

1-1 By: McClendon, et al. (Senate Sponsor - Hinojosa) H.B. No. 3689
1-2 (In the Senate - Received from the House May 5, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Government Organization; May 25, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 25, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3689 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the functions and continuation of the Texas Youth
1-11 Commission and the Texas Juvenile Probation Commission and to the
1-12 functions of the Office of Independent Ombudsman for the Texas
1-13 Youth Commission.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 ARTICLE 1. TEXAS YOUTH COMMISSION

1-16 SECTION 1.001. The heading to Chapter 61, Human Resources
1-17 Code, is amended to read as follows:

1-18 CHAPTER 61. TEXAS YOUTH COMMISSION [~~COUNCIL~~]

1-19 SECTION 1.002. Section 61.001, Human Resources Code, is
1-20 amended by adding Subdivision (3) to read as follows:

1-21 (3) "Board" means the board of the commission
1-22 appointed under Section 61.024.

1-23 SECTION 1.003. Section 61.020, Human Resources Code, is
1-24 amended to read as follows:

1-25 Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth
1-26 Commission is subject to Chapter 325, Government Code (Texas Sunset
1-27 Act). Unless continued in existence as provided by that chapter,
1-28 the commission is abolished and this chapter expires September 1,
1-29 2011 [~~2009~~].

1-30 (b) In the review of the Texas Youth Commission by the
1-31 Sunset Advisory Commission, as required by this section, the sunset
1-32 commission shall focus its review on:

1-33 (1) the commission's compliance with Chapter 263 (S.B.
1-34 103), Acts of the 80th Legislature, Regular Session, 2007;

1-35 (2) requirements placed on the agency by legislation
1-36 enacted by the 81st Legislature, Regular Session, 2009, that
1-37 becomes law, including implementation of programs for the diversion
1-38 of youth from the commission; and

1-39 (3) initiatives of the commission and the Texas
1-40 Juvenile Probation Commission in coordinating activities and
1-41 services to better integrate Texas Youth Commission, Texas Juvenile
1-42 Probation Commission, and county juvenile justice functions,
1-43 including joint strategic planning, the sharing of youth data
1-44 across youth-serving agencies, assessments and classification of
1-45 youth, and collection of data on probation outcomes.

1-46 (c) In its report to the 82nd Legislature, the sunset
1-47 commission may include any recommendations it considers
1-48 appropriate. This subsection and Subsection (b) expire September
1-49 1, 2011.

1-50 SECTION 1.004. Section 61.024(a), Human Resources Code, is
1-51 amended to read as follows:

1-52 (a) Notwithstanding any other provision of this chapter,
1-53 effective September 1, 2009, the commission is governed by a board
1-54 that consists of seven members appointed by the governor with the
1-55 advice and consent of the senate. Appointments to the board shall
1-56 be made without regard to the race, color, disability, sex,
1-57 religion, age, or national origin of the appointees. The governor
1-58 shall designate a member of the board as the presiding officer of
1-59 the board to serve in that capacity at the pleasure of the governor.

1-60 SECTION 1.005. Subchapter B, Chapter 61, Human Resources
1-61 Code, is amended by adding Sections 61.025 through 61.029 to read as
1-62 follows:

1-63 Sec. 61.025. RESTRICTIONS ON BOARD MEMBERSHIP AND

2-1 EMPLOYMENT. (a) A person may not be a member of the board or
 2-2 employed by the board as the executive director if the person or the
 2-3 person's spouse:
 2-4 (1) is registered, certified, or licensed by a
 2-5 regulatory agency in the field of criminal or juvenile justice;
 2-6 (2) is employed by or participates in the management
 2-7 of a business entity or other organization regulated by or
 2-8 receiving money from the commission;
 2-9 (3) owns or controls, directly or indirectly, more
 2-10 than a 10 percent interest in a business entity or other
 2-11 organization regulated by or receiving money from the commission;
 2-12 or
 2-13 (4) uses or receives a substantial amount of tangible
 2-14 goods, services, or money from the commission, other than
 2-15 compensation or reimbursement authorized by law for board
 2-16 membership, attendance, or expenses.
 2-17 (b) A person may not be a board member and may not be a
 2-18 commission employee who is employed in a "bona fide executive,
 2-19 administrative, or professional capacity," as that phrase is used
 2-20 for purposes of establishing an exemption to the overtime
 2-21 provisions of the federal Fair Labor Standards Act of 1938 (29
 2-22 U.S.C. Section 201 et seq.), if:
 2-23 (1) the person is an officer, employee, or paid
 2-24 consultant of a Texas trade association in the field of criminal or
 2-25 juvenile justice; or
 2-26 (2) the person's spouse is an officer, manager, or paid
 2-27 consultant of a Texas trade association in the field of criminal or
 2-28 juvenile justice.
 2-29 (c) A person may not be a member of the board or act as the
 2-30 general counsel to the board or the commission if the person is
 2-31 required to register as a lobbyist under Chapter 305, Government
 2-32 Code, because of the person's activities for compensation on behalf
 2-33 of a profession related to the operation of the commission.
 2-34 (d) In this section, "Texas trade association" means a
 2-35 cooperative and voluntarily joined statewide association of
 2-36 business or professional competitors in this state designed to
 2-37 assist its members and its industry or profession in dealing with
 2-38 mutual business or professional problems and in promoting their
 2-39 common interest.
 2-40 Sec. 61.026. REMOVAL OF BOARD MEMBERS. (a) It is a ground
 2-41 for removal from the board that a member:
 2-42 (1) does not have at the time of taking office the
 2-43 qualifications required by Section 61.024(b);
 2-44 (2) does not maintain during service on the board the
 2-45 qualifications required by Section 61.024(b);
 2-46 (3) is ineligible for membership under Section 61.025;
 2-47 (4) cannot, because of illness or disability,
 2-48 discharge the member's duties for a substantial part of the member's
 2-49 term; or
 2-50 (5) is absent from more than half of the regularly
 2-51 scheduled board meetings that the member is eligible to attend
 2-52 during a calendar year without an excuse approved by a majority vote
 2-53 of the board.
 2-54 (b) The validity of an action of the board is not affected by
 2-55 the fact that it is taken when a ground for removal of a board member
 2-56 exists.
 2-57 (c) If the executive director has knowledge that a potential
 2-58 ground for removal exists, the executive director shall notify the
 2-59 presiding officer of the board of the potential ground. The
 2-60 presiding officer shall then notify the governor and the attorney
 2-61 general that a potential ground for removal exists. If the
 2-62 potential ground for removal involves the presiding officer, the
 2-63 executive director shall notify the next highest ranking officer of
 2-64 the board, who shall then notify the governor and the attorney
 2-65 general that a potential ground for removal exists.
 2-66 Sec. 61.027. TRAINING FOR BOARD MEMBERS. (a) A person who
 2-67 is appointed to and qualifies for office as a member of the board
 2-68 may not vote, deliberate, or be counted as a member in attendance at
 2-69 a meeting of the board until the person completes a training program

