

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/22/23

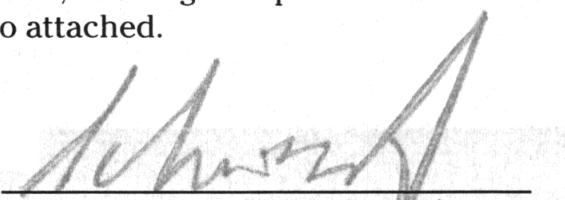
Date

Honorable Dan Patrick
President of the Senate

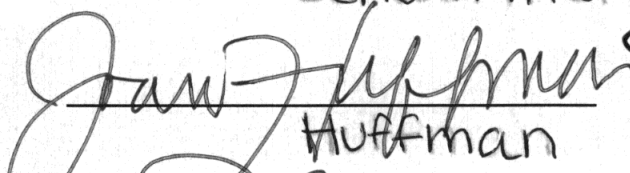
Honorable Dade Phelan
Speaker of the House of Representatives

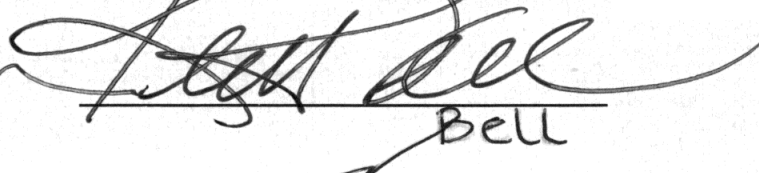
Sirs:

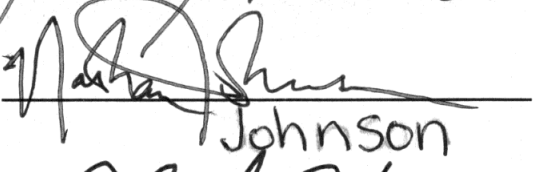
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1727 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

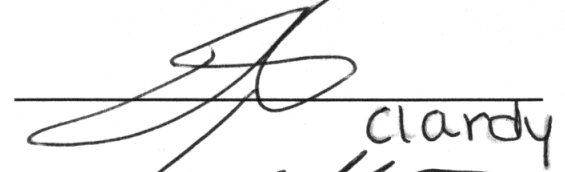

Schwertner

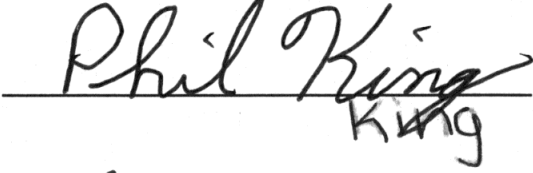

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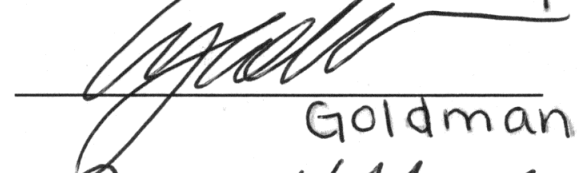

Huffman

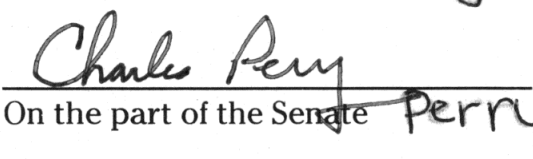

Bell


Johnson


Clardy


King


Goldman


On the part of the Senate Perry


On the part of the House Holland

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1727

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the continuation and functions of the Texas Juvenile
3 Justice Department, the functions of the office of independent
4 ombudsman for the Texas Juvenile Justice Department, and the powers
5 and duties of the office of inspector general of the Texas Juvenile
6 Justice Department.

7

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8

SECTION 1. Article 2.12, Code of Criminal Procedure, is
9 amended to read as follows:

10

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
11 officers:

12

(1) sheriffs, their deputies, and those reserve
13 deputies who hold a permanent peace officer license issued under
14 Chapter 1701, Occupations Code;

15

(2) constables, deputy constables, and those reserve
16 deputy constables who hold a permanent peace officer license issued
17 under Chapter 1701, Occupations Code;

18

(3) marshals or police officers of an incorporated
19 city, town, or village, and those reserve municipal police officers
20 who hold a permanent peace officer license issued under Chapter
21 1701, Occupations Code;

22

(4) rangers, officers, and members of the reserve
23 officer corps commissioned by the Public Safety Commission and the
24 Director of the Department of Public Safety;

1 (5) investigators of the district attorneys', criminal
2 district attorneys', and county attorneys' offices;

3 (6) law enforcement agents of the Texas Alcoholic
4 Beverage Commission;

5 (7) each member of an arson investigating unit
6 commissioned by a city, a county, or the state;

7 (8) officers commissioned under Section 37.081,
8 Education Code, or Subchapter E, Chapter 51, Education Code;

9 (9) officers commissioned by the General Services
10 Commission;

11 (10) law enforcement officers commissioned by the
12 Parks and Wildlife Commission;

13 (11) officers commissioned under Chapter 23,
14 Transportation Code;

15 (12) municipal park and recreational patrolmen and
16 security officers;

17 (13) security officers and investigators commissioned
18 as peace officers by the comptroller;

19 (14) officers commissioned by a water control and
20 improvement district under Section 49.216, Water Code;

21 (15) officers commissioned by a board of trustees
22 under Chapter 54, Transportation Code;

23 (16) investigators commissioned by the Texas Medical
24 Board;

25 (17) officers commissioned by:

26 (A) the board of managers of the Dallas County
27 Hospital District, the Tarrant County Hospital District, the Bexar

1 County Hospital District, or the El Paso County Hospital District
2 under Section 281.057, Health and Safety Code;

3 (B) the board of directors of the Ector County
4 Hospital District under Section 1024.117, Special District Local
5 Laws Code;

6 (C) the board of directors of the Midland County
7 Hospital District of Midland County, Texas, under Section 1061.121,
8 Special District Local Laws Code; and

9 (D) the board of hospital managers of the Lubbock
10 County Hospital District of Lubbock County, Texas, under Section
11 1053.113, Special District Local Laws Code;

12 (18) county park rangers commissioned under
13 Subchapter E, Chapter 351, Local Government Code;

14 (19) investigators employed by the Texas Racing
15 Commission;

16 (20) officers commissioned under Chapter 554,
17 Occupations Code;

18 (21) officers commissioned by the governing body of a
19 metropolitan rapid transit authority under Section 451.108,
20 Transportation Code, or by a regional transportation authority
21 under Section 452.110, Transportation Code;

22 (22) investigators commissioned by the attorney
23 general under Section 402.009, Government Code;

24 (23) security officers and investigators commissioned
25 as peace officers under Chapter 466, Government Code;

26 (24) officers appointed by an appellate court under
27 Subchapter F, Chapter 53, Government Code;

1 (25) officers commissioned by the state fire marshal
2 under Chapter 417, Government Code;

3 (26) an investigator commissioned by the commissioner
4 of insurance under Section 701.104, Insurance Code;

5 (27) officers appointed by the inspector general of
6 ~~[apprehension specialists and inspectors general commissioned by]~~
7 the Texas Juvenile Justice Department ~~[as officers]~~ under Section
8 ~~[Sections]~~ 242.102 ~~[and 243.052]~~, Human Resources Code;

9 (28) officers appointed by the inspector general of
10 the Texas Department of Criminal Justice under Section 493.019,
11 Government Code;

12 (29) investigators commissioned by the Texas
13 Commission on Law Enforcement under Section 1701.160, Occupations
14 Code;

15 (30) commission investigators commissioned by the
16 Texas Private Security Board under Section 1702.061, Occupations
17 Code;

18 (31) the fire marshal and any officers, inspectors, or
19 investigators commissioned by an emergency services district under
20 Chapter 775, Health and Safety Code;

21 (32) officers commissioned by the State Board of
22 Dental Examiners under Section 254.013, Occupations Code, subject
23 to the limitations imposed by that section; and

24 (33) ~~[investigators commissioned by the Texas~~
25 ~~Juvenile Justice Department as officers under Section 221.011,~~
26 ~~Human Resources Code; and~~

27 ~~[(34)]~~ the fire marshal and any related officers,

1 inspectors, or investigators commissioned by a county under
2 Subchapter B, Chapter 352, Local Government Code.

3 SECTION 2. Articles 18B.001(1) and (4), Code of Criminal
4 Procedure, are amended to read as follows:

5 (1) "Authorized peace officer" means:

6 (A) a sheriff or deputy sheriff;

7 (B) a constable or deputy constable;

8 (C) a marshal or police officer of a
9 municipality;

10 (D) a ranger or officer commissioned by the
11 Public Safety Commission or the director of the department;

12 (E) an investigator of a prosecutor's office;

13 (F) a law enforcement agent of the Texas
14 Alcoholic Beverage Commission;

15 (G) a law enforcement officer commissioned by the
16 Parks and Wildlife Commission;

17 (H) an enforcement officer appointed by the
18 inspector general of the Texas Department of Criminal Justice under
19 Section 493.019, Government Code;

20 (I) a law enforcement officer appointed by the
21 inspector general of the Texas Juvenile Justice Department under
22 Section 242.102, Human Resources Code;

23 (J) an investigator commissioned by the attorney
24 general under Section 402.009, Government Code; or

25 (K) [~~(J)~~] a member of an arson investigating unit
26 commissioned by a municipality, a county, or the state.

27 (4) "Designated law enforcement office or agency"

1 means:

2 (A) the sheriff's department of a county with a
3 population of 3.3 million or more;

4 (B) a police department in a municipality with a
5 population of 200,000 or more; [~~or~~]

6 (C) the office of inspector general of the Texas
7 Department of Criminal Justice; or

8 (D) the office of inspector general of the Texas
9 Juvenile Justice Department.

10 SECTION 3. Article 18B.252(b), Code of Criminal Procedure,
11 is amended to read as follows:

12 (b) If the director of the department or the director's
13 designee approves the policy submitted under Article 18B.251, the
14 inspector general of the Texas Department of Criminal Justice or
15 the inspector general's designee, the inspector general of the
16 Texas Juvenile Justice Department or the inspector general's
17 designee, or the sheriff or chief of a designated law enforcement
18 agency or the sheriff's or chief's designee, as applicable, shall
19 submit to the director a written list of all peace officers in the
20 designated law enforcement office or agency who are authorized to
21 possess, install, operate, or monitor pen registers, ESN readers,
22 or similar equipment.

23 SECTION 4. Article 18B.302(a), Code of Criminal Procedure,
24 is amended to read as follows:

25 (a) The inspector general of the Texas Department of
26 Criminal Justice, the inspector general of the Texas Juvenile
27 Justice Department or the inspector general's designee, or the

1 sheriff or chief of a designated law enforcement agency, as
2 applicable, shall submit to the director of the department a
3 written report of expenditures made by the designated law
4 enforcement office or agency to purchase and maintain a pen
5 register, ESN reader, or similar equipment authorized under this
6 chapter.

7 SECTION 5. Article 18B.451, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 18B.451. SUBPOENA AUTHORITY. The director of the
10 department or the director's designee, the inspector general of the
11 Texas Department of Criminal Justice or the inspector general's
12 designee, the inspector general of the Texas Juvenile Justice
13 Department or the inspector general's designee, or the sheriff or
14 chief of a designated law enforcement agency or the sheriff's or
15 chief's designee may issue an administrative subpoena to a
16 communication common carrier or a provider of an electronic
17 communications service to compel the production of any carrier's or
18 service provider's business records that:

19 (1) disclose information about:

20 (A) the carrier's or service provider's
21 customers; or

22 (B) users of the services offered by the carrier
23 or service provider; and

24 (2) are material to a criminal investigation.

25 SECTION 6. Article 18B.452, Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later

1 than the 30th day after the date on which an administrative subpoena
2 is issued under Article 18B.451, the inspector general of the Texas
3 Department of Criminal Justice, the inspector general of the Texas
4 Juvenile Justice Department or the inspector general's designee, or
5 the sheriff or chief of a designated law enforcement agency, as
6 applicable, shall report to the department the issuance of the
7 subpoena.

8 SECTION 7. Section 51.12(c-1), Family Code, is amended to
9 read as follows:

10 (c-1) The Texas Juvenile Justice Department shall
11 [~~annually~~] inspect each public or private juvenile
12 pre-adjudication secure detention facility. The department shall
13 provide a report to each juvenile court judge presiding in the same
14 county as an inspected facility indicating whether the facility is
15 suitable or unsuitable for the detention of children in accordance
16 with:

17 (1) the requirements of Subsections (a), (f), and (g);
18 and

19 (2) minimum professional standards for the detention
20 of children in pre-adjudication secure confinement promulgated by
21 the department or, at the election of the juvenile board of the
22 county in which the facility is located, the current standards
23 promulgated by the American Correctional Association.

24 SECTION 8. Section 51.125(c), Family Code, is amended to
25 read as follows:

26 (c) The Texas Juvenile Justice Department shall [~~annually~~]
27 inspect each public or private juvenile post-adjudication secure

1 correctional facility that is not operated by the department. The
2 department shall provide a report to each juvenile court judge
3 presiding in the same county as an inspected facility indicating
4 whether the facility is suitable or unsuitable for the confinement
5 of children in accordance with minimum professional standards for
6 the confinement of children in post-adjudication secure
7 confinement promulgated by the department or, at the election of
8 the juvenile board of the county in which the facility is located,
9 the current standards promulgated by the American Correctional
10 Association.

