

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/09

Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3689 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

J. J. Hingosa
Hingosa, Chair

El Hegar
Hegar

Royce West
West

Stephen Ogden
Ogden

John Whitmire
On the part of the Senate

Ruth McLendon
McLendon, Chair

Jim Reynolds
McREYNOLDS

John A. Madden
Madden

Berri Hodge
Hodge

David W. Kolkhorst
On the part of the House Kolkhorst

Note to Conference Committee Clerk:

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

CONFERENCE
COMMITTEE REPORT

3rd Printing

H.B. No. 3689

ADOPTED
MAY 8 2009
Doty Spaw
Secretary of the Senate

By: _____
Substituted the following for H.B. No. 3689:
[Signature] _____

H.B. No. 3689
C.S. H.B. No. 3689

A BILL TO BE ENTITLED

1

AN ACT

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

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

7 ARTICLE 1. TEXAS YOUTH COMMISSION

8 SECTION 1.001. The heading to Chapter 61, Human Resources
9 Code, is amended to read as follows:

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

11 SECTION 1.002. Section 61.001, Human Resources Code, is
12 amended by adding Subdivision (3) to read as follows:

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

15 SECTION 1.003. Section 61.020, Human Resources Code, is
16 amended to read as follows:

17 Sec. 61.020. SUNSET PROVISION. (a) The Texas Youth
18 Commission is subject to Chapter 325, Government Code (Texas Sunset
19 Act). Unless continued in existence as provided by that chapter,
20 the commission is abolished and this chapter expires September 1,
21 2011 [2009].

22 (b) In the review of the Texas Youth Commission by the
23 Sunset Advisory Commission, as required by this section, the sunset
24 commission shall focus its review on:



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

3 (2) requirements placed on the agency by legislation
4 enacted by the 81st Legislature, Regular Session, 2009, that
5 becomes law, including implementation of programs for the diversion
6 of youth from the commission; and

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

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

18 SECTION 1.004. Section 61.024(a), Human Resources Code, is
19 amended to read as follows:

20 (a) Notwithstanding any other provision of this chapter,
21 effective September 1, 2009, the commission is governed by a board
22 that consists of seven members appointed by the governor with the
23 advice and consent of the senate. Appointments to the board shall
24 be made without regard to the race, color, disability, sex,
25 religion, age, or national origin of the appointees. The governor
26 shall designate a member of the board as the presiding officer of
27 the board to serve in that capacity at the pleasure of the governor.

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

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

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

10 (2) is employed by or participates in the management
11 of a business entity or other organization regulated by or
12 receiving money from the commission;

13 (3) owns or controls, directly or indirectly, more
14 than a 10 percent interest in a business entity or other
15 organization regulated by or receiving money from the commission;
16 or

17 (4) uses or receives a substantial amount of tangible
18 goods, services, or money from the commission, other than
19 compensation or reimbursement authorized by law for board
20 membership, attendance, or expenses.

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

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of criminal or
2 juvenile justice; or

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

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

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

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

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

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

23 (3) is ineligible for membership under Section 61.025;

24 (4) cannot, because of illness or disability,
25 discharge the member's duties for a substantial part of the member's
26 term; or

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

1 scheduled board meetings that the member is eligible to attend
2 during a calendar year without an excuse approved by a majority vote
3 of the board.

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

7 (c) If the executive director has knowledge that a potential
8 ground for removal exists, the executive director shall notify the
9 presiding officer of the board of the potential ground. The
10 presiding officer shall then notify the governor and the attorney
11 general that a potential ground for removal exists. If the
12 potential ground for removal involves the presiding officer, the
13 executive director shall notify the next highest ranking officer of
14 the board, who shall then notify the governor and the attorney
15 general that a potential ground for removal exists.

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

21 (b) The training program must provide the person with
22 information regarding:

23 (1) the legislation that created the commission;

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

26 (3) the results of the most recent formal audit of the
27 commission;

1 (4) the requirements of laws relating to open
2 meetings, public information, administrative procedure, and
3 conflicts of interest; and

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

6 (c) A person appointed to the board is entitled to
7 reimbursement, as provided by the General Appropriations Act, for
8 the travel expenses incurred in attending the training program
9 regardless of whether the attendance at the program occurs before
10 or after the person qualifies for office.

11 Sec. 61.028. USE OF TECHNOLOGY. The board shall implement a
12 policy requiring the commission to use appropriate technological
13 solutions to improve the commission's ability to perform its
14 functions. The policy must ensure that the public is able to
15 interact with the commission on the Internet.

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

19 (1) negotiated rulemaking procedures under Chapter
20 2008, Government Code, for the adoption of commission rules; and

21 (2) appropriate alternative dispute resolution
22 procedures under Chapter 2009, Government Code, to assist in the
23 resolution of internal and external disputes under the commission's
24 jurisdiction.

25 (b) The commission's procedures relating to alternative
26 dispute resolution must conform, to the extent possible, to any
27 model guidelines issued by the State Office of Administrative

1 Hearings for the use of alternative dispute resolution by state
2 agencies.

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

4 (1) coordinate the implementation of the policy
5 adopted under Subsection (a);

6 (2) serve as a resource for any training needed to
7 implement the procedures for negotiated rulemaking or alternative
8 dispute resolution; and

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

11 SECTION 1.006. Section 61.0352, Human Resources Code, is
12 amended to read as follows:

13 Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board
14 [~~executive commissioner~~] shall develop and implement policies that
15 clearly separate the policymaking responsibilities of the board
16 [~~executive commissioner~~] and the management responsibilities of
17 the staff of the commission.

18 SECTION 1.007. Section 61.0422, Human Resources Code, is
19 amended to read as follows:

20 Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The
21 commission shall maintain a system to promptly and efficiently act
22 on a [~~keep a file about each written~~] complaint filed with the
23 commission by a person, other than a child receiving services from
24 the commission or the child's parent or guardian, that the
25 commission has authority to resolve. The commission shall maintain
26 information about parties to the complaint, the subject matter of
27 the complaint, a summary of the results of the review or

1 investigation of the complaint, and the disposition of the
2 complaint.

3 (b) The commission shall make information available
4 describing the commission's [~~provide to the person filing the~~
5 ~~complaint and the persons or entities complained about the~~
6 ~~commission's policies and~~] procedures for [~~pertaining to~~]
7 complaint investigation and resolution.

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

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

16 [~~(1) the date the complaint is received,~~

17 [~~(2) the name of the complainant,~~

18 [~~(3) the subject matter of the complaint,~~

19 [~~(4) a record of all persons contacted in relation to~~
20 ~~the complaint,~~

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

23 [~~(6) for complaints for which the commission took no~~
24 ~~action, an explanation of the reason the complaint was closed~~
25 ~~without action.~~

26 [(e)] The commission shall keep information about each
27 written complaint filed with the commission by a child receiving

1 services from the commission or the child's parent or guardian. The
2 information must include:

- 3 (1) the subject matter of the complaint;
- 4 (2) a summary of the results of the review or
5 investigation of the complaint; and
- 6 (3) the period of time between the date the complaint
7 is received and the date the complaint is closed.

8 SECTION 1.008. Section 61.0423, Human Resources Code, is
9 amended to read as follows:

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

15 (b) The board [~~executive commissioner~~] shall ensure that
16 the location of public hearings held in accordance with this
17 section is rotated between municipalities in which a commission
18 facility is located or that are in proximity to a commission
19 facility.