3-1 that complies with this section.
 3-2 (b) The training program must provide the person with
 3-3 information regarding:
 3-4 (1) the legislation that created the commission;
 3-5 (2) the programs, functions, rules, and budget of the
 3-6 commission;
 3-7 (3) the results of the most recent formal audit of the
 3-8 commission;
 3-9 (4) the requirements of laws relating to open
 3-10 meetings, public information, administrative procedure, and
 3-11 conflicts of interest; and
 3-12 (5) any applicable ethics policies adopted by the
 3-13 commission or the Texas Ethics Commission.
 3-14 (c) A person appointed to the board is entitled to
 3-15 reimbursement, as provided by the General Appropriations Act, for
 3-16 the travel expenses incurred in attending the training program
 3-17 regardless of whether the attendance at the program occurs before
 3-18 or after the person qualifies for office.
 3-19 Sec. 61.028. USE OF TECHNOLOGY. The board shall implement a
 3-20 policy requiring the commission to use appropriate technological
 3-21 solutions to improve the commission's ability to perform its
 3-22 functions. The policy must ensure that the public is able to
 3-23 interact with the commission on the Internet.
 3-24 Sec. 61.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
 3-25 RESOLUTION. (a) The board shall develop and implement a policy to
 3-26 encourage the use of:
 3-27 (1) negotiated rulemaking procedures under Chapter
 3-28 2008, Government Code, for the adoption of commission rules; and
 3-29 (2) appropriate alternative dispute resolution
 3-30 procedures under Chapter 2009, Government Code, to assist in the
 3-31 resolution of internal and external disputes under the commission's
 3-32 jurisdiction.
 3-33 (b) The commission's procedures relating to alternative
 3-34 dispute resolution must conform, to the extent possible, to any
 3-35 model guidelines issued by the State Office of Administrative
 3-36 Hearings for the use of alternative dispute resolution by state
 3-37 agencies.
 3-38 (c) The board shall designate a trained person to:
 3-39 (1) coordinate the implementation of the policy
 3-40 adopted under Subsection (a);
 3-41 (2) serve as a resource for any training needed to
 3-42 implement the procedures for negotiated rulemaking or alternative
 3-43 dispute resolution; and
 3-44 (3) collect data concerning the effectiveness of those
 3-45 procedures, as implemented by the commission.
 3-46 SECTION 1.006. Section 61.0352, Human Resources Code, is
 3-47 amended to read as follows:
 3-48 Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board
 3-49 ~~[executive commissioner]~~ shall develop and implement policies that
 3-50 clearly separate the policymaking responsibilities of the board
 3-51 ~~[executive commissioner]~~ and the management responsibilities of
 3-52 the staff of the commission.
 3-53 SECTION 1.007. Section 61.0422, Human Resources Code, is
 3-54 amended to read as follows:
 3-55 Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The
 3-56 commission shall maintain a system to promptly and efficiently act
 3-57 on a ~~[keep a file about each written]~~ complaint filed with the
 3-58 commission by a person, other than a child receiving services from
 3-59 the commission or the child's parent or guardian, that the
 3-60 commission has authority to resolve. The commission shall maintain
 3-61 information about parties to the complaint, the subject matter of
 3-62 the complaint, a summary of the results of the review or
 3-63 investigation of the complaint, and the disposition of the
 3-64 complaint.
 3-65 (b) The commission shall make information available
 3-66 describing the commission's ~~[provide to the person filing the~~
 3-67 ~~complaint and the persons or entities complained about the~~
 3-68 ~~commission's policies and]~~ procedures for ~~[pertaining to]~~
 3-69 complaint investigation and resolution.

4-1 (c) The commission~~[, at least quarterly and until final~~
4-2 ~~disposition of the complaint,]~~ shall periodically notify the
4-3 ~~[person filing the]~~ complaint parties ~~[and the persons or entities~~
4-4 ~~complained about]~~ of the status of the complaint until final
4-5 disposition, unless the notice would jeopardize an undercover
4-6 investigation.

4-7 (d) ~~[(b) The commission shall keep information about each~~
4-8 ~~file required by Subsection (a). The information must include:~~

- 4-9 ~~[(1) the date the complaint is received,~~
- 4-10 ~~[(2) the name of the complainant,~~
- 4-11 ~~[(3) the subject matter of the complaint,~~
- 4-12 ~~[(4) a record of all persons contacted in relation to~~
4-13 ~~the complaint,~~

4-14 ~~[(5) a summary of the results of the review or~~
4-15 ~~investigation of the complaint, and~~

4-16 ~~[(6) for complaints for which the commission took no~~
4-17 ~~action, an explanation of the reason the complaint was closed~~
4-18 ~~without action.~~

4-19 ~~[(e)]~~ The commission shall keep information about each
4-20 written complaint filed with the commission by a child receiving
4-21 services from the commission or the child's parent or guardian. The
4-22 information must include:

- 4-23 (1) the subject matter of the complaint;
- 4-24 (2) a summary of the results of the review or
4-25 investigation of the complaint; and
- 4-26 (3) the period of time between the date the complaint
4-27 is received and the date the complaint is closed.

4-28 SECTION 1.008. Section 61.0423, Human Resources Code, is
4-29 amended to read as follows:

4-30 Sec. 61.0423. PUBLIC HEARINGS. (a) The board ~~[executive~~
4-31 ~~commissioner]~~ shall develop and implement policies that provide the
4-32 public with a reasonable opportunity to appear before the board
4-33 ~~[executive commissioner or the executive commissioner's designee]~~
4-34 and to speak on any issue under the jurisdiction of the commission.

4-35 (b) The board ~~[executive commissioner]~~ shall ensure that
4-36 the location of public hearings held in accordance with this
4-37 section is rotated between municipalities in which a commission
4-38 facility is located or that are in proximity to a commission
4-39 facility.

4-40 SECTION 1.009. Subchapter D, Chapter 61, Human Resources
4-41 Code, is amended by adding Section 61.067 to read as follows:

4-42 Sec. 61.067. INFORMATION PROVIDED TO COMMITTING COURT. (a)
4-43 If a court that commits a child to the commission requests, in the
4-44 commitment order, that the commission keep the court informed of
4-45 the progress the child is making while committed to the commission,
4-46 the commission shall provide the court with periodic updates on the
4-47 child's progress.

4-48 (b) A report provided under Subsection (a) may include any
4-49 information the commission determines to be relevant in evaluating
4-50 the child's progress, including, as applicable, information
4-51 concerning the child's treatment, education, and health.

4-52 (c) A report provided under this section may not include
4-53 information that is protected from disclosure under state or
4-54 federal law.

4-55 SECTION 1.010. Subchapter F, Chapter 61, Human Resources
4-56 Code, is amended by adding Section 61.08141 to read as follows:

4-57 Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE
4-58 RELEASE. (a) In addition to providing the court with notice of
4-59 release of a child under Section 61.081(e), as soon as possible but
4-60 not later than the 30th day before the date the commission releases
4-61 the child, the commission shall provide the court that committed
4-62 the child to the commission:

4-63 (1) a copy of the child's reentry and reintegration
4-64 plan developed under Section 61.0814; and

4-65 (2) a report concerning the progress the child has
4-66 made while committed to the commission.

4-67 (b) If, on release, the commission places a child in a
4-68 county other than the county served by the court that committed the
4-69 child to the commission, the commission shall provide the

5-1 information described by Subsection (a) to both the committing
5-2 court and the juvenile court in the county where the child is placed
5-3 after release.

5-4 (c) If, on release, a child's residence is located in
5-5 another state, the commission shall provide the information
5-6 described by Subsection (a) to both the committing court and a
5-7 juvenile court of the other state that has jurisdiction over the
5-8 area in which the child's residence is located.

5-9 SECTION 1.011. Section 61.0911, Human Resources Code, is
5-10 amended to read as follows:

5-11 Sec. 61.0911. COORDINATED STRATEGIC PLAN. The Texas Youth
5-12 Commission shall biennially develop with the Texas Juvenile
5-13 Probation Commission a coordinated strategic plan in the manner
5-14 described by Sections [as required by Section] 141.0471 and
5-15 141.0472.

