

## **BILL ANALYSIS**

Senate Research Center

H.B. 2073  
By: Hightower (Brown)  
Criminal Justice  
4-29-97  
Engrossed

### **DIGEST**

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

### **PURPOSE**

As proposed, H.B. 2073 provides for the continuation and functions of the Texas Juvenile Probation Commission and proposes several statutory modifications.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Juvenile Probation Commission in SECTIONS 8 and 9 (Sections 141.0421(a) and 141.054(b), Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

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

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

Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS. Requires a person appointed to the commission to complete at least one course of a training program that complies with this section in order to be eligible to take office. Requires the training program to provide the person with certain information. Provides that a person appointed to the commission is entitled to reimbursement for travel expenses incurred in attending the training program.

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

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

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

SECTION 7. Amends Section 141.042(e), Human Resources Code, to require juvenile probation departments to use the standard assessment tool developed by the commission or a similar tool developed by a juvenile probation department and approved by the commission for the initial assessment of children under the jurisdiction of probation departments. Requires juvenile probation departments to report the information relating to the results from the use of the standard assessment tool or other similar tool to the commission in a manner prescribed by the commission. Deletes existing text requiring the commission to develop for voluntary use by juvenile probation departments a standard assessment tool.

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

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

SECTION 9. Amends Chapter 141C, Human Resources Code, by adding Sections 141.050-141.054, as follows:

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

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

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

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

Sec. 141.054. **CONTRACTS FOR OUT-OF-STATE JUVENILE INMATES.** Provides that the only entities other than the state authorized to operate a correctional facility to house out-of-state juvenile inmates in this state are a county or municipality and a private vendor operating certain correctional facilities. Requires the commission to develop rules, procedures, and minimum standards applicable to county or private correctional facilities housing out-of-state juvenile inmates. Requires a contract made under Subsection (a) to require the county, municipality, or private vendor to operate the facility in compliance with minimum standards adopted by the commission.

SECTION 10. Effective date: September 1, 1997.

SECTION 11. Emergency clause.