11 SECTION 9. Section 51.126(c), Family Code, is amended to
12 read as follows:

13 (c) The Texas Juvenile Justice Department shall [~~annually~~]
14 inspect each nonsecure correctional facility. The Texas Juvenile
15 Justice Department shall provide a report to each juvenile court
16 judge presiding in the same county as an inspected facility
17 indicating whether the facility is suitable or unsuitable for the
18 confinement of children in accordance with minimum professional
19 standards for the confinement of children in nonsecure confinement
20 promulgated by the Texas Juvenile Justice Department or, at the
21 election of the juvenile board of the county in which the facility
22 is located, the current standards promulgated by the American
23 Correctional Association.

24 SECTION 10. Sections 51.20(a), (b), (c), and (d), Family
25 Code, are amended to read as follows:

26 (a) At any stage of the proceedings under this title,
27 including when a child is initially detained in a pre-adjudication

1 secure detention facility or a post-adjudication secure
2 correctional facility, the juvenile court may, at its discretion or
3 at the request of the child's parent or guardian, order a child who
4 is referred to the juvenile court or who is alleged by a petition or
5 found to have engaged in delinquent conduct or conduct indicating a
6 need for supervision to be examined by a disinterested expert,
7 including a physician, psychiatrist, or psychologist, qualified by
8 education and clinical training in mental health or intellectual
9 disability [~~mental retardation~~] and experienced in forensic
10 evaluation, to determine whether the child has a mental illness, as
11 defined by Section 571.003, Health and Safety Code, is a person with
12 an intellectual disability, [~~mental retardation~~] as defined by
13 Section 591.003, Health and Safety Code, or suffers from chemical
14 dependency, as defined by Section 464.001, Health and Safety Code.
15 If the examination is to include a determination of the child's
16 fitness to proceed, an expert may be appointed to conduct the
17 examination only if the expert is qualified under Subchapter B,
18 Chapter 46B, Code of Criminal Procedure, to examine a defendant in a
19 criminal case, and the examination and the report resulting from an
20 examination under this subsection must comply with the requirements
21 under Subchapter B, Chapter 46B, Code of Criminal Procedure, for
22 the examination and resulting report of a defendant in a criminal
23 case.

24 (b) If, after conducting an examination of a child ordered
25 under Subsection (a) and reviewing any other relevant information,
26 there is reason to believe that the child has a mental illness or
27 intellectual disability [~~mental retardation~~] or suffers from

1 chemical dependency, the probation department shall refer the child
2 to the local mental health [~~or mental retardation~~] authority, to
3 the local intellectual and developmental disability authority, or
4 to another appropriate and legally authorized agency or provider
5 for evaluation and services, unless the prosecuting attorney has
6 filed a petition under Section 53.04.

7 (c) If, while a child is under deferred prosecution
8 supervision or court-ordered probation, a qualified professional
9 determines that the child has a mental illness or intellectual
10 disability [~~mental retardation~~] or suffers from chemical
11 dependency and the child is not currently receiving treatment
12 services for the mental illness, intellectual disability [~~mental~~
13 ~~retardation~~], or chemical dependency, the probation department
14 shall refer the child to the local mental health [~~or mental~~
15 ~~retardation~~] authority, to the local intellectual and
16 developmental disability authority, or to another appropriate and
17 legally authorized agency or provider for evaluation and services.

18 (d) A probation department shall report each referral of a
19 child to a local mental health [~~or mental retardation~~] authority,
20 to a local intellectual and developmental disability authority, or
21 to another agency or provider made under Subsection (b) or (c) to
22 the Texas Juvenile Justice Department in a format specified by the
23 department.

24 SECTION 11. Section 56.01(c), Family Code, is amended to
25 read as follows:

26 (c) An appeal may be taken:

27 (1) except as provided by Subsection (n), by or on

1 behalf of a child from an order entered under:

2 (A) Section 54.02 respecting transfer of the
3 child for prosecution as an adult;

4 (B) Section 54.03 with regard to delinquent
5 conduct or conduct indicating a need for supervision;

6 (C) Section 54.04 disposing of the case;

7 (D) Section 54.05 respecting modification of a
8 previous juvenile court disposition; or

9 (E) Chapter 55 by a juvenile court committing a
10 child to a facility for persons with mental illness [~~the mentally~~
11 ~~ill~~] or intellectual disabilities [~~intellectually disabled~~]; or

12 (2) by a person from an order entered under Section
13 54.11(i)(2) transferring the person to the custody of the Texas
14 Department of Criminal Justice.

15 SECTION 12. Section 58.009, Family Code, is amended by
16 amending Subsections (c) and (f) and adding Subsection (f-1) to
17 read as follows:

18 (c) The Texas Juvenile Justice Department may grant [~~the~~
19 ~~following entities~~] access to juvenile justice information:

20 (1) for research and statistical purposes or for any
21 other purpose approved by the department to:

22 (A) [~~1~~] criminal justice agencies as defined
23 by Section 411.082, Government Code;

24 (B) [~~2~~] the Texas Education Agency, as
25 authorized under Section 37.084, Education Code;

26 (C) [~~3~~] any agency under the authority of the
27 Health and Human Services Commission; or

1 (D) [~~4~~] the Department of Family and
2 Protective Services; or

3 (2) for a purpose beneficial to and approved by the
4 department to an individual or entity that:

5 (A) is working on a research or statistical
6 project that meets the requirements of and is approved by the
7 department; and

8 (B) has a specific agreement with the department
9 that:

10 (i) specifically authorizes access to
11 identifiable juvenile justice information;

12 (ii) limits the use of the information to
13 the purposes for which the information is given;

14 (iii) ensures the security and
15 confidentiality of the information; and

16 (iv) provides for sanctions if a
17 requirement imposed under Subparagraph (i), (ii), or (iii) is
18 violated [~~(5) a public or private university~~].

19 (f) The Texas Juvenile Justice Department may not release
20 juvenile justice information in identifiable form, except for
21 information released under Subsection (c) [~~(c)(1), (2), (3), or (4)~~
22 ~~or under the terms of an agreement entered into under Subsection~~
23 ~~(d)(2)]]. For purposes of this subsection, identifiable
24 information means information that contains a juvenile offender's
25 name or other personal identifiers or that can, by virtue of sample
26 size or other factors, be reasonably interpreted as referring to a
27 particular juvenile offender.~~

1 (f-1) In accordance with Chapter 552, Government Code, the
2 Texas Juvenile Justice Department may grant access to juvenile
3 justice information that is not identifiable information for
4 research or statistical purposes or for any other purpose approved
5 by the department to:

6 (1) criminal justice agencies as defined by Section
7 411.082, Government Code;

8 (2) the Texas Education Agency, as authorized under
9 Section 37.084, Education Code;

10 (3) any agency under the authority of the Health and
11 Human Services Commission;

12 (4) the Department of Family and Protective Services;

13 (5) a public or private university; or

14 (6) an individual or entity working on a research or
15 statistical project.

16 SECTION 13. Section 662.005(b), Government Code, is amended
17 to read as follows:

18 (b) Except as provided by Section 662.010, and
19 notwithstanding Section 659.015 or another law, a state employee
20 who is a peace officer commissioned or appointed, as applicable, by
21 a state officer or state agency listed under Article 2.12, Code of
22 Criminal Procedure, or who is employed by the Department of Public
23 Safety either to perform communications or dispatch services
24 related to traffic law enforcement or as a public security officer,
25 as that term is defined by Section 1701.001, Occupations Code, or
26 who is employed by the Parks and Wildlife Department to perform
27 communications and dispatch services to assist law enforcement

1 officers commissioned by the Parks and Wildlife Commission in
2 performing law enforcement duties, or who is employed by the Texas
3 Juvenile Justice Department to perform communication service
4 duties for the incident reporting center and to assist law
5 enforcement officers appointed by the office of inspector general
6 of the Texas Juvenile Justice Department in performing
7 investigative duties, or who is employed as a security officer
8 providing security and entry searches for secure correctional
9 facilities operated by the Texas Juvenile Justice Department, and
10 who is required to work on a national or state holiday that falls on
11 a Saturday or Sunday is entitled to compensatory time off at the
12 rate of one hour for each hour worked on the holiday.

13 SECTION 14. Sections 202.001(a) and (b), Human Resources
14 Code, are amended to read as follows:

15 (a) The board is composed of the following nine [~~13~~] members
16 appointed by the governor with the advice and consent of the senate:

17 (1) one member who is a district court judge of a court
18 designated as a juvenile court;

19 (2) one member who is a member [~~three members who are~~
20 ~~members~~] of a county commissioners court with juvenile justice
21 experience;

22 (3) one prosecutor in juvenile court;

23 (4) one chief juvenile probation officer of a juvenile
24 probation department serving a county with a population that
25 includes fewer than 7,500 persons younger than 18 years of age;

26 (5) one chief juvenile probation officer of a juvenile
27 probation department serving a county with a population that

1 includes at least 7,500 but fewer than 80,000 persons younger than
2 18 years of age;

3 (6) one chief juvenile probation officer of a juvenile
4 probation department serving a county with a population that
5 includes 80,000 or more persons younger than 18 years of age;

6 (7) one adolescent mental health treatment
7 professional licensed under Subtitle B or I, Title 3, Occupations
8 Code, or a representative from a local mental health authority
9 designated under Chapter 533, Health and Safety Code, who has
10 experience working with children;

11 (8) one member who is:

12 (A) an educator, as that term is defined by
13 Section 5.001, Education Code, with juvenile justice experience; or

14 (B) a juvenile justice professional with
15 experience managing a secure juvenile justice facility operated by
16 the department or a county; and

17 (9) one member [~~three members~~] of the general public.

18 (b) Members serve staggered six-year terms, with the terms
19 of three [~~four or five~~] members expiring on February 1 of each
20 odd-numbered year.

21 SECTION 15. Section 202.005, Human Resources Code, is
22 amended to read as follows:

23 Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile
24 probation officer who is a board member shall avoid the appearance
25 of a conflict of interest by not voting or participating in any
26 decision by the board that solely benefits or penalizes or
27 otherwise solely impacts the juvenile probation department over

1 which the chief juvenile probation officer has authority. The
2 chief juvenile probation officer may not vote or render any
3 decisions regarding matters of officer discipline [~~abuse and~~
4 ~~neglect~~] presented to the board regarding the chief juvenile
5 probation officer's department.

6 (a-1) If a juvenile justice professional is appointed as a
7 board member under Section 202.001(a)(8), the member shall avoid
8 the appearance of a conflict of interest by not voting or
9 participating in any decision by the board that solely benefits or
10 penalizes or otherwise solely impacts any juvenile probation
11 department or facility the professional is employed by or works for
12 under a contract. The professional may not vote or render any
13 decisions regarding matters of officer discipline presented to the
14 board regarding any juvenile probation department or facility the
15 professional is employed by or works for under a contract.

16 (b) The board may adopt recusal requirements in addition to
17 those described by Subsections [~~Subsection~~] (a) and (a-1),
18 including requirements that are more restrictive than those
19 described by those subsections [~~Subsection (a)~~].

20 SECTION 16. Section 202.006, Human Resources Code, is
21 amended by amending Subsection (b) and adding Subsection (d) to
22 read as follows:

23 (b) The training program must provide the person with
24 information regarding:

25 (1) the law governing department operations [~~the~~
26 ~~legislation that created the department~~];

27 (2) the programs, functions, rules, and budget of the

1 department;

2 (3) the scope of and limitations on the rulemaking
3 authority of the board;

4 (4) the results of the most recent formal audit of the
5 department;

6 (5) [~~4~~] the requirements of:

7 (A) laws relating to open meetings, public
8 information, administrative procedure, and disclosing conflicts of
9 interest; and

10 (B) other laws applicable to members of a state
11 policymaking body in performing their duties; and

12 (6) [~~5~~] any applicable ethics policies adopted by
13 the department or the Texas Ethics Commission.

14 (d) The executive director shall create a training manual
15 that includes the information required by Subsection (b). The
16 executive director shall distribute a copy of the training manual
17 annually to each member of the board. Each member of the board shall
18 sign and submit to the executive director a statement acknowledging
19 that the member received and has reviewed the training manual.

20 SECTION 17. Section 202.010, Human Resources Code, is
21 amended to read as follows:

22 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
23 Board and the Texas Juvenile Justice Department are subject to
24 Chapter 325, Government Code (Texas Sunset Act). Unless continued
25 in existence as provided by that chapter, the board and the
26 department are abolished September 1, 2027 [~~2023~~].

27 SECTION 18. Section 203.001, Human Resources Code, is

1 amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to
2 read as follows:

3 (b-1) The board may delegate to the executive director the
4 board's responsibilities as the board determines appropriate.

5 (b-2) In making a delegation under Subsection (b-1), the
6 board shall provide, as appropriate:

7 (1) to the executive director with respect to each
8 delegation:

9 (A) clear direction;

10 (B) performance measures; and

11 (C) reporting requirements; and

12 (2) to the department, sufficient oversight to ensure
13 that delegated responsibilities are performed according to the
14 mission and funding priorities described by Subsection (c).

15 (b-3) The executive director is a full-time employee of the
16 board and shall:

17 (1) perform the regular administrative functions of
18 the board and any other duty as the board directs; and

19 (2) under the direction of the board, perform the
20 duties required by this subtitle or designated by the board.

21 (b-4) The executive director may not perform a
22 discretionary or decision-making function for which the board is
23 solely responsible.

24 SECTION 19. Section 203.002, Human Resources Code, is
25 amended to read as follows:

26 Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

27 (1) employ an executive director to administer the

1 department; and

2 (2) supervise the director's administration of the
3 department.