5-16 SECTION 1.012. Section 61.098(b), Human Resources Code, is
5-17 amended to read as follows:

5-18 (b) As appropriate, the district attorney, criminal
5-19 district attorney, or county attorney representing the state in
5-20 criminal matters before the district or inferior courts of the
5-21 county who would otherwise represent the state in the prosecution
5-22 of an offense or delinquent conduct concerning the commission and
5-23 described by Article 104.003(a), Code of Criminal Procedure, may
5-24 request that the special prosecution unit prosecute, or assist in
5-25 the prosecution of, the offense or delinquent conduct.

5-26 ARTICLE 2. OFFICE OF INDEPENDENT OMBUDSMAN FOR THE TEXAS YOUTH
5-27 COMMISSION

5-28 SECTION 2.001. Section 64.054, Human Resources Code, is
5-29 amended to read as follows:

5-30 Sec. 64.054. SUNSET PROVISION. (a) The office is
5-31 subject to review under Chapter 325, Government Code (Texas Sunset
5-32 Act), but is not abolished under that chapter. The office shall be
5-33 reviewed during the periods in which the Texas Youth Commission is
5-34 [state agencies abolished in 2009 and every 12th year after 2009
5-35 are] reviewed.

5-36 (b) Notwithstanding Subsection (a), the Sunset Advisory
5-37 Commission shall focus its review of the office on compliance with
5-38 requirements placed on the office by legislation enacted by the
5-39 81st Legislature, Regular Session, 2009, that becomes law. This
5-40 subsection expires September 1, 2011.

5-41 SECTION 2.002. Section 64.058, Human Resources Code, is
5-42 amended to read as follows:

5-43 Sec. 64.058. RULEMAKING AUTHORITY. (a) The office by
5-44 rule shall establish policies and procedures for the operations of
5-45 the office of independent ombudsman.

5-46 (b) The office and the commission shall adopt rules
5-47 necessary to implement Section 64.060, including rules that
5-48 establish procedures for the commission to review and comment on
5-49 reports of the office and for the commission to expedite or
5-50 eliminate review of and comment on a report due to an emergency or a
5-51 serious or flagrant circumstance described by Section 64.055(b).

5-52 SECTION 2.003. Subchapter B, Chapter 64, Human Resources
5-53 Code, is amended by adding Sections 64.060 and 64.061 to read as
5-54 follows:

5-55 Sec. 64.060. REVIEW AND FORMAT OF REPORTS. (a) The office
5-56 shall accept, both before and after publication, comments from the
5-57 commission concerning the following types of reports published by
5-58 the office under this chapter:

5-59 (1) the office's quarterly report under Section
5-60 64.055(a);

5-61 (2) reports concerning serious or flagrant
5-62 circumstances under Section 64.055(b); and

5-63 (3) any other formal reports containing findings and
5-64 making recommendations concerning systemic issues that affect the
5-65 commission.

5-66 (b) The commission may not submit comments under Subsection
5-67 (a) after the 30th day after the date the report on which the
5-68 commission is commenting is published.

5-69 (c) The office shall ensure that reports described by

6-1 Subsection (a) are in a format to which the commission can easily
 6-2 respond.

6-3 (d) After receipt of comments under this section, the office
 6-4 is not obligated to change any report or change the manner in which
 6-5 the office performs the duties of the office.

6-6 Sec. 64.061. COMPLAINTS. (a) The office shall maintain a
 6-7 system to promptly and efficiently act on complaints filed with the
 6-8 office that relate to the operations or staff of the office. The
 6-9 office shall maintain information about parties to the complaint,
 6-10 the subject matter of the complaint, a summary of the results of the
 6-11 review or investigation of the complaint, and the disposition of
 6-12 the complaint.

6-13 (b) The office shall make information available describing
 6-14 its procedures for complaint investigation and resolution.

6-15 (c) The office shall periodically notify the complaint
 6-16 parties of the status of the complaint until final disposition.

6-17 SECTION 2.004. Subchapter C, Chapter 64, Human Resources
 6-18 Code, is amended by adding Section 64.104 to read as follows:

6-19 Sec. 64.104. MEMORANDUM OF UNDERSTANDING. (a) The office
 6-20 and the commission shall enter into a memorandum of understanding
 6-21 concerning:

6-22 (1) the most efficient manner in which to share
 6-23 information with one another; and

6-24 (2) the procedures for handling overlapping
 6-25 monitoring duties and activities performed by the office and the
 6-26 commission.

6-27 (b) The memorandum of understanding entered into under
 6-28 Subsection (a), at a minimum, must:

6-29 (1) address the interaction of the office with that
 6-30 portion of the commission that conducts an internal audit under
 6-31 Section 61.0331;

6-32 (2) address communication between the office and the
 6-33 commission concerning individual situations involving children
 6-34 committed to the commission and how those situations will be
 6-35 documented and handled;

6-36 (3) contain guidelines on the office's role in
 6-37 relevant working groups and policy development decisions at the
 6-38 commission;

6-39 (4) ensure opportunities for sharing information
 6-40 between the office and the commission for the purposes of assuring
 6-41 quality and improving programming within the commission; and

6-42 (5) preserve the independence of the office by
 6-43 authorizing the office to withhold information concerning matters
 6-44 under active investigation by the office from the commission and
 6-45 commission staff and to report the information to the governor.

6-46 ARTICLE 3. TEXAS JUVENILE PROBATION COMMISSION

6-47 SECTION 3.001. Section 141.011(a), Human Resources Code, is
 6-48 amended to read as follows:

6-49 (a) The commission consists of:

6-50 (1) two district court judges who sit as juvenile
 6-51 court judges;

6-52 (2) two county judges or commissioners; ~~and~~

6-53 (3) one chief juvenile probation officer of a juvenile
 6-54 probation department that serves a county with a small population;

6-55 (4) one chief juvenile probation officer of a juvenile
 6-56 probation department that serves a county with a medium population;

6-57 (5) one chief juvenile probation officer of a juvenile
 6-58 probation department that serves a county with a large population;
 6-59 and

6-60 (6) two ~~five~~ members of the public who are not
 6-61 employees in the criminal or juvenile justice system.

6-62 SECTION 3.002. Section 141.012, Human Resources Code, is
 6-63 amended to read as follows:

6-64 Sec. 141.012. SUNSET PROVISION. (a) The Texas Juvenile
 6-65 Probation Commission is subject to Chapter 325, Government Code
 6-66 (Texas Sunset Act). Unless continued in existence as provided by
 6-67 that chapter, the commission is abolished and this chapter expires
 6-68 September 1, 2011 ~~2009~~.

6-69 (b) In the review of the Texas Juvenile Probation Commission

7-1 by the Sunset Advisory Commission, as required by this section, the
7-2 sunset commission shall focus its review on the following:

7-3 (1) the commission's compliance with Chapter 263 (S.B.
7-4 103), Acts of the 80th Legislature, Regular Session, 2007;

7-5 (2) requirements placed on the agency by legislation
7-6 enacted by the 81st Legislature, Regular Session, 2009, that
7-7 becomes law, including implementation of programs for the diversion
7-8 of youth from the Texas Youth Commission; and

7-9 (3) initiatives of the commission and the Texas Youth
7-10 Commission in coordinating activities and services to better
7-11 integrate Texas Juvenile Probation Commission, Texas Youth
7-12 Commission, and county juvenile justice functions, including joint
7-13 strategic planning, the sharing of youth data across youth-serving
7-14 agencies, assessment and classification of youth, and collection of
7-15 data on probation outcomes.

