

BILL ANALYSIS

Senate Research Center

S.B. 362
By: Brown
Criminal Justice
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As Filed

DIGEST

The Texas Juvenile Probation Commission (commission) was created in 1981 by the 67th Legislature. The commission is responsible for making probation services available to juveniles throughout the state, improving the effectiveness of juvenile probation services as an alternative to committing children to the custody of the state, and improving communication among state and local entities within the juvenile justice system. In addition, the commission provides funding and technical assistance to local juvenile probation departments. The commission is subject to the Sunset Act and will be abolished September 1, 1997 unless continued by the Legislature. This bill will provide for the continuation of the commission and propose several statutory modifications.

PURPOSE

As proposed, S.B. 362 provides for the continuation of the Texas Juvenile Probation Commission and proposes several statutory modifications.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Juvenile Probation Commission in SECTIONS 8 and 10 (Sections 141.0421(a) and 141.087(e), Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.011(c), Human Resources Code, to update standard language developed by the Sunset Commission regarding qualifications for appointment to the Texas Juvenile Probation Commission (commission).

SECTION 2. Amends Section 141.012, Human Resources Code, to update the commission's sunset review date to September 1, 2009, providing for a 12-year review.

SECTION 3. Amends Chapter 141B, Human Resources Code, by adding Section 141.0145, as follows:

Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS. Adds standard language developed by the Sunset Commission regarding training for commission members.

SECTION 4. Amends Section 141.016(a), Human Resources Code, to update standard language developed by the Sunset Commission regarding the appointment of a presiding officer.

SECTION 5. Amends Sections 141.017(a) and (c), Human Resources Code, to update standard language developed by the Sunset Commission regarding removal.

SECTION 6. Amends Section 141.021, Human Resources Code, to update standard language developed by the Sunset Commission regarding employment policies.

SECTION 7. Amends Section 141.042(e), Human Resources Code, to require juvenile probation departments to use the standard assessment tool developed by the commission or a similar tool developed by a juvenile probation department and approved by the commission for the initial assessment of children under the jurisdiction of probation departments. Requires juvenile probation

departments to report the information relating to the results from the use of the standard assessment tool or other similar tool to the commission in a manner prescribed by the commission. Deletes existing text requiring the commission to develop for voluntary use by juvenile probation departments a standard assessment tool.

SECTION 8. Amends Chapter 141C, Human Resources Code, by adding Section 141.0421, as follows:

Sec. 141.0421. **STANDARDS RELATING TO LOCAL PROBATION DEPARTMENTS.** Requires the commission to adopt rules regarding information collection and reporting standards for local juvenile probation departments. Requires the commission to monitor local probation departments for compliance with the standards and measures that the commission adopts. Requires the commission to provide technical assistance to local probation departments to aid compliance.

SECTION 9. Amends Chapter 141C, Human Resources Code, by adding Sections 141.050-141.053, as follows:

Sec. 141.050. **CONTRACT STANDARDS.** Sets forth standards for a contract between the commission and a county for local probation services. Sets forth items required to be included in a contract involving a local juvenile probation department.

Sec. 141.051. **CONTRACT MONITORING.** Requires the commission to establish a formal program to monitor contracts under Section 141.050 made by the commission. Sets forth actions the commission is required to take.

Sec. 141.052. **MEDICAID BENEFITS.** Requires the commission to take certain actions regarding Medicaid benefits.

Sec. 141.053. **ACCESSIBILITY TO PROGRAMS AND FACILITIES.** Adds standard language developed by the Sunset Commission regarding access to programs and facilities.

SECTION 10. Amends Chapter 141E, Human Resources Code, by adding Section 141.087, as follows:

Sec. 141.087. **COUNTY PILOT PROGRAMS IN POOLING FUNDS AND RESOURCES.** Requires the commission, jointly with the Texas Youth Commission, to establish pilot county programs as provided by this section to allow the pooling of state and local funds to provide a complete array of services to children within the juvenile justice system in the area served by the program. Sets forth procedures for administration of the program. Requires the commission, in cooperation with the Texas Youth Commission, to adopt rules that establish standards for the administration and operation of a pilot program. Requires the commission, jointly with the Texas Youth Commission, to submit a report containing certain information not later than January 1, 2001, to certain persons. Sets forth procedures for the financial administration of the program.

SECTION 11. Requires the Texas Juvenile Probation Commission to develop county pilot programs as required by Section 141.087, Human Resources Code, as added by this Act, and to establish rules and standards to be applied in the administration of the programs, not later than January 1, 1998.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.