

BILL ANALYSIS

Senate Research Center

H.B. 1929
By: McClendon (Zaffirini)
Health & Human Services
5-1-97
Committee Report (Amended)

DIGEST

The Texas Juvenile Probation Commission (TJPC) has received several complaints of alleged child abuse in juvenile pre-adjudication and post-adjudication secure detention and correctional facilities. However, because secure juvenile detention and correctional facilities are not licensed by the Texas Department of Protective and Regulatory Services (DPRS), DPRS does not have the authority to investigate alleged child abuse or neglect in those facilities. Concern has been raised that the investigation of alleged abuse in these facilities has suffered as a result. H.B. 1929 would require juvenile probation officers and juvenile detention or correctional officers to report child abuse or neglect to a local law enforcement agency, with certain exceptions, and would require a local law enforcement agency to immediately notify TJPC of any report the agency receives.

PURPOSE

As proposed, H.B. 1929 provides for the investigation and reporting of child abuse or neglect.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.101(b), Family Code, to provide that the term "professional" includes juvenile probation officers and juvenile detention or correctional officers. Makes a conforming change.

SECTION 2. Amends Section 261.405, Family Code, as follows:

Sec. 261.405. New heading: INVESTIGATIONS IN PRE-ADJUDICATION AND POST-ADJUDICATION SECURE JUVENILE FACILITIES. Requires a report of alleged abuse or neglect in a public or private juvenile pre-adjudication secure detention facility, including hold-over facilities, or public or private juvenile post-adjudication secure correctional facility, except for a facility operated solely for children committed to the Texas Youth Commission, to be made to a local law enforcement agency for investigation. Requires the local law enforcement agency to immediately notify the Texas Juvenile Probation Commission of any report the agency receives.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 1, line 20, replaces Section 261.405, Family Code, with a new Section 261.405, to include hold-over facilities among those juvenile pre-adjudication secure detention facilities to which this section applies. Exempts a facility operated solely for children committed to the Texas Youth Commission from the application of this section.