

By: McClendon, Kolkhorst, Isett, Madden

H.B. No. 3689

Substitute the following for H.B. No. 3689:

By: McReynolds

C.S.H.B. No. 3689

A BILL TO BE ENTITLED

AN ACT

relating to the functions and continuation of the Texas Youth Commission and the Texas Juvenile Probation Commission and to the functions of the Office of Independent Ombudsman for the Texas Youth Commission.

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

ARTICLE 1. JUVENILE JUSTICE POLICY COORDINATING COUNCIL

SECTION 1.001. Title 1, Human Resources Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. JUVENILE JUSTICE POLICY COORDINATING COUNCIL

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 2.001. DEFINITIONS. (a) The definitions provided by Sections 61.001 and 141.002 apply to this chapter.

(b) In this chapter:

(1) "Council" means the Juvenile Justice Policy Coordinating Council.

(2) "Juvenile justice agency" means:

(A) the Texas Youth Commission; or

(B) the Texas Juvenile Probation Commission.

Sec. 2.002. COMPOSITION OF COUNCIL; PRESIDING OFFICER. (a) The council is composed of 18 members.

(b) The executive head of each of the following agencies, or that person's designee, serves as a nonvoting member of the council:

- 1           (1) the Texas Education Agency;
- 2           (2) the Health and Human Services Commission;
- 3           (3) the Department of Family and Protective Services;
- 4           (4) the Department of State Health Services;
- 5           (5) the Department of Aging and Disability Services;
- 6           (6) the Texas Workforce Commission; and
- 7           (7) the Texas Department of Criminal Justice.

8           (c) The presiding officer of the Texas Juvenile Probation  
9 Commission and the presiding officer of the board of the Texas Youth  
10 Commission serve as voting members of the council.

11           (d) The governor shall appoint, with the advice and consent  
12 of the senate, the following nine voting members:

- 13           (1) one juvenile court judge;
- 14           (2) one prosecutor in juvenile court;
- 15           (3) one defense attorney who regularly represents  
16 children alleged to have engaged in delinquent conduct or conduct  
17 indicating a need for supervision;

18           (4) one chief juvenile probation officer of a juvenile  
19 probation department;

20           (5) one mental health treatment professional;

21           (6) one educator, as that term is defined by Section  
22 5.001, Education Code;

23           (7) one member who represents an organization that  
24 advocates on behalf of juvenile offenders or victims of delinquent  
25 or criminal conduct;

26           (8) one member who is a member of the Texas Juvenile  
27 Probation Commission and is not the presiding officer of that

1 commission; and

2 (9) one member who is a member of the board of the  
3 Texas Youth Commission and is not the presiding officer of that  
4 board.

5 (e) Members appointed under Subsection (d) serve staggered  
6 six-year terms, with the terms of three members expiring on  
7 February 1 of each odd-numbered year.

8 (f) The governor shall make appointments to the council  
9 under Subsection (d) without regard to the race, color, disability,  
10 sex, religion, age, or national origin of the appointees.

11 (g) Not later than September 1 of the even-numbered year  
12 immediately preceding the odd-numbered year in which the term of  
13 the relevant member appointed under Subsection (d) expires, the  
14 following entities shall submit to the governor for consideration a  
15 list of three candidates from their respective fields for  
16 membership on the council:

17 (1) the County Judges and Commissioners Association of  
18 Texas;

19 (2) the Texas District and County Attorneys  
20 Association;

21 (3) the Texas Criminal Defense Lawyers Association;

22 (4) the Texas Probation Association--Juvenile  
23 Discipline and the Juvenile Justice Association of Texas;

24 (5) the Texas Council of Community Mental Health and  
25 Mental Retardation Centers and Mental Health America of Texas; and

26 (6) the Texas State Teachers Association.

27 (h) The governor shall designate a member of the council as

1 the presiding officer of the council to serve in that capacity at  
2 the pleasure of the governor.

3 Sec. 2.003. RESTRICTIONS ON AND QUALIFICATIONS FOR COUNCIL  
4 MEMBERSHIP. (a) A person may not be a member of the council if the  
5 person is required to register as a lobbyist under Chapter 305,  
6 Government Code, because of the person's activities for  
7 compensation on behalf of a profession related to the operation of a  
8 juvenile justice agency.

9 (b) To be a member of the council, a person must have, as  
10 appropriate, documented expertise or educational training in the  
11 person's professional field.

12 Sec. 2.004. REIMBURSEMENT. A council member is not  
13 entitled to compensation for service on the council but is entitled  
14 to reimbursement for actual and necessary expenses incurred in  
15 performing official duties as a council member.

16 Sec. 2.005. MEETINGS; PUBLIC PARTICIPATION. (a) The  
17 council shall hold regular quarterly meetings on dates set by the  
18 council and special meetings at the call of the presiding officer.

19 (b) The council shall adopt rules regulating the council's  
20 proceedings.

21 (c) The council shall keep a public record of the council's  
22 decisions at the council's general office.

23 Sec. 2.006. SHARING OF STAFF, EQUIPMENT, AND FACILITIES;  
24 ALLOCATION OF COSTS. (a) The council shall use the staff,  
25 equipment, and facilities of juvenile justice agencies to the  
26 extent necessary to carry out the council's duties.

27 (b) An interagency agreement must provide that the cost of

1 staff used by the council is to be:

2 (1) shared between juvenile justice agencies in  
3 proportion to each juvenile justice agency's operating budget; and

4 (2) included in the amounts described by Subdivision  
5 (1) in the budget of each juvenile justice agency.

6 (c) For purposes of Subsection (b)(1), the operating budget  
7 of the Texas Juvenile Probation Commission does not include amounts  
8 distributed by the commission to local juvenile probation  
9 departments as state aid or grants.

10 Sec. 2.007. SUNSET PROVISION. The Juvenile Justice Policy  
11 Coordinating Council is subject to Chapter 325, Government Code  
12 (Texas Sunset Act). Unless continued in existence as provided by  
13 that chapter, the council is abolished September 1, 2021.

14 [Sections 2.008-2.050 reserved for expansion]

15 SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COUNCIL

16 Sec. 2.051. EVALUATION OF JUVENILE JUSTICE AGENCIES;  
17 RECOMMENDATIONS. The council shall evaluate the operations of  
18 juvenile justice agencies and make recommendations to those  
19 agencies concerning any manner in which:

20 (1) an agency could improve the provision of services  
21 to or operations of programs for juveniles who are placed on  
22 juvenile probation or committed to the Texas Youth Commission; and

23 (2) those agencies could improve coordination of  
24 services provided by or programs operated by those agencies.

25 Sec. 2.052. JUVENILE JUSTICE IMPROVEMENT PLAN; ANNUAL  
26 REPORT. (a) Beginning in 2011, not later than June 1 of each year  
27 or as soon as possible after that date, the council shall:

1           (1) review, revise, and update the juvenile justice  
2 improvement plan adopted by the council in the previous fiscal  
3 year; and

4           (2) submit the juvenile justice improvement plan to  
5 the juvenile justice agencies for review and comment.

6           (b) Not later than September 1 of each year or as soon as  
7 possible after that date, the council:

8           (1) may make any changes necessary in the juvenile  
9 justice improvement plan as a result of receiving review and  
10 comment from the juvenile justice agencies; and

11           (2) shall readopt the juvenile justice improvement  
12 plan.

13           (c) In reviewing, revising, updating, and adopting the  
14 juvenile justice improvement plan under Subsection (a), the council  
15 shall have the following goals:

16           (1) to the maximum extent possible, reserving  
17 facilities operated by or under contract with the state for higher  
18 risk juveniles;

19           (2) increasing reliance on alternatives to secure  
20 placement, except when secure placement is necessary to address  
21 adequately a juvenile offender's treatment needs or prevent the  
22 juvenile offender from reoffending;

23           (3) serving juveniles in settings that are as close to  
24 the juveniles' homes as possible;

25           (4) using facility and program designs proven to be  
26 most effective in rehabilitating juveniles;

27           (5) locating facilities as geographically as close as

1 possible to necessary workforce and other services; and

2 (6) developing county centers or consortiums that  
3 enhance county collaboration.

4 (d) The council shall prepare an annual implementation  
5 report to the governor, the lieutenant governor, the speaker of the  
6 house of representatives, and the Criminal Justice Legislative  
7 Oversight Committee concerning:

8 (1) the progress of each juvenile justice agency in  
9 implementing the juvenile justice improvement plan; and

10 (2) using the comprehensive system under Section 2.106  
11 to measure performance incorporated into the juvenile justice  
12 improvement plan and the overall performance of each juvenile  
13 justice agency and the juvenile justice system in this state.

14 (e) The council shall submit the annual implementation  
15 report described by Subsection (d) in December of each year for the  
16 period of September 1 of the previous year through August 31 of the  
17 year in which the report is submitted.

18 [Sections 2.053-2.100 reserved for expansion]

19 SUBCHAPTER C. JUVENILE JUSTICE IMPROVEMENT PLAN

20 Sec. 2.101. DEFINITIONS. In this subchapter, "plan" means  
21 the comprehensive juvenile justice improvement plan developed by  
22 the council under Section 2.102(a).

23 Sec. 2.102. DEVELOPMENT OF PLAN. (a) Not later than June  
24 1, 2010, and every fifth year after that date, the council shall:

25 (1) develop a comprehensive juvenile justice  
26 improvement plan for the five fiscal years that follow that date,  
27 the first of which begins on the September 1 immediately following

1 that date; and

2 (2) deliver a copy of the plan to and accept comments  
3 and review of the plan from:

4 (A) the governor;

5 (B) the lieutenant governor;

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

7 (D) the Criminal Justice Legislative Oversight  
8 Committee; and

9 (E) the juvenile justice agencies.

10 (b) The committee is not obligated to make, but may make,  
11 changes to the plan as a result of receiving review and comments  
12 under Subsection (a)(2).