4 (b) The executive director must possess the following
5 minimum qualifications:

6 (1) five years of experience in the field of juvenile
7 corrections or congregate care in an administrative capacity;

8 (2) three years of experience in the field of juvenile
9 corrections or congregate care in an administrative capacity and a
10 graduate degree from an institution of higher education in a
11 relevant field, including penology, adolescent development,
12 behavior management, or rehabilitative services; or

13 (3) seven years of experience in management and
14 administration of a government agency, institution of higher
15 education, or business enterprise of a size comparable to the
16 department.

17 (c) The department shall track the frequency with which the
18 executive director takes the following actions as defined by
19 department rule:

20 (1) selects a child for a conditional placement;

21 (2) selects a child for a home placement;

22 (3) waives the requirement for a child with a
23 determinate sentence to spend the child's entire minimum period of
24 confinement in a high-restriction facility;

25 (4) waives the requirement for a child to be on
26 intensive supervision when initially released on parole;

27 (5) authorizes early discharges for a child on parole;

1 or

2 (6) finalizes an appeal brought by an advocacy group
3 or social service provider who was denied certain access to
4 department facilities.

5 (d) The executive director shall provide the board and the
6 Sunset Advisory Commission at the beginning of each calendar
7 quarter aggregated data on the number of times each action
8 described by Subsection (c) was taken during the previous calendar
9 quarter.

10 SECTION 20. Section 203.0081, Human Resources Code, is
11 amended by amending Subsections (a) and (e) and adding Subsection
12 (c-1) to read as follows:

13 (a) The advisory council on juvenile services consists of:

14 (1) the executive director of the department or the
15 executive director's designee;

16 (2) the director of probation services of the
17 department or the director's designee;

18 (3) the director of state programs and facilities of
19 the department or the director's designee;

20 (4) the executive commissioner of the Health and Human
21 Services Commission or the commissioner's designee;

22 (5) one representative of the county commissioners
23 courts appointed by the board;

24 (6) two juvenile court judges appointed by the board;

25 [~~and~~]

26 (7) seven chief juvenile probation officers appointed
27 by the board as provided by Subsection (b); and

1 (8) the commissioner of the Department of Family and
2 Protective Services or the commissioner's designee.

3 (c-1) The board shall adopt rules regarding:

4 (1) the purpose, role, responsibility, goals, and
5 duration of the advisory council;

6 (2) the quorum requirement for the advisory council;

7 (3) training requirements for advisory council
8 members;

9 (4) policies to avoid conflicts of interest by
10 advisory council members;

11 (5) a periodic review process to evaluate the
12 continuing need for the advisory council;

13 (6) policies to ensure the advisory council does not
14 violate any provision of Chapter 551, Government Code, applicable
15 to the board or the advisory council;

16 (7) the appropriate level of participation from ex
17 officio advisory council members designated under Subsections
18 (a)(1)-(4) and (8); and

19 (8) reporting requirements and other communication
20 procedures between the board and the advisory council.

21 (e) The advisory council shall assist the department in:

22 (1) determining the needs and problems of county
23 juvenile boards and probation departments;

24 (2) conducting long-range strategic planning;

25 (3) reviewing and proposing revisions to existing or
26 newly proposed standards affecting juvenile probation programs,
27 services, or facilities;

1 (4) analyzing the potential cost impact on juvenile
2 probation departments of new standards proposed by the board; [~~and~~]

3 (5) assessing and developing recommendations to
4 improve the sharing of information between agencies that serve
5 children, including agencies serving children in both the juvenile
6 justice and child welfare systems; and

7 (6) advising the board on any other matter on the
8 request of the board.

9 SECTION 21. Chapter 203, Human Resources Code, is amended
10 by adding Sections 203.0083, 203.0084, and 203.0085 to read as
11 follows:

12 Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

13 (a) The board by rule may establish advisory committees to make
14 recommendations to the board on programs, rules, and policies
15 administered by the board.

16 (b) In establishing an advisory committee under this
17 section, the board shall adopt rules, including rules regarding:

18 (1) the purpose, role, responsibility, goals, and
19 duration of the committee;

20 (2) the size of and quorum requirement for the
21 committee;

22 (3) qualifications for committee membership;

23 (4) appointment procedures for members;

24 (5) terms of service for members;

25 (6) training requirements for members;

26 (7) policies to avoid conflicts of interest by
27 members;

1 (8) a periodic review process to evaluate the
2 continuing need for the committee; and

3 (9) policies to ensure the committee does not violate
4 any provision of Chapter 551, Government Code, applicable to the
5 board or the committee.

6 (c) The board shall establish a youth career and technical
7 education advisory committee and adopt rules required by Subsection
8 (b) for the committee. The advisory committee shall assist the
9 department with overseeing and coordinating vocational training
10 for youth in the custody of the department, including training
11 provided by community colleges and other local entities with which
12 the department may partner.

13 Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
14 The department shall develop a comprehensive set of risk factors to
15 use in assessing the overall risk level of the facilities and
16 entities inspected by the department under:

- 17 (1) Chapter 51, Family Code;
18 (2) Section 221.008 of this code; and
19 (3) Subtitle C, Title 12, of this code.

20 (b) The risk factors described by Subsection (a) may
21 include:

- 22 (1) the entity type;
23 (2) available programming;
24 (3) past and repeat standards violations;
25 (4) the volume and types of complaints received by the
26 department;
27 (5) recent leadership changes;

1 (6) high staff turnover;

2 (7) relevant findings from the office of independent
3 ombudsman and the office of inspector general;

4 (8) negative media attention; and

5 (9) the number of months since the date of the
6 department's last inspection of the entity.

7 (c) The department shall use the risk factors developed
8 under this section to guide the inspections process for facilities
9 and entities described by Subsection (a) by developing risk
10 assessment tools with clear, objective standards to use in
11 assessing the overall risk level of each entity.

12 (d) The department may develop distinct assessment tools
13 under Subsection (c) for different entity types, as appropriate.

14 (e) The department shall periodically review the assessment
15 tools developed under this section to ensure that the tools remain
16 up to date and meaningful, as determined by the department.

17 Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department
18 shall adopt a policy prioritizing inspections conducted by the
19 department under:

20 (1) Chapter 51, Family Code;

21 (2) Section 221.008 of this code; and

22 (3) Subtitle C, Title 12, of this code.

23 (b) The policy under Subsection (a) must require the
24 department to:

25 (1) prioritize the inspection of entities based on the
26 relative risk level of each entity; and

27 (2) use the risk assessment tools established under

1 Section 203.0084 to determine how frequently and intensively the
2 department conducts risk-based inspections.

3 (c) The policy under Subsection (a) may provide for the
4 department to use alternative inspection methods for entities
5 determined to be low risk, including the following methods:

6 (1) desk audits of key documentation;

7 (2) abbreviated inspection procedures;

8 (3) videoconference technology; and

9 (4) other methods that are an alternative to
10 conducting an in-person inspection.

11 (d) On request by the department, a juvenile probation
12 department or a private facility under the department's
13 jurisdiction shall provide information on a routine basis, as
14 determined by the department, to assist the department in
15 implementing a risk-based inspection schedule.

16 SECTION 22. Section 203.010(c), Human Resources Code, is
17 amended to read as follows:

18 (c) Criminal complaints initially referred to the office of
19 [~~the~~] inspector general relating to juvenile probation programs,
20 services, or facilities shall be sent to the appropriate local law
21 enforcement agency. The office of inspector general has concurrent
22 jurisdiction on agreement with the local law enforcement agency to
23 conduct a criminal investigation under Section 242.102. Any other
24 complaint shall be referred to the appropriate division of the
25 department. The board by rule shall establish policies for the
26 referral of noncriminal complaints.

27 SECTION 23. Chapter 203, Human Resources Code, is amended

1 by adding Section 203.0101 to read as follows:

2 Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a)
3 The department shall make available on the department's Internet
4 website a statistical analysis of the complaints received against
5 certified officers by the department.

6 (b) The complaint analysis under this section must include
7 aggregate information on the number, source, type, and disposition
8 of complaints received against certified officers during the
9 preceding fiscal year and include the following information:

10 (1) the number of certified officers by certification
11 type;

12 (2) the number of complaints against certified
13 officers by certification type;

14 (3) the number of complaints resolved and the manner
15 of resolution, including:

16 (A) the total number of agreed, default, and
17 board orders entered;

18 (B) the total number of cases referred for
19 contested case hearings by the State Office of Administrative
20 Hearings;

21 (C) the total number of contested cases heard by
22 the State Office of Administrative Hearings; and

23 (D) the total number of contested cases that were
24 appealed to a district court;

25 (4) the average number of days required to resolve a
26 complaint;

27 (5) a detailed analysis of the resolution for each

1 closed complaint, by the nature of the alleged violation; and
2 (6) a detailed analysis of each closed complaint, by
3 source.

4 SECTION 24. Section 203.013, Human Resources Code, is
5 amended by adding Subsection (c) to read as follows:

6 (c) The executive director shall acknowledge receipt of and
7 discuss the results of internal audits with the board.

8 SECTION 25. Section 203.014(c), Human Resources Code, is
9 amended to read as follows:

10 (c) The office of inspector general shall operate the
11 toll-free number required by Subsection (a) and the 24-hour
12 incident reporting center and [department] shall share the
13 complaints received with the appropriate department entity [on the
14 toll-free number with the office of inspector general and the
15 office of the independent ombudsman].

16 SECTION 26. Section 203.017, Human Resources Code, is
17 amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and
18 amending Subsection (e) to read as follows:

19 (a-1) The department shall update and submit the
20 regionalization plan developed under Subsection (a) to the Sunset
21 Advisory Commission and standing legislative committees with
22 primary jurisdiction over juvenile justice matters by December 1 of
23 each even-numbered year. Before submitting the plan, the
24 department must present an updated draft of the regionalization
25 plan to the board for public comment and board approval.

26 (a-2) The department may incorporate relevant suggestions,
27 needs, or recommendations from the regionalization plan into

1 subsequent strategic plans, legislative appropriation requests,
2 and any other necessary document to support the plan's
3 implementation.

4 (b-1) In addition to the requirements of Subsection (b), in
5 developing the regionalization plan, the department shall consult
6 with:

7 (1) the advisory council on juvenile services;

8 (2) juvenile probation departments;

9 (3) regional juvenile probation associations;

10 (4) advocacy groups;

11 (5) parents and guardians of children under the
12 jurisdiction of the department;

13 (6) individuals formerly involved in the juvenile
14 justice system; and

15 (7) any other stakeholder the department determines
16 may be helpful.

17 (e) The regionalization plan must, as applicable:

18 (1) include a budget review, redirection of staff, and
19 funding mechanisms necessary to support the plan;

20 (2) create a new division of the department
21 responsible for administering the regionalization plan and
22 monitoring program quality and accountability;

23 ~~(3) [include sufficient mechanisms to divert at least:~~
24 ~~[(A) 30 juveniles from commitment to secure~~
25 ~~facilities operated by the department for the state fiscal year~~
26 ~~beginning September 1, 2015; and~~

27 ~~[(B) 150 juveniles from commitment to secure~~

1 ~~facilities operated by the department for the state fiscal year~~
2 ~~beginning September 1, 2016, and~~

3 ~~[(4)]~~ for the state fiscal year beginning September 1,
4 2017, and each subsequent state fiscal year, include any savings
5 that are generated by the decreases in the population of the secure
6 facilities operated by the department under Subtitle C that exceed
7 the cost of implementing the plan;

8 (4) include:

9 (A) information on the department's compliance
10 with statutory regionalization requirements;

11 (B) information on internal goals for diverting
12 children from commitment to the department; and

13 (C) an analysis of rates of commitment to the
14 custody of the department, broken down by region and county, and any
15 relevant recommendations regarding trends in these rates; and

16 (5) include specific, actionable steps regarding how
17 the department will enhance regional capacity, coordination, and
18 collaboration among juvenile probation departments to keep
19 children closer to home as an alternative to commitment to the
20 department's facilities while ensuring access to programs and the
21 supervision necessary to maintain public safety.

22 (e-1) In developing the steps under Subsection (e)(5), the
23 department shall consider:

24 (1) options to target or expand funding for juvenile
25 probation departments to enhance community-based programs and
26 maximize the use of existing juvenile justice beds;

27 (2) opportunities to use financial and other

1 incentives to encourage diversion, facilitate cooperation within
2 and across the regions established under Subsection (c), and
3 emphasize the benefits of sharing available resources among
4 counties;

5 (3) plans for creating additional capacity to minimize
6 gaps in juvenile justice beds and services at the local level,
7 including the expansion or development of beds and facilities
8 designated specifically for regional use; and

9 (4) processes for downsizing, closing, or repurposing
10 large state secure facilities to shift toward a more regionally
11 based juvenile justice system.

12 SECTION 27. Section 203.018(e), Human Resources Code, is
13 amended to read as follows:

14 (e) The department or any local probation department may
15 [~~not~~] use or contract with a facility that was constructed or
16 previously used for the confinement of adult offenders if the
17 department determines that the facility is appropriately
18 retrofitted to accommodate youth-specific requirements and needs.