7-16 (c) In its report to the 82nd Legislature, the sunset
7-17 commission may include any recommendations it considers
7-18 appropriate. This subsection and Subsection (b) expire September 1,
7-19 2011.

7-20 SECTION 3.003. Section 141.014, Human Resources Code, is
7-21 amended to read as follows:

7-22 Sec. 141.014. RESTRICTIONS ON COMMISSION APPOINTMENT,
7-23 MEMBERSHIP, AND EMPLOYMENT. (a) A person may not be ~~[is not~~
7-24 ~~eligible for appointment or service as]~~ a public member of the
7-25 commission if the person or the person's spouse:

7-26 (1) owns or controls, directly or indirectly, more
7-27 than a 10 percent interest in a business entity or other
7-28 organization regulated by or receiving money from the commission
7-29 ~~[or receiving funds from the commission]; [or]~~

7-30 (2) uses or receives a substantial amount of tangible
7-31 goods, services, or funds from the commission, other than
7-32 compensation or reimbursement authorized by law for commission
7-33 membership, attendance, or expenses;

7-34 (3) is registered, certified, or licensed by a
7-35 regulatory agency in the field of criminal or juvenile justice; or

7-36 (4) is employed by or participates in the management
7-37 of a business entity or other organization regulated by or
7-38 receiving money from the commission.

7-39 (b) A person may not be a member of the commission and may
7-40 not be a commission employee employed in a "bona fide executive,
7-41 administrative, or professional capacity," as that phrase is used
7-42 for purposes of establishing an exemption to the overtime
7-43 provisions of the federal Fair Labor Standards Act of 1938 (29
7-44 U.S.C. Section 201 et seq.), if:

7-45 (1) the person is an officer, employee, or paid
7-46 consultant of a Texas trade association in the field of criminal or
7-47 juvenile justice; or

7-48 (2) the person's spouse is an officer, manager, or paid
7-49 consultant of a Texas trade association in the field of criminal or
7-50 juvenile justice ~~[An officer, employee, or paid consultant of a~~
7-51 ~~trade association in the field of criminal or juvenile justice may~~
7-52 ~~not be a member or employee of the commission].~~

7-53 (c) ~~[A person who is the spouse of an officer, employee, or~~
7-54 ~~paid consultant of a trade association in the field of criminal or~~
7-55 ~~juvenile justice may not be a commission member or a commission~~
7-56 ~~employee, including exempt employees, compensated at grade 17 or~~
7-57 ~~over according to the position classification schedule under the~~
7-58 ~~General Appropriations Act.~~

7-59 ~~[(d)]~~ A person may not serve as a member of the commission or
7-60 act as the general counsel to the commission if the person is
7-61 required to register as a lobbyist under Chapter 305, Government
7-62 Code, because of the person's activities for compensation in or on
7-63 behalf of a profession related to the operation of the commission.

7-64 (d) ~~[(e)]~~ In this section, "Texas trade association" means
7-65 a ~~[nonprofit,]~~ cooperative and ~~[r]~~ voluntarily joined statewide
7-66 association of business or professional competitors in this state
7-67 designed to assist its members and its industry or profession in
7-68 dealing with mutual or professional problems and in promoting their
7-69 common interest.

8-1 SECTION 3.004. Section 141.0145, Human Resources Code, is
8-2 amended to read as follows:

8-3 Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS. (a) A ~~[To~~
8-4 ~~be eligible to take office as a member of the commission, a]~~ person
8-5 who is appointed to and qualifies for office as a member of the
8-6 commission may not vote, deliberate, or be counted as a member in
8-7 attendance at a meeting of the commission until the person
8-8 completes ~~[must complete at least one course of]~~ a training program
8-9 that complies with this section.

8-10 (b) The training program must provide information to the
8-11 person regarding:

8-12 (1) the ~~[enabling]~~ legislation that created the
8-13 commission ~~[and its policymaking body to which the person is~~
8-14 ~~appointed to serve];~~

8-15 (2) the programs operated by the commission;

8-16 (3) the roles ~~[role]~~ and functions of the commission;

8-17 (4) ~~[the rules of the commission with an emphasis on~~
8-18 ~~the rules that relate to disciplinary and investigatory authority,~~

8-19 ~~[(5)]~~ the ~~[current]~~ budget of ~~[for]~~ the commission;

8-20 (5) ~~[(6)]~~ the results of the most recent formal audit
8-21 of the commission;

8-22 (6) ~~[(7)]~~ the requirements of law relating to open
8-23 meetings, public information, administrative procedure, and
8-24 conflicts of interest ~~[the~~

8-25 ~~[(A) open meetings law, Chapter 551, Government~~
8-26 ~~Code,~~

8-27 ~~[(B) open records law, Chapter 552, Government~~
8-28 ~~Code, and~~

8-29 ~~[(C) administrative procedure law, Chapter 2001,~~
8-30 ~~Government Code]; and~~

8-31 (7) ~~[(8) the requirements of the conflict of~~
8-32 ~~interests laws and other laws relating to public officials, and~~

8-33 ~~[(9)]~~ any applicable ethics policies adopted by the
8-34 commission or the Texas Ethics Commission.

8-35 (c) A person appointed to the commission is entitled to
8-36 reimbursement, as provided in the General Appropriations Act, for
8-37 travel expenses incurred in attending the training program,
8-38 regardless of whether the attendance at the program occurs before
8-39 or after the person qualifies for office ~~[as provided by the General~~
8-40 ~~Appropriations Act and as if the person were a member of the~~
8-41 ~~commission].~~

8-42 SECTION 3.005. Sections 141.017(a) and (c), Human Resources
8-43 Code, are amended to read as follows:

8-44 (a) It is a ground for removal from the commission if a
8-45 member:

8-46 (1) does not have at the time of taking office
8-47 ~~[appointment]~~ the qualifications required by Section 141.011;

8-48 (2) does not maintain during service on the commission
8-49 the qualifications required by Section 141.011 ~~[is not eligible for~~
8-50 ~~appointment to or service on the commission as provided by Section~~
8-51 ~~141.014(a)];~~

8-52 (3) is ineligible for membership under Section 141.014
8-53 [violates a prohibition established by Section 141.014(b), (c), or
8-54 (d)];

8-55 (4) cannot, because of illness or disability,
8-56 discharge the member's duties for a substantial part of the term for
8-57 which the member is appointed ~~[because of illness or disability];~~
8-58 or

8-59 (5) is absent from more than half of the regularly
8-60 scheduled commission meetings that the member is eligible to attend
8-61 during a calendar year unless the absence is excused by majority
8-62 vote of the commission.

8-63 (c) If the director has knowledge that a potential ground
8-64 for removal exists, the director shall notify the presiding officer
8-65 ~~[chairman]~~ of the commission of the potential ground. The
8-66 presiding officer ~~[chairman]~~ shall then notify the governor and the
8-67 attorney general that a potential ground for removal exists. If the
8-68 potential ground for removal involves the presiding officer
8-69 ~~[chairman]~~, the director shall notify the next highest officer of

9-1 the commission, who shall notify the governor and the attorney
9-2 general that a potential ground for removal exists.

9-3 SECTION 3.006. Section 141.022(b), Human Resources Code, is
9-4 amended to read as follows:

9-5 (b) The advisory council shall report any determinations
9-6 made under Subsection (c) to the members of the commission
9-7 appointed under Section 141.011 [the director].