13 (c) Not later than September 1, 2010, and every fifth year  
14 after that date, or as soon as possible after that date, the council  
15 shall adopt the plan.

16 Sec. 2.103. PLAN COMPONENT: JUVENILE JUSTICE FACILITIES.

17 (a) The comprehensive juvenile justice improvement plan must  
18 include a master plan for the operation of secure correctional  
19 facilities by the Texas Youth Commission. The council shall  
20 evaluate state and county infrastructure to determine the number of  
21 beds needed in secure correctional facilities.

22 (b) The master plan developed under Subsection (a), taking  
23 into consideration the timing and cost of relocating or closing any  
24 facilities operated on September 1, 2009, by the Texas Youth  
25 Commission, must identify:

26 (1) which facilities, if any, operated by the Texas  
27 Youth Commission should be closed; and



1           (2) which areas of the state, if any, lack a sufficient  
2 number of locally operated secure or nonsecure correctional  
3 facilities.

4           (c) The council shall develop the master plan to achieve the  
5 following goals:

6           (1) to the maximum extent possible, reserving  
7 facilities operated by or under contract with the state for higher  
8 risk juveniles;

9           (2) increasing reliance on alternatives to secure  
10 placement, except when secure placement is necessary to address  
11 adequately a juvenile offender's treatment needs or prevent the  
12 juvenile offender from reoffending;

13           (3) serving juveniles in settings that are as close to  
14 the juveniles' homes as possible;

15           (4) using facility and program designs proven to be  
16 most effective in rehabilitating juveniles;

17           (5) locating facilities as geographically close as  
18 possible to necessary workforce and other services; and

19           (6) developing county centers or consortiums that  
20 enhance county collaboration.

21           Sec. 2.104. PLAN COMPONENT: DATA SHARING. The  
22 comprehensive juvenile justice improvement plan must include a  
23 specific process and procedures for:

24           (1) developing common data systems among:

25                   (A) the Texas Youth Commission;

26                   (B) the Texas Juvenile Probation Commission;

27                   (C) local probation departments; and

1           (D) other agencies of this state that serve  
2 youth, including the Department of Family and Protective Services,  
3 the Department of State Health Services, the Health and Human  
4 Services Commission, and the Texas Education Agency; and

5           (2) to the maximum extent allowed by state and federal  
6 law, improving access to educational and mental health records for  
7 juveniles who are placed on probation or committed to the custody of  
8 the state.

9           Sec. 2.105. PLAN COMPONENT: PROGRAMS, SERVICES, AND  
10 REENTRY PLANNING. The comprehensive juvenile justice improvement  
11 plan must include a specific process and procedures and, if  
12 appropriate, a policy for:

13           (1) routinely assessing the risk and needs of  
14 juveniles in this state who are placed on juvenile probation or  
15 committed to the custody of the state;

16           (2) developing or improving validated risks and needs  
17 assessments and policies to assess juveniles at crucial points in  
18 the juvenile justice system, including:

19                   (A) before adjudication of a juvenile's case;  
20                   (B) on commitment of a juvenile to the custody of  
21 the state; and

22                   (C) at release from a correctional facility or on  
23 the termination of control by the state;

24           (3) ensuring that a juvenile's minimum length of stay  
25 and placement in a particular facility directly address the  
26 identified needs of the juvenile;

27           (4) establishing timelines to identify and implement

1 state and local programs for community supervision, local  
2 placement, and state commitment that have proven to be effective;  
3 (5) providing training concerning the programs  
4 described by Subdivision (4) to state and local personnel;  
5 (6) improving reentry into the community for juveniles  
6 exiting the juvenile justice system at the state or local level;  
7 (7) increasing the use of the Texas Correctional  
8 Office on Offenders with Medical or Mental Impairments, community  
9 resource coordination groups, and other community resources for  
10 juveniles on parole or probation; and  
11 (8) ensuring that juveniles exiting state commitment  
12 or extended probation placements have the appropriate personal  
13 identification and service referrals to ensure the delivery of  
14 essential services, including mental health treatment, to them  
15 without delay on their return to the community.

16 Sec. 2.106. PLAN COMPONENT: PERFORMANCE MEASUREMENT. (a)  
17 The comprehensive juvenile justice improvement plan must include  
18 the development of a comprehensive system to measure the  
19 performance of the entire juvenile justice system in this state.  
20 The system must include performance measures that show the costs of  
21 different levels of supervision and treatment to enable  
22 identification of the most cost-effective programs.

23 (b) The council shall consult with the Legislative Budget  
24 Board and the budget, planning, and policy division of the  
25 governor's office in developing the comprehensive system to measure  
26 performance under Subsection (a).

ARTICLE 2. TEXAS YOUTH COMMISSION

SECTION 2.001. The heading to Chapter 61, Human Resources Code, is amended to read as follows:

CHAPTER 61. TEXAS YOUTH COMMISSION [~~COUNCIL~~]

SECTION 2.002. Section 61.001, Human Resources Code, is amended by adding Subdivision (3) to read as follows:

(3) "Board" means the board of the commission appointed under Section 61.024.

SECTION 2.003. Section 61.020, Human Resources Code, is amended to read as follows:

Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011 [~~2009~~].

(b) In the review of the commission by the Sunset Advisory Commission, as required by this section, the sunset commission shall limit its review to the commission's compliance with Chapter 263 (S.B. 103), Acts of the 80th Legislature, Regular Session, 2007. In its report to the 82nd Legislature, the sunset commission may include any recommendations it considers appropriate. This subsection expires September 1, 2011.

SECTION 2.004. Section 61.024(a), Human Resources Code, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, effective September 1, 2009, the commission is governed by a board that consists of seven members appointed by the governor with the

1 advice and consent of the senate. Appointments to the board shall  
2 be made without regard to the race, color, disability, sex,  
3 religion, age, or national origin of the appointees. The governor  
4 shall designate a member of the board as the presiding officer of  
5 the board to serve in that capacity at the pleasure of the governor.

6 SECTION 2.005. Subchapter B, Chapter 61, Human Resources  
7 Code, is amended by adding Sections 61.025 through 61.029 to read as  
8 follows:

9 Sec. 61.025. RESTRICTIONS ON BOARD MEMBERSHIP AND  
10 EMPLOYMENT. (a) A person may not be a member of the board or  
11 employed by the board as the executive director if the person or the  
12 person's spouse:

13 (1) is registered, certified, or licensed by a  
14 regulatory agency in the field of criminal or juvenile justice;

15 (2) is employed by or participates in the management  
16 of a business entity or other organization regulated by or  
17 receiving money from the commission;

18 (3) owns or controls, directly or indirectly, more  
19 than a 10 percent interest in a business entity or other  
20 organization regulated by or receiving money from the commission;  
21 or

22 (4) uses or receives a substantial amount of tangible  
23 goods, services, or money from the commission, other than  
24 compensation or reimbursement authorized by law for board  
25 membership, attendance, or expenses.

26 (b) A person may not be a board member and may not be a  
27 commission employee who is employed in a "bona fide executive,

1 administrative, or professional capacity," as that phrase is used  
2 for purposes of establishing an exemption to the overtime  
3 provisions of the federal Fair Labor Standards Act of 1938 (29  
4 U.S.C. Section 201 et seq.), if:

5 (1) the person is an officer, employee, or paid  
6 consultant of a Texas trade association in the field of criminal or  
7 juvenile justice; or

8 (2) the person's spouse is an officer, manager, or paid  
9 consultant of a Texas trade association in the field of criminal or  
10 juvenile justice.

11 (c) A person may not be a member of the board or act as the  
12 general counsel to the board or the commission if the person is  
13 required to register as a lobbyist under Chapter 305, Government  
14 Code, because of the person's activities for compensation on behalf  
15 of a profession related to the operation of the commission.

16 (d) In this section, "Texas trade association" means a  
17 cooperative and voluntarily joined statewide association of  
18 business or professional competitors in this state designed to  
19 assist its members and its industry or profession in dealing with  
20 mutual business or professional problems and in promoting their  
21 common interest.

22 Sec. 61.026. REMOVAL OF BOARD MEMBERS. (a) It is a ground  
23 for removal from the board that a member:

24 (1) does not have at the time of taking office the  
25 qualifications required by Section 61.024(b);

26 (2) does not maintain during service on the board the  
27 qualifications required by Section 61.024(b);

1           (3) is ineligible for membership under Section 61.025;  
2           (4) cannot, because of illness or disability,  
3 discharge the member's duties for a substantial part of the member's  
4 term; or

5           (5) is absent from more than half of the regularly  
6 scheduled board meetings that the member is eligible to attend  
7 during a calendar year without an excuse approved by a majority vote  
8 of the board.

9           (b) The validity of an action of the board is not affected by  
10 the fact that it is taken when a ground for removal of a board member  
11 exists.

12           (c) If the executive director has knowledge that a potential  
13 ground for removal exists, the executive director shall notify the  
14 presiding officer of the board of the potential ground. The  
15 presiding officer shall then notify the governor and the attorney  
16 general that a potential ground for removal exists. If the  
17 potential ground for removal involves the presiding officer, the  
18 executive director shall notify the next highest ranking officer of  
19 the board, who shall then notify the governor and the attorney  
20 general that a potential ground for removal exists.

21           Sec. 61.027. TRAINING FOR BOARD MEMBERS. (a) A person who  
22 is appointed to and qualifies for office as a member of the board  
23 may not vote, deliberate, or be counted as a member in attendance at  
24 a meeting of the board until the person completes a training program  
25 that complies with this section.

26           (b) The training program must provide the person with  
27 information regarding:

1           (1) the legislation that created the commission;

2           (2) the programs, functions, rules, and budget of the  
3 commission;

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

6           (4) the requirements of laws relating to open  
7 meetings, public information, administrative procedure, and  
8 conflicts of interest; and

9           (5) any applicable ethics policies adopted by the  
10 commission or the Texas Ethics Commission.