19 SECTION 28. Chapter 203, Human Resources Code, is amended
20 by adding Section 203.0185 to read as follows:

21 Sec. 203.0185. RESOURCE MAPPING. (a) The department shall
22 partner with one or more public or private institutions of higher
23 education to inventory and map resources available for children in
24 the juvenile justice system. To determine the types of information
25 the department requires to timely identify and address resource,
26 program, and service gaps in probation regions that result in
27 commitments to department secure facilities, the department shall

1 consult with:

- 2 (1) institutions of higher education;
3 (2) the advisory council on juvenile services; and
4 (3) other relevant stakeholders.

5 (b) The board shall adopt rules requiring juvenile
6 probation departments, at useful and reasonable intervals, to
7 report to the department relevant information on resource, program,
8 and service gaps identified under Subsection (a), including
9 information on:

- 10 (1) the needs of children committed to the department
11 that are not being met with community resources; and
12 (2) the types of resources, programs, and services
13 that, if available in the community, may allow juvenile probation
14 departments to keep children closer to home as an alternative to
15 commitment to the department.

16 SECTION 29. Section 221.002, Human Resources Code, is
17 amended by adding Subsection (d-1) to read as follows:

18 (d-1) In adopting rules under Subsection (a)(4), the board
19 shall authorize a juvenile probation department to house a child
20 committed to the department in a pre-adjudication secure detention
21 facility or a post-adjudication secure correctional facility as the
22 child awaits transfer to the department.

23 SECTION 30. Section 221.056(a), Human Resources Code, is
24 amended to read as follows:

25 (a) The department may contract with a local mental health
26 [~~and mental retardation~~] authority for the establishment of a
27 residential treatment facility for juveniles with mental illness or

1 emotional injury who, as a condition of juvenile probation, are
2 ordered by a court to reside at the facility and receive education
3 services at the facility. The department may work in cooperation
4 with the local mental health [~~and mental retardation~~] authority to
5 provide mental health residential treatment services for juveniles
6 residing at a facility established under this section.

7 SECTION 31. Section 222.001, Human Resources Code, is
8 amended by amending Subsection (a) and adding Subsection (b-1) to
9 read as follows:

10 (a) To be eligible for appointment as a probation officer, a
11 person who was not employed as a probation officer before September
12 1, 1981, must:

13 (1) [~~be of good moral character;~~

14 [~~(2) have acquired a bachelor's degree conferred by a
15 college or university accredited by an accrediting organization
16 recognized by the Texas Higher Education Coordinating Board;~~

17 [~~(3) have either:~~

18 [~~(A) one year of graduate study in criminology,
19 corrections, counseling, law, social work, psychology, sociology,
20 or other field of instruction approved by the department; or~~

21 [~~(B) one year of experience in full-time case
22 work, counseling, or community or group work:~~

23 [~~(i) in a social service, community,
24 corrections, or juvenile agency that deals with offenders or
25 disadvantaged persons; and~~

26 [~~(ii) that the department determines
27 provides the kind of experience necessary to meet this requirement;~~

1 ~~[(4)]~~ have satisfactorily completed the course of
2 preservice training or instruction and any continuing education
3 required by the department;

4 (2) ~~[(5)]~~ have passed the tests or examinations
5 required by the department; and

6 (3) ~~[(6)]~~ possess the level of certification required
7 by the department.

8 (b-1) The department by rule shall establish, with input
9 from the advisory council on juvenile services and other relevant
10 stakeholders, the minimum education and experience requirements a
11 person must meet to be eligible for a juvenile probation officer
12 certification. Rules adopted by the department under this
13 subsection must be the least restrictive rules possible to ensure
14 certified juvenile probation officers are qualified to protect
15 children and public safety without creating barriers to entry into
16 the profession.

17 SECTION 32. Section 222.002, Human Resources Code, is
18 amended to read as follows:

19 Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. To
20 be eligible for appointment as a detention officer, a person who was
21 not employed as a detention officer before September 1, 2005, must:

22 (1) ~~[be of good moral character,~~

23 ~~[(2)]~~ be at least 21 years of age;

24 (2) ~~[(3)]~~ have acquired a high school diploma or its
25 equivalent;

26 (3) ~~[(4)]~~ have satisfactorily completed the course of
27 preservice training or instruction required by the department;

1 (4) [~~(5)~~] have passed the tests or examinations
2 required by the department; and

3 (5) [~~(6)~~] possess the level of certification required
4 by the department.

5 SECTION 33. Subchapter B, Chapter 222, Human Resources
6 Code, is amended by adding Sections 222.0521 and 222.0522 to read as
7 follows:

8 Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53,
9 Occupations Code, applies to the issuance of a certification issued
10 by the department.

11 Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The
12 department may issue a provisional certification to an employee of
13 a juvenile probation department or a private facility that houses
14 youth on probation until the employee is certified under Section
15 222.001, 222.002, or 222.003, as applicable.

16 (b) The department shall adopt rules to implement
17 Subsection (a), including rules regarding eligibility for
18 provisional certification and application procedures.

19 SECTION 34. Section 223.001, Human Resources Code, is
20 amended by adding Subsections (a-1), (a-2), and (d-1) and amending
21 Subsection (c) to read as follows:

22 (a-1) The department may incorporate as factors in the basic
23 probation funding formula under Subsection (a) measures that create
24 incentives for diverting children from the juvenile justice system.
25 The department may prioritize factors for which the department
26 collects relevant information. The board may adopt rules
27 establishing and defining the factors under this subsection.

1 (a-2) When revising the basic probation funding formula
2 under Subsection (a), the department shall consult and coordinate
3 with relevant stakeholders, including:

4 (1) the advisory council on juvenile services; and

5 (2) the Legislative Budget Board.

6 (c) The department shall set aside a portion of the funds
7 appropriated to the department for discretionary state aid to fund
8 programs designed to address special needs or projects of local
9 juvenile boards, including projects dedicated to specific target
10 populations based on risk and needs, and with established
11 recidivism reduction goals. The department shall develop
12 discretionary grant funding protocols based on documented,
13 data-driven, and research-based practices. The department may
14 incorporate incentives into the discretionary grant funding
15 protocols that encourage collaboration between juvenile probation
16 departments.

17 (d-1) The board, in consultation with the advisory council
18 on juvenile services, shall adopt rules requiring a juvenile
19 probation department to apply for the placement of a child in a
20 regional specialized program before a juvenile court commits the
21 child to the department's custody under Chapter 54, Family Code.
22 The board by rule may establish exceptions to this requirement for
23 offenses or circumstances the department considers inappropriate
24 for diversion from commitment to state custody.

25 SECTION 35. Chapter 241, Human Resources Code, is amended
26 by adding Section 241.009 to read as follows:

27 Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than

1 October 1 of each year, the department shall publish on the
2 department's Internet website aggregated information on the number
3 of children committed to the department during the previous fiscal
4 year, categorized by:

- 5 (1) committing offense level;
- 6 (2) sentence type;
- 7 (3) age; and
- 8 (4) sex.

9 (b) The department shall publish quarterly on the
10 department's Internet website end-of-month data described by
11 Subsection (a), aggregated for all children committed to the
12 department and for children placed in each secure facility and
13 halfway house.

14 (c) The department shall ensure that information regarding
15 an individual child cannot be identified in any of the aggregated
16 information published under this section.

17 SECTION 36. The heading to Section 242.002, Human Resources
18 Code, is amended to read as follows:

19 Sec. 242.002. [~~EVALUATION—OF~~] TREATMENT PROGRAMS;
20 AVAILABILITY.

21 SECTION 37. Sections 242.002(c) and (d), Human Resources
22 Code, are amended to read as follows:

23 (c) The department shall offer or make available programs
24 for the rehabilitation and reestablishment in society of children
25 committed to the department, including programs for females and for
26 sex offenders, capital offenders, children who are chemically
27 dependent, and children with mental illness, [~~described by~~

1 ~~Subsection (a)]~~ in an adequate manner so that a child in the custody
2 of the department receives appropriate rehabilitation services
3 recommended for the child by the court committing the child to the
4 department.

5 (d) If the department is unable to offer or make available
6 programs described by [~~Subsection (a) in the manner provided by]~~
7 Subsection (c), the department shall, not later than December 31 of
8 each even-numbered year, provide the standing committees of the
9 senate and house of representatives with primary jurisdiction over
10 matters concerning correctional facilities with a report
11 explaining:

12 (1) which programs are not offered or are unavailable;
13 and

14 (2) the reason the programs are not offered or are
15 unavailable.

16 SECTION 38. Section 242.056(a), Human Resources Code, is
17 amended to read as follows:

18 (a) The department shall allow advocacy and support groups
19 whose primary functions are to benefit children, inmates, girls and
20 women, persons with mental illness [~~the mentally ill~~], or victims
21 of sexual assault to provide on-site information, support, and
22 other services for children confined in department facilities.

23 SECTION 39. Section 242.102, Human Resources Code, is
24 amended by amending Subsections (a), (b), (c), (d), (e), (g), and
25 (h) and adding Subsections (a-1), (a-2), (b-1), and (c-1) to read as
26 follows:

27 (a) The office of inspector general is established at the

1 department under the direction of the board as a law enforcement
2 agency for the purpose of:

3 (1) preventing, detecting, and investigating:

4 (A) crimes committed by department employees,
5 including parole officers employed by or under a contract with the
6 department; and

7 (B) crimes and delinquent conduct committed at a
8 facility operated by the department, a residential facility
9 operated by another entity under a contract with the department, or
10 any facility in which a child committed to the custody of the
11 department is housed or receives medical or mental health
12 treatment, including:

13 (i) unauthorized or illegal entry into a
14 department facility;

15 (ii) the introduction of contraband into a
16 department facility;

17 (iii) escape from a secure facility; and

18 (iv) organized criminal activity; ~~and~~

19 (2) investigating complaints received under Section
20 203.010 involving allegations of abuse, neglect, or exploitation of
21 children in juvenile justice programs or facilities under Section
22 261.405, Family Code;

23 (3) investigating complaints of abuse, neglect, or
24 exploitation of:

25 (A) juveniles housed in a pre-adjudication or
26 post-adjudication public or private secure or nonsecure facility
27 regardless of licensing entity; and

- 1 (B) juveniles committed to the department;
2 (4) apprehending juveniles after escape or violation
3 of release conditions as described by Section 243.051;
4 (5) investigating gang-related activity within the
5 juvenile justice system; and
6 (6) performing entry security and exterior perimeter
7 security searches for a department-operated secure correctional
8 facility, as defined by Section 51.02, Family Code.

9 (a-1) The office of inspector general has concurrent
10 jurisdiction on agreement with the local law enforcement agency to
11 conduct a criminal investigation under Subsection (a)(3).

12 (a-2) The office of inspector general shall operate the
13 incident reporting center for the department under Section 203.014.

14 (b) The office of inspector general shall prepare an
15 investigative [~~and deliver a~~] report concerning the results of
16 investigations [~~any investigation~~] conducted under this section
17 and may deliver the report to any of the following:

- 18 (1) the department [~~board~~];
19 (2) the appropriate district or county attorney
20 [~~executive director~~];
21 (3) any applicable advisory board;
22 (4) the governor;
23 (5) the lieutenant governor;
24 (6) the speaker of the house of representatives;
25 (7) the standing committees of the senate and house of
26 representatives with primary jurisdiction over matters concerning
27 correctional facilities;

1 (8) the special prosecution unit;

2 (9) the state auditor; or ~~and~~

3 (10) any other appropriate state agency responsible
4 for licensing or certifying department employees or facilities.

5 (b-1) An individual or entity that receives a report under
6 Subsection (b) may not disclose the information unless otherwise
7 authorized by law.

8 (c) The report prepared under Subsection (b) must include a
9 summary of the actions performed by the office of inspector general
10 in conducting the investigation, a statement of whether the
11 investigation resulted in a determination ~~[finding]~~ that abuse,
12 neglect, or exploitation, a criminal offense, or delinquent conduct
13 occurred, and a description of the determination ~~[finding]~~. The
14 report is public information under Chapter 552, Government Code,
15 only to the extent authorized under that chapter and other law.

16 (c-1) The board by rule shall require any findings related
17 to an administrative investigation under Subsection (a)(2) to be
18 reviewed for legal sufficiency before being made public.

19 (d) The office of inspector general may employ
20 investigators and security officers and employ and appoint
21 ~~[commission]~~ inspectors general as peace officers for the purpose
22 of carrying out the duties described by this section. An inspector
23 general shall have all of the powers and duties given to peace
24 officers under Article 2.13, Code of Criminal Procedure.

25 (e) Peace officers employed and appointed ~~[commissioned]~~
26 under Subsection (d) must:

27 (1) be certified by the Texas Commission on Law

1 Enforcement under Chapter 1701, Occupations Code; and

2 (2) complete advanced courses relating to the duties
3 of peace officers employed and appointed [~~commissioned~~] under
4 Subsection (d) as part of any continuing education requirements for
5 the peace officers.

6 (g) The chief inspector general shall on a quarterly basis
7 prepare and deliver a report concerning the operations of the
8 office of inspector general to:

9 (1) the board;

10 (2) the executive director;

11 (3) any applicable advisory board;

12 (4) the governor;

13 (5) the lieutenant governor;

14 (6) the speaker of the house of representatives;

15 (7) the standing committees of the senate and house of
16 representatives with primary jurisdiction over correctional
17 facilities;

18 (8) the state auditor; [~~and~~]

19 (9) the comptroller; and

20 (10) the special prosecution unit.

