to provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in nonsecure confinement promulgated by TJJD or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(c) Requires a governmental unit or private entity that operates or contracts for the operation of a juvenile nonsecure correctional facility in this state under Subsection (a), except for a facility operated by or under contract with TJJD, to register the facility annually with TJJD, and adhere to all applicable minimum standards for the facility.

(d) Requires TJJD to deny, suspend, or revoke the registration of any facility required to register under Subsection (c) if the facility fails to adhere to all applicable minimum standards for the facility, or timely correct any notice of noncompliance with minimum standards.

(e) Defines "Texas Juvenile Justice Department." Provides that this subsection expires September 1, 2010.

SECTION 2.003. Amends Chapter 614, Health and Safety Code, by adding Section 614.018, as follows:

Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL IMPAIRMENTS. (a) Requires TJJD, DPS, DSHS, DADS, DFPS, TEA, and local juvenile probation departments to adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. Requires the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to

coordinate and monitor the development and implementation of the memorandum of understanding.

(b) Requires that the memorandum of understanding establish methods for identifying juveniles with mental impairments in the juvenile justice system and collecting and reporting relevant data to TCOOMMI; developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on juveniles with mental impairments who are committed to or treated, served, or supervised by TJJD, DPS, DSHS, DFPS, DADS, TEA, local juvenile probation departments, local mental health or mental retardation authorities, and independent school districts; and identifying the services needed by juveniles with mental impairments in the juvenile justice system.

(c) Defines "continuity of care and service program."

SECTION 2.004. Amends Sections 614.017(a) and (b), Health and Safety Code, as follows:

(a) Requires an agency to accept information relating to juvenile with a mental impairment that is sent to the agency to serve the purposes of continuity of care and services regardless of whether other state law makes that information confidential; and disclose information relating to a juvenile with a mental impairment, including information about the offender's or juvenile's identity, needs, treatment, social, criminal, and vocation history, supervision status and compliance with conditions of supervision, and medical and mental health history, if the disclosure serves the purposes of continuity of care and services.

(b) Prohibits information obtained under this section from being used as evidence in any juvenile or criminal proceeding, unless obtained and introduced by other lawful evidentiary means.

SECTION 2.005. Amends Section 614.017(c), Health and Safety Code, by amending Subdivision (1) and adding Subdivision (3), to redefine "agency" and "juvenile with a mental impairment."

SECTION 2.006. Amends Section 614.009, Health and Safety Code, to require that biennial the report required under this section include an evaluation of the development and implementation of the continuity of care and service programs established under certain sections, including Section 614.018, changes in rules, policies, or procedures relating to the program, future plans for the programs, and any recommendations for legislation.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001 Amends Article 2.12, Code of Criminal Procedure, to provide that certain individuals are peace officers including apprehension specialists and inspectors general commissioned by TJJD, rather than TYC, as officers under Sections 242.104 and 243.052, rather than Section 61.0451, Human Resources Code; and investigators commissioned by TJJD, rather than TJPC, as peace officers under Section 221.011, rather than Section 141.055, Human Resources Code.

SECTION 3.002. Amends Section 51.13(c), Family Code, to prohibit a child from being committed or transferred to a penal institution or other facility used primarily for the execution of sentences of persons convicted of crime except in certain circumstances, including after transfer from TJJD, rather than TYC, under Section 245.151(c), rather than Section 61.084, Human Resources Code.

SECTION 3.003. Amends Section 51.21(a), Family Code, to make a conforming change.

SECTION 3.004. Amends Section 53.045(d), Family Code, to make a conforming change.

SECTION 3.005. Amends Sections 54.11(a), (h), (i), and (j), Family Code, to make conforming changes.

SECTION 3.006. Amends Section 58.003(g-1), Family Code, to make conforming changes.

SECTION 3.007. Amends Section 58.0072(b), Family Code, to make conforming changes.

SECTION 3.008. Amends Section 41.310(b), Government Code, to make conforming changes.

SECTION 3.009. Amends Section 411.1141(a), Government Code, to make conforming changes.

SECTION 3.010. Amends Section 493.017(d), Government Code, to make conforming changes.