21 Code is amended by adding Section 61.067 to read as follows:

22 Sec. 61.067. INFORMATION PROVIDED TO COMMITTING COURT. (a)
23 If a court that commits a child to the commission requests, in the
24 commitment order, that the commission keep the court informed of
25 the progress the child is making while committed to the commission,
26 the commission shall provide the court with periodic updates on the
27 child's progress.

ADOPTED

MAY 27 1999

Debra J. ...
Secretary of the Senate

AMENDMENT NO. 3

BY: *J. J. ...*

1 Amend C.S.H.B. No. 3689 (senate committee ...), in
2 ARTICLE 1 of the bill, by adding the following appropriately
3 numbered SECTION to that ARTICLE and renumbering subsequent
SECTIONS of that ARTICLE accordingly:

5 SECTION 1.009 Sections 61.0451(a) and (i), Human Resources
6 Code, are amended to read as follows:

7 (a) The office of inspector general is established at the
8 commission for the purpose of investigating:

9 (1) crimes committed by commission employees,
10 including parole officers employed by or under a contract with the
11 commission; and

12 (2) crimes and delinquent conduct committed at a
13 facility operated by the commission, ~~or at~~ a residential facility
14 operated by another entity under a contract with the commission, or
15 any facility in which a child committed to the custody of the
16 commission is housed or receives medical or mental health
17 treatment.

18 (i) The office of inspector general shall immediately
19 report to the executive director ~~commissioner~~, the ~~advisory~~
20 board, the governor's general counsel, and the state auditor:

21 (1) any particularly serious or flagrant problem
22 concerning the administration of a commission program or operation;
23 or

24 (2) any interference by the executive director,
25 ~~commissioner~~ ~~or~~ an employee of the commission, a facility
26 described by Subsection (a)(2), or an officer or employee of a
27 facility described by Subsection (a)(2) with an investigation
28 conducted by the office.

2 information must include:

- 3 (1) the subject matter of the complaint;
- 4 (2) a summary of the results of the review or
- 5 investigation of the complaint; and
- 6 (3) the period of time between the date the complaint
- 7 is received and the date the complaint is closed.

8 SECTION 1.008. Section 61.0423, Human Resources Code, is

9 amended to read as follows:

10 Sec. 61.0423. PUBLIC HEARINGS. (a) The board [~~executive~~

11 ~~commissioner~~] shall develop and implement policies that provide the

12 public with a reasonable opportunity to appear before the board

13 [~~executive commissioner or the executive commissioner's designee~~]

14 and to speak on any issue under the jurisdiction of the commission.

15 (b) The board [~~executive commissioner~~] shall ensure that

16 the location of public hearings held in accordance with this

17 section is rotated between municipalities in which a commission

18 facility is located or that are in proximity to a commission

19 facility.

20 SECTION 1.009. ¹⁰¹⁰ Subchapter D, Chapter 61, Human Resources

21 Code, is amended by adding Section 61.067 to read as follows:

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

23 If a court that commits a child to the commission requests, in the

24 commitment order, that the commission keep the court informed of

25 the progress the child is making while committed to the commission,

26 the commission shall provide the court with periodic updates on the

27 child's progress.

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

5 (c) A report provided under this section may not include
6 information that is protected from disclosure under state or
7 federal law.

8 Code, is amended by adding Section 61.08141 to read as follows:

9 Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE
10 RELEASE. (a) In addition to providing the court with notice of

11 release of a child under Section 61.081(e), as soon as possible but
12 not later than the 30th day before the date the commission releases
13 the child, the commission shall provide the court that committed
14 the child to the commission:

15 (1) a copy of the child's reentry and reintegration
16 plan developed under Section 61.081(e), and

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

19 (b) If, on release, the commission places a child in a
20 county other than the county served by the court that committed the
21 child to the commission, the commission shall provide the
22 information described by Subsection (a) to both the committing
23 court and the juvenile court in the county where the child is placed
24 after release.

25 (c) If, on release, a child's residence is located in
26 another state, the commission shall provide the information

1 the child's progress, including, as applicable, information
2 concerning the child's treatment, education, and health.

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

6 SECTION ~~2.019~~ ^{11.011}. Subchapter F, Chapter 61, Human Resources
7 Code, is amended by adding Section 61.08131 to read as follows:

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

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

16 (1) an assessment of each child committed to the
17 commission to determine which skills the child needs to develop to
18 be successful in the community following release under supervision
19 or final discharge;

20 (2) programs that address the assessed needs of each
21 child;

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

25 (4) the identification of providers of existing local
26 programs and transitional services with whom the commission may
27 contract under this section to implement the reentry and

1 reintegration plan; and

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

7 (c) A child's personal health information may be disclosed
8 under Subsection (b)(5) only in the manner authorized by Section
9 61.0731 or other state or federal law, provided that the disclosure
10 does not violate the Health Insurance Portability and
11 Accountability Act of 1996 (Pub. L. No. 104-191).

12 (d) The programs provided under Subsections (b)(2) and (3)
13 must:

14 (1) be implemented by highly skilled staff who are
15 experienced in working with reentry and reintegration programs for
16 children;

17 (2) provide children with:

18 (A) individualized case management and a full
19 continuum of care;

20 (B) life-skills training, including information
21 about budgeting, money management, nutrition, and exercise;

22 (C) education and, if a child has a learning
23 disability, special education;

24 (D) employment training;

25 (E) appropriate treatment programs, including
26 substance abuse and mental health treatment programs; and

27 (F) parenting and relationship-building classes;



1 and

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

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

10 (1) coordinate the supervision and services provided
11 to children during the time children are in the custody of the
12 commission with any supervision or services provided children who
13 have been released under supervision or finally discharged from the
14 commission;

15 (2) provide children awaiting release under
16 supervision or final discharge with documents that are necessary
17 after release or discharge, including identification papers,
18 medical prescriptions, job training certificates, and referrals to
19 services; and

20 (3) provide housing and structured programs,
21 including programs for recovering substance abusers, through which
22 children are provided services immediately following release under
23 supervision or final discharge.

24 (f) To ensure accountability, any contract entered into
25 under this section must contain specific performance measures that
26 the commission shall use to evaluate compliance with the terms of
27 the contract.



1 (g) The commission shall ensure that each reentry and
 2 reintegration plan developed for a child under Section 61.0814 is
 3 coordinated with the comprehensive reentry and reintegration plan
 4 developed under this section.

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

8 (i) Not later than December 1 of each even-numbered year,
 9 the commission shall deliver a report of the results of research
 10 conducted or coordinated under Subsection (h) to the lieutenant
 11 governor, the speaker of the house of representatives, and the
 12 standing committees of each house of the legislature with primary
 13 jurisdiction over juvenile justice and corrections.

5 code, is amended by adding Section 61.08141 to read as follows:
 6 Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE
 7 RELEASE. (a) In addition to providing the court with notice of
 8 release of a child under Section 61.081(e), as soon as possible but
 9 not later than the 30th day before the date the commission releases
 10 the child, the commission shall provide the court that committed
 11 the child to the commission:
 12 (1) a copy of the child's reentry and reintegration
 13 plan developed under Section 61.0814; and
 14 (2) a report concerning the progress the child has
 15 made while committed to the commission.
 16 (b) If, on release, the commission places a child in
 17 county other than the county served by the court that committed th

~~information the commission determines to be relevant in evaluating the child's progress, including, as applicable, information concerning the child's treatment, education, and health.~~

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

8 SECTION 1.010. Subchapter F, Chapter 61, Human Resources
9 Code, is amended by adding Section 61.08141 to read as follows:

10 Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE
11 RELEASE. (a) In addition to providing the court with notice of
12 release of a child under Section 61.081(e), as soon as possible but
13 not later than the 30th day before the date the commission releases
14 the child, the commission shall provide the court that committed
15 the child to the commission:

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

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

20 (b) If, on release, the commission places a child in a
21 county other than the county served by the court that committed the
22 child to the commission, the commission shall provide the
23 information described by Subsection (a) to both the committing
24 court and the juvenile court in the county where the child is placed
25 after release.