9-8 SECTION 3.007. Subchapter B, Chapter 141, Human Resources
9-9 Code, is amended by adding Sections 141.027 through 141.029 to read
9-10 as follows:

9-11 Sec. 141.027. COMPLAINTS. (a) The commission shall
9-12 maintain a system to promptly and efficiently act on complaints
9-13 filed with the commission, other than complaints received under
9-14 Section 141.049. The commission shall maintain information about
9-15 parties to the complaint, the subject matter of the complaint, a
9-16 summary of the results of the review or investigation of the
9-17 complaint, and its disposition.

9-18 (b) The commission shall make information available
9-19 describing its procedures for complaint investigation and
9-20 resolution.

9-21 (c) The commission shall periodically notify the complaint
9-22 parties of the status of the complaint until final disposition.

9-23 Sec. 141.028. USE OF TECHNOLOGY. The commission shall
9-24 implement a policy requiring the commission to use appropriate
9-25 technological solutions to improve the commission's ability to
9-26 perform its functions. The policy must ensure that the public is
9-27 able to interact with the commission on the Internet.

9-28 Sec. 141.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
9-29 RESOLUTION. (a) The commission shall develop and implement a
9-30 policy to encourage the use of:

9-31 (1) negotiated rulemaking procedures under Chapter
9-32 2008, Government Code, for the adoption of commission rules; and

9-33 (2) appropriate alternative dispute resolution
9-34 procedures under Chapter 2009, Government Code, to assist in the
9-35 resolution of internal and external disputes under the commission's
9-36 jurisdiction.

9-37 (b) The commission's procedures relating to alternative
9-38 dispute resolution must conform, to the extent possible, to any
9-39 model guidelines issued by the State Office of Administrative
9-40 Hearings for the use of alternative dispute resolution by state
9-41 agencies.

9-42 (c) The commission shall designate a trained person to:

9-43 (1) coordinate the implementation of the policy
9-44 adopted under Subsection (a);

9-45 (2) serve as a resource for any training needed to
9-46 implement the procedures for negotiated rulemaking or alternative
9-47 dispute resolution; and

9-48 (3) collect data concerning the effectiveness of those
9-49 procedures, as implemented by the commission.

9-50 SECTION 3.008. Section 141.042, Human Resources Code, is
9-51 amended by amending Subsections (a) and (h) and adding Subsection
9-52 (i) to read as follows:

9-53 (a) The commission shall adopt reasonable rules that
9-54 provide:

9-55 (1) minimum standards for personnel, staffing, case
9-56 loads, programs, facilities, record keeping, equipment, and other
9-57 aspects of the operation of a juvenile board that are necessary to
9-58 provide adequate and effective probation services;

9-59 (2) a code of ethics for probation and detention
9-60 officers and for the enforcement of that code;

9-61 (3) appropriate educational, preservice and
9-62 in-service training, and certification standards for probation and
9-63 detention officers or court-supervised community-based program
9-64 personnel;

9-65 (4) minimum standards for public and private juvenile
9-66 pre-adjudication secure detention facilities, public juvenile
9-67 post-adjudication secure correctional facilities that are operated
9-68 under the authority of a juvenile board or governmental unit, ~~and~~
9-69 private juvenile post-adjudication secure correctional facilities

10-1 operated under a contract with a governmental unit, except those
 10-2 facilities exempt from certification by Section 42.052(g), and
 10-3 nonsecure correctional facilities operated by or under contract
 10-4 with a governmental unit; and

10-5 (5) minimum standards for juvenile justice
 10-6 alternative education programs created under Section 37.011,
 10-7 Education Code, in collaboration and conjunction with the Texas
 10-8 Education Agency, or its designee.

10-9 (h) A juvenile board that does not accept state aid funding
 10-10 from the commission under Section 141.081 shall report to the
 10-11 commission each month on a form provided by the commission the same
 10-12 data as that required of counties accepting state aid funding
 10-13 regarding juvenile justice activities under the jurisdiction of the
 10-14 juvenile board. If the commission makes available free software to
 10-15 the juvenile board for the automation and tracking of juveniles
 10-16 under the jurisdiction of the juvenile board, the commission may
 10-17 require the monthly report to be provided in an electronic format
 10-18 adopted by ~~rule by~~ the commission.

10-19 (i) The commission shall adopt rules to ensure that youth in
 10-20 the juvenile justice system are assessed using the screening
 10-21 instrument or clinical assessment under Subsection (e).

10-22 SECTION 3.009. Subchapter C, Chapter 141, Human Resources
 10-23 Code, is amended by amending Section 141.0471 and adding Section
 10-24 141.0472 to read as follows:

10-25 Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE
 10-26 ~~[PLAN FOR JUVENILE JUSTICE SYSTEM]~~. (a) The director ~~[commission]~~
 10-27 and the executive director of the Texas Youth Commission shall
 10-28 jointly appoint a strategic planning committee to biennially
 10-29 develop a coordinated strategic plan which shall guide, but not
 10-30 substitute for, the strategic plans developed individually by the
 10-31 agencies. The director and the executive director of the Texas
 10-32 Youth Commission are co-presiding officers of the strategic
 10-33 planning committee.

10-34 (b) The director shall appoint four members to the strategic
 10-35 planning committee. The director shall appoint at least:

10-36 (1) one committee member who represents the interests
 10-37 of families of juvenile offenders;

10-38 (2) one committee member who represents the interests
 10-39 of local juvenile probation departments; and

10-40 (3) one committee member who is a mental health
 10-41 treatment professional licensed under Subtitle B or I, Title 3,
 10-42 Occupations Code.

10-43 (c) The executive director of the Texas Youth Commission
 10-44 shall appoint four members to the strategic planning committee.
 10-45 The executive director shall appoint at least:

10-46 (1) one committee member who represents the interests
 10-47 of juvenile offenders;

10-48 (2) one committee member who represents the interests
 10-49 of the victims of delinquent or criminal conduct; and

10-50 (3) one committee member who is an educator as defined
 10-51 by Section 5.001, Education Code.

10-52 Sec. 141.0472. COORDINATED STRATEGIC PLAN; ADOPTION OF
 10-53 PLAN. (a) ~~(b)~~ The coordinated strategic plan developed by the
 10-54 strategic planning committee under Section 141.0471 must ~~shall~~:

10-55 (1) identify short-term and long-term policy goals;

10-56 (2) identify time frames and strategies for meeting
 10-57 the goals identified under Subdivision (1);

10-58 (3) estimate population projections, including
 10-59 projections of population characteristics;

10-60 (4) estimate short-term and long-term capacity,
 10-61 programmatic, and funding needs;

10-62 (5) describe intensive service and surveillance
 10-63 parole pilot programs to be jointly developed;

10-64 (6) include an evaluation of aftercare services
 10-65 emphasizing concrete outcome measures, including recidivism and
 10-66 educational progress;

10-67 (7) identify objective criteria for the various
 10-68 decision points throughout the continuum of juvenile justice
 10-69 services and sanctions to guard against disparate treatment of

11-1 minority youth; ~~and~~

11-2 (8) identify cross-agency outcome measures by which to
11-3 evaluate the effectiveness of the system generally;

11-4 (9) include a plan of implementation for the
11-5 development of common data sources and data sharing among the
11-6 commission, juvenile probation departments, the Texas Youth
11-7 Commission, the Department of Family and Protective Services, the
11-8 Department of State Health Services, the Health and Human Services
11-9 Commission, the Texas Education Agency, and other state agencies
11-10 that serve youth in the juvenile justice system;

11-11 (10) include the development of new, or the
11-12 improvement of existing, validated risk assessment instruments;

11-13 (11) include strategies to determine which programs
11-14 are most effective in rehabilitating youth in the juvenile justice
11-15 system;

11-16 (12) include planning for effective aftercare
11-17 programs and services, including ensuring that youth in the
11-18 juvenile justice system have personal identification and
11-19 appropriate referrals to service providers; and

11-20 (13) track performance measures to illustrate the
11-21 costs of different levels of treatment and to identify the most
11-22 cost-effective programs in each component of the juvenile justice
11-23 system in this state.