21 (h) A report prepared under Subsection (g) is public
22 information under Chapter 552, Government Code, to the extent
23 authorized under that chapter and other law, and the department
24 shall publish the report on the department's Internet website. A
25 report must be both aggregated and disaggregated by individual
26 facility and include information relating to:

27 (1) the types of investigations conducted by the

1 office of inspector general, such as whether an investigation
2 concerned narcotics or an alleged incident of sexual abuse;

3 (2) the relationship of a victim to a perpetrator, if
4 applicable; ~~and~~

5 (3) the number of investigations conducted concerning
6 suicides, deaths, and hospitalizations of children in the custody
7 of the department at secure facilities, on parole, or at other
8 placement locations; and

9 (4) the final disposition of any complaint received
10 under Section 203.010 related to juvenile probation departments and
11 Section 261.405, Family Code, that concerns the abuse, neglect, or
12 exploitation of a juvenile.

13 SECTION 40. Section 243.001, Human Resources Code, is
14 amended by adding Subsection (d) to read as follows:

15 (d) The department shall place a child in the most
16 restrictive setting appropriate as the child awaits an adjudication
17 or prosecution for conduct constituting a felony of the first or
18 second degree while in the department's custody. The board by rule
19 shall establish placement procedures that guide the department in
20 determining the most appropriate setting for the child based on
21 rehabilitative needs while preserving due process rights.

22 SECTION 41. The heading to Section 244.011, Human Resources
23 Code, is amended to read as follows:

24 Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL
25 DISABILITIES [~~MENTAL RETARDATION~~].

26 SECTION 42. Sections 244.011(a), (b), (e), (f), and (g),
27 Human Resources Code, are amended to read as follows:

1 (a) The department shall accept a child with mental illness
2 or intellectual disabilities who is committed to the department
3 [~~who is mentally ill or mentally retarded~~].

4 (b) Unless the [~~a~~] child is committed to the department
5 under a determinate sentence under Section 54.04(d)(3), 54.04(m),
6 or 54.05(f), Family Code, the department shall discharge a child
7 with mental illness or intellectual disabilities [~~who is mentally~~
8 ~~ill or mentally retarded~~] from its custody if:

9 (1) the child has completed the minimum length of stay
10 for the child's committing offense; and

11 (2) the department determines that the child is unable
12 to progress in the department's rehabilitation programs because of
13 the child's mental illness or intellectual disabilities [~~mental~~
14 ~~retardation~~].

15 (e) If a child who is discharged from the department under
16 Subsection (b) as a result of an intellectual disability [~~mental~~
17 ~~retardation~~] is not receiving intellectual disability [~~mental~~
18 ~~retardation~~] services, the child's discharge is effective on the
19 earlier of:

20 (1) the date the court enters an order regarding an
21 application for intellectual disability [~~mental-retardation~~]
22 services filed under Section 244.012(b); or

23 (2) the 30th day after the date that the application is
24 filed.

25 (f) If a child who is discharged from the department under
26 Subsection (b) as a result of an intellectual disability [~~mental~~
27 ~~retardation~~] is receiving intellectual disability [~~mental~~

1 ~~retardation~~] services, the child's discharge from the department
2 is effective immediately.

3 (g) If a child with mental illness or intellectual
4 disabilities [~~who is mentally ill or mentally retarded~~] is
5 discharged from the department under Subsection (b), the child is
6 eligible to receive continuity of care services from the Texas
7 Correctional Office on Offenders with Medical or Mental Impairments
8 under Chapter 614, Health and Safety Code.

9 SECTION 43. Section 244.012, Human Resources Code, is
10 amended to read as follows:

11 Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The
12 department shall establish a system that identifies children with
13 mental illness or intellectual disabilities in the department's
14 custody [~~who are mentally ill or mentally retarded~~].

15 (b) Before a child with mental illness [~~who is identified as~~
16 ~~mentally ill~~] is discharged from the department's custody under
17 Section 244.011(b), a department psychiatrist shall examine the
18 child. The department shall refer a child requiring outpatient
19 psychiatric treatment to the appropriate mental health authority.
20 For a child requiring inpatient psychiatric treatment, the
21 department shall file a sworn application for court-ordered mental
22 health services, as provided in Subchapter C, Chapter 574, Health
23 and Safety Code, if:

24 (1) the child is not receiving court-ordered mental
25 health services; and

26 (2) the psychiatrist who examined the child determines
27 that the child is a child with mental illness [~~mentally ill~~] and the

1 child meets at least one of the criteria listed in Section 574.034
2 or 574.0345, Health and Safety Code.

3 (c) Before a child who is identified as having an
4 intellectual disability [~~mentally retarded~~] under Chapter 593,
5 Health and Safety Code, is discharged from the department's custody
6 under Section 244.011(b), the department shall refer the child for
7 intellectual disability [~~mental retardation~~] services if the child
8 is not receiving intellectual disability [~~mental retardation~~]
9 services.

10 SECTION 44. Section 244.014, Human Resources Code, is
11 amended by adding Subsection (a-1) to read as follows:

12 (a-1) After a child sentenced to commitment under Section
13 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years
14 of age but before the child becomes 19 years of age, the department
15 shall refer the child to the juvenile court that entered the order
16 of commitment for approval of the child's transfer to the Texas
17 Department of Criminal Justice for confinement if:

- 18 (1) the child has not completed the sentence;
19 (2) while the child was committed to the custody of the
20 department, the child was subsequently adjudicated or convicted for
21 conduct constituting a felony of the first or second degree or an
22 offense punishable under Section 22.01(b)(1), Penal Code; and
23 (3) the child was at least 16 years of age at the time
24 the conduct occurred.

25 SECTION 45. Sections 245.0535(h) and (i), Human Resources
26 Code, are amended to read as follows:

27 (h) The department shall conduct and coordinate research:

1 (1) to determine whether the comprehensive reentry and
2 reintegration plan developed under this section reduces recidivism
3 rates; and

4 (2) to review the effectiveness of the department's
5 programs for the rehabilitation and reestablishment in society of
6 children committed to the department, including programs for
7 females and for sex offenders, capital offenders, children who are
8 chemically dependent, and children with mental illness.

9 (i) Not later than December 31 of each even-numbered year,
10 the department shall deliver a report of the results of research
11 conducted or coordinated under Subsection (h) to the lieutenant
12 governor, the speaker of the house of representatives, the
13 Legislative Budget Board, and the standing committees of each house
14 of the legislature with primary jurisdiction over juvenile justice
15 and corrections.

16 SECTION 46. Section 261.002, Human Resources Code, is
17 amended to read as follows:

18 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of
19 independent ombudsman is a state agency established for the purpose
20 of investigating, evaluating, and securing the rights of [~~the~~]
21 children:

22 (1) committed to the department, including a child
23 released under supervision before final discharge; and

24 (2) adjudicated for conduct that constitutes an
25 offense and placed in a facility operated by or contracted with a
26 juvenile probation department or juvenile board.

27 SECTION 47. Section 261.056(a), Human Resources Code, is

1 amended to read as follows:

2 (a) The department shall allow any child committed to the
3 department or adjudicated for conduct that constitutes an offense
4 and placed in a facility operated by or contracted with a juvenile
5 probation department or juvenile board to communicate with the
6 independent ombudsman or an assistant to the ombudsman. The
7 communication:

8 (1) may be in person, by mail, or by any other means;
9 and

10 (2) is confidential and privileged.

11 SECTION 48. Section 261.057, Human Resources Code, is
12 amended to read as follows:

13 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The
14 independent ombudsman shall promote awareness among the public and
15 the children committed to the department or adjudicated for conduct
16 that constitutes an offense and placed in a facility operated by or
17 contracted with a juvenile probation department or juvenile board
18 of:

19 (1) how the office may be contacted;

20 (2) the purpose of the office; and

21 (3) the services the office provides.

22 SECTION 49. Section 261.061(c), Human Resources Code, is
23 amended to read as follows:

24 (c) The office shall periodically notify the complaint
25 parties of the status of the complaint until final disposition
26 unless the notice would jeopardize an investigation.

27 SECTION 50. Section 261.101, Human Resources Code, is

1 amended by amending Subsection (a) and adding Subsection (g) to
2 read as follows:

3 (a) The independent ombudsman shall:

4 (1) review the procedures established by the board and
5 evaluate the delivery of services to children to ensure that the
6 rights of children are fully observed;

7 (2) review complaints filed with the independent
8 ombudsman concerning the actions of the department, juvenile
9 probation departments, or other entities operating facilities in
10 which children adjudicated for conduct that constitutes an offense
11 are placed and investigate each complaint in which it appears that a
12 child may be in need of assistance from the independent ombudsman;

13 (3) conduct investigations of complaints, other than
14 complaints alleging criminal behavior, if the office determines
15 that:

16 (A) a child committed to the department, a child
17 adjudicated for conduct that constitutes an offense and placed in a
18 facility operated by or contracted with a juvenile probation
19 department or juvenile board, or the child's family may be in need
20 of assistance from the office; or

21 (B) a systemic issue raised in a complaint about
22 the ~~[department's]~~ provision of services to children by the
23 department, juvenile probation departments, or other entities
24 operating facilities in which children adjudicated for conduct that
25 constitutes an offense are placed ~~[is raised by a complaint];~~

26 (4) review or inspect periodically the facilities and
27 procedures of any institution or residence in which a child

1 adjudicated for conduct that constitutes an offense has been placed
2 by the department or a juvenile probation department, whether
3 public or private, to ensure that the rights of children are fully
4 observed;

5 (5) provide assistance to a child or family who the
6 independent ombudsman determines is in need of assistance,
7 including advocating with an agency, provider, or other person in
8 the best interests of the child;

9 (6) review court orders as necessary to fulfill its
10 duties;

11 (7) recommend changes in any procedure relating to the
12 treatment of children committed to the department or adjudicated
13 for conduct that constitutes an offense and placed in a facility
14 operated by or contracted with a juvenile probation department or
15 juvenile board;

16 (8) make appropriate referrals under any of the duties
17 and powers listed in this subsection;

18 (9) supervise assistants who are serving as advocates
19 in internal administrative and disciplinary hearings by
20 representing [~~in their representation of~~] children committed to the
21 department or adjudicated for conduct that constitutes an offense
22 and placed in a facility operated by or contracted with a juvenile
23 probation department or juvenile board [~~internal administrative~~
24 ~~and disciplinary hearings~~];

25 (10) review reports received by the department
26 relating to complaints regarding juvenile probation programs,
27 services, or facilities and analyze the data contained in the

1 reports to identify trends in complaints;

2 (11) report a possible standards violation by a
3 [~~local~~] juvenile probation department to the appropriate division
4 of the department; and

5 (12) immediately report the findings of any
6 investigation related to the operation of a post-adjudication
7 correctional facility in a county to the chief juvenile probation
8 officer and the juvenile board of the county.

9 (g) The department and juvenile probation departments shall
10 notify the office regarding any private facility described by
11 Subsection (f)(1) with which the department or the juvenile
12 probation department contracts to place children adjudicated as
13 having engaged in conduct indicating a need for supervision or
14 delinquent conduct. The report under this subsection must be made
15 annually and updated at the time a new contract is entered into with
16 a facility described by this subsection. The office shall adopt
17 rules to implement the reporting requirements under this
18 subsection, including the specific times the report must be made.

19 SECTION 51. Section 261.102, Human Resources Code, is
20 amended to read as follows:

21 Sec. 261.102. TREATMENT OF [~~DEPARTMENT~~] EMPLOYEES WHO
22 COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile
23 probation department, or another entity operating a facility in
24 which children adjudicated for conduct that constitutes an offense
25 are placed may not discharge or in any manner discriminate or
26 retaliate against an employee who in good faith makes a complaint to
27 the office of independent ombudsman or cooperates with the office

1 in an investigation.

2 SECTION 52. Subchapter C, Chapter 261, Human Resources
3 Code, is amended by adding Sections 261.105 and 261.106 to read as
4 follows:

5 Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a)
6 The office shall develop a comprehensive set of risk factors to use
7 in assessing the overall risk level of facilities and entities
8 described by Section 261.101(f) and of department parole offices.
9 The risk factors may include:

- 10 (1) the entity type;
11 (2) past and repeat children's rights violations;
12 (3) the volume and types of complaints received by the
13 office;
14 (4) recent changes in a facility or parole office
15 leadership;
16 (5) high staff turnover;
17 (6) relevant investigations by the office of the
18 inspector general of the department;
19 (7) negative media attention; and
20 (8) the number of months since the date of the office's
21 last inspection of the entity.

22 (b) The office shall use the risk factors developed under
23 this section to guide the inspections of facilities and entities
24 described by Section 261.101(f), and of department parole offices,
25 by developing risk assessment tools with clear, objective standards
26 to use in assessing the overall risk level of each facility, entity,
27 or parole office.

1 (c) The office may develop distinct assessment tools under
2 Subsection (b) for different entity types, as appropriate.

3 (d) The office shall periodically review the assessment
4 tools developed under this section to ensure that the tools remain
5 up to date and meaningful, as determined by the office.

6 Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office
7 shall adopt a policy prioritizing the inspection of facilities
8 conducted under Section 261.101(f) and of department parole offices
9 based on the relative risk level of each entity.

10 (b) The policy under Subsection (a) must require the office
11 to use the risk assessment tools established under Section 261.105
12 to determine how frequently and intensively the office conducts
13 risk-based inspections.

14 (c) The policy under Subsection (a) may provide for the
15 office to use alternative inspection methods for entities
16 determined to be low risk, including the following methods:

17 (1) desk audits of key documentation;

18 (2) abbreviated inspection procedures;

19 (3) videoconference technology; and

20 (4) other methods that are an alternative to
21 conducting an in-person inspection.