SECTION 3.011. Amends Section 499.053, Government Code, as follows:

Sec. 499.053. New heading: TRANSFERS FROM TEXAS JUVENILE JUSTICE DEPARTMENT. (a) Requires the Texas Department of Criminal Justice (TDCJ), rather than the institutional division, to accept persons transferred to TDCJ, rather than the division, from TJJD, rather than TYC, under Section 245.151, rather than Section 61.084, Human Resources Code.

(b) - (d) Makes conforming changes.

SECTION 3.012. Amends Section 508.156(a), Government Code, to make conforming changes.

SECTION 3.013. Amends Section 152.0007(b), Human Resources Code, to make conforming changes.

SECTION 3.014. Amends Sections 152.0011(b) and (c), Human Resources Code, as follows:

(b) Deletes existing text prohibiting the juvenile board from awarding a contract under this subsection unless the juvenile board requests proposals and receives a proposal that meets or exceeds, in addition to requirements specified in the request for proposals, the requirements specified in Section 141.0434 (Additional Requirements for Contracts With Private Vendors [Repealed]).

(c) Makes a conforming change.

SECTION 3.015. Amends Section 152.0301(f), Human Resources Code, to make conforming changes.

SECTION 3.016. Amends Section 152.0791(g), Human Resources Code, to make conforming changes.

SECTION 3.017. Amends Section 152.1371(f), Human Resources Code, to make conforming changes.

SECTION 3.018. Amends Section 152.1431(f), Human Resources Code, to make conforming changes.

SECTION 3.019. Amends Section 152.2511(f), Human Resources Code, to make conforming changes.

SECTION 3.019. Amends Section 152.2511(f), Human Resources Code, to make conforming changes.

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.001. (a) Repealer, effective September 1, 2010: Subchapters A (General Provisions) and B (Administrative Provisions), Chapter 61 (Texas Youth Council), Human Resources Code, as amended by this Act.

Repealer, effective September 1, 2010: Subchapters A (General Provisions) and B (Administrative Provisions), Chapter 141 (Texas Juvenile Probation Commission), Human Resources Code, as amended by this Act.

(b) Provides that effective September 1, 2010, TYC and TJPC are abolished and the powers and duties of those agencies are transferred to the Texas Juvenile Justice Board (board) and TJJD in accordance with Title 12, Human Resources Code, as added by this Act.

SECTION 4.002. (a) Requires the board, on September 1, 2010, or as soon as is possible after that date, to adopt a comprehensive plan to ensure the smooth transition of all programs operated by TYC and TJPC before September 1, 2010, from those agencies to TJJD.

(b) Requires that all money, records, property, and equipment in the possession of TYC or TJPC on September 1, 2010, be transferred to the possession of TJJD on September 1, 2010, or as soon as possible after that date.

(c) Provides that effective September 1, 2010, a rule adopted by TYC or TJPC is a rule of TJJD until and unless TJJD amends or repeals that rule.

(d) Provides that effective September 1, 2010, a memorandum of understanding entered into by TYC or TJPC is binding against TJJD to the same extent that the memorandum bound the agency that entered into the memorandum of understanding, until and unless TJJD enters into a new memorandum of understanding that modifies TJJD's responsibilities.

SECTION 4.003. Requires TYC and TJPC, as applicable, unless another provision of this Act specifically provides otherwise, to implement each change in law made by this Act, including adopting any necessary or required rule, not later than September 1, 2010.

SECTION 4.004. (a) Provides that the validity of a disposition of a child under Title 3 (Facilities and Services for Children), Family Code, made before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the disposition refer to TYC or TJPC; and

(2) during the time for disposition is in effect, TYC or TJPC cease to exist and their powers and duties are transferred, as provided by this Act, to TJJD.

(b) Provides that the action of a juvenile probation department taken in relation to a child before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the action refer to TYC or TJPC; and

(2) during the time for the action is in effect, TYC or TJPC cease to exist and their powers and duties are transferred, as provided by this Act, to TJJD.

(c) Provides that the changes in law made by this Act to Title 3, Family Code, are not substantive in nature and apply to conduct by a child that occurs before, on, or after the effective date of this Act.

SECTION 4.005. Effective date: September 1, 2009.