

## **BILL ANALYSIS**

Senate Research Center

S.B. 1702  
By: Whitmire  
Criminal Justice  
6/14/2019  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The duties of the Texas Juvenile Justice Department's (TJJD) independent ombudsman include the oversight and inspection of facilities in which juveniles are housed within our juvenile justice system. Traditionally the ombudsman performs these duties at the five secure facilities located throughout Texas. However, it is important that the ombudsman also be able to provide necessary oversight at any facility where a juvenile might be housed, including post-adjudication probation facilities and contract facilities, to ensure the safety and security of all juveniles in our system.

During the interim, TJJD's independent ombudsman raised a concern that his ability to provide such oversight was potentially in conflict within existing statute. The ombudsman's duties of oversight and inspection are governed by Section 261.101 of the Human Resources Code. Upon further research, it was discovered that the provision that allowed for inspection and oversight of post-adjudication and contract facilities expired as of January 1, 2019, due to legislation passed in the 84th Legislature.

S.B. 1702 simply reinstates the language in Section 261.101(f) that expired on January 1 to allow for continued oversight of facilities where a juvenile might be housed. This will continue to provide safeguards to ensure that juveniles remain in safe and secure facilities, balanced with the necessary security to facilitate an effective juvenile justice system moving forward. (Original Author's/Sponsor's Statement of Intent)

S.B. 1702 amends current law to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 261.101, Human Resources Code, by adding Subsection (f), as follows:

(f) Provides that, notwithstanding any other provision of this chapter (Independent Ombudsman), the powers of the office of independent ombudsman (office) include:

(1) the inspection of:

(A) a facility operated by the Texas Juvenile Justice Department (TJJD) under Subtitle C (Secure Facilities);

(B) a post-adjudication secure correctional facility under Section 51.125 (Post-Adjudication Correctional Facilities), Family Code;

(C) a nonsecure correctional facility under Section 51.126 (Nonsecure Correctional Facilities), Family Code; and

(D) any other residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order; and

(2) the investigation of complaints alleging a violation of the rights of the children committed to or placed in a facility described by this subsection.

SECTION 2. Repealer: Section 261.101(e) (relating to the limitation of the powers of the office to facilities operated and services provided by TJJD under Subtitle C), as added by Section 11(b), Chapter 854 (S.B. 1149), Acts of the 84th Legislature, Regular Session, 2015.

Repealer: Section 261.101(e) (relating to the powers of the office), as amended by Chapter 962 (S.B. 1630), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 3. Effective date: September 1, 2019.