26 (c) If, on release, a child's residence is located in
27 another state, the commission shall provide the information

1 described by Subsection (a) to both the committing court and a
2 juvenile court of the other state that has jurisdiction over the
3 area in which the child's residence is located.

4 SECTION 1.⁰¹¹₀₁₃. Section 61.0911, Human Resources Code, is
5 amended to read as follows:

6 Sec. 61.0911. COORDINATED STRATEGIC PLAN. The Texas Youth
7 Commission shall biennially develop with the Texas Juvenile
8 Probation Commission a coordinated strategic plan in the manner
9 described by Sections [~~as required by Section~~] 141.0471 and
10 141.0472.

11 SECTION 1.⁰¹²₀₁₄. Section 61.098(b), Human Resources Code, is
12 amended to read as follows:

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

21 ARTICLE 2. OFFICE OF INDEPENDENT OMBUDSMAN FOR THE TEXAS YOUTH
22 COMMISSION

23 SECTION 2.001. Section 64.054, Human Resources Code, is
24 amended to read as follows:

25 Sec. 64.054. SUNSET PROVISION. (a) The office is subject
26 to review under Chapter 325, Government Code (Texas Sunset Act),
27 but is not abolished under that chapter. The office shall be

1 reviewed during the periods in which the Texas Youth Commission is
2 ~~[state agencies abolished in 2009 and every 12th year after 2009~~
3 ~~are]~~ reviewed.

4 (b) Notwithstanding Subsection (a), the Sunset Advisory
5 Commission shall focus its review of the office on compliance with
6 requirements placed on the office by legislation enacted by the
7 81st Legislature, Regular Session, 2009, that becomes law. This
8 subsection expires September 1, 2011.

9 SECTION 2.002. Section 64.058, Human Resources Code, is
10 amended to read as follows:

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

14 (b) The office and the commission shall adopt rules
15 necessary to implement Section 64.060, including rules that
16 establish procedures for the commission to review and comment on
17 reports of the office and for the commission to expedite or
18 eliminate review of and comment on a report due to an emergency or a
19 serious or flagrant circumstance described by Section 64.055(b).

20 SECTION 2.003. Subchapter B, Chapter 64, Human Resources
21 Code, is amended by adding Sections 64.060 and 64.061 to read as
22 follows:

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

27 (1) the office's quarterly report under Section

1 64.055(a);

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

4 (3) any other formal reports containing findings and
5 making recommendations concerning systemic issues that affect the
6 commission.

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

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

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

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

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

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

27 SECTION 2.004. Subchapter C, Chapter 64, Human Resources

1 Code, is amended by adding Section 64.104 to read as follows:

2 Sec. 64.104. MEMORANDUM OF UNDERSTANDING. (a) The office
3 and the commission shall enter into a memorandum of understanding
4 concerning:

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

7 (2) the procedures for handling overlapping
8 monitoring duties and activities performed by the office and the
9 commission.

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

12 (1) address the interaction of the office with that
13 portion of the commission that conducts an internal audit under
14 Section 61.0331;

15 (2) address communication between the office and the
16 commission concerning individual situations involving children
17 committed to the commission and how those situations will be
18 documented and handled;

19 (3) contain guidelines on the office's role in
20 relevant working groups and policy development decisions at the
21 commission;

22 (4) ensure opportunities for sharing information
23 between the office and the commission for the purposes of assuring
24 quality and improving programming within the commission; and

25 (5) preserve the independence of the office by
26 authorizing the office to withhold information concerning matters
27 under active investigation by the office from the commission and

1 commission staff and to report the information to the governor.

2 ARTICLE 3. TEXAS JUVENILE PROBATION COMMISSION

3 SECTION 3.001. Section 141.011(a), Human Resources Code, is
4 amended to read as follows:

5 (a) The commission consists of:

6 (1) two district court judges who sit as juvenile
7 court judges;

8 (2) two county judges or commissioners; ~~and~~

9 probation department that serves a county with a small population;

10 (4) one chief juvenile probation officer of a juvenile
11 probation department that serves a county with a medium population;

12 (5) one chief juvenile probation officer of a juvenile
13 probation department that serves a county with a large population;

14 and

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

17 SECTION 3.002. Section 141.012, Human Resources Code, is
18 amended to read as follows:

19 Sec. 141.012. SUNSET PROVISION. (a) The Texas Juvenile
20 Probation Commission is subject to Chapter 325, Government Code
21 (Texas Sunset Act). Unless continued in existence as provided by
22 that chapter, the commission is abolished and this chapter expires
23 September 1, 2011 [2009].

24 (b) In the review of the Texas Juvenile Probation Commission
25 by the Sunset Advisory Commission, as required by this section, the
26 sunset commission shall focus its review on the following:

ADOPTED

MAY 27 2009

Aditya Ghose
Secretary of the Senate

BY: *J. J. King*

FLOOR AMENDMENT NO. 2

1 Amend C.S.H.B. No. 689 (senate committee printing), in
2 ARTICLE 3 of the bill, by striking SECTION 3.001 of the bill (page
3 6, lines 47 through 61) and substituting the following:

4 SECTION 3.001. Section 141.011(a), Human Resources Code, is
5 amended to read as follows:

6 (a) The commission consists of:

7 (1) two district court judges who sit on juvenile
8 court judges;

9 (2) one county judge or commissioner [~~two county~~
10 ~~judges or commissioners~~]; [and]

11 (3) one chief juvenile probation officer; of a juvenile
12 probation department that serves a county with a small population;

13 (4) one chief juvenile probation officer of a juvenile
14 probation department that serves a county with a medium population;

15 (5) one chief juvenile probation officer of a juvenile
16 probation department that serves a county with a large population;

17 (6) one mental health treatment professional licensed
18 under Subtitle B or I, Title 3, Occupations Code;

19 (7) one educator, as that term is defined by Section
20 5.001, Education Code; and

21 (8) one member [~~five members~~] of the public who is
22 [are] not an employee [~~employees~~] in the criminal or juvenile
23 justice system and is recognized in the community for the person's
24 interest in youth.

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



Commission staff and to report the information to the governor.

ARTICLE 3. TEXAS JUVENILE PROBATION COMMISSION

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

(a) The commission consists of:

(1) two district court judges who sit as juvenile court judges;

(2) two county judges or commissioners; [and]

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

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

(5) one chief juvenile probation officer of a juvenile probation department that serves a county with a large population;

and

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

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

Sec. 141.012. SUNSET PROVISION. (a) The Texas Juvenile Probation 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 Texas Juvenile Probation Commission by the Sunset Advisory Commission, as required by this section, the sunset commission shall focus its review on the following:

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

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

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

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

18 SECTION 3.003. Section 141.014, Human Resources Code, is
19 amended to read as follows:

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

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

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

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

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

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

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

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

24 ~~(c) [A person who is the spouse of an officer, employee, or~~
25 ~~paid consultant of a trade association in the field of criminal or~~
26 ~~juvenile justice may not be a commission member or a commission~~
27 ~~employee, including exempt employees, compensated at grade 17 or~~

1 ~~over according to the position classification schedule under the~~
2 ~~General Appropriations Act.~~

3 [~~d~~] A person may not serve as a member of the commission or
4 act as the general counsel to the commission if the person is
5 required to register as a lobbyist under Chapter 305, Government
6 Code, because of the person's activities for compensation in or on
7 behalf of a profession related to the operation of the commission.