11           (c) A person appointed to the board is entitled to  
12 reimbursement, as provided by the General Appropriations Act, for  
13 the travel expenses incurred in attending the training program  
14 regardless of whether the attendance at the program occurs before  
15 or after the person qualifies for office.

16           Sec. 61.028. USE OF TECHNOLOGY. The board shall implement a  
17 policy requiring the commission to use appropriate technological  
18 solutions to improve the commission's ability to perform its  
19 functions. The policy must ensure that the public is able to  
20 interact with the commission on the Internet.

21           Sec. 61.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE  
22 RESOLUTION. (a) The board shall develop and implement a policy to  
23 encourage the use of:

24           (1) negotiated rulemaking procedures under Chapter  
25 2008, Government Code, for the adoption of commission rules; and

26           (2) appropriate alternative dispute resolution  
27 procedures under Chapter 2009, Government Code, to assist in the



1 resolution of internal and external disputes under the commission's  
2 jurisdiction.

3 (b) The commission's procedures relating to alternative  
4 dispute resolution must conform, to the extent possible, to any  
5 model guidelines issued by the State Office of Administrative  
6 Hearings for the use of alternative dispute resolution by state  
7 agencies.

8 (c) The board shall designate a trained person to:

9 (1) coordinate the implementation of the policy  
10 adopted under Subsection (a);

11 (2) serve as a resource for any training needed to  
12 implement the procedures for negotiated rulemaking or alternative  
13 dispute resolution; and

14 (3) collect data concerning the effectiveness of those  
15 procedures, as implemented by the commission.

16 SECTION 2.006. Section 61.0352, Human Resources Code, is  
17 amended to read as follows:

18 Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board  
19 [~~executive commissioner~~] shall develop and implement policies that  
20 clearly separate the policymaking responsibilities of the board  
21 [~~executive commissioner~~] and the management responsibilities of  
22 the staff of the commission.

23 SECTION 2.007. Section 61.0422, Human Resources Code, is  
24 amended to read as follows:

25 Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The  
26 commission shall maintain a system to promptly and efficiently act  
27 on a [~~keep a file about each written~~] complaint filed with the

1 commission by a person, other than a child receiving services from  
2 the commission or the child's parent or guardian, that the  
3 commission has authority to resolve. The commission shall maintain  
4 information about parties to the complaint, the subject matter of  
5 the complaint, a summary of the results of the review or  
6 investigation of the complaint, and the disposition of the  
7 complaint.

8 (b) The commission shall make information available  
9 describing the commission's [~~provide to the person filing the~~  
10 ~~complaint and the persons or entities complained about the~~  
11 ~~commission's policies and~~] procedures for [~~pertaining to~~]  
12 complaint investigation and resolution.

13 (c) The commission[~~, at least quarterly and until final~~  
14 ~~disposition of the complaint,~~] shall periodically notify the  
15 [~~person filing the~~] complaint parties [~~and the persons or entities~~  
16 ~~complained about~~] of the status of the complaint until final  
17 disposition, unless the notice would jeopardize an undercover  
18 investigation.

19 (d) [~~(b) The commission shall keep information about each~~  
20 ~~file required by Subsection (a). The information must include:~~

21 [~~(1) the date the complaint is received,~~  
22 [~~(2) the name of the complainant,~~  
23 [~~(3) the subject matter of the complaint,~~  
24 [~~(4) a record of all persons contacted in relation to~~  
25 ~~the complaint,~~

26 [~~(5) a summary of the results of the review or~~  
27 ~~investigation of the complaint, and~~

1           ~~[(6) for complaints for which the commission took no~~  
2 ~~action, an explanation of the reason the complaint was closed~~  
3 ~~without action.~~

4           ~~[(c)]~~ The commission shall keep information about each  
5 written complaint filed with the commission by a child receiving  
6 services from the commission or the child's parent or guardian. The  
7 information must include:

8           (1) the subject matter of the complaint;

9           (2) a summary of the results of the review or  
10 investigation of the complaint; and

11           (3) the period of time between the date the complaint  
12 is received and the date the complaint is closed.

13           SECTION 2.008. Section 61.0423, Human Resources Code, is  
14 amended to read as follows:

15           Sec. 61.0423. PUBLIC HEARINGS. (a) The board ~~[executive~~  
16 ~~commissioner]~~ shall develop and implement policies that provide the  
17 public with a reasonable opportunity to appear before the board  
18 ~~[executive commissioner or the executive commissioner's designee]~~  
19 and to speak on any issue under the jurisdiction of the commission.

20           (b) The board ~~[executive commissioner]~~ shall ensure that  
21 the location of public hearings held in accordance with this  
22 section is rotated between municipalities in which a commission  
23 facility is located or that are in proximity to a commission  
24 facility.

25           SECTION 2.009. Subchapter D, Chapter 61, Human Resources  
26 Code, is amended by adding Section 61.067 to read as follows:

27           Sec. 61.067. INFORMATION PROVIDED TO COMMITTING COURT. (a)

1 If a court that commits a child to the commission requests, in the  
2 commitment order, that the commission keep the court informed of  
3 the progress the child is making while committed to the commission,  
4 the commission shall provide the court with periodic updates on the  
5 child's progress.

6 (b) A report provided under Subsection (a) may include any  
7 information the commission determines to be relevant in evaluating  
8 the child's progress, including, as applicable, information  
9 concerning the child's treatment, education, and health.

10 (c) A report provided under this section may not include  
11 information that is protected from disclosure under state or  
12 federal law.

13 SECTION 2.010. Subchapter F, Chapter 61, Human Resources  
14 Code, is amended by adding Section 61.08131 to read as follows:

15 Sec. 61.08131. COMPREHENSIVE REENTRY AND REINTEGRATION  
16 PLAN FOR CHILDREN; STUDY AND REPORT. (a) The commission shall  
17 develop a comprehensive plan to reduce recidivism and ensure the  
18 successful reentry and reintegration of children into the community  
19 following a child's release under supervision or final discharge,  
20 as applicable, from the commission.

21 (b) The comprehensive reentry and reintegration plan  
22 developed under this section must provide for:

23 (1) an assessment of each child committed to the  
24 commission to determine which skills the child needs to develop to  
25 be successful in the community following release under supervision  
26 or final discharge;

27 (2) programs that address the assessed needs of each

1 child;

2 (3) a comprehensive network of transition programs to  
3 address the needs of children released under supervision or finally  
4 discharged from the commission;

5 (4) the identification of providers of existing local  
6 programs and transitional services with whom the commission may  
7 contract under this section to implement the reentry and  
8 reintegration plan; and

9 (5) subject to Subsection (c), the sharing of  
10 information between local coordinators, persons with whom the  
11 commission contracts under this section, and other providers of  
12 services as necessary to adequately assess and address the needs of  
13 each child.

14 (c) A child's personal health information may be disclosed  
15 under Subsection (b)(5) only in the manner authorized by Section  
16 61.0731 or other state or federal law, provided that the disclosure  
17 does not violate the Health Insurance Portability and  
18 Accountability Act of 1996 (29 U.S.C. Section 1181 et seq.).

19 (d) The programs provided under Subsections (b)(2) and (3)  
20 must:

21 (1) be implemented by highly skilled staff who are  
22 experienced in working with reentry and reintegration programs for  
23 children;

24 (2) provide children with:

25 (A) individualized case management and a full  
26 continuum of care;

27 (B) life-skills training, including information

1 about budgeting, money management, nutrition, and exercise;

2 (C) education and, if a child has a learning  
3 disability, special education;

4 (D) employment training;

5 (E) appropriate treatment programs, including  
6 substance abuse and mental health treatment programs; and

7 (F) parenting and relationship-building classes;

8 and

9 (3) be designed to build for children post-release and  
10 post-discharge support from the community into which the child is  
11 released under supervision or finally discharged, including  
12 support from agencies and organizations within that community.

13 (e) The commission may contract and coordinate with private  
14 vendors, units of local government, or other entities to implement  
15 the comprehensive reentry and reintegration plan developed under  
16 this section, including contracting to:

17 (1) coordinate the supervision and services provided  
18 to children during the time children are in the custody of the  
19 commission with any supervision or services provided children who  
20 have been released under supervision or finally discharged from the  
21 commission;

22 (2) provide children awaiting release under  
23 supervision or final discharge with documents that are necessary  
24 after release or discharge, including identification papers,  
25 medical prescriptions, job training certificates, and referrals to  
26 services; and

27 (3) provide housing and structured programs,

1 including programs for recovering substance abusers, through which  
2 children are provided services immediately following release under  
3 supervision or final discharge.

4 (f) To ensure accountability, any contract entered into  
5 under this section must contain specific performance measures that  
6 the commission shall use to evaluate compliance with the terms of  
7 the contract.

8 (g) The commission shall ensure that each reentry and  
9 reintegration plan developed for a child under Section 61.0814 is  
10 coordinated with the comprehensive reentry and reintegration plan  
11 developed under this section.

12 (h) The commission shall conduct and coordinate research to  
13 determine whether the comprehensive reentry and reintegration plan  
14 developed under this section reduces recidivism rates.

15 (i) Not later than December 1 of each even-numbered year,  
16 the commission shall deliver a report of the results of research  
17 conducted or coordinated under Subsection (h) to the lieutenant  
18 governor, the speaker of the house of representatives, and the  
19 standing committees of each house of the legislature with primary  
20 jurisdiction over juvenile justice and corrections.

21 SECTION 2.011. Subchapter F, Chapter 61, Human Resources  
22 Code, is amended by adding Section 61.08141 to read as follows:

23 Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE  
24 RELEASE. (a) In addition to providing the court with notice of  
25 release of a child under Section 61.081(e), as soon as possible but  
26 not later than the 30th day before the date the commission releases  
27 the child, the commission shall provide the court that committed

1 the child to the commission:

2 (1) a copy of the child's reentry and reintegration  
3 plan developed under Section 61.0814; and

4 (2) a report concerning the progress the child has  
5 made while committed to the commission.