11-24 (b) In addition to the information described by Subsection
11-25 (a), the coordinated strategic plan must include specific processes
11-26 and procedures for routinely communicating juvenile justice system
11-27 information between the commission and the Texas Youth Commission
11-28 and determining opportunities to coordinate practices for
11-29 improving outcomes for youth.

11-30 (c) The governing boards [~~board~~] of the commission [~~Texas~~
11-31 Juvenile Probation Commission] and the [~~executive commissioner of~~
11-32 the] Texas Youth Commission shall review and adopt the coordinated
11-33 strategic plan on or before December 1st of each odd-numbered year,
11-34 or before the adoption of the agency's individual strategic plan,
11-35 whichever is earlier.

11-36 SECTION 3.010. Section 141.049, Human Resources Code, is
11-37 amended to read as follows:

11-38 Sec. 141.049. COMPLAINTS RELATING TO JUVENILE BOARDS. (a)
11-39 The commission shall maintain a system to promptly and efficiently
11-40 act on a [~~keep an information file about each~~] complaint filed with
11-41 the commission relating to a juvenile board funded by the
11-42 commission. The commission shall maintain information about
11-43 parties to the complaint, a summary of the results of the review or
11-44 investigation of the complaint, and the disposition of the
11-45 complaint.

11-46 (b) The commission shall make information available
11-47 describing the commission's procedures for the investigation and
11-48 resolution of a complaint filed with the commission relating to a
11-49 juvenile board funded by the commission.

11-50 (c) The commission shall investigate the allegations in the
11-51 complaint and make a determination of whether there has been a
11-52 violation of the commission's rules relating to juvenile probation
11-53 programs, services, or facilities.

11-54 (d) [~~(b)~~] If a written complaint is filed with the
11-55 commission relating to a juvenile board funded by the commission,
11-56 the commission[, at least quarterly and until final disposition of
11-57 the complaint,] shall periodically notify the complainant and the
11-58 juvenile board of the status of the complaint until final
11-59 disposition, unless notice would jeopardize an undercover
11-60 investigation.

11-61 SECTION 3.011. Section 141.050, Human Resources Code, is
11-62 amended by adding Subsection (c) to read as follows:

11-63 (c) The commission shall consider the past performance of a
11-64 juvenile board when contracting with the juvenile board for local
11-65 probation services other than basic probation services. In
11-66 addition to the contract standards described by Subsection (a), a
11-67 contract with a juvenile board for probation services other than
11-68 basic probation services must:

11-69 (1) include specific performance targets for the

12-1 juvenile board based on the juvenile board's historic performance
12-2 of the services; and

12-3 (2) require a juvenile board to report on the juvenile
12-4 board's success in meeting the performance targets described by
12-5 Subdivision (1).

12-6 SECTION 3.012. Subchapter C, Chapter 141, Human Resources
12-7 Code, is amended by adding Sections 141.057 and 141.058 to read as
12-8 follows:

12-9 Sec. 141.057. DATA COLLECTION. (a) The commission shall
12-10 collect comprehensive data concerning the outcomes of local
12-11 probation programs throughout the state.

12-12 (b) Data collected under Subsection (a) must include:

12-13 (1) a description of the types of programs and
12-14 services offered by a juvenile probation department, including a
12-15 description of the components of each program or service offered;
12-16 and

12-17 (2) to the extent possible, the rate at which
12-18 juveniles who enter or complete juvenile probation are later
12-19 committed to the custody of the state.

12-20 Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND
12-21 EXPLOITATION. (a) On January 1, 2010, and quarterly after that
12-22 date, the commission shall prepare and deliver a report to the board
12-23 concerning the final outcome of any complaint received under
12-24 Section 261.405, Family Code, that concerns the abuse, neglect, or
12-25 exploitation of a juvenile. The report must include a summary of
12-26 the actions performed by the commission and any applicable juvenile
12-27 board or juvenile probation department in resolving the complaint.

12-28 (b) A report prepared under Subsection (a) is public
12-29 information under Chapter 552, Government Code, only to the extent
12-30 authorized by that chapter.

12-31 SECTION 3.013. The heading to Subchapter D, Chapter 141,
12-32 Human Resources Code, is amended to read as follows:

12-33 SUBCHAPTER D. PROVISIONS RELATING TO CERTAIN [JUVENILE PROBATION]
12-34 OFFICERS AND EMPLOYEES

12-35 SECTION 3.014. Section 141.061(a), Human Resources Code, is
12-36 amended to read as follows:

12-37 (a) To be eligible for appointment as a probation officer, a
12-38 person who was not employed as a probation officer before September
12-39 1, 1981, must:

12-40 (1) be of good moral character;

12-41 (2) have acquired a bachelor's degree conferred by a
12-42 college or university accredited by an accrediting organization
12-43 recognized by the Texas Higher Education Coordinating Board;

12-44 (3) have either:

12-45 (A) one year of graduate study in criminology,
12-46 corrections, counseling, law, social work, psychology, sociology,
12-47 or other field of instruction approved by the commission; or

12-48 (B) one year of experience in full-time case
12-49 work, counseling, or community or group work:

12-50 (i) in a social service, community,
12-51 corrections, or juvenile agency that deals with offenders or
12-52 disadvantaged persons; and

12-53 (ii) that the commission determines
12-54 provides the kind of experience necessary to meet this requirement;

12-55 (4) have satisfactorily completed the course of
12-56 preservice training or instruction and any continuing education
12-57 required by the commission;

12-58 (5) have passed the tests or examinations required by
12-59 the commission; and

12-60 (6) possess the level of certification required by the
12-61 commission.

12-62 SECTION 3.015. Subchapter D, Chapter 141, Human Resources
12-63 Code, is amended by adding Section 141.0612 to read as follows:

12-64 Sec. 141.0612. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF
12-65 NONSECURE CORRECTIONAL FACILITIES. (a) The commission by rule
12-66 shall adopt certification standards for persons who are employed in
12-67 nonsecure correctional facilities that accept only juveniles who
12-68 are on probation and that are operated by or under contract with a
12-69 governmental unit, as defined by Section 101.001, Civil Practice