8 (d) [~~e~~] In this section, "Texas trade association" means
9 a [~~nonprofit~~] cooperative and [~~r~~] voluntarily joined statewide
10 association of business or professional competitors in this state
11 designed to assist its members and its industry or profession in
12 dealing with mutual or professional problems and in promoting their
13 common interest.

14 SECTION 3.004. Section 141.0145, Human Resources Code, is
15 amended to read as follows:

16 Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS. (a) A [~~To~~
17 ~~be eligible to take office as a member of the commission,~~ a] person
18 who is appointed to and qualifies for office as a member of the
19 commission may not vote, deliberate, or be counted as a member in
20 attendance at a meeting of the commission until the person
21 completes [~~must complete at least one course of~~] a training program
22 that complies with this section.

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

25 (1) the [~~enabling~~] legislation that created the
26 commission [~~and its policymaking body to which the person is~~
27 ~~appointed to serve~~];

- 1 (2) the programs operated by the commission;
- 2 (3) the roles [~~role~~] and functions of the commission;
- 3 (4) [~~the rules of the commission with an emphasis on~~
4 ~~the rules that relate to disciplinary and investigatory authority,~~
5 [(5)] the [~~current~~] budget of [~~for~~] the commission;
- 6 (5) [(6)] the results of the most recent formal audit
7 of the commission;
- 8 (6) [(7)] the requirements of law relating to open
9 meetings, public information, administrative procedure, and
10 conflicts of interest [~~the~~]
- 11 [(A)] ~~open meetings law, Chapter 551, Government~~
12 ~~Code,~~
- 13 [(B)] ~~open records law, Chapter 552, Government~~
14 ~~Code, and~~
- 15 [(C)] ~~administrative procedure law, Chapter 2001,~~
16 ~~Government Code]; and~~
- 17 (7) [(8)] ~~the requirements of the conflict of~~
18 ~~interests laws and other laws relating to public officials, and~~
19 [(9)] any applicable ethics policies adopted by the
20 commission or the Texas Ethics Commission.

21 (c) A person appointed to the commission is entitled to
22 reimbursement, as provided in the General Appropriations Act, for
23 travel expenses incurred in attending the training program,
24 regardless of whether the attendance at the program occurs before
25 or after the person qualifies for office [~~as provided by the General~~
26 ~~Appropriations Act and as if the person were a member of the~~
27 ~~commission)].~~

1 SECTION 3.005. Sections 141.017(a) and (c), Human Resources
2 Code, are amended to read as follows:

3 (a) It is a ground for removal from the commission if a
4 member:

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

7 (2) does not maintain during service on the commission
8 the qualifications required by Section 141.011 [~~is not eligible for~~
9 ~~appointment to or service on the commission as provided by Section~~
10 ~~141.014(a)~~];

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

14 (4) cannot, because of illness or disability,
15 discharge the member's duties for a substantial part of the term for
16 which the member is appointed [~~because of illness or disability~~];
17 or

18 (5) is absent from more than half of the regularly
19 scheduled commission meetings that the member is eligible to attend
20 during a calendar year unless the absence is excused by majority
21 vote of the commission.

22 (c) If the director has knowledge that a potential ground
23 for removal exists, the director shall notify the presiding officer
24 [~~chairman~~] of the commission of the potential ground. The
25 presiding officer [~~chairman~~] shall then notify the governor and the
26 attorney general that a potential ground for removal exists. If the
27 potential ground for removal involves the presiding officer

1 [~~chairman~~], the director shall notify the next highest officer of
2 the commission, who shall notify the governor and the attorney
3 general that a potential ground for removal exists.

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

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

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

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

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

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

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

1 able to interact with the commission on the Internet.

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

5 (1) negotiated rulemaking procedures under Chapter
6 2008, Government Code, for the adoption of commission rules; and

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

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

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

17 (1) coordinate the implementation of the policy
18 adopted under Subsection (a);

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

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

~~SECTION 3.008. Section 141.042, Human Resources Code, is
5 amended by amending Subsections (a) and (h) and adding subsection
6 (i) to read as follows:~~

~~7 (a) The commission shall adopt reasonable rules that~~

1 RESOLUTION. (a) The commission shall develop and implement a
2 policy to encourage the use of:

3 (1) negotiated rulemaking procedures under Chapter
4 2008, Government Code, for the adoption of commission rules; and

5 (2) appropriate alternative dispute resolution
6 procedures under Chapter 2009, Government Code, to assist in the
7 resolution of internal and external disputes under the commission's
8 jurisdiction.

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

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

15 (1) coordinate the implementation of the policy
16 adopted under Subsection (a);

17 (2) serve as a resource for any training needed to
18 implement the procedures for negotiated rulemaking or alternative
19 dispute resolution; and

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

22 SECTION 4.008. Section 141.042, Human Resources Code, is
23 amended by amending Subsections (a), (e), and (h) and adding
24 Subsections (d), (f), (i), and (j) to read as follows:

25 (a) The commission shall adopt reasonable rules that
26 provide:

27 (1) minimum standards for personnel, staffing, case



1 loads, programs, facilities, record keeping, equipment, and other
2 aspects of the operation of a juvenile board that are necessary to
3 provide adequate and effective probation services;

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

6 (3) appropriate educational, preservice and
7 in-service training, and certification standards for probation and
8 detention officers or court-supervised community-based program
9 personnel;

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

20 (5) minimum standards for juvenile justice
21 alternative education programs created under Section 37.011,
22 Education Code, in collaboration and conjunction with the Texas
23 Education Agency, or its designee.

24 (d) In adopting rules under Subsection (a)(4), the
25 commission shall ensure that the minimum standards for facilities
26 described by Subsection (a)(4) are designed to ensure that
27 juveniles confined in those facilities are provided the rights,

[REDACTED]

1 benefits, responsibilities, and privileges to which a juvenile is
2 entitled under the United States Constitution, federal law, and the
3 constitution and laws of this state. The minimum standards must
4 include a humane physical and psychological environment, safe
5 conditions of confinement, protection from harm, adequate
6 rehabilitation and education, adequate medical and mental health
7 treatment, and due process of law.

8 (e) Juvenile probation departments shall use the mental
9 health screening instrument selected by the commission for the
10 initial screening of children under the jurisdiction of probation
11 departments who have been formally referred to the department. The
12 commission shall give priority to training in the use of this
13 instrument in any preservice or in-service training that the
14 commission provides for probation officers. A clinical assessment
15 by a licensed mental health professional may be substituted for the
16 mental health screening instrument selected by the commission if
17 the clinical assessment is performed in the time prescribed by the
18 commission[. ~~Juvenile probation departments shall report data from~~
19 ~~the use of the screening instrument or the clinical assessment to~~
20 ~~the commission in a format and in the time prescribed by the~~
21 ~~commission].~~

22 (f) A juvenile probation department must, before the
23 disposition of a child's case and using a validated risk and needs
24 assessment instrument or process provided or approved by the
25 commission, complete a risk and needs assessment for each child
26 under the jurisdiction of the juvenile probation department.