22 (d) On request by the office, the department, a juvenile
23 probation department, or a private facility under the office's
24 jurisdiction shall provide information on a routine basis, as
25 determined by the office, to assist the office in implementing a
26 risk-based inspection schedule.

27 SECTION 53. Section 261.151(c), Human Resources Code, is

1 amended to read as follows:

2 (c) A local law enforcement agency shall allow the
3 independent ombudsman access to its records relating to any child
4 in the care or custody of the department or any child adjudicated
5 for conduct that constitutes an offense and placed in a facility
6 operated by or contracted with a juvenile probation department or
7 juvenile board.

8 SECTION 54. Section 261.152, Human Resources Code, is
9 amended to read as follows:

10 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.
11 The independent ombudsman shall have access to the records of a
12 private entity that relate to a child committed to the department or
13 a child adjudicated for conduct that constitutes an offense and
14 placed in a private facility contracted with a juvenile probation
15 department or juvenile board.

16 SECTION 55. Subchapter D, Chapter 261, Human Resources
17 Code, is amended by adding Section 261.153 to read as follows:

18 Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION
19 DEPARTMENTS. The independent ombudsman shall have access to the
20 records of a juvenile probation department that relate to a child
21 adjudicated for conduct that constitutes an offense and placed in a
22 facility operated by or contracted with a juvenile probation
23 department or juvenile board.

24 SECTION 56. The following provisions are repealed:

- 25 (1) Section 58.009(d), Family Code;
26 (2) Section 221.011, Human Resources Code;
27 (3) Section 221.055, Human Resources Code;

- 1 (4) Sections 222.001(b) and (f), Human Resources Code;
- 2 (5) Sections 242.002(a) and (b), Human Resources Code;
- 3 (6) Section 243.052, Human Resources Code; and
- 4 (7) Section 246.002, Human Resources Code.

5 SECTION 57. (a) Not later than January 1, 2024, the Texas
6 Juvenile Justice Department shall repeal any rule requiring that an
7 individual must be of good moral character to qualify for a
8 department certification.

9 (b) Not later than December 1, 2024, the Texas Juvenile
10 Justice Department shall submit the first updated regionalization
11 plan required by Section 203.017(a-1), Human Resources Code, as
12 added by this Act.

13 SECTION 58. (a) Notwithstanding Section 202.001(b), Human
14 Resources Code, as amended by this Act, and except as otherwise
15 provided by this subsection, the term for a member of the Texas
16 Juvenile Justice Board serving on September 1, 2023, expires on
17 that date. A board member serving on that date may continue to
18 serve as a member of the board until a majority of appointments to
19 the board are made under Subsection (b) of this section. A member
20 of the board described by this subsection is eligible for
21 reappointment under Subsection (b) of this section.

22 (b) In making the initial appointments to the board
23 according to the changes in law made by this Act to Section 202.001,
24 Human Resources Code, the governor shall designate:

- 25 (1) three members to serve terms expiring February 1,
26 2025;
- 27 (2) three members to serve terms expiring February 1,

1 2027; and

2 (3) three members to serve terms expiring February 1,
3 2029.

4 SECTION 59. (a) Except as provided by Subsection (b) of
5 this section, Section 202.006, Human Resources Code, as amended by
6 this Act, applies to a member of the Texas Juvenile Justice Board
7 appointed before, on, or after the effective date of this Act.

8 (b) A member of the Texas Juvenile Justice Board who before
9 the effective date of this Act completed the training program
10 required by Section 202.006, Human Resources Code, as that law
11 existed before the effective date of this Act, is only required to
12 complete additional training on the subjects added by this Act to
13 the training program required by Section 202.006, Human Resources
14 Code. A board member described by this subsection may not vote,
15 deliberate, or be counted as a member in attendance at a meeting of
16 the board held on or after December 1, 2023, until the member
17 completes the additional training.

18 SECTION 60. This Act takes effect September 1, 2023.

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No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE VERSION (IE)

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

...

(27) officers appointed by the inspector general of [apprehension specialists and inspectors general commissioned by] the Texas Juvenile Justice Department [as officers] under Section [Sections] 242.102 [and 243.052], Human Resources Code;

...

(33) ~~[investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and~~

[(34)] the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 2. Amends Articles 18B.001(1) and (4), Code of Criminal Procedure, to expand the definition of "designated law enforcement office or agency" and "authorized peace officer" for purposes of statutory provisions relating to the installation and use of tracking equipment and access to certain communications to include the office of inspector general of the Texas Juvenile Justice Department and a law enforcement officer appointed by the inspector general, respectively.

SECTION 3. Article 18B.252(b), Code of Criminal Procedure, is amended to read as follows:

(b) If the director of the department or the director's designee approves the policy submitted under Article

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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18B.251, the inspector general of the Texas Department of Criminal Justice or the inspector general's designee, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency or the sheriff's or chief's designee, as applicable, shall submit to the director a written list of all peace officers in the designated law enforcement office or agency who are authorized to possess, install, operate, or monitor pen registers, ESN readers, or similar equipment.

No equivalent provision.

SECTION 4. Article 18B.302(a), Code of Criminal Procedure, is amended to read as follows:

SECTION 4. Same as House version.

(a) The inspector general of the Texas Department of Criminal Justice, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency, as applicable, shall submit to the director of the department a written report of expenditures made by the designated law enforcement office or agency to purchase and maintain a pen register, ESN reader, or similar equipment authorized under this chapter.

No equivalent provision.

SECTION 5. Article 18B.451, Code of Criminal Procedure, is amended to read as follows:

SECTION 5. Same as House version.

Art. 18B.451. SUBPOENA AUTHORITY. The director of the department or the director's designee, the inspector general of the Texas Department of Criminal Justice or the inspector general's designee, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency or the sheriff's or chief's designee may

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issue an administrative subpoena to a communication common carrier or a provider of an electronic communications service to compel the production of any carrier's or service provider's business records that:

- (1) disclose information about:
 - (A) the carrier's or service provider's customers; or
 - (B) users of the services offered by the carrier or service provider; and
- (2) are material to a criminal investigation.

No equivalent provision.

SECTION 6. Article 18B.452, Code of Criminal Procedure, is amended to read as follows:

Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later than the 30th day after the date on which an administrative subpoena is issued under Article 18B.451, the inspector general of the Texas Department of Criminal Justice, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency, as applicable, shall report to the department the issuance of the subpoena.

SECTION 6. Same as House version.

SECTIONS 1-4

SECTIONS 7-10. Same as Senate version.

SECTIONS 7-10. Same as Senate version.

No equivalent provision.

SECTION __. Section 54.04, Family Code, is amended by adding Subsection (s) to read as follows:

(s) If the judge orders a disposition under this section sentencing a person to commitment in the Texas Juvenile Justice Department, the department shall accept custody of the person not later than the 45th day after the date on which the judge signs the disposition order committing the person to the department. [FA1]

Same as Senate version.

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SECTION 5. Section 56.01(c), Family Code, is amended.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE VERSION (IE)

SECTION 11. Same as Senate version.

SECTION 12. Section 58.009, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a) For purposes of this section, information is identifiable if the information contains a juvenile offender's name or other personal identifiers or can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular juvenile offender.

(a-1) Except as provided by this section, identifiable juvenile justice information collected and maintained by the Texas Juvenile Justice Department for statistical and research purposes is confidential information for the use of the department and may not be disseminated by the department.

(c) The Texas Juvenile Justice Department may grant [~~the following entities~~] access to identifiable juvenile justice information;

(1) for research and statistical purposes or for any other purpose approved by the department to:

(A) [(1)] criminal justice agencies as defined by Section 411.082, Government Code;

(B) [(2)] the Texas Education Agency, as authorized under Section 37.084, Education Code;

(C) [(3)] any agency under the authority of the Health and Human Services Commission; or

(D) [(4)] the Department of Family and Protective Services; or

or

CONFERENCE

SECTION 11. Same as Senate version.

SECTION 12. Section 58.009, Family Code, is amended by amending Subsections (c) and (f) and adding Subsection (f-1) to read as follows:

Same as Senate version.

Same as Senate version.

(c) The Texas Juvenile Justice Department may grant [~~the following entities~~] access to juvenile justice information;

(1) for research and statistical purposes or for any other purpose approved by the department to:

(A) [(1)] criminal justice agencies as defined by Section 411.082, Government Code;

(B) [(2)] the Texas Education Agency, as authorized under Section 37.084, Education Code;

(C) [(3)] any agency under the authority of the Health and Human Services Commission; or

(D) [(4)] the Department of Family and Protective Services; or

or

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(2) for a purpose beneficial to and approved by the department to an individual or entity that:
(A) is working on a research or statistical project that meets the requirements of and is approved by the department; and
(B) has a specific agreement with the department that:
(i) specifically authorizes access to identifiable juvenile justice information;
(ii) limits the use of the information to the purposes for which the information is given;
(iii) ensures the security and confidentiality of the information; and
(iv) provides for sanctions if a requirement imposed under Subparagraph (i), (ii), or (iii) is violated [~~(5) a public or private university~~].

Same as Senate version.

(c-1) The Texas Juvenile Justice Department shall grant access to juvenile justice information that is not identifiable information for research or statistical purposes or for any other purpose approved by the department to:

(1) criminal justice agencies as defined by Section 411.082, Government Code;

(2) for a purpose beneficial to and approved by the department to an individual or entity that:
(A) is working on a research or statistical project that meets the requirements of and is approved by the department; and
(B) has a specific agreement with the department that:
(i) specifically authorizes access to identifiable juvenile justice information;
(ii) limits the use of the information to the purposes for which the information is given;
(iii) ensures the security and confidentiality of the information; and
(iv) provides for sanctions if a requirement imposed under Subparagraph (i), (ii), or (iii) is violated [~~(5) a public or private university~~].

(f) The Texas Juvenile Justice Department may not release juvenile justice information in identifiable form, except for information released under Subsection (c) [~~(e)(1), (2), (3), or (4) or under the terms of an agreement entered into under Subsection (d)(2)~~]. For purposes of this subsection, identifiable information means information that contains a juvenile offender's name or other personal identifiers or that can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular juvenile offender.

(f-1) In accordance with Chapter 552, Government Code, the Texas Juvenile Justice Department may grant access to juvenile justice information that is not identifiable information for research or statistical purposes or for any other purpose approved by the department to:

(1) criminal justice agencies as defined by Section 411.082, Government Code;

No equivalent provision.

No equivalent provision.

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- (2) the Texas Education Agency, as authorized under Section 37.084, Education Code;
- (3) any agency under the authority of the Health and Human Services Commission;
- (4) the Department of Family and Protective Services;
- (5) a public or private university; or
- (6) an individual or entity working on a research or statistical project.

- (2) the Texas Education Agency, as authorized under Section 37.084, Education Code;
- (3) any agency under the authority of the Health and Human Services Commission;
- (4) the Department of Family and Protective Services;
- (5) a public or private university; or
- (6) an individual or entity working on a research or statistical project.

No equivalent provision.

SECTION 13. Section 59.009(a), Family Code, is amended to read as follows:

Same as Senate version.

(a) For a child at sanction level six, the juvenile court may commit the child to the custody of the Texas Juvenile Justice Department ~~[or a post-adjudication secure correctional facility under Section 54.04011(e)(1)].~~ The department ~~[juvenile board, or local juvenile probation department, as applicable,]~~ may:

- (1) require the child to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for not less than nine months or more than 24 months unless the department, board, or probation department reduces or extends the period and the reason for the reduction or ~~an~~ extension is documented;
- (2) require the child to make restitution to the victim of the child's conduct or perform community service restitution appropriate to the nature and degree of the harm caused and according to the child's ability, if there is a victim of the child's conduct;
- (3) require the child and the child's parents or guardians to participate in programs and services for their particular needs and circumstances; and

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(4) if appropriate, impose additional sanctions.

No equivalent provision.

SECTION 14. Section 661.918(a), Government Code, is amended to read as follows:

Same as Senate version.

(a) This section applies to a peace officer under Article 2.12, Code of Criminal Procedure, who is commissioned or appointed, as applicable, as a law enforcement officer or agent, including a ranger, by:

- (1) the Public Safety Commission and the director of the Department of Public Safety;
- (2) the Parks and Wildlife Commission;
- (3) the Texas Alcoholic Beverage Commission;
- (4) the attorney general; ~~[ø]~~
- (5) the insurance fraud unit of the Texas Department of Insurance; or
- (6) the office of inspector general of the Texas Juvenile Justice Department.

No equivalent provision.

SECTION 15. Section 662.005(b), Government Code, is amended to read as follows:

SECTION 13. Same as House version.

(b) Except as provided by Section 662.010, and notwithstanding Section 659.015 or another law, a state employee who is a peace officer commissioned or appointed, as applicable, by a state officer or state agency listed under Article 2.12, Code of Criminal Procedure, or who is employed by the Department of Public Safety either to perform communications or dispatch services related to traffic law enforcement or as a public security officer, as that term is defined by Section 1701.001, Occupations Code, or who is employed by the Parks and Wildlife Department to perform communications and dispatch services to assist law enforcement officers commissioned by the Parks and

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Wildlife Commission in performing law enforcement duties, or who is employed by the Texas Juvenile Justice Department to perform communication service duties for the incident reporting center and to assist law enforcement officers appointed by the office of inspector general of the Texas Juvenile Justice Department in performing investigative duties, or who is employed as a security officer providing security and entry searches for secure correctional facilities operated by the Texas Juvenile Justice Department, and who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday.