13-1 and Remedies Code.
 13-2 (b) The certification standards adopted under Subsection
 13-3 (a) must be substantially similar to the certification requirements
 13-4 for detention officers under Section 141.0611.
 13-5 SECTION 3.016. Section 141.064, Human Resources Code, is
 13-6 amended to read as follows:
 13-7 Sec. 141.064. REVOCATION OR SUSPENSION OF CERTIFICATION.
 13-8 (a) The commission may revoke or suspend a certification, or
 13-9 reprimand a certified officer:
 13-10 (1) [7] for a violation of this chapter or a commission
 13-11 rule; or
 13-12 (2) if, under Subsection (c), a panel determines that
 13-13 continued certification of the person threatens juveniles in the
 13-14 juvenile justice system.
 13-15 (b) The commission may place on probation a person whose
 13-16 certification is suspended. If the suspension is probated, the
 13-17 commission may require the person to:
 13-18 (1) report regularly to the commission on matters that
 13-19 are the basis of the probation; and
 13-20 (2) continue or review professional education until
 13-21 the person attains a degree of skill satisfactory to the commission
 13-22 in those areas that are the basis of the probation.
 13-23 (c) The director may convene, in person or telephonically, a
 13-24 panel of three commission members to determine if a person's
 13-25 continued certification threatens juveniles in the juvenile
 13-26 justice system. If the panel determines that the person's
 13-27 continued certification threatens juveniles in the juvenile
 13-28 justice system, the person's license is temporarily suspended until
 13-29 an administrative hearing is held as soon as possible under
 13-30 Subsection (d). The director may convene a panel under this
 13-31 subsection only if the danger posed by the person's continued
 13-32 certification is imminent. The panel may hold a telephonic meeting
 13-33 only if immediate action is required and convening the panel at one
 13-34 location is inconvenient for any member of the panel.
 13-35 (d) A person is entitled to a hearing before the State
 13-36 Office of Administrative Hearings [~~commission or a hearings officer~~
 13-37 ~~appointed by the commission~~] if the commission proposes to suspend
 13-38 or revoke the person's certification.
 13-39 (e) A person may appeal a ruling or order issued under this
 13-40 section to a district court in the county in which the person
 13-41 resides or in Travis County. The standard of review is under the
 13-42 substantial evidence rule. [~~The commission shall prescribe~~
 13-43 ~~procedures by which each decision to suspend or revoke is made by or~~
 13-44 ~~is appealable to the commission.~~]
 13-45 SECTION 3.017. Section 141.081, Human Resources Code, is
 13-46 amended by adding Subsection (d) to read as follows:
 13-47 (d) The commission by rule shall, not later than September
 13-48 1, 2010, establish one or more basic probation services funding
 13-49 formulas and one or more community corrections funding formulas.
 13-50 The funding formulas established under this subsection must include
 13-51 each grant for which the commission, on or before September 1, 2009,
 13-52 established an allocation formula.
 13-53 ARTICLE 4. MISCELLANEOUS PROVISIONS
 13-54 SECTION 4.001. Chapter 13, Code of Criminal Procedure, is
 13-55 amended by adding Article 13.34 to read as follows:
 13-56 Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST CHILD
 13-57 COMMITTED TO TEXAS YOUTH COMMISSION. An offense described by
 13-58 Article 104.003(a) committed by an employee or officer of the Texas
 13-59 Youth Commission or a person providing services under a contract
 13-60 with the commission against a child committed to the commission may
 13-61 be prosecuted in:
 13-62 (1) any county in which an element of the offense
 13-63 occurred; or
 13-64 (2) Travis County.
 13-65 SECTION 4.002. Section 51.02, Family Code, is amended by
 13-66 adding Subdivision (8-a) to read as follows:
 13-67 (8-a) "Nonsecure correctional facility" means a
 13-68 facility, other than a secure correctional facility, that accepts
 13-69 only juveniles who are on probation and that is operated by or under

14-1 contract with a governmental unit, as defined by Section 101.001,
 14-2 Civil Practice and Remedies Code.

14-3 SECTION 4.003. Chapter 51, Family Code, is amended by
 14-4 adding Section 51.126 to read as follows:

14-5 Sec. 51.126. NONSECURE CORRECTIONAL FACILITIES. (a) A
 14-6 nonsecure correctional facility for juvenile offenders may be
 14-7 operated only by:

14-8 (1) a governmental unit, as defined by Section
 14-9 101.001, Civil Practice and Remedies Code; or

14-10 (2) a private entity under a contract with a
 14-11 governmental unit in this state.

14-12 (b) In each county, each judge of the juvenile court and a
 14-13 majority of the members of the juvenile board shall personally
 14-14 inspect, at least annually, all nonsecure correctional facilities
 14-15 that are located in the county and shall certify in writing to the
 14-16 authorities responsible for operating and giving financial support
 14-17 to the facilities and to the Texas Juvenile Probation Commission
 14-18 that the facility or facilities are suitable or unsuitable for the
 14-19 confinement of children. In determining whether a facility is
 14-20 suitable or unsuitable for the confinement of children, the
 14-21 juvenile court judges and juvenile board members shall consider:

14-22 (1) current monitoring and inspection reports and any
 14-23 noncompliance citation reports issued by the Texas Juvenile
 14-24 Probation Commission, including the report provided under
 14-25 Subsection (c), and the status of any required corrective actions;
 14-26 and

14-27 (2) the other factors described under Sections
 14-28 51.12(c)(2)-(7).

14-29 (c) The Texas Juvenile Probation Commission shall annually
 14-30 inspect each nonsecure correctional facility. The Texas Juvenile
 14-31 Probation Commission shall provide a report to each juvenile court
 14-32 judge presiding in the same county as an inspected facility
 14-33 indicating whether the facility is suitable or unsuitable for the
 14-34 confinement of children in accordance with minimum professional
 14-35 standards for the confinement of children in nonsecure confinement
 14-36 promulgated by the Texas Juvenile Probation Commission or, at the
 14-37 election of the juvenile board of the county in which the facility
 14-38 is located, the current standards promulgated by the American
 14-39 Correctional Association.

14-40 (d) A governmental unit or private entity that operates or
 14-41 contracts for the operation of a juvenile nonsecure correctional
 14-42 facility in this state under Subsection (a), except for a facility
 14-43 operated by or under contract with the Texas Youth Commission,
 14-44 shall:

14-45 (1) register the facility annually with the Texas
 14-46 Juvenile Probation Commission; and

14-47 (2) adhere to all applicable minimum standards for the
 14-48 facility.

14-49 (e) The Texas Juvenile Probation Commission may deny,
 14-50 suspend, or revoke the registration of any facility required to
 14-51 register under Subsection (d) if the facility fails to:

14-52 (1) adhere to all applicable minimum standards for the
 14-53 facility; or

14-54 (2) timely correct any notice of noncompliance with
 14-55 minimum standards.

14-56 SECTION 4.004. Chapter 614, Health and Safety Code, is
 14-57 amended by adding Section 614.018 to read as follows:

14-58 Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL
 14-59 IMPAIRMENTS. (a) The Texas Juvenile Probation Commission, the
 14-60 Texas Youth Commission, the Department of Public Safety, the
 14-61 Department of State Health Services, the Department of Aging and
 14-62 Disability Services, the Department of Family and Protective
 14-63 Services, the Texas Education Agency, and local juvenile probation
 14-64 departments shall adopt a memorandum of understanding that
 14-65 establishes their respective responsibilities to institute a
 14-66 continuity of care and service program for juveniles with mental
 14-67 impairments in the juvenile justice system. The Texas Correctional
 14-68 Office on Offenders with Medical and Mental Impairments shall
 14-69 coordinate and monitor the development and implementation of the

15-1 memorandum of understanding.
15-2 (b) The memorandum of understanding must establish methods
15-3 for:

15-4 (1) identifying juveniles with mental impairments in
15-5 the juvenile justice system and collecting and reporting relevant
15-6 data to the office;

15-7 (2) developing interagency rules, policies, and
15-8 procedures for the coordination of care of and the exchange of
15-9 information on juveniles with mental impairments who are committed
15-10 to or treated, served, or supervised by the Texas Youth Commission,
15-11 the Texas Juvenile Probation Commission, the Department of Public
15-12 Safety, the Department of State Health Services, the Department of
15-13 Family and Protective Services, the Department of Aging and
15-14 Disability Services, the Texas Education Agency, local juvenile
15-15 probation departments, local mental health or mental retardation
15-16 authorities, and independent school districts; and

15-17 (3) identifying the services needed by juveniles with
15-18 mental impairments in the juvenile justice system.