27 (h) A juvenile board that does not accept state aid funding



1 from the commission under Section 141.081 shall report to the
 2 commission each month on a form provided by the commission the same
 3 data as that required of counties accepting state aid funding
 4 regarding juvenile justice activities under the jurisdiction of the
 5 juvenile board. If the commission makes available free software to
 6 the juvenile board for the automation and tracking of juveniles
 7 under the jurisdiction of the juvenile board, the commission may
 8 require the monthly report to be provided in an electronic format
 9 adopted by ~~rule by~~ the commission.

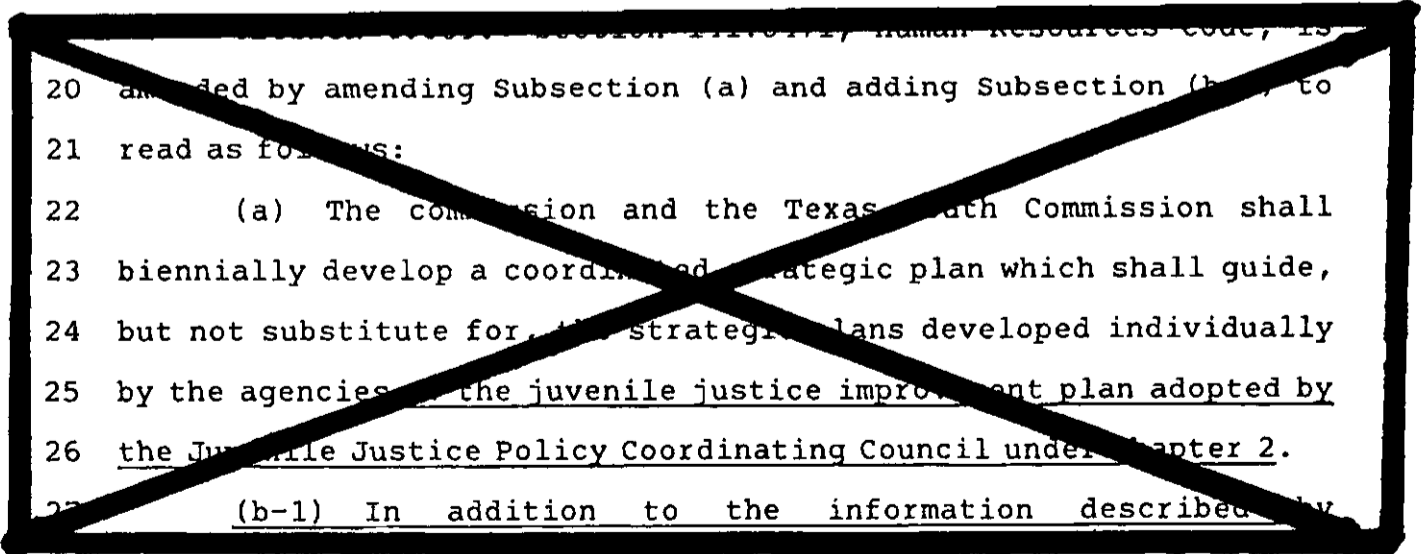
10 (i) A juvenile probation department shall report data from
 11 the use of the screening instrument or clinical assessment under
 12 Subsection (e) and the risk and needs assessment under Subsection
 13 (f) to the commission in the format and at the time prescribed by
 14 the commission.

15 (j) The commission shall adopt rules to ensure that youth in
 16 the juvenile justice system are assessed using the screening
 17 instrument or clinical assessment under Subsection (e) and the risk
 18 and needs assessment under Subsection (f).

20 amended by amending Subsection (a) and adding Subsection (b-1) to
 21 read as follows:

22 (a) The commission and the Texas Youth Commission shall
 23 biennially develop a coordinated strategic plan which shall guide,
 24 but not substitute for, the strategic plans developed individually
 25 by the agencies. the juvenile justice improvement plan adopted by
 26 the Juvenile Justice Policy Coordinating Council under Chapter 2.

27 (b-1) In addition to the information described by



2 regarding juvenile justice activities under the jurisdiction of the
3 juvenile board. If the commission makes available free software to
4 the juvenile board for the automation and tracking of juveniles
5 under the jurisdiction of the juvenile board, the commission may
6 require the monthly report to be provided in an electronic format
7 adopted by ~~rule by~~ the commission.

8 (i) The commission shall adopt rules to ensure that youth in
9 the juvenile justice system are assessed using the screening
10 instrument or clinical assessment under Subsection (a)

11 SECTION 3.009. Subchapter C, Chapter 141, Human Resources
12 Code, is amended by amending Section 141.0471 and adding Section
13 141.0472 to read as follows:

14 Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE
15 ~~[PLAN FOR JUVENILE JUSTICE SYSTEM]~~. (a) The director ~~[commission]~~
16 and the executive director of the Texas Youth Commission shall
17 jointly appoint a strategic planning committee to biennially
18 develop a coordinated strategic plan which shall guide, but not
19 substitute for, the strategic plans developed individually by the
20 agencies. The director and the executive director of the Texas
21 Youth Commission are co-presiding officers of the strategic
22 planning committee.

23 (b) The director shall appoint four members to the strategic
24 planning committee. The director shall appoint at least:

25 (1) one committee member who represents the interests
26 of families of juvenile offenders;

27 (2) one committee member who represents the interests

1 of local juvenile probation departments; and

2 (3) one committee member who is a mental health
3 treatment professional licensed under Subtitle B or I, Title 3,
4 Occupations Code.

5 (c) The executive director of the Texas Youth Commission
6 shall appoint four members to the strategic planning committee.
7 The executive director shall appoint at least:

8 (1) one committee member who represents the interests
9 of juvenile offenders;

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

12 (3) one committee member who is an educator as defined
13 by Section 5.001, Education Code.

14 Sec. 141.0472. COORDINATED STRATEGIC PLAN; ADOPTION OF
15 PLAN. (a) [~~b~~] The coordinated strategic plan developed by the
16 strategic planning committee under Section 141.0471 must [~~shall~~]:

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

18 (2) identify time frames and strategies for meeting
19 the goals identified under Subdivision (1);

20 (3) estimate population projections, including
21 projections of population characteristics;

22 (4) estimate short-term and long-term capacity,
23 programmatic, and funding needs;

24 (5) describe intensive service and surveillance
25 parole pilot programs to be jointly developed;

26 (6) include an evaluation of aftercare services
27 emphasizing concrete outcome measures, including recidivism and

1 educational progress;

2 (7) identify objective criteria for the various
3 decision points throughout the continuum of juvenile justice
4 services and sanctions to guard against disparate treatment of
5 minority youth; ~~and~~

6 (8) identify cross-agency outcome measures by which to
7 evaluate the effectiveness of the system generally;

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

15 (10) include the development of new, or the
16 improvement of existing, validated risk assessment instruments;

17 (11) include strategies to determine which programs
18 are most effective in rehabilitating youth in the juvenile justice
19 system;

20 (12) include planning for effective aftercare
21 programs and services, including ensuring that youth in the
22 juvenile justice system have personal identification and
23 appropriate referrals to service providers; and

24 (13) track performance measures to illustrate the
25 costs of different levels of treatment and to identify the most
26 cost-effective programs in each component of the juvenile justice
27 system in this state.