SECTION 6. Sections 202.001(a) and (b), Human Resources Code, are amended to read as follows:

(a) The board is composed of the following ***nine*** [13] members appointed by the governor with the advice and consent of the senate:

- (1) one member who is a district court judge of a court designated as a juvenile court;
- (2) ***one member who is a member*** [~~three members who are members~~] of a county commissioners court with juvenile justice experience;
- (3) one prosecutor in juvenile court;
- (4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;
- (5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that

SECTION 16. Sections 202.001(a) and (b), Human Resources Code, are amended to read as follows:

(a) The board is composed of the following ***11*** [13] members appointed by the governor with the advice and consent of the senate:

- (1) one member who is a district court judge of a court designated as a juvenile court;
- (2) ***two*** [~~three~~] ***members who are members*** of a county commissioners court with juvenile justice experience;
- (3) one prosecutor in juvenile court;
- (4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;
- (5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that

SECTION 14. Same as Senate version.

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includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code, or a representative from a local mental health authority designated under Chapter 533, Health and Safety Code, who has experience working with children;

(8) one member who is:

(A) an educator, as that term is defined by Section 5.001, Education Code, with juvenile justice experience; or

(B) a juvenile justice professional with experience managing a secure juvenile justice facility operated by the department or a county; and

(9) one member [~~three members~~] of the general public.

(b) Members serve staggered six-year terms, with the terms of three [~~four or five~~] members expiring on February 1 of each odd-numbered year.

SECTIONS 7-8

SECTION 9. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2025 [2023].

HOUSE VERSION (IE)

includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code, or a representative from a local mental health authority designated under Chapter 533, Health and Safety Code, who has experience working with children;

(8) one member who is:

(A) an educator, as that term is defined by Section 5.001, Education Code, with juvenile justice experience; or

(B) a juvenile justice professional with experience managing a secure juvenile justice facility operated by the department or a county; and

(9) two [~~three~~] members of the general public.

(b) Members serve staggered six-year terms, with the terms of three or four [~~or five~~] members expiring on February 1 of each odd-numbered year.

SECTIONS 17-18. Same as Senate version.

SECTION 19. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2029 [2023].

CONFERENCE

SECTIONS 15-16. Same as Senate version.

SECTION 17. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2027 [2023].

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SECTIONS 10-11

SECTION 12. Section 203.0081, Human Resources Code, is amended by amending Subsections (a) and (e) and adding Subsection (c-1) to read as follows:

- (a) The advisory council on juvenile services consists of:
- (1) the executive director of the department or the executive director's designee;
 - (2) the director of probation services of the department or the director's designee;
 - (3) the director of state programs and facilities of the department or the director's designee;
 - (4) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;
 - (5) one representative of the county commissioners courts appointed by the board;
 - (6) two juvenile court judges appointed by the board; ~~and~~
 - (7) seven chief juvenile probation officers appointed by the board as provided by Subsection (b); and
 - (8) the commissioner of the Department of Family and Protective Services or the commissioner's designee.

(c-1) The board shall adopt rules regarding:

- (1) the purpose, role, responsibility, goals, and duration of the advisory council;
- (2) the quorum requirement for the advisory council;
- (3) training requirements for advisory council members;
- (4) policies to avoid conflicts of interest by advisory council members;
- (5) a periodic review process to evaluate the continuing need for the advisory council;

HOUSE VERSION (IE)

SECTIONS 20-21. Same as Senate version.

SECTION 22. Same as Senate version, except as follows:

- (a) Same as Senate version.

(c-1) The board shall adopt rules regarding:

- (1) the purpose, role, responsibility, goals, and duration of the advisory council;
- (2) the quorum requirement for the advisory council;
- (3) training requirements for advisory council members;
- (4) policies to avoid conflicts of interest by advisory council members;
- (5) a periodic review process to evaluate the continuing need for the advisory council;

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SECTIONS 18-19. Same as Senate version.

SECTION 20. Same as House version.

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(6) policies to ensure the advisory council does not violate any provision of Chapter 551, Government Code, applicable to the board or the advisory council;

(7) the appropriate level of participation from ex officio advisory council members designated under Subsections (a)(1)-(4); and

(8) reporting requirements and other communication procedures between the board and the advisory council.

(e) The advisory council shall assist the department in:

(1) determining the needs and problems of county juvenile boards and probation departments;

(2) conducting long-range strategic planning;

(3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;

(4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board; ~~and~~

(5) assessing and developing recommendations to improve the sharing of information between agencies that serve children, including agencies serving children in both the juvenile justice and child welfare systems; and

(6) advising the board on any other matter on the request of the board.

SECTION 13. Chapter 203, Human Resources Code, is amended by adding Sections 203.0083, 203.0084, 203.0085, and 203.0101 to read as follows:

Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

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(6) policies to ensure the advisory council does not violate any provision of Chapter 551, Government Code, applicable to the board or the advisory council;

(7) the appropriate level of participation from ex officio advisory council members designated under Subsections (a)(1)-(4) **and (8)**; and

(8) reporting requirements and other communication procedures between the board and the advisory council.

(e) Same as Senate version.

SECTION 23. Same as Senate version except as follows:

Sec. 203.0083. Same heading as Senate version.

CONFERENCE

SECTION 21. Same as House version.

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(a) The board by rule may establish advisory committees to make recommendations to the board on programs, rules, and policies administered by the board.

(b) In establishing an advisory committee under this section, the board shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;

(4) appointment procedures for members;

(5) terms of service for members;

(6) training requirements for members;

(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee; and

(9) policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the board or the committee.

(c) The board shall establish a youth career and technical education advisory committee and adopt rules required by **Subsection (a)** for the committee. The advisory committee shall assist the department with overseeing and coordinating vocational training for youth in the custody of the department, including training provided by community colleges and other local entities with which the department may partner.

Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS.

HOUSE VERSION (IE)

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as Senate version except provides that the board is required to adopt rules required by **Subsection (b)**.

Sec. 203.0084. Same as Senate version.

CONFERENCE

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Sec. 203.0085. RISK-BASED INSPECTIONS.

(a) The department shall adopt a policy prioritizing inspections conducted by the department under:

- (1) Chapter 51, Family Code;
- (2) Section 221.008 of this code; and
- (3) Subtitle C, Title 12, of this code.

(b) The policy under Subsection (a) must require the department to:

- (1) prioritize the inspection of entities based on the relative risk level of each entity; and
- (2) use the risk assessment tools established under Section 203.0084 to determine how frequently and intensively the department conducts risk-based inspections.

(c) The policy under Subsection (a) may provide for the department to use alternative inspection methods for entities determined to be low risk, including the following methods:

- (1) desk audits of key documentation;
- (2) abbreviated inspection procedures;
- (3) videoconference technology; and
- (4) other methods that are an alternative to conducting an in-person inspection.

(d) On request by the department, a juvenile probation department or a private facility under the department's jurisdiction shall provide information to assist the department in implementing a risk-based inspection schedule.

No equivalent provision.

HOUSE VERSION (IE)

Sec. 203.0085. Same heading as Senate version.

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as Senate version.

(d) Same as Senate version except provides that the information is required to be provided *on a routine basis, as determined by the department.*

SECTION 24. Section 203.010(c), Human Resources Code, is amended to read as follows:

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SECTION 22. Same as House version.

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(c) Criminal complaints initially referred to the office of [the] inspector general relating to juvenile probation programs, services, or facilities shall be sent to the appropriate local law enforcement agency. The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Section 242.102. Any other complaint shall be referred to the appropriate division of the department. The board by rule shall establish policies for the referral of noncriminal complaints.

Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS

SECTION 14. Section 203.013, Human Resources Code, is amended by adding Subsection (c).

No equivalent provision.

SECTION 15. Section 203.017, Human Resources Code, is amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and amending Subsection (e) to read as follows:

(a-1) The department shall update and submit the regionalization plan developed under Subsection (a) to the Sunset Advisory Commission and standing legislative

SECTION 25. Substantially the same as Senate version.

SECTION 26. Same as Senate version.

SECTION 27. Section 203.014(c), Human Resources Code, is amended to read as follows:

(c) The office of inspector general shall operate the toll-free number required by Subsection (a) and the 24-hour incident reporting center and [department] shall share the complaints received with the appropriate department entity [on the toll-free number with the office of inspector general and the office of the independent ombudsman].

SECTION 28. Same as Senate version except as follows:

(a-1) Same as Senate version.

SECTION 23. Same as House version.

SECTION 24. Same as Senate version.

SECTION 25. Same as House version.

SECTION 26. Same as House version.

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committees with primary jurisdiction over juvenile justice matters by December 1 of each even-numbered year. Before submitting the plan, the department must present an updated draft of the regionalization plan to the board for public comment and board approval.

(a-2) The department may incorporate relevant suggestions, needs, or recommendations from the regionalization plan into subsequent strategic plans, legislative appropriation requests, and any other necessary document to support the plan's implementation.

(b-1) In addition to the requirements of Subsection (b), in developing the regionalization plan, the department shall consult with:

- (1) the advisory council on juvenile services;
- (2) juvenile probation departments;
- (3) regional juvenile probation associations;
- (4) advocacy groups;
- (5) parents and guardians of children under the jurisdiction of the department;
- (6) individuals formerly involved in the juvenile justice system; and
- (7) any other stakeholder the department determines may be helpful.

(e) The regionalization plan must, as applicable:

- (1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan;
- (2) create a new division of the department responsible for administering the regionalization plan and monitoring program quality and accountability;

(a-2) Same as Senate version.

(b-1) Same as Senate version.

(e) The regionalization plan must, as applicable:

- (1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan;
- (2) create a new division of the department responsible for administering the regionalization plan and monitoring program quality and accountability;

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(3) ~~include sufficient mechanisms to divert at least:~~
~~[(A) 30 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2015; and~~
~~[(B) 150 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2016; and~~
[(4)] for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by the department under Subtitle C that exceed the cost of implementing the plan;

(4) include information on:

(A) the department's compliance with statutory regionalization requirements; and

(B) internal goals for diverting children from commitment to the department; and

(5) include specific, actionable steps regarding how the department will enhance regional capacity, coordination, and collaboration among juvenile probation departments to keep children closer to home as an alternative to commitment to the department's facilities while ensuring access to programs and the supervision necessary to maintain public safety.

(e-1) In developing the steps under Subsection (e)(5), the department shall consider:

(1) options to target or expand funding for juvenile probation departments to enhance community-based

HOUSE VERSION (IE)

(3) ~~include sufficient mechanisms to divert at least:~~
~~[(A) 30 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2015; and~~
~~[(B) 150 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2016; and~~
[(4)] for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by the department under Subtitle C that exceed the cost of implementing the plan;

(4) include:

(A) information on the department's compliance with statutory regionalization requirements;

(B) information on internal goals for diverting children from commitment to the department; and

(C) an analysis of rates of commitment to the custody of the department, broken down by region and county, and any relevant recommendations regarding trends in these rates; and

(5) include specific, actionable steps regarding how the department will enhance regional capacity, coordination, and collaboration among juvenile probation departments to keep children closer to home as an alternative to commitment to the department's facilities while ensuring access to programs and the supervision necessary to maintain public safety.

(e-1) Same as Senate version.

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programs and maximize the use of existing juvenile justice beds;

(2) opportunities to use financial and other incentives to encourage diversion, facilitate cooperation within and across the regions established under Subsection (c), and emphasize the benefits of sharing available resources among counties;

(3) plans for creating additional capacity to minimize gaps in juvenile justice beds and services at the local level, including the expansion or development of beds and facilities designated specifically for regional use; and

(4) processes for downsizing, closing, or repurposing large state secure facilities to shift toward a more regionally based juvenile justice system.

SECTIONS 16-27

SECTION 28. Section 242.102, Human Resources Code, is amended by adding Subsection (c-1) to read as follows:

No equivalent provision.

HOUSE VERSION (IE)

SECTIONS 29-40. Same as Senate version.

SECTION 41. Section 242.102, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), (e), (g), and (h) and adding Subsections (a-1), (a-2), (b-1), (c-1), and (j) to read as follows:

(a) The office of inspector general is established at the department under the direction of the board as a law enforcement agency for the purpose of:

(1) preventing, detecting, and investigating:

(A) crimes committed by department employees, including parole officers employed by or under a contract with the department; and

(B) crimes and delinquent conduct committed at a facility operated by the department, a residential facility operated by another entity under a contract with the department, or any facility in which a child committed to the custody of the

CONFERENCE

SECTIONS 27-38. Same as Senate version.

SECTION 39. Section 242.102, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), (e), (g), and (h) and adding Subsections (a-1), (a-2), (b-1), and (c-1) to read as follows:

(a) Same as House version.

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department is housed or receives medical or mental health treatment, including:

- (i) unauthorized or illegal entry into a department facility;
 - (ii) the introduction of contraband into a department facility;
 - (iii) escape from a secure facility; and
 - (iv) organized criminal activity; ~~and~~
- (2) investigating complaints received under Section 203.010 involving allegations of abuse, neglect, or exploitation of children in juvenile justice programs or facilities under Section 261.405, Family Code;
- (3) investigating complaints of abuse, neglect, or exploitation of:
- (A) juveniles housed in a pre-adjudication or post-adjudication public or private secure or nonsecure facility regardless of licensing entity; and
 - (B) juveniles committed to the department;
- (4) apprehending juveniles after escape or violation of release conditions as described by Section 243.051;
- (5) investigating gang-related activity within the juvenile justice system; and
- (6) performing entry security and exterior perimeter security searches for a department-operated secure correctional facility, as defined by Section 51.02, Family Code.