6 (b) If, on release, the commission places a child in a  
7 county other than the county served by the court that committed the  
8 child to the commission, the commission shall provide the  
9 information described by Subsection (a) to both the committing  
10 court and the juvenile court in the county where the child is placed  
11 after release.

12 (c) If, on release, a child's residence is located in  
13 another state, the commission shall provide the information  
14 described by Subsection (a) to both the committing court and a  
15 juvenile court of the other state that has jurisdiction over the  
16 area in which the child's residence is located.

17 SECTION 2.012. Section 61.098(b), Human Resources Code, is  
18 amended to read as follows:

19 (b) As appropriate, the district attorney, criminal  
20 district attorney, or county attorney representing the state in  
21 criminal matters before the district or inferior courts of the  
22 county who would otherwise represent the state in the prosecution  
23 of an offense or delinquent conduct concerning the commission and  
24 described by Article 104.003(a), Code of Criminal Procedure, may  
25 request that the special prosecution unit prosecute, or assist in  
26 the prosecution of, the offense or delinquent conduct.



1 ARTICLE 3. OFFICE OF INDEPENDENT OMBUDSMAN FOR THE TEXAS YOUTH  
2 COMMISSION

3 SECTION 3.001. Section 64.054, Human Resources Code, is  
4 amended to read as follows:

5 Sec. 64.054. SUNSET PROVISION. The office is subject to  
6 review under Chapter 325, Government Code (Texas Sunset Act), but  
7 is not abolished under that chapter. The office shall be reviewed  
8 during the periods in which the Texas Youth Commission is [state  
9 ~~agencies abolished in 2009 and every 12th year after 2009 are]~~  
10 reviewed.

11 SECTION 3.002. Section 64.058, Human Resources Code, is  
12 amended to read as follows:

13 Sec. 64.058. RULEMAKING AUTHORITY. (a) The office by  
14 rule shall establish policies and procedures for the operations of  
15 the office of independent ombudsman.

16 (b) The office and the commission shall adopt rules  
17 necessary to implement Section 64.060, including rules that:

18 (1) identify which reports of the office are subject  
19 to review and comment by the commission before publication; and

20 (2) establish procedures for the commission to review  
21 and comment on the reports, including procedures for the commission  
22 to expedite or eliminate review of and comment on a report due to an  
23 emergency or a serious or flagrant circumstance described by  
24 Section 64.055(b).

25 SECTION 3.003. Subchapter B, Chapter 64, Human Resources  
26 Code, is amended by adding Sections 64.060 and 64.061 to read as  
27 follows:

1       Sec. 64.060. REVIEW AND FORMAT OF REPORTS. (a) The office  
2 shall accept, both before and after publication, comments from the  
3 commission concerning the following types of reports published by  
4 the office under this chapter:

5           (1) the office's quarterly report under Section  
6 64.055(a);

7           (2) reports concerning serious or flagrant  
8 circumstances under Section 64.055(b); and

9           (3) any other formal reports containing findings and  
10 making recommendations concerning systemic issues that affect the  
11 commission.

12       (b) The commission may not submit comments under Subsection  
13 (a) after the 30th day after the date the report on which the  
14 commission is commenting is published.

15       (c) The office shall ensure that reports described by  
16 Subsection (a) are in a format to which the commission can easily  
17 respond.

18       (d) After receipt of comments under this section, the office  
19 is not obligated to change any report or change the manner in which  
20 the office performs the duties of the office.

21       Sec. 64.061. COMPLAINTS. (a) The office shall maintain a  
22 system to promptly and efficiently act on complaints filed with the  
23 office that relate to the operations or staff of the office. The  
24 office shall maintain information about parties to the complaint,  
25 the subject matter of the complaint, a summary of the results of the  
26 review or investigation of the complaint, and the disposition of  
27 the complaint.

1       (b) The office shall make information available describing  
2 its procedures for complaint investigation and resolution.

3       (c) The office shall periodically notify the complaint  
4 parties of the status of the complaint until final disposition.

5       SECTION 3.004. Subchapter C, Chapter 64, Human Resources  
6 Code, is amended by adding Section 64.104 to read as follows:

7       Sec. 64.104. MEMORANDUM OF UNDERSTANDING. (a) The office  
8 and the commission shall enter into a memorandum of understanding  
9 concerning:

10       (1) the most efficient manner in which to share  
11 information with one another; and

12       (2) the procedures for handling overlapping  
13 monitoring duties and activities performed by the office and the  
14 commission.

15       (b) The memorandum of understanding entered into under  
16 Subsection (a), at a minimum, must:

17       (1) address the interaction of the office with that  
18 portion of the commission that conducts an internal audit under  
19 Section 61.0331;

20       (2) address communication between the office and the  
21 commission concerning individual situations involving children  
22 committed to the commission and how those situations will be  
23 documented and handled;

24       (3) contain guidelines on the office's role in  
25 relevant working groups and policy development decisions at the  
26 commission;

27       (4) ensure opportunities for sharing information

1 between the office and the commission for the purposes of assuring  
2 quality and improving programming within the commission; and

3 (5) recognize the independence of the office and the  
4 office's right to withhold confidential information from the  
5 commission.

6 ARTICLE 4. TEXAS JUVENILE PROBATION COMMISSION

7 SECTION 4.001. Section 141.011(a), Human Resources Code, is  
8 amended to read as follows:

9 (a) The commission consists of:

- 10 (1) two district court judges;  
11 (2) two county judges or commissioners; ~~and~~  
12 (3) one prosecutor in juvenile court;  
13 (4) one defense attorney certified by the Juvenile Law  
14 Section of the State Bar of Texas;

15 (5) one member who represents an organization that  
16 advocates on behalf of juvenile offenders or victims of delinquent  
17 or criminal conduct; and

18 (6) two ~~[five]~~ members of the public who are not  
19 employees in the criminal or juvenile justice system.

20 SECTION 4.002. Section 141.012, Human Resources Code, is  
21 amended to read as follows:

22 Sec. 141.012. SUNSET PROVISION. The Texas Juvenile  
23 Probation Commission is subject to Chapter 325, Government Code  
24 (Texas Sunset Act). Unless continued in existence as provided by  
25 that chapter, the commission is abolished and this chapter expires  
26 September 1, 2021 ~~[2009]~~.

27 SECTION 4.003. Section 141.014, Human Resources Code, is

1 amended to read as follows:

2           Sec. 141.014. RESTRICTIONS ON COMMISSION APPOINTMENT,  
3 MEMBERSHIP, AND EMPLOYMENT. (a) A person may not be [~~is not~~  
4 ~~eligible for appointment or service as~~] a public member of the  
5 commission if the person or the person's spouse:

6           (1) owns or controls, directly or indirectly, more  
7 than a 10 percent interest in a business entity or other  
8 organization regulated by or receiving money from the commission  
9 [~~or receiving funds from the commission~~]; [~~or~~]

10           (2) uses or receives a substantial amount of tangible  
11 goods, services, or funds from the commission, other than  
12 compensation or reimbursement authorized by law for commission  
13 membership, attendance, or expenses;

14           (3) is registered, certified, or licensed by a  
15 regulatory agency in the field of criminal or juvenile justice; or

16           (4) is employed by or participates in the management  
17 of a business entity or other organization regulated by or  
18 receiving money from the commission.

19           (b) A person may not be a member of the commission and may  
20 not be a commission employee employed in a "bona fide executive,  
21 administrative, or professional capacity," as that phrase is used  
22 for purposes of establishing an exemption to the overtime  
23 provisions of the federal Fair Labor Standards Act of 1938 (29  
24 U.S.C. Section 201 et seq.) if:

25           (1) the person is an officer, employee, or paid  
26 consultant of a Texas trade association in the field of criminal or  
27 juvenile justice; or

1           (2) the person's spouse is an officer, manager, or paid  
2 consultant of a Texas trade association in the field of criminal or  
3 juvenile justice [~~An officer, employee, or paid consultant of a~~  
4 ~~trade association in the field of criminal or juvenile justice may~~  
5 ~~not be a member or employee of the commission)].~~

6           (c) [~~A person who is the spouse of an officer, employee, or~~  
7 ~~paid consultant of a trade association in the field of criminal or~~  
8 ~~juvenile justice may not be a commission member or a commission~~  
9 ~~employee, including exempt employees, compensated at grade 17 or~~  
10 ~~over according to the position classification schedule under the~~  
11 ~~General Appropriations Act.~~

12           [~~(d)~~] A person may not serve as a member of the commission or  
13 act as the general counsel to the commission if the person is  
14 required to register as a lobbyist under Chapter 305, Government  
15 Code, because of the person's activities for compensation in or on  
16 behalf of a profession related to the operation of the commission.

17           (d) [~~(c)~~] In this section, "Texas trade association" means  
18 a [~~nonprofit,~~] cooperative and [~~7~~] voluntarily joined statewide  
19 association of business or professional competitors in this state  
20 designed to assist its members and its industry or profession in  
21 dealing with mutual or professional problems and in promoting their  
22 common interest.

23           SECTION 4.004. Section 141.0145, Human Resources Code, is  
24 amended to read as follows:

25           Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS. (a) A [~~The~~  
26 ~~be eligible to take office as a member of the commission, a]~~ person  
27 who is appointed to and qualifies for office as a member of the

1 commission may not vote, deliberate, or be counted as a member in  
2 attendance at a meeting of the commission until the person  
3 completes [~~must complete at least one course of~~] a training program  
4 that complies with this section.