1 **(b) In addition to the information described by Subsection**
2 **(a), the coordinated strategic plan must include specific processes**
3 **and procedures for routinely communicating juvenile justice system**
4 **information between the commission and the Texas Youth Commission**
5 **and determining opportunities to coordinate practices for**
6 **improving outcomes for youth.**

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

13 SECTION 3.010. Section 141.049, Human Resources Code, is
14 amended to read as follows:

15 Sec. 141.049. COMPLAINTS RELATING TO JUVENILE BOARDS. (a)
16 The commission shall maintain a system to promptly and efficiently
17 act on a [~~keep an information file about each~~] complaint filed with
18 the commission relating to a juvenile board funded by the
19 commission. The commission shall maintain information about
20 parties to the complaint, a summary of the results of the review or
21 investigation of the complaint, and the disposition of the
22 complaint.

23 **(b) The commission shall make information available**
24 **describing the commission's procedures for the investigation and**
25 **resolution of a complaint filed with the commission relating to a**
26 **juvenile board funded by the commission.**

27 **(c) The commission shall investigate the allegations in the**

1 complaint and make a determination of whether there has been a
2 violation of the commission's rules relating to juvenile probation
3 programs, services, or facilities.

4 (d) [~~(b)~~] If a written complaint is filed with the
5 commission relating to a juvenile board funded by the commission,
6 the commission [~~, at least quarterly and until final disposition of~~
7 ~~the complaint,~~] shall periodically notify the complainant and the
8 juvenile board of the status of the complaint until final
9 disposition, unless notice would jeopardize an undercover
10 investigation.

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

13 (c) The commission shall consider the past performance of a
14 juvenile board when contracting with the juvenile board for local
15 probation services other than basic probation services. In
16 addition to the contract standards described by Subsection (a), a
17 contract with a juvenile board for probation services other than
18 basic probation services must:

19 (1) include specific performance targets for the
20 juvenile board based on the juvenile board's historic performance
21 of the services; and

22 (2) require a juvenile board to report on the juvenile
23 board's success in meeting the performance targets described by
24 Subdivision (1).

25 SECTION 3.012. Subchapter C, Chapter 141, Human Resources
26 Code, is amended by adding Sections 141.057, and⁹ 141.058, to read as
27 follows: , and 141.059

1 Sec. 141.057. DATA COLLECTION. (a) The commission shall
2 collect comprehensive data concerning the outcomes of local
3 probation programs throughout the state.

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

5 (1) a description of the types of programs and
6 services offered by a juvenile probation department, including a
7 description of the components of each program or service offered;
8 and

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

12 Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND
13 EXPLOITATION. (a) On January 1, 2010, and quarterly after that
14 date, the commission shall prepare and deliver a report to the board
15 concerning the final outcome of any complaint received under
16 Section 261.405, Family Code, that concerns the abuse, neglect, or
17 exploitation of a juvenile. The report must include a summary of
18 the actions performed by the commission and any applicable juvenile
19 board or juvenile probation department in resolving the complaint.

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

23 Section 3.013. The heading to Subchapter D, Chapter 141,
24 Human Resources Code, is amended to read as follows:

25 SUBCHAPTER D. PROVISIONS APPLICABLE TO OFFICERS AND EMPLOYEES

26 OF THE COMMISSION ON JUVENILE PROBATION

27 SECTION 3.014. Section 141.061(a), Human Resources Code, is

ADOPTED

MAY 27 2009

Letty Spaw
Secretary of the Senate

J. J. King

FLOOR AMENDMENT NO. 1

1 Amend C.S.H.B. No. 3009 (senate committee printing) as
2 follows:

3 (1) In the recital to SECTION 3.012 of the bill (page 12,
4 line 7), strike "Sections 141.057 and 141.058" and substitute
5 "Sections 141.057, 141.058, and 141.059".

6 (2) In SECTION 3.012 of the bill (page 12, between lines
7 and 31), insert:

8 Sec. 141.059. RESIDENTIAL TREATMENT FACILITY. (a) The
9 commission may contract with a local mental health and mental
10 retardation authority that, on April 1, 2009, had an unutilized or
11 underutilized residential treatment facility, for the
12 establishment of a residential treatment facility for juveniles
13 with mental illness or emotional injury who, as a condition of
14 juvenile probation, are ordered by a court to reside at the facility
15 and receive education services at the facility. The commission may
16 work in cooperation with the local mental health and mental
17 retardation authority to provide mental health residential
18 treatment services for juveniles residing at a facility established
19 under this section.

20 (b) A residential treatment facility established under this
21 section must provide juveniles receiving treatment at the facility:

22 (1) a short-term program of mental health
23 stabilization that does not exceed 150 days in duration; and

24 (2) all educational opportunities and services,
25 including special education instruction and related services, that
26 a school district is required under state or federal law to provide
27 for students residing in the district through a charter school
28 operated in accordance with and subject to Subchapter D, Chapter
29 12, Education Code.



1 (c) If a residential treatment facility established under
2 this section is unable to provide adequate and sufficient
3 educational opportunities and services to juveniles residing at the
4 facility, the facility may not continue to operate beyond the end of
5 the school year in which the opportunities or services provided by
6 the facility are determined to be inadequate or insufficient.

7 (d) Notwithstanding any other law and in addition to the
8 number of charters allowed under Subchapter D, Chapter 12,
9 Education Code, the State Board of Education shall grant a charter
10 on the application of a residential treatment facility established
11 under this section for a school chartered for the purposes of this
12 section.

13 ~~(e) Add the following appropriately numbered SECTION to~~
14 ~~ARTICLE 4 of the bill and renumber subsequent SECTIONS of that~~
15 ~~ARTICLE accordingly:~~

16 ~~SECTION 4.____. Section 29.012, Education Code, is amended~~
17 ~~by adding Subsection (e) to read as follows:~~

18 ~~(e) This section does not apply to a residential treatment~~
19 ~~facility for juveniles established under Section 141.059, Human~~
20 ~~Resources Code.~~

21 ~~(4) Add the following appropriately numbered SECTION to~~
22 ~~ARTICLE 5 of the bill and renumber subsequent SECTIONS of that~~
23 ~~ARTICLE accordingly:~~

24 ~~SECTION 5.____. Section 141.059, Human Resources Code, as~~
25 ~~added by this Act, and Section 29.012, Education Code, as amended by~~
26 ~~this Act, apply beginning with the 2009-2010 school year.~~

Sec. 141.057. DATA COLLECTION. (a) The commission shall

collect comprehensive data concerning the outcomes of local probation programs throughout the state.

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

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

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

Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND

EXPLOITATION. (a) On January 1, 2010, and quarterly after that date, the commission shall prepare and deliver a report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. The report must include a summary of the actions performed by the commission and any applicable juvenile board or juvenile probation department in resolving the complaint.

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

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

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

SECTION 3.014. Section 141.061(a), Human Resources Code, is

1 amended to read as follows:

2 (a) To be eligible for appointment as a probation officer, a
3 person who was not employed as a probation officer before September
4 1, 1981, must:

5 (1) be of good moral character;

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

9 (3) have either:

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

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

15 (i) in a social service, community,
16 corrections, or juvenile agency that deals with offenders or
17 disadvantaged persons; and

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

20 (4) have satisfactorily completed the course of
21 preservice training or instruction and any continuing education
22 required by the commission;

23 (5) have passed the tests or examinations required by
24 the commission; and

25 (6) possess the level of certification required by the
26 commission.

27 SECTION 3.015. Subchapter D, Chapter 141, Human Resources

1 Code, is amended by adding Section 141.0612 to read as follows:

2 Sec. 141.0612. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF
3 NONSECURE CORRECTIONAL FACILITIES. (a) The commission by rule
4 shall adopt certification standards for persons who are employed in
5 nonsecure correctional facilities that accept only juveniles who
6 are on probation and that are operated by or under contract with a
7 governmental unit, as defined by Section 101.001, Civil Practice
8 and Remedies Code.