15-19 (c) For purposes of this section, "continuity of care and
15-20 service program" includes:

15-21 (1) identifying the medical, psychiatric, or
15-22 psychological care or treatment needs and educational or
15-23 rehabilitative service needs of a juvenile with mental impairments
15-24 in the juvenile justice system;

15-25 (2) developing a plan for meeting the needs identified
15-26 under Subdivision (1); and

15-27 (3) coordinating the provision of continual
15-28 treatment, care, and services throughout the juvenile justice
15-29 system to juveniles with mental impairments.

15-30 SECTION 4.005. Sections 614.017(a) and (b), Health and
15-31 Safety Code, are amended to read as follows:

15-32 (a) An agency shall:

15-33 (1) accept information relating to a special needs
15-34 offender or a juvenile with a mental impairment that is sent to the
15-35 agency to serve the purposes of continuity of care and services
15-36 regardless of whether other state law makes that information
15-37 confidential; and

15-38 (2) disclose information relating to a special needs
15-39 offender or a juvenile with a mental impairment, including
15-40 information about the offender's or juvenile's identity, needs,
15-41 treatment, social, criminal, and vocational history, supervision
15-42 status and compliance with conditions of supervision, and medical
15-43 and mental health history, if the disclosure serves the purposes of
15-44 continuity of care and services.

15-45 (b) Information obtained under this section may not be used
15-46 as evidence in any juvenile or criminal proceeding, unless obtained
15-47 and introduced by other lawful evidentiary means.

15-48 SECTION 4.006. Section 614.017(c), Health and Safety Code,
15-49 is amended by amending Subdivision (1) and adding Subdivision (3)
15-50 to read as follows:

15-51 (1) "Agency" includes any of the following entities
15-52 and individuals, a person with an agency relationship with one of
15-53 the following entities or individuals, and a person who contracts
15-54 with one or more of the following entities or individuals:

15-55 (A) the Texas Department of Criminal Justice and
15-56 the Correctional Managed Health Care Committee;

15-57 (B) the Board of Pardons and Paroles;

15-58 (C) the Department of State Health Services;

15-59 (D) the Texas Juvenile Probation Commission;

15-60 (E) the Texas Youth Commission;

15-61 (F) the Department of Assistive and
15-62 Rehabilitative Services;

15-63 (G) the Texas Education Agency;

15-64 (H) the Commission on Jail Standards;

15-65 (I) the Department of Aging and Disability
15-66 Services;

15-67 (J) the Texas School for the Blind and Visually
15-68 Impaired;

15-69 (K) community supervision and corrections

16-1 departments and local juvenile probation departments;
 16-2 (L) personal bond pretrial release offices
 16-3 established under Article 17.42, Code of Criminal Procedure;
 16-4 (M) local jails regulated by the Commission on
 16-5 Jail Standards;
 16-6 (N) a municipal or county health department;
 16-7 (O) a hospital district;
 16-8 (P) a judge of this state with jurisdiction over
 16-9 juvenile or criminal cases;
 16-10 (Q) an attorney who is appointed or retained to
 16-11 represent a special needs offender or a juvenile with a mental
 16-12 impairment;
 16-13 (R) the Health and Human Services Commission;
 16-14 (S) the Department of Information Resources;
 16-15 [~~and~~]
 16-16 (T) the bureau of identification and records of
 16-17 the Department of Public Safety, for the sole purpose of providing
 16-18 real-time, contemporaneous identification of individuals in the
 16-19 Department of State Health Services client data base; and
 16-20 (U) the Department of Family and Protective
 16-21 Services.

16-22 (3) "Juvenile with a mental impairment" means a
 16-23 juvenile with a mental impairment in the juvenile justice system.

16-24 SECTION 4.007. Section 614.009, Health and Safety Code, is
 16-25 amended to read as follows:

16-26 Sec. 614.009. BIENNIAL REPORT. Not later than February 1 of
 16-27 each odd-numbered year, the office shall present to the board and
 16-28 file with the governor, lieutenant governor, and speaker of the
 16-29 house of representatives a report giving the details of the
 16-30 office's activities during the preceding biennium. The report must
 16-31 include:

16-32 (1) an evaluation of any demonstration project
 16-33 undertaken by the office;

16-34 (2) an evaluation of the progress made by the office
 16-35 toward developing a plan for meeting the treatment, rehabilitative,
 16-36 and educational needs of offenders with special needs;

16-37 (3) recommendations of the office made in accordance
 16-38 with Section 614.007(5);

16-39 (4) an evaluation of the development and
 16-40 implementation of the continuity of care and service programs
 16-41 established under Sections 614.013, 614.014, 614.015, [~~and~~]
 16-42 614.016, and 614.018, changes in rules, policies, or procedures
 16-43 relating to the programs, future plans for the programs, and any
 16-44 recommendations for legislation; and

16-45 (5) any other recommendations that the office
 16-46 considers appropriate.

16-47 ARTICLE 5. TRANSITION AND EFFECTIVE DATE

16-48 SECTION 5.001. Sections 61.025 and 61.027, Human Resources
 16-49 Code, as added by this Act, and Sections 141.014 and 141.0145, Human
 16-50 Resources Code, as amended by this Act, apply only to a person who
 16-51 is appointed or reappointed as a member of the governing board of
 16-52 the Texas Youth Commission or the Texas Juvenile Probation
 16-53 Commission on or after the effective date of this Act. A person
 16-54 appointed or reappointed as a member of the board or commission
 16-55 before the effective date of this Act is governed by the law in
 16-56 effect immediately before that date, and the former law is
 16-57 continued in effect for that purpose.

16-58 SECTION 5.002. Section 61.026, Human Resources Code, as
 16-59 added by this Act, and Section 141.017, Human Resources Code, as
 16-60 amended by this Act, apply only to a ground for removal that occurs
 16-61 on or after the effective date of this Act. A ground for removal
 16-62 that occurs before the effective date of this Act is governed by the
 16-63 law in effect immediately before that date, and the former law is
 16-64 continued in effect for that purpose.

16-65 SECTION 5.003. (a) Section 141.011(a), Human Resources
 16-66 Code, as amended by this Act, applies only to a person appointed to
 16-67 the Texas Juvenile Probation Commission on or after the effective
 16-68 date of this Act. A person appointed to the Texas Juvenile
 16-69 Probation Commission before the effective date of this Act is

17-1 governed by the law in effect on the date the person was appointed,
17-2 and that law is continued in effect for that purpose.

17-3 (b) A person serving on the Texas Juvenile Probation
17-4 Commission on the effective date of this Act continues to serve on
17-5 the commission until the person's term expires. When a term expires
17-6 or a vacancy on the commission occurs, the governor shall make
17-7 appointments in accordance with Section 141.011(a), Human
17-8 Resources Code, as amended by this Act.

17-9 SECTION 5.004. Article 13.34, Code of Criminal Procedure,
17-10 as added by this Act, applies only to an offense committed on or
17-11 after the effective date of this Act. An offense committed before
17-12 the effective date of this Act is covered by the law in effect when
17-13 the offense was committed, and the former law is continued in effect
17-14 for that purpose. For purposes of this section, an offense was
17-15 committed before the effective date of this Act if any element of
17-16 the offense occurred before that date.

17-17 SECTION 5.005. This Act takes effect immediately if it
17-18 receives a vote of two-thirds of all the members elected to each
17-19 house, as provided by Section 39, Article III, Texas Constitution.
17-20 If this Act does not receive the vote necessary for immediate
17-21 effect, this Act takes effect September 1, 2009.

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