5 (b) The training program must provide information to the  
6 person regarding:

7 (1) the [~~enabling~~] legislation that created the  
8 commission [~~and its policymaking body to which the person is~~  
9 ~~appointed to serve~~];

10 (2) the programs operated by the commission;

11 (3) the roles [~~role~~] and functions of the commission;

12 (4) [~~the rules of the commission with an emphasis on~~  
13 ~~the rules that relate to disciplinary and investigatory authority,~~

14 [~~(5)~~] the [~~current~~] budget of [~~for~~] the commission;

15 (5) [~~(6)~~] the results of the most recent formal audit  
16 of the commission;

17 (6) [~~(7)~~] the requirements of law relating to open  
18 meetings, public information, administrative procedure, and  
19 conflicts of interest [~~the~~;

20 [~~(A) open meetings law, Chapter 551, Government~~  
21 ~~Code,~~

22 [~~(B) open records law, Chapter 552, Government~~  
23 ~~Code, and~~

24 [~~(C) administrative procedure law, Chapter 2001,~~  
25 ~~Government Code~~]; and

26 (7) [~~(8) the requirements of the conflict of~~  
27 ~~interests laws and other laws relating to public officials, and~~

1           ~~[(9)]~~ any applicable ethics policies adopted by the  
2 commission or the Texas Ethics Commission.

3           (c) A person appointed to the commission is entitled to  
4 reimbursement, as provided in the General Appropriations Act, for  
5 travel expenses incurred in attending the training program,  
6 regardless of whether the attendance at the program occurs before  
7 or after the person qualifies for office ~~[as provided by the General~~  
8 ~~Appropriations Act and as if the person were a member of the~~  
9 ~~commission]~~.

10           SECTION 4.005. Sections 141.017(a) and (c), Human Resources  
11 Code, are amended to read as follows:

12           (a) It is a ground for removal from the commission if a  
13 member:

14               (1) does not have at the time of taking office  
15 ~~[appointment]~~ the qualifications required by Section 141.011;

16               (2) does not maintain during service on the commission  
17 the qualifications required by Section 141.011 ~~[is not eligible for~~  
18 ~~appointment to or service on the commission as provided by Section~~  
19 ~~141.014(a)]~~;

20               (3) is ineligible for membership under Section 141.014  
21 ~~[violates a prohibition established by Section 141.014(b), (c), or~~  
22 ~~(d)]~~;

23               (4) cannot, because of illness or disability,  
24 discharge the member's duties for a substantial part of the term for  
25 which the member is appointed ~~[because of illness or disability]~~;  
26 or

27               (5) is absent from more than half of the regularly



1 scheduled commission meetings that the member is eligible to attend  
2 during a calendar year unless the absence is excused by majority  
3 vote of the commission.

4 (c) If the director has knowledge that a potential ground  
5 for removal exists, the director shall notify the presiding officer  
6 [~~chairman~~] of the commission of the potential ground. The  
7 presiding officer [~~chairman~~] shall then notify the governor and the  
8 attorney general that a potential ground for removal exists. If the  
9 potential ground for removal involves the presiding officer  
10 [~~chairman~~], the director shall notify the next highest officer of  
11 the commission, who shall notify the governor and the attorney  
12 general that a potential ground for removal exists.

13 SECTION 4.006. Section 141.022(a), Human Resources Code, is  
14 amended to read as follows:

15 (a) The advisory council on juvenile services consists of  
16 the following chief juvenile probation officers appointed by the  
17 commission:

18 (1) three chief [~~two~~] juvenile probation officers of  
19 juvenile probation departments serving counties with populations  
20 of less than 10,000 [~~court judges, appointed by the commission~~];

21 (2) four chief [~~three~~] juvenile probation officers of  
22 juvenile probation departments serving counties with populations  
23 of 10,000 or more but less than 50,001 [~~, appointed by the~~  
24 ~~commission~~];

25 (3) three chief juvenile probation officers of  
26 juvenile probation departments serving counties with populations  
27 of 50,001 or more but less than 200,001 [~~two citizens who are~~

1 knowledgeable of juvenile services, appointed by the commission];  
2 and

3 (4) three chief juvenile probation officers of  
4 juvenile probation departments serving counties with populations  
5 of 200,001 or more [~~the executive commissioner of the Texas Youth~~  
6 ~~Commission or the commissioner's designee,~~

7 [~~(5) the commissioner of education or the~~  
8 ~~commissioner's designee; and~~

9 [~~(6) the commissioner of human services or the~~  
10 ~~commissioner's designee~~].

11 SECTION 4.007. Subchapter B, Chapter 141, Human Resources  
12 Code, is amended by adding Sections 141.027 through 141.029 to read  
13 as follows:

14 Sec. 141.027. COMPLAINTS. (a) The commission shall  
15 maintain a system to promptly and efficiently act on complaints  
16 filed with the commission, other than complaints received under  
17 Section 141.049. The commission shall maintain information about  
18 parties to the complaint, the subject matter of the complaint, a  
19 summary of the results of the review or investigation of the  
20 complaint, and its disposition.

21 (b) The commission shall make information available  
22 describing its procedures for complaint investigation and  
23 resolution.

24 (c) The commission shall periodically notify the complaint  
25 parties of the status of the complaint until final disposition.

26 Sec. 141.028. USE OF TECHNOLOGY. The commission shall  
27 implement a policy requiring the commission to use appropriate

1 technological solutions to improve the commission's ability to  
2 perform its functions. The policy must ensure that the public is  
3 able to interact with the commission on the Internet.

4 Sec. 141.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE  
5 RESOLUTION. (a) The commission shall develop and implement a  
6 policy to encourage the use of:

7 (1) negotiated rulemaking procedures under Chapter  
8 2008, Government Code, for the adoption of commission rules; and

9 (2) appropriate alternative dispute resolution  
10 procedures under Chapter 2009, Government Code, to assist in the  
11 resolution of internal and external disputes under the commission's  
12 jurisdiction.

13 (b) The commission's procedures relating to alternative  
14 dispute resolution must conform, to the extent possible, to any  
15 model guidelines issued by the State Office of Administrative  
16 Hearings for the use of alternative dispute resolution by state  
17 agencies.

18 (c) The commission shall designate a trained person to:

19 (1) coordinate the implementation of the policy  
20 adopted under Subsection (a);

21 (2) serve as a resource for any training needed to  
22 implement the procedures for negotiated rulemaking or alternative  
23 dispute resolution; and

24 (3) collect data concerning the effectiveness of those  
25 procedures, as implemented by the commission.

26 SECTION 4.008. Section 141.042, Human Resources Code, is  
27 amended by amending Subsection (a) and adding Subsection (d) to

1 read as follows:

2 (a) The commission shall adopt reasonable rules that  
3 provide:

4 (1) minimum standards for personnel, staffing, case  
5 loads, programs, facilities, record keeping, equipment, and other  
6 aspects of the operation of a juvenile board that are necessary to  
7 provide adequate and effective probation services;

8 (2) a code of ethics for probation and detention  
9 officers and for the enforcement of that code;

10 (3) appropriate educational, preservice and  
11 in-service training, and certification standards for probation and  
12 detention officers or court-supervised community-based program  
13 personnel;

14 (4) subject to Subsection (d), minimum standards for  
15 public and private juvenile pre-adjudication secure detention  
16 facilities, public juvenile post-adjudication secure correctional  
17 facilities that are operated under the authority of a juvenile  
18 board or governmental unit, [~~and~~] private juvenile  
19 post-adjudication secure correctional facilities operated under a  
20 contract with a governmental unit, except those facilities exempt  
21 from certification by Section 42.052(g), and nonsecure  
22 correctional facilities operated by or under contract with a  
23 governmental unit; and

24 (5) minimum standards for juvenile justice  
25 alternative education programs created under Section 37.011,  
26 Education Code, in collaboration and conjunction with the Texas  
27 Education Agency, or its designee.

1       (d) In adopting rules under Subsection (a)(4), the  
2 commission shall ensure that the minimum standards for facilities  
3 described by Subsection (a)(4) are designed to ensure that  
4 juveniles confined in those facilities are provided the rights,  
5 benefits, responsibilities, and privileges to which a juvenile is  
6 entitled under the United States Constitution, federal law, and the  
7 constitution and laws of this state. The minimum standards must  
8 include a humane physical and psychological environment, safe  
9 conditions of confinement, protection from harm, adequate  
10 rehabilitation and education, adequate medical and mental health  
11 treatment, and due process of law.

12       SECTION 4.009. Section 141.0471, Human Resources Code, is  
13 amended by amending Subsection (a) and adding Subsection (b-1) to  
14 read as follows:

15       (a) The commission and the Texas Youth Commission shall  
16 biennially develop a coordinated strategic plan which shall guide,  
17 but not substitute for, the strategic plans developed individually  
18 by the agencies or the juvenile justice improvement plan adopted by  
19 the Juvenile Justice Policy Coordinating Council under Chapter 2.

20       (b-1) In addition to the information described by  
21 Subsection (b), the plan must include specific processes and  
22 procedures for routinely communicating juvenile justice system  
23 information between the agencies and determining opportunities to  
24 coordinate practices for improving outcomes for youth.

25       SECTION 4.010. Section 141.049, Human Resources Code, is  
26 amended to read as follows:

27       Sec. 141.049. COMPLAINTS RELATING TO JUVENILE BOARDS. (a)

1 The commission shall maintain a system to promptly and efficiently  
2 act on a [~~keep an information file about each~~] complaint filed with  
3 the commission relating to a juvenile board funded by the  
4 commission. The commission shall maintain information about  
5 parties to the complaint, a summary of the results of the review or  
6 investigation of the complaint, and the disposition of the  
7 complaint.

8 (b) The commission shall make information available  
9 describing the commission's procedures for the investigation and  
10 resolution of a complaint filed with the commission relating to a  
11 juvenile board funded by the commission.

12 (c) [~~The commission shall investigate the allegations in~~  
13 ~~the complaint and make a determination of whether there has been a~~  
14 ~~violation of the commission's rules relating to juvenile probation~~  
15 ~~programs, services, or facilities.~~

16 [(b)] If a written complaint is filed with the commission  
17 relating to a juvenile board funded by the commission, the  
18 commission~~[, at least quarterly and until final disposition of the~~  
19 ~~complaint,~~] shall periodically notify the complainant and the  
20 juvenile board of the status of the complaint until final  
21 disposition, unless notice would jeopardize an undercover  
22 investigation.