9 (b) The certification standards adopted under Subsection
10 (a) must be substantially similar to the certification requirements
11 for detention officers under Section 141.0611.

12 SECTION 3.016. Section 141.064, Human Resources Code, is
13 amended to read as follows:

14 Sec. 141.064. REVOCATION OR SUSPENSION OF CERTIFICATION.

15 (a) The commission may revoke or suspend a certification, or
16 reprimand a certified officer:

17 (1) [7] for a violation of this chapter or a commission
18 rule; or

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

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

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

27 (2) continue or review professional education until

1 the person attains a degree of skill satisfactory to the commission
2 in those areas that are the basis of the probation.

3 (c) The director may convene, in person or telephonically, a
4 panel of three commission members to determine if a person's
5 continued certification threatens juveniles in the juvenile
6 justice system. If the panel determines that the person's
7 continued certification threatens juveniles in the juvenile
8 justice system, the person's license is temporarily suspended until
9 an administrative hearing is held as soon as possible under
10 Subsection (d). The director may convene a panel under this
11 subsection only if the danger posed by the person's continued
12 certification is imminent. The panel may hold a telephonic meeting
13 only if immediate action is required and convening the panel at one
14 location is inconvenient for any member of the panel.

15 (d) A person is entitled to a hearing before the State
16 Office of Administrative Hearings [~~commission or a hearings officer~~
17 ~~appointed by the commission]~~ if the commission proposes to suspend
18 or revoke the person's certification.

19 (e) A person may appeal a ruling or order issued under this
20 section to a district court in the county in which the person
21 resides or in Travis County. The standard of review is under the
22 substantial evidence rule. [~~The commission shall prescribe~~
23 ~~procedures by which each decision to suspend or revoke is made by or~~
24 ~~is appealable to the commission.]~~

25 SECTION 3.017. Section 141.081, Human Resources Code, is
26 amended by adding Subsection (d) to read as follows:

27 (d) The commission by rule shall, not later than September

1 1, 2010, establish one or more basic probation services funding
2 formulas and one or more community corrections funding formulas.
3 The funding formulas established under this subsection must include
4 each grant for which the commission, on or before September 1, 2009,
5 established an allocation formula.

6 ARTICLE 4. MISCELLANEOUS PROVISIONS

7 SECTION 4.001. 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.

9 adding Subdivision (8-a) to read as follows:

10 (8-a) "Nonsecure correctional facility means a
11 facility, other than a secure correctional facility, that accepts
12 only juveniles who are on probation and that is operated by or under
13 contract with a governmental entity as defined by Section 101.001,
14 Civil Practice and Remedies Code.

15 SECTION 4.003. Chapter 51, Family Code, is amended by
16 adding Section 51.126 to read as follows:

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

~~15. RESIDENTIAL TREATMENT FACILITY ESTABLISHED UNDER THIS SECTION IS UNABLE TO PROVIDE ADEQUATE AND SUFFICIENT EDUCATIONAL OPPORTUNITIES AND SERVICES TO JUVENILES RESIDING AT THE FACILITY, THE FACILITY MAY NOT CONTINUE TO OPERATE BEYOND THE END OF THE SCHOOL YEAR IN WHICH THE OPPORTUNITIES OR SERVICES PROVIDED BY THE FACILITY ARE DETERMINED TO BE INADEQUATE OR INSUFFICIENT.~~

~~17 (d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.~~

~~19 (e) Add the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:~~

16 SECTION 4. ⁶⁰². Section 29.012, Education Code, is amended
17 by adding Subsection (e) to read as follows:

18 (e) This section does not apply to a residential treatment
19 facility for juveniles established under Section 141.059, Human
20 Resources Code.

~~22 ARTICLE 4 of the bill and renumber subsequent SECTIONS of that
23 ARTICLE accordingly:~~

~~24 SECTION 5. ____ . Section 141.059, Human Resources Code, as
25 added by this Act, and Section 29.012, Education Code, as amended by
26 this Act, apply beginning with the 2009-2010 school year.~~



ADOPTED

MAY 27 2009

Henry Dew
Secretary of the Senate

COMMITTEE AMENDMENT NO. 4

BY: *James Craig*

Amend S.H.B. No. 3689 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 4.003 Subchapter E, Chapter 30, Education Code, is amended by adding Section 30.106 to read as follows:

Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Because learning and behavior are inextricably linked and learning and improved behavior correlate with decreased recidivism rates, the Texas Youth Commission shall not only fulfill the commission's duties under state and federal law to provide general and special educational services to students in commission educational programs but also shall implement a comprehensive plan to improve the reading skills and behavior of those students.

(b) To improve the reading skills of students in Texas Youth Commission educational programs, the commission shall:

(1) adopt a reliable battery of reading assessments that:

(A) are based on a normative sample appropriate to students in commission educational programs;

(B) are designed to be administered on an individual basis; and



1 (C) allow school employees to:
2 (i) evaluate performance in each essential
3 component of effective reading instruction, including phonemic
4 awareness, phonics, fluency, vocabulary, and comprehension;
5 (ii) monitor progress in areas of
6 deficiency specific to an individual student; and
7 (iii) provide reading performance data;
8 (2) administer the assessments adopted under
9 Subdivision (1):
10 (A) at periodic intervals not to exceed 12
11 months, to each student in a commission educational program; and
12 (B) at least 15 days and not more than 30 days
13 before a student is released from the commission;
14 (3) provide at least 60 minutes per school day of
15 individualized reading instruction to each student in a
16 commission educational program who exhibits deficits in reading
17 on the assessments adopted under Subdivision (1):
18 (A) by trained educators with expertise in
19 teaching reading to struggling adolescent readers; and
20 (B) through the use of scientifically based,
21 peer-reviewed reading curricula that:
22 (i) have proven effective in improving the
23 reading performance of struggling adolescent readers;
24 (ii) address individualized and

1 differentiated reading goals; and

2 (iii) include each of the essential
3 components of effective reading instruction, including phonemic
4 awareness, phonics, fluency, vocabulary, and comprehension;

5 (4) require each teacher in a commission regular or
6 special educational program who teaches English language arts,
7 reading, mathematics, science, social studies, or career and
8 technology education to be trained in incorporating content area
9 reading instruction using empirically validated instructional
10 methods that are appropriate for struggling adolescent readers;
11 and

12 (5) evaluate the effectiveness of the commission's
13 plan to increase reading skills according to the following
14 criteria:

15 (A) an adequate rate of improvement in reading
16 performance, as measured by monthly progress monitoring using
17 curricular-based assessments in each of the essential components
18 of effective reading instruction, including phonemic awareness,
19 phonics, fluency, vocabulary, and comprehension;

20 (B) a significant annual rate of improvement in
21 reading performance, disaggregated by subgroups designated under
22 commission rule, as measured using the battery of reading
23 assessments adopted under Subdivision (1); and

24 (C) student ratings of the quality and impact of



1 the reading plan under this subsection, as measured on a student
2 self-reporting instrument.