No equivalent provision.

(a-1) The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Subsection (a)(3).

(a-1) Same as House version.

No equivalent provision.

(a-2) The office of inspector general shall operate the incident reporting center for the department under Section 203.014.

(a-2) Same as House version.

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No equivalent provision.

(b) The office of inspector general shall prepare an investigative [~~and deliver a~~] report concerning the results of investigations [~~any investigation~~] conducted under this section and may deliver the report to any of the following:

- (1) the department [~~board~~];
- (2) the appropriate district or county attorney [~~executive director~~];
- (3) any applicable advisory board;
- (4) the governor;
- (5) the lieutenant governor;
- (6) the speaker of the house of representatives;
- (7) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;
- (8) the special prosecution unit;
- (9) the state auditor; or [~~and~~]
- (10) any other appropriate state agency responsible for licensing or certifying department employees or facilities.

(b) Same as House version.

No equivalent provision.

(b-1) An individual or entity that receives a report under Subsection (b) may not disclose the information unless otherwise authorized by law.

(b-1) Same as House version.

No equivalent provision.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a determination [~~finding~~] that abuse, neglect, or exploitation, a criminal offense, or delinquent conduct occurred, and a description of the determination [~~finding~~]. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(c) Same as House version.

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(c-1) The board by rule shall require any findings related to an administrative investigation under Subsection (a)(2) to be reviewed for legal sufficiency before being made public.

No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE VERSION (IE)

(c-1) Same as Senate version.

(d) The office of inspector general may employ investigators and security officers and employ and appoint [~~commission~~] inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and appointed [~~commissioned~~] under Subsection (d) must:

- (1) be certified by the Texas Commission on Law Enforcement under Chapter 1701, Occupations Code; and
- (2) complete advanced courses relating to the duties of peace officers employed and appointed [~~commissioned~~] under Subsection (d) as part of any continuing education requirements for the peace officers.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

- (1) the board;
- (2) the executive director;
- (3) any applicable advisory board;
- (4) the governor;
- (5) the lieutenant governor;
- (6) the speaker of the house of representatives;

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(c-1) Same as Senate version.

(d) Same as House version.

(e) Same as House version.

(g) Same as House version.

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- (7) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;
- (8) the state auditor; ~~and~~
- (9) the comptroller; and
- (10) the special prosecution unit.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department shall publish the report on the department's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

- (1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;
- (2) the relationship of a victim to a perpetrator, if applicable; ~~and~~
- (3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department at secure facilities, on parole, or at other placement locations; and
- (4) the final disposition of any complaint received under Section 203.010 related to juvenile probation departments and Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile.

(j) The department shall ensure that a peace officer appointed under Subsection (d) is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

(h) Same as House version.

Same as Senate version.

No equivalent provision.

No equivalent provision.

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SECTIONS 29-32

SECTION 33. Section 244.014, Human Resources Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) After a child sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years of age but before the child becomes 19 years of age, the department shall refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if:

(1) the child has not completed the sentence;

(2) while the child was committed to the custody of the department, the child was subsequently adjudicated or convicted for conduct constituting a felony of the first or second degree or an offense punishable under Section 22.01(b)(1), Penal Code; and

(3) the child was at least 16 years of age at the time the conduct occurred.

SECTIONS 34-40

SECTION 41. Subchapter C, Chapter 261, Human Resources Code, is amended by adding Sections 261.105 and 261.106 to read as follows:

Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS.

Sec. 261.106. RISK-BASED INSPECTIONS.

HOUSE VERSION (IE)

SECTIONS 42-45. Same as Senate version.

No equivalent provision.

SECTIONS 46-52. Same as Senate version.

SECTION 53. Same as Senate version except as follows:

Sec. 261.105. Same as Senate version.

Sec. 261.106. Same heading as Senate version.

CONFERENCE

SECTIONS 40-43. Same as Senate version.

SECTION 44. Same as Senate version.

SECTIONS 45-51. Same as Senate version.

SECTION 52. Same as House version.

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(a) The office shall adopt a policy prioritizing the inspection of facilities conducted under Section 261.101(f) and of department parole offices based on the relative risk level of each entity.

(b) The policy under Subsection (a) must require the office to use the risk assessment tools established under Section 261.105 to determine how frequently and intensively the office conducts risk-based inspections.

(c) The policy under Subsection (a) may provide for the office to use alternative inspection methods for entities determined to be low risk, including the following methods:

- (1) desk audits of key documentation;
- (2) abbreviated inspection procedures;
- (3) videoconference technology; and
- (4) other methods that are an alternative to conducting an in-person inspection.

(d) On request by the office, the department, a juvenile probation department, or a private facility under the office's jurisdiction shall provide information to assist the office in implementing a risk-based inspection schedule.

SECTIONS 42-44

SECTION 45. The following provisions of the Human Resources Code are repealed:

- (1) Sections 222.001(b) and (f);
- (2) Sections 242.002(a) and (b); and

HOUSE VERSION (IE)

(a) Same as Senate version

(b) Same as Senate version.

(c) Same as Senate version.

(d) Same as Senate version except provides that the information is required to be provided *on a routine basis, as determined by the office.*

SECTIONS 54-56. Same as Senate version.

SECTION 57. The following provisions are repealed:

- (1) *Sections 58.009(d), (f), and (g), Family Code;*
- (2) *Section 221.011, Human Resources Code;*
- (3) *Section 221.055, Human Resources Code;*
- (4) Sections 222.001(b) and (f), Human Resources Code;
- (5) Sections 242.002(a) and (b), Human Resources Code;
- (6) *Section 243.052, Human Resources Code;* and

CONFERENCE

SECTIONS 53-55. Same as Senate version.

SECTION 56. Same as House version except does not repeal *Sections 58.009(f) and (g), Family Code.*

Senate Bill 1727
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(3) Section 246.002.

SECTION 46. (a) Not later than January 1, 2024, the Texas Juvenile Justice Department shall repeal any rule requiring that an individual must be of good moral character to qualify for a department certification.

(b) Not later than December 1, 2024, the Texas Juvenile Justice Department shall submit the first updated regionalization plan required by Section 203.017(a-1), Human Resources Code, as added by this Act.

SECTION 47. (a) Notwithstanding Section 202.001(b), Human Resources Code, as amended by this Act, and except as otherwise provided by this subsection, the term for a member of the Texas Juvenile Justice Board serving on September 1, 2023, expires on that date. A board member serving on that date may continue to serve as a member of the board until a majority of appointments to the board are made under Subsection (b) of this section. A member of the board described by this subsection is eligible for reappointment under Subsection (b) of this section.

(b) In making the initial appointments to the board according to the changes in law made by this Act to Section 202.001, Human Resources Code, the governor shall designate:

- (1) three members to serve terms expiring February 1, 2025;
- (2) *three* members to serve terms expiring February 1, 2027; and
- (3) *three* members to serve terms expiring February 1, 2029.

SECTION 48. Transition provisions.

HOUSE VERSION (IE)

(7) Section 246.002, Human Resources Code.

SECTION 58. Same as Senate version.

SECTION 59. (a) Same as Senate version.

(b) In making the initial appointments to the board according to the changes in law made by this Act to Section 202.001, Human Resources Code, the governor shall designate:

- (1) three members to serve terms expiring February 1, 2025;
- (2) *four* members to serve terms expiring February 1, 2027; and
- (3) *four* members to serve terms expiring February 1, 2029.

SECTION 60. Same as Senate version.

CONFERENCE

SECTION 57. Same as Senate version.

SECTION 58. Same as Senate version.

SECTION 59. Same as Senate version.

Senate Bill 1727
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 49. (a) For purposes of Section 202.010, Human Resources Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the Texas Juvenile Justice Department for the 89th Legislature.

(b) In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must:

(1) review the implementation of the Sunset Advisory Commission's recommendations adopted by the commission and statutory recommendations for the Texas Juvenile Justice Department and the office of independent ombudsman for the Texas Juvenile Justice Department made to the 88th Legislature;

(2) identify the barriers to implementing the recommendations under Subdivision (1) of this subsection;

(3) identify any changes needed to improve coordination between the Texas Juvenile Justice Department and the Texas Department of Criminal Justice, particularly for children transferred from the custody of the Texas Juvenile Justice Department to the custody of the Texas Department of Criminal Justice; and

(4) review the decision-making processes involving the Texas Juvenile Justice Board and executive director to evaluate any needed changes in board engagement, delegation of duties, staff discretion, and transparency.

(c) The Sunset Advisory Commission's recommendations to the 89th Legislature may include any recommendation the commission considers appropriate based on the limited-scope review conducted under this section.

HOUSE VERSION (IE)

No equivalent provision.

CONFERENCE

Same as House version.

Senate Bill 1727
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 61. (a) The classification officer in the office of the state auditor shall classify the position of appointed peace officer employed by the office of inspector general of the Texas Juvenile Justice Department as a Schedule C position under the Texas Position Classification Plan.
(b) The change made by the classification officer as required by this section applies beginning with the state fiscal biennium beginning September 1, 2023.
(c) This section expires September 1, 2025.

Same as Senate version.

No equivalent provision.

SECTION 62. Section 661.918(a), Government Code, as amended by this Act, applies only to an injury that occurs on or after the effective date of this Act.

Same as Senate version.

SECTION 50. Effective date.

SECTION 63. Same as Senate version.

SECTION 60. Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 27, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1727 by Schwertner (Relating to the continuation and functions of the Texas Juvenile Justice Department, the functions of the office of independent ombudsman for the Texas Juvenile Justice Department, and the powers and duties of the office of inspector general of the Texas Juvenile Justice Department.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend various codes as they relate to the functions of the Texas Juvenile Justice Department (TJJD) and the Office of the Independent Ombudsman (OIO). Based on information provided by the Sunset Commission and TJJD, this analysis assumes that most of the duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources. However, the provisions of the bill related to risk-based assessments and inspections, the reduction in the number of board members, requirements related to university partnerships, and certain types of leave would have an indeterminate fiscal impact. According to the Office of Court Administration, the Texas Department of Criminal Justice, and the Texas Commission on Law Enforcement, any fiscal impact associated with the bill could be absorbed within existing resources.

The bill would amend the Family Code to remove the annual inspection requirement of certain facilities. The bill would also amend the Human Resources Code to require TJJD and the OIO to establish risk-based assessment tools and risk-based inspections of certain facilities under TJJD and the OIO's purview. Based on information provided by the Sunset Commission and TJJD, the fiscal impact cannot be determined because any increases or decreases in inspection costs or savings cannot be estimated until the establishment of risk assessments and risk-based inspection protocol.

The bill would amend the Human Resources Code to reduce the size of TJJD's board, alter composition requirements, update conflict-of-interest and recusal requirements and training for board members, and clarify oversight duties and the delegation of certain duties to the executive director. The bill would also require the board to adopt certain rules related to juvenile probation departments, administrative investigations, and placement procedures. According to the Sunset Commission, there may be cost savings resulting from decreased reimbursements to board members for incurred expenses.

The bill would abolish one advisory committee, allow the board to appoint advisory committees in rule, and create the Youth Career and Technical Education committee. The bill would also alter the composition of the advisory council on juvenile services to include the commissioner of the Department of Family and Protective Services (DFPS) or their designee and require the adoption of certain rules related to council operations. DFPS indicates that no significant fiscal impact is anticipated.

The bill would require TJJD to update and submit the regionalization plan in consultation with stakeholders as outlined in the provisions of the bill. The bill would also amend the Family Code as it relates to access to certain identifiable juvenile justice information. The bill would also require TJJD to partner with institutions of higher education to review resources for justice involved youth and identify resource and service gaps in each probation region. Based on information provided by the Sunset Commission and TJJD, the fiscal impact of the

university partnerships would be determined by which university TJJD partners with and what resource and service gaps are identified.

The bill would require TJJD to publish certain information related to complaints against certified officers and juvenile commitments on the agency website. The bill would also consolidate reports related to the rehabilitation and re-entry of youth committed to TJJD. The bill would also amend the Human Resources Code as it relates to qualifications and provisional certification of Juvenile Probation Officers. The bill would update statute to reflect the current scope of the OIO's duties as it relates to oversight of facilities housing post adjudicated youth and permit the OIO access to certain records. The bill would also permit the use of retrofitted facilities constructed for adult offenders with TJJD approval.

The bill would classify officers appointed by the Office of the Inspector General (OIG) as peace officers and would amend various codes to include peace officers appointed by the OIG and outline certain duties, reporting requirements, and jurisdiction of the OIG. The bill would amend the Government Code as it relates to compensatory paid time off for certain TJJD employees. Based on information provided by the Sunset Commission, there may be costs resulting from reduced staff availability; however, the fiscal impact cannot be determined.

While it is assumed that any impact on adult state correctional populations or on the demand for adult state correctional resources would not be significant, the impact on juvenile state correctional populations or on the demand for juvenile state correctional resources cannot be determined due to the lack of data necessary to identify the prevalence of conduct that would qualify for an increased penalty under the bill.

The bill would extend the continuation of TJJD and the OIO until September 1, 2027.

This bill would take effect September 1, 2023.

Local Government Impact

Local juvenile probation boards and departments may experience a fiscal impact due to additional reporting requirements and increased collaboration with TJJD on newly required initiatives, but the extent of that impact cannot be determined. It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant. No significant fiscal impact to other units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 407 Commission on Law Enforcement, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice

LBB Staff: JMc, CMA, KFB, KVEL, DDel, ESch

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on SB 1727 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(Signature)

5/29/23

(Date)