23 SECTION 4.011. Section 141.050, Human Resources Code, is  
24 amended by adding Subsection (c) to read as follows:

25 (c) The commission shall consider the past performance of a  
26 juvenile board when contracting with the juvenile board for local  
27 probation services other than basic probation services. In

1 addition to the contract standards described by Subsection (a), a  
2 contract with a juvenile board for probation services other than  
3 basic probation services must:

4 (1) include specific performance targets for the  
5 juvenile board based on the juvenile board's historic performance  
6 of the services; and

7 (2) require a juvenile board to report on the juvenile  
8 board's success in meeting the performance targets described by  
9 Subdivision (1).

10 SECTION 4.012. Subchapter C, Chapter 141, Human Resources  
11 Code, is amended by adding Sections 141.057 and 141.058 to read as  
12 follows:

13 Sec. 141.057. DATA COLLECTION. (a) The commission shall  
14 collect comprehensive data concerning the outcomes of local  
15 probation programs throughout the state.

16 (b) Data collected under Subsection (a) must include:

17 (1) a description of the types of programs and  
18 services offered by a juvenile probation department, including a  
19 description of the components of each program or service offered;  
20 and

21 (2) to the extent possible, the rate at which  
22 juveniles who enter or complete juvenile probation are later  
23 committed to the custody of the state.

24 Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND  
25 EXPLOITATION. (a) On January 1, 2010, and quarterly after that  
26 date, the commission shall prepare and deliver a report to the board  
27 concerning the final outcome of any complaint received under

1 Section 261.405, Family Code, that concerns the abuse, neglect, or  
2 exploitation of a juvenile. The report must include a summary of  
3 the actions performed by the commission and any applicable juvenile  
4 board or juvenile probation department in resolving the complaint.

5 (b) A report prepared under Subsection (a) is public  
6 information under Chapter 552, Government Code, only to the extent  
7 authorized by that chapter.

8 SECTION 4.013. The heading to Subchapter D, Chapter 141,  
9 Human Resources Code, is amended to read as follows:

10 SUBCHAPTER D. PROVISIONS RELATING TO CERTAIN [~~JUVENILE PROBATION~~]  
11 OFFICERS AND EMPLOYEES

12 SECTION 4.014. Section 141.061(a), Human Resources Code, is  
13 amended to read as follows:

14 (a) To be eligible for appointment as a probation officer, a  
15 person who was not employed as a probation officer before September  
16 1, 1981, must:

17 (1) be of good moral character;

18 (2) have acquired a bachelor's degree conferred by a  
19 college or university accredited by an accrediting organization  
20 recognized by the Texas Higher Education Coordinating Board;

21 (3) have either:

22 (A) one year of graduate study in criminology,  
23 corrections, counseling, law, social work, psychology, sociology,  
24 or other field of instruction approved by the commission; or

25 (B) one year of experience in full-time case  
26 work, counseling, or community or group work:

27 (i) in a social service, community,



1 corrections, or juvenile agency that deals with offenders or  
2 disadvantaged persons; and

3 (ii) that the commission determines  
4 provides the kind of experience necessary to meet this requirement;

5 (4) have satisfactorily completed the course of  
6 preservice training or instruction and any continuing education  
7 required by the commission;

8 (5) have passed the tests or examinations required by  
9 the commission; and

10 (6) possess the level of certification required by the  
11 commission.

12 SECTION 4.015. Subchapter D, Chapter 141, Human Resources  
13 Code, is amended by adding Section 141.0612 to read as follows:

14 Sec. 141.0612. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF  
15 NONSECURE CORRECTIONAL FACILITIES. (a) The board by rule shall  
16 adopt certification standards for persons who are employed in  
17 nonsecure correctional facilities that accept only juveniles who  
18 are on probation and that are operated by or under contract with a  
19 governmental unit, as defined by Section 101.001, Civil Practice  
20 and Remedies Code.

21 (b) The certification standards adopted under Subsection  
22 (a) must be substantially similar to the certification requirements  
23 for detention officers under Section 141.0611.

24 SECTION 4.016. Section 141.064, Human Resources Code, is  
25 amended to read as follows:

26 Sec. 141.064. REVOCATION OR SUSPENSION OF CERTIFICATION.

27 (a) The commission may revoke or suspend a certification, or

1 reprimand a certified officer:

2           (1) ~~[7]~~ for a violation of this chapter or a commission  
3 rule; or

4           (2) if, under Subsection (c), a panel determines that  
5 continued certification of the person threatens juveniles in the  
6 juvenile justice system.

7           (b) The commission may place on probation a person whose  
8 certification is suspended. If the suspension is probated, the  
9 commission may require the person to:

10           (1) report regularly to the commission on matters that  
11 are the basis of the probation; and

12           (2) continue or review professional education until  
13 the person attains a degree of skill satisfactory to the commission  
14 in those areas that are the basis of the probation.

15           (c) The director may convene, in person or telephonically, a  
16 panel of three commission members to determine if a person's  
17 continued certification threatens juveniles in the juvenile  
18 justice system. If the panel determines that the person's  
19 continued certification threatens juveniles in the juvenile  
20 justice system, the person's license is temporarily suspended until  
21 an administrative hearing is held as soon as possible under  
22 Subsection (d). The director may convene a panel under this  
23 subsection only if the danger posed by the person's continued  
24 certification is imminent. The panel may hold a telephonic meeting  
25 only if immediate action is required and convening the panel at one  
26 location is inconvenient for any member of the panel.

27           (d) A person is entitled to a hearing before the State

1 Office of Administrative Hearings [~~commission or a hearings officer~~  
2 ~~appointed by the commission~~] if the commission proposes to suspend  
3 or revoke the person's certification.

4 (e) A person may appeal a ruling or order issued under this  
5 section to a district court in the county in which the person  
6 resides or in Travis County. The standard of review is under the  
7 substantial evidence rule. [The commission shall prescribe  
8 procedures by which each decision to suspend or revoke is made by or  
9 is appealable to the commission.]

10 SECTION 4.017. Section 141.081, Human Resources Code, is  
11 amended by adding Subsection (d) to read as follows:

12 (d) The commission by rule shall, not later than September  
13 1, 2010, establish one or more basic probation services funding  
14 formulas and one or more community corrections funding formulas.  
15 The funding formulas established under this subsection must include  
16 each grant for which the commission, on or before September 1, 2009,  
17 established an allocation formula.

18 SECTION 4.018. Chapter 141, Human Resources Code, is  
19 amended by adding Subchapter F to read as follows:

20 SUBCHAPTER F. COMMUNITY CORRECTIONS PILOT PROGRAMS

21 Sec. 141.101. ESTABLISHMENT OF COMMUNITY CORRECTIONS PILOT  
22 PROGRAMS. (a) The commission, in coordination with the Texas Youth  
23 Commission, shall establish guidelines for the implementation of  
24 community corrections pilot programs to provide an array of  
25 rehabilitation services for juvenile offenders, including juvenile  
26 delinquency prevention services and substance abuse and mental  
27 health treatment services. Instead of ordering commitment to the

1 Texas Youth Commission under Section 54.04(d)(2), Family Code, a  
2 juvenile court of a county that has established a community  
3 corrections pilot program under this section may require a child to  
4 participate in a community corrections pilot program if the child  
5 was found to have engaged in delinquent conduct that:

6 (1) violates a penal law of the grade of felony under  
7 Title 7, Penal Code, or Chapter 481, Health and Safety Code; and

8 (2) did not involve the use of force or the threat of  
9 force against another person, including the use or exhibition of a  
10 deadly weapon.

11 (b) The commission must implement this subchapter only to  
12 the extent that the legislature specifically appropriates money to  
13 the commission for that purpose.

14 Sec. 141.102. GRANTS. (a) A juvenile board may apply to  
15 the commission for a grant to implement a community corrections  
16 pilot program in the county.

17 (b) The commission shall adopt rules that:

18 (1) govern the administration and operation of a  
19 community corrections pilot program by a juvenile board; and

20 (2) establish a competitive process through which  
21 juvenile boards may apply to the commission for a grant under this  
22 section.

23 (c) The rules adopted under Subsection (b)(1) must:

24 (1) require a juvenile board that applies for a grant  
25 under this section to detail the manner in which the juvenile board  
26 intends to use any grant money the county receives;

27 (2) establish conditions that a county must meet in

1 order to receive a grant under this section, including conditions  
2 related to:

3 (A) reduced commitment targets for the county  
4 that the juvenile board serves;

5 (B) specific performance measures by which a  
6 community corrections pilot program will be evaluated;

7 (C) restrictions on the use of grant money; and

8 (D) any other standard condition the commission  
9 requires; and

10 (3) require a juvenile board that receives a grant  
11 under this section and chooses to use the grant to contract for  
12 services to be provided under the community corrections pilot  
13 program to use a contracting process that is open to nonprofit,  
14 for-profit, or faith-based organizations that:

15 (A) demonstrate experience in effectively  
16 implementing juvenile delinquency prevention and juvenile  
17 treatment programs;

18 (B) demonstrate the ability to quantify the  
19 effectiveness of the programs; and

20 (C) provide innovative or specialized juvenile  
21 justice or family programs.

22 Sec. 141.103. FUNDING TO JUVENILE BOARDS. (a) The  
23 commission by rule shall establish a funding formula for juvenile  
24 boards implementing a community corrections pilot program. The  
25 formula must take into account:

26 (1) the average daily cost to the state of committing a  
27 juvenile to a facility operated by or under contract with the Texas

1 Youth Commission;

2 (2) the average length of stay for a juvenile  
3 committed to a facility operated by or under contract with the Texas  
4 Youth Commission; and

5 (3) the projected yearly number of commitments for  
6 each county the juvenile board receiving the grant serves.

7 (b) The funding formula established under Subsection (a)  
8 may take into account any factor not described by Subsection (a)  
9 that the commission determines is relevant, including the historic  
10 average annual number of referrals for a county and the population  
11 of a county.

12 (c) Except as otherwise provided by this subsection, the  
13 commission shall make available money for distribution for  
14 community corrections pilot programs under this section in the same  
15 manner as other state aid is distributed under this chapter. Costs  
16 associated with a juvenile who is participating in the pilot  
17 program and who is committed to the Texas Youth Commission shall be  
18 subtracted from the juvenile board's pilot program grant allotment  
19 and transferred to an account in the general revenue fund for the  
20 operation of secure facilities by or under contract with the Texas  
21 Youth Commission.

22 (d) The amount of money to be subtracted from a juvenile  
23 board's allotment under Subsection (c):

24 (1) is computed on the average daily cost of  
25 committing a juvenile to a facility operated by or under contract  
26 with the Texas Youth Commission as provided by Subsection (a)(1);  
27 and

1           (2) may not exceed the amount the juvenile board  
2 initially received from the commission for the juvenile.

3           Sec. 141.104. JUVENILE BOARD OBLIGATIONS. A juvenile board  
4 that receives a grant under this subchapter:

5           (1) may not use the funds to supplant existing  
6 expenditures associated with programs, services, and residential  
7 placement of youth in the local juvenile probation departments;

8           (2) shall comply with all applicable commission rules;  
9 and

10           (3) shall report on the use of and evaluate the  
11 effectiveness of the program.

12           Sec. 141.105. REPORTS. (a) A juvenile board that receives  
13 a grant under this subchapter shall annually, and at the request of  
14 the commission, report to the commission concerning the  
15 implementation, cost-effectiveness, and success rate of a  
16 community corrections pilot program implemented under this  
17 subchapter.

18           (b) The commission shall, not later than January 1 of each  
19 odd-numbered year, submit a report concerning the implementation,  
20 cost-effectiveness, and success rates of community corrections  
21 pilot programs implemented by juvenile boards under this subchapter  
22 to:

- 23           (1) the governor;  
24           (2) the lieutenant governor;  
25           (3) the speaker of the house of representatives; and  
26           (4) the standing committees in the senate and the  
27 house of representatives that have primary jurisdiction over the

1 commission.

2 (c) The report submitted under Subsection (b) must contain  
3 recommendations as to whether any of the community corrections  
4 pilot programs implemented by juvenile boards under this subchapter  
5 should be implemented on a statewide basis.

6 ARTICLE 5. MISCELLANEOUS PROVISIONS

7 SECTION 5.001. Chapter 13, Code of Criminal Procedure, is  
8 amended by adding Article 13.34 to read as follows:

9 Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST CHILD  
10 COMMITTED TO TEXAS YOUTH COMMISSION. An offense described by  
11 Article 104.003(a) committed by an employee or officer of the Texas  
12 Youth Commission or a person providing services under a contract  
13 with the commission against a child committed to the commission may  
14 be prosecuted in:

15 (1) any county in which an element of the offense  
16 occurred; or

17 (2) Travis County.

18 SECTION 5.002. Section 51.02, Family Code, is amended by  
19 adding Subdivision (8-a) to read as follows:

20 (8-a) "Nonsecure correctional facility" means a  
21 facility, other than a secure correctional facility, that accepts  
22 only juveniles who are on probation and that is operated by or under  
23 contract with a governmental unit, as defined by Section 101.001,  
24 Civil Practice and Remedies Code.

25 SECTION 5.003. Chapter 51, Family Code, is amended by  
26 adding Section 51.126 to read as follows:

27 Sec. 51.126. NONSECURE CORRECTIONAL FACILITIES. (a) A



1 nonsecure correctional facility for juvenile offenders may be  
2 operated only by:

3 (1) a governmental unit, as defined by Section  
4 101.001, Civil Practice and Remedies Code; or

5 (2) a private entity under a contract with a  
6 governmental unit in this state.

7 (b) In each county, each judge of the juvenile court and a  
8 majority of the members of the juvenile board shall personally  
9 inspect, at least annually, all nonsecure correctional facilities  
10 that are located in the county and shall certify in writing to the  
11 authorities responsible for operating and giving financial support  
12 to the facilities and to the Texas Juvenile Probation Commission  
13 that the facility or facilities are suitable or unsuitable for the  
14 confinement of children. In determining whether a facility is  
15 suitable or unsuitable for the confinement of children, the  
16 juvenile court judges and juvenile board members shall consider:

17 (1) current monitoring and inspection reports and any  
18 noncompliance citation reports issued by the Texas Juvenile  
19 Probation Commission, including the report provided under  
20 Subsection (c), and the status of any required corrective actions;  
21 and

22 (2) the other factors described under Sections  
23 51.12(c)(2)-(7).

24 (c) The Texas Juvenile Probation Commission shall annually  
25 inspect each nonsecure correctional facility. The Texas Juvenile  
26 Probation Commission shall provide a report to each juvenile court  
27 judge presiding in the same county as an inspected facility

1 indicating whether the facility is suitable or unsuitable for the  
2 confinement of children in accordance with minimum professional  
3 standards for the confinement of children in nonsecure confinement  
4 promulgated by the Texas Juvenile Justice Board or, at the election  
5 of the juvenile board of the county in which the facility is  
6 located, the current standards promulgated by the American  
7 Correctional Association.

8 (d) A governmental unit or private entity that operates or  
9 contracts for the operation of a juvenile nonsecure correctional  
10 facility in this state under Subsection (a), except for a facility  
11 operated by or under contract with the Texas Juvenile Probation  
12 Commission, shall:

13 (1) register the facility annually with the Texas  
14 Juvenile Probation Commission; and

15 (2) adhere to all applicable minimum standards for the  
16 facility.

17 (e) The Texas Juvenile Probation Commission may deny,  
18 suspend, or revoke the registration of any facility required to  
19 register under Subsection (d) if the facility fails to:

20 (1) adhere to all applicable minimum standards for the  
21 facility; or

22 (2) timely correct any notice of noncompliance with  
23 minimum standards.

24 SECTION 5.004. Section 54.04, Family Code, is amended by  
25 amending Subsection (l) and adding Subsection (y) to read as  
26 follows:

27 (1) Except as provided by Subsections [~~Subsection~~] (q) and

1 (y), a court or jury may place a child on probation under Subsection  
2 (d)(1) for any period, except that probation may not continue on or  
3 after the child's 18th birthday. Except as provided by Subsection  
4 (q), the court may, before the period of probation ends, extend the  
5 probation for any period, except that the probation may not extend  
6 to or after the child's 18th birthday.

7 (y) A court or jury may divert the child from commitment to  
8 the Texas Youth Commission by placing the child on probation under  
9 Subsection (d)(1) in a community corrections program operated in  
10 accordance with Subchapter F, Chapter 141, Human Resources Code.  
11 The period of probation under this subsection may not continue on or  
12 after the child's 19th birthday. The court may, before the period  
13 of probation ends, extend the probation for any period, except that  
14 the probation may not extend to or after the child's 19th birthday.

15 SECTION 5.005. Section 54.0405(i), Family Code, is amended  
16 to read as follows:

17 (i) A court that requires as a condition of probation that a  
18 child attend psychological counseling under Subsection (a) may,  
19 before the date the probation period ends, extend the probation for  
20 any additional period necessary to complete the required counseling  
21 as determined by the treatment provider, except that the probation  
22 may not be extended to a date after the date of the child's 18th  
23 birthday, unless the child is placed on probation under Section  
24 54.04(y).

25 SECTION 5.006. Section 54.041(b), Family Code, is amended  
26 to read as follows:

27 (b) If a child is found to have engaged in delinquent

1 conduct or conduct indicating a need for supervision arising from  
2 the commission of an offense in which property damage or loss or  
3 personal injury occurred, the juvenile court, on notice to all  
4 persons affected and on hearing, may order the child or a parent to  
5 make full or partial restitution to the victim of the offense. The  
6 program of restitution must promote the rehabilitation of the  
7 child, be appropriate to the age and physical, emotional, and  
8 mental abilities of the child, and not conflict with the child's  
9 schooling. When practicable and subject to court supervision, the  
10 court may approve a restitution program based on a settlement  
11 between the child and the victim of the offense. An order under  
12 this subsection may provide for periodic payments by the child or a  
13 parent of the child for the period specified in the order but except  
14 as provided by Subsection (h) and unless the child is placed on  
15 probation under Section 54.04(y), that period may not extend past  
16 the date of the 18th birthday of the child or past the date the child  
17 is no longer enrolled in an accredited secondary school in a program  
18 leading toward a high school diploma, whichever date is later.

19 SECTION 5.007. Section 54.05(b), Family Code, is amended to  
20 read as follows:

21 (b) Except for a commitment to the Texas Youth Commission or  
22 a grant of juvenile probation under Section 54.04(y), all  
23 dispositions automatically terminate when the child reaches the  
24 child's ~~his~~ 18th birthday.

25 SECTION 5.008. Section 59.006(b), Family Code, is amended  
26 to read as follows:

27 (b) The juvenile court shall discharge the child from the

1 custody of the probation department on the earlier of:

2 (1) the date the provisions of this section are met; or

3 (2) ~~on~~ the child's 18th birthday or 19th birthday, if  
4 the child is placed on probation under Section 54.04(y), as  
5 applicable [~~, whichever is earlier~~].

6 SECTION 5.009. Section 59.007(b), Family Code, is amended  
7 to read as follows:

8 (b) The juvenile court shall discharge the child from the  
9 custody of the probation department on the earlier of:

10 (1) the date the provisions of this section are met; or

11 (2) ~~on~~ the child's 18th birthday or 19th birthday, if  
12 the child is placed on probation under Section 54.04(y), as  
13 applicable [~~, whichever is earlier~~].

14 SECTION 5.010. Section 59.008(b), Family Code, is amended  
15 to read as follows:

16 (b) The juvenile court shall discharge the child from the  
17 custody of the probation department on the earlier of:

18 (1) the date the provisions of this section are met; or

19 (2) ~~on~~ the child's 18th birthday or 19th birthday, if  
20 the child is placed on probation under Section 54.04(y), as  
21 applicable [~~, whichever is earlier~~].

22 SECTION 5.011. Chapter 614, Health and Safety Code, is  
23 amended by adding Section 614.018 to read as follows:

24 Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL  
25 IMPAIRMENTS. (a) The Texas Juvenile Justice Board, the Department  
26 of Public Safety, the Department of State Health Services, the  
27 Department of Aging and Disability Services, the Department of

1 Family and Protective Services, the Texas Education Agency, and  
2 local juvenile probation departments shall adopt a memorandum of  
3 understanding that establishes their respective responsibilities  
4 to institute a continuity of care and service program for juveniles  
5 with mental impairments in the juvenile justice system. The Texas  
6 Correctional Office on Offenders with Medical and Mental  
7 Impairments shall coordinate and monitor the development and  
8 implementation of the memorandum of understanding.

9 (b) The memorandum of understanding must establish methods  
10 for:

11 (1) identifying juveniles with mental impairments in  
12 the juvenile justice system and collecting and reporting relevant  
13 data to the office;

14 (2) developing interagency rules, policies, and  
15 procedures for the coordination of care of and the exchange of  
16 information on juveniles with mental impairments who are committed  
17 to or treated, served, or supervised by the Texas Youth Commission,  
18 the Texas Juvenile Probation Commission, the Department of Public  
19 Safety, the Department of State Health Services, the Department of  
20 Family and Protective Services, the Department of Aging and  
21 Disability Services, the Texas Education Agency, local juvenile  
22 probation departments, local mental health or mental retardation  
23 authorities, and independent school districts; and

24 (3) identifying the services needed by juveniles with  
25 mental impairments in the juvenile justice system.

26 (c) For purposes of this section, "continuity of care and  
27 service program" includes:

1           (1) identifying the medical, psychiatric, or  
2 psychological care or treatment needs and educational or  
3 rehabilitative service needs of a juvenile with mental impairments  
4 in the juvenile justice system;

5           (2) developing a plan for meeting the needs identified  
6 under Subdivision (1); and

7           (3) coordinating the provision of continual  
8 treatment, care, and services throughout the juvenile justice  
9 system to juveniles with mental impairments.

10           SECTION 5.012. Sections 614.017(a) and (b), Health and  
11 Safety Code, are amended to read as follows:

12           (a) An agency shall:

13                   (1) accept information relating to a special needs  
14 offender or a juvenile with a mental impairment that is sent to the  
15 agency to serve the purposes of continuity of care and services  
16 regardless of whether other state law makes that information  
17 confidential; and

18                   (2) disclose information relating to a special needs  
19 offender or a juvenile with a mental impairment, including  
20 information about the offender's or juvenile's identity, needs,  
21 treatment, social, criminal, and vocational history, supervision  
22 status and compliance with conditions of supervision, and medical  
23 and mental health history, if the disclosure serves the purposes of  
24 continuity of care and services.

25           (b) Information obtained under this section may not be used  
26 as evidence in any juvenile or criminal proceeding, unless obtained  
27 and introduced by other lawful evidentiary means.

1           SECTION 5.013. Section 614.017(c), Health and Safety Code,  
2 is amended by amending Subdivision (1) and adding Subdivision (3)  
3 to read as follows:

4           (1) "Agency" includes any of the following entities  
5 and individuals, a person with an agency relationship with one of  
6 the following entities or individuals, and a person who contracts  
7 with one or more of the following entities or individuals:

8           (A) the Texas Department of Criminal Justice and  
9 the Correctional Managed Health Care Committee;

10           (B) the Board of Pardons and Paroles;

11           (C) the Department of State Health Services;

12           (D) the Texas Juvenile Probation Commission;

13           (E) the Texas Youth Commission;

14           (F) the Department of Assistive and  
15 Rehabilitative Services;

16           (G) the Texas Education Agency;

17           (H) the Commission on Jail Standards;

18           (I) the Department of Aging and Disability  
19 Services;

20           (J) the Texas School for the Blind and Visually  
21 Impaired;

22           (K) community supervision and corrections  
23 departments and local juvenile probation departments;

24           (L) personal bond pretrial release offices  
25 established under Article 17.42, Code of Criminal Procedure;

26           (M) local jails regulated by the Commission on  
27 Jail Standards;



- 1 (N) a municipal or county health department;
- 2 (O) a hospital district;
- 3 (P) a judge of this state with jurisdiction over
- 4 juvenile or criminal cases;
- 5 (Q) an attorney who is appointed or retained to
- 6 represent a special needs offender or a juvenile with a mental
- 7 impairment;
- 8 (R) the Health and Human Services Commission;
- 9 (S) the Department of Information Resources;
- 10 [~~and~~]
- 11 (T) the bureau of identification and records of
- 12 the Department of Public Safety, for the sole purpose of providing
- 13 real-time, contemporaneous identification of individuals in the
- 14 Department of State Health Services client data base; and
- 15 (U) the Department of Family and Protective
- 16 Services.

17 (3) "Juvenile with a mental impairment" means a  
18 juvenile with a mental impairment in the juvenile justice system.

19 SECTION 5.014. Section 614.009, Health and Safety Code, is  
20 amended to read as follows:

21 Sec. 614.009. BIENNIAL REPORT. Not later than February 1  
22 of each odd-numbered year, the office shall present to the board and  
23 file with the governor, lieutenant governor, and speaker of the  
24 house of representatives a report giving the details of the  
25 office's activities during the preceding biennium. The report must  
26 include:

- 27 (1) an evaluation of any demonstration project

1 undertaken by the office;

2 (2) an evaluation of the progress made by the office  
3 toward developing a plan for meeting the treatment, rehabilitative,  
4 and educational needs of offenders with special needs;

5 (3) recommendations of the office made in accordance  
6 with Section 614.007(5);

7 (4) an evaluation of the development and  
8 implementation of the continuity of care and service programs  
9 established under Sections 614.013, 614.014, 614.015, [~~and~~  
10 614.016, and 614.018, changes in rules, policies, or procedures  
11 relating to the programs, future plans for the programs, and any  
12 recommendations for legislation; and

13 (5) any other recommendations that the office  
14 considers appropriate.

15 ARTICLE 6. TRANSITION AND EFFECTIVE DATE

16 SECTION 6.001. (a) As soon as possible after the effective  
17 date of this Act, the governor shall appoint the initial members of  
18 the Juvenile Justice Policy Coordinating Council.

19 (b) In appointing the initial members of the Juvenile  
20 Justice Policy Coordinating Council, the governor shall appoint:

21 (1) three members for a term expiring February 1,  
22 2011;

23 (2) three members for a term expiring February 1,  
24 2013; and

25 (3) three members for a term expiring February 1,  
26 2015.

27 (c) The Juvenile Justice Policy Coordinating Council may

1 not hold its first meeting or take any other action until a quorum  
2 of the members of the council have taken office.

3 SECTION 6.002. Sections 61.025 and 61.027, Human Resources  
4 Code, as added by this Act, and Sections 141.014 and 141.0145, Human  
5 Resources Code, as amended by this Act, apply only to a person who  
6 is appointed or reappointed as a member of the governing board of  
7 the Texas Youth Commission or the Texas Juvenile Probation  
8 Commission on or after the effective date of this Act. A person  
9 appointed or reappointed as a member of the board or commission  
10 before the effective date of this Act is governed by the law in  
11 effect immediately before that date, and the former law is  
12 continued in effect for that purpose.

13 SECTION 6.003. Section 61.026, Human Resources Code, as  
14 added by this Act, and Section 141.017, Human Resources Code, as  
15 amended by this Act, apply only to a ground for removal that occurs  
16 on or after the effective date of this Act. A ground for removal  
17 that occurs before the effective date of this Act is governed by the  
18 law in effect immediately before that date, and the former law is  
19 continued in effect for that purpose.

20 SECTION 6.004. (a) Section 141.011(a), Human Resources  
21 Code, as amended by this Act, applies only to a person appointed to  
22 the Texas Juvenile Probation Commission on or after the effective  
23 date of this Act. A person appointed to the Texas Juvenile  
24 Probation Commission before the effective date of this Act is  
25 governed by the law in effect on the date the person was appointed,  
26 and that law is continued in effect for that purpose.

27 (b) A person serving on the Texas Juvenile Probation

1 Commission on the effective date of this Act continues to serve on  
2 the commission until the person's term expires. When a term expires  
3 or a vacancy on the commission occurs, the governor shall make  
4 appointments in accordance with Section 141.011(a), Human  
5 Resources Code, as amended by this Act.

6 SECTION 6.005. Persons serving on the advisory council on  
7 juvenile services under Section 141.022, Human Resources Code, on  
8 the effective date of this Act continue to serve in those capacities  
9 until the Texas Juvenile Probation Commission reappoints members or  
10 appoints new members in those capacities.

11 SECTION 6.006. Article 13.34, Code of Criminal Procedure,  
12 as added by this Act, applies only to an offense committed on or  
13 after the effective date of this Act. An offense committed before  
14 the effective date of this Act is covered by the law in effect when  
15 the offense was committed, and the former law is continued in effect  
16 for that purpose. For purposes of this section, an offense was  
17 committed before the effective date of this Act if any element of  
18 the offense occurred before that date.

19 SECTION 6.007. Except as otherwise provided by this Act,  
20 the changes in law made by this Act in amending a provision of Title  
21 3, Family Code, apply only to conduct that violates a penal law and  
22 that occurs on or after the effective date of this Act. Conduct  
23 that violates a penal law and that occurs before the effective date  
24 of this Act is covered by the law in effect at the time the conduct  
25 occurred, and the former law is continued in effect for that  
26 purpose. For the purposes of this section, conduct violating a  
27 penal law occurs before the effective date of this Act if every

1 element of the violation occurred before that date.

2           SECTION 6.008. This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2009.