3 (c) To increase the positive social behaviors of students
4 in Texas Youth Commission educational programs and to create an
5 educational environment that facilitates learning, the
6 commission shall:

7 (1) adopt system-wide classroom and individual
8 positive behavior supports that incorporate a continuum of
9 prevention and intervention strategies that:

10 (A) are based on current behavioral research;
11 and

12 (B) are systematically and individually applied
13 to students consistent with the demonstrated level of need;

14 (2) require each teacher and other educational staff
15 member in a commission educational program to be trained in
16 implementing the positive behavior support system adopted under
17 Subdivision (1); and

18 (3) adopt valid assessment techniques to evaluate the
19 effectiveness of the positive behavior support system according
20 to the following criteria:

21 (A) documentation of school-related disciplinary
22 referrals, disaggregated by the type, location, and time of
23 infraction and by subgroups designated under commission rule;

24 (B) documentation of school-related disciplinary



1 actions, including time-out, placement in security, and use of
2 restraints and other aversive control measures, disaggregated by
3 subgroups designated under commission rule;

4 (C) validated measurement of systemic positive
5 behavioral support interventions; and

6 (D) the number of minutes students are out of
7 the regular classroom because of disciplinary reasons.

8 (d) The Texas Youth Commission shall consult with faculty
9 from institutions of higher education who have expertise in
10 reading instruction for adolescents, in juvenile corrections,
11 and in positive behavior supports to develop and implement the
12 plan under Subsections (b) and (c).

13 (e) A student in a Texas Youth Commission educational
14 program may not be released on parole from the commission unless
15 the student participates, to the extent required by commission
16 rule, in the positive behavior support system under Subsection
17 (c). A student in a commission educational program who exhibits
18 deficits in reading on the assessments adopted under Subsection
19 (b)(1) must also participate in reading instruction to the
20 extent required by this section and by commission rule before
21 the student may be released on parole.

22 (f) Not later than December 1, 2010, the Texas Youth
23 Commission shall report to the legislature concerning:

24 (1) the effectiveness of the commission's reading

1 plan based on the criteria specified by Subsection (b)(5); and

2 (2) the implementation of the positive behavior
3 support system plan under Subsection (c).

4 (g) Not later than December 1, 2012, the Texas Youth
5 Commission shall report to the legislature concerning the
6 effectiveness of the positive behavior support system based on
7 the criteria specified by Subsection (c)(3).

8 (h) Subsections (f) and (g) and this subsection expire
9 January 1, 2013.

~~1 Texas Youth Commission shall adopt the battery of reading
2 assessments as required by Subsection (b), Section 30.106,
3 Education Code, as added by this Act.~~

~~4 (b) Not later than January 1, 2010, the Texas Youth
5 Commission shall begin administering the battery of reading
6 assessments as required by Subsection (b), Section 30.106,
7 Education Code, as added by this Act.~~

~~8 SECTION _____. Subsection (e), Section 30.106, Education
9 Code, as added by this Act, applies to release on parole from
the Texas Youth Commission beginning September 1, 2010.~~



~~17 2010/ establish one or more...~~

~~2 formulas and one or more community corrections funding formulas.~~
~~3 The funding formulas established under this subsection must include~~
~~4 each grant for which the commission, on or before September 1, 2009,~~
~~5 established an allocation formula.~~

~~6 ARTICLE 4. MISCELLANEOUS PROVISIONS~~

~~7 SECTION 4.001. 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) ...~~

18 SECTION 4.⁰⁰⁴~~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 4.⁰⁰³~~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 Probation Commission or, at the
5 election of the juvenile board of the county in which the facility
6 is 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 Youth Commission,
12 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 4.⁰⁰⁶~~004~~. Chapter 614, Health and Safety Code, is
25 amended by adding Section 614.018 to read as follows:

26 Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL
27 IMPAIRMENTS. (a) The Texas Juvenile Probation Commission, the

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

12 (b) The memorandum of understanding must establish methods
13 for:

14 (1) identifying juveniles with mental impairments in
15 the juvenile justice system and collecting and reporting relevant
16 data to the office;

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

27 (3) identifying the services needed by juveniles with

1 mental impairments in the juvenile justice system.

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

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

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

10 (3) coordinating the provision of continual
11 treatment, care, and services throughout the juvenile justice
12 system to juveniles with mental impairments.

13 SECTION 4.⁰⁰⁷~~005~~. Sections 614.017(a) and (b), Health and
14 Safety Code, are amended to read as follows:

15 (a) An agency shall:

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

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

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

4 SECTION 4.⁰⁰⁸~~006~~. Section 614.017(c), Health and Safety Code,
5 is amended by amending Subdivision (1) and adding Subdivision (3)
6 to read as follows:

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

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

13 (B) the Board of Pardons and Paroles;

14 (C) the Department of State Health Services;

15 (D) the Texas Juvenile Probation Commission;

16 (E) the Texas Youth Commission;

17 (F) the Department of Assistive and
18 Rehabilitative Services;

19 (G) the Texas Education Agency;

20 (H) the Commission on Jail Standards;

21 (I) the Department of Aging and Disability
22 Services;

23 (J) the Texas School for the Blind and Visually
24 Impaired;

25 (K) community supervision and corrections
26 departments and local juvenile probation departments;

27 (L) personal bond pretrial release offices

1 established under Article 17.42, Code of Criminal Procedure;

2 (M) local jails regulated by the Commission on
3 Jail Standards;

4 (N) a municipal or county health department;

5 (O) a hospital district;

6 (P) a judge of this state with jurisdiction over
7 juvenile or criminal cases;

8 (Q) an attorney who is appointed or retained to
9 represent a special needs offender or a juvenile with a mental
10 impairment;

11 (R) the Health and Human Services Commission;

12 (S) the Department of Information Resources;

13 [~~and~~]

14 (T) the bureau of identification and records of
15 the Department of Public Safety, for the sole purpose of providing
16 real-time, contemporaneous identification of individuals in the
17 Department of State Health Services client data base; and

18 (U) the Department of Family and Protective
19 Services.

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

22 SECTION 4.⁰⁰⁹~~007~~. Section 614.009, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 614.009. BIENNIAL REPORT. Not later than February 1 of
25 each odd-numbered year, the office shall present to the board and
26 file with the governor, lieutenant governor, and speaker of the
27 house of representatives a report giving the details of the

1 office's activities during the preceding biennium. The report must
2 include:

3 (1) an evaluation of any demonstration project
4 undertaken by the office;

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

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

10 (4) an evaluation of the development and
11 implementation of the continuity of care and service programs
12 established under Sections 614.013, 614.014, 614.015, [~~and~~]
13 614.016, and 614.018, changes in rules, policies, or procedures
14 relating to the programs, future plans for the programs, and any
15 recommendations for legislation; and

16 (5) any other recommendations that the office
17 considers appropriate.

18 ARTICLE 5. TRANSITION AND EFFECTIVE DATE

19 SECTION 5.001. Sections 61.025 and 61.027, Human Resources
20 Code, as added by this Act, and Sections 141.014 and 141.0145, Human
21 Resources Code, as amended by this Act, apply only to a person who
22 is appointed or reappointed as a member of the governing board of
23 the Texas Youth Commission or the Texas Juvenile Probation
24 Commission on or after the effective date of this Act. A person
25 appointed or reappointed as a member of the board or commission
26 before the effective date of this Act is governed by the law in
27 effect immediately before that date, and the former law is

1 continued in effect for that purpose.

2 SECTION 5.002. Section 61.026, Human Resources Code, as
3 added by this Act, and Section 141.017, Human Resources Code, as
4 amended by this Act, apply only to a ground for removal that occurs
5 on or after the effective date of this Act. A ground for removal
6 that occurs before the effective date of this Act is governed by the
7 law in effect immediately before that date, and the former law is
8 continued in effect for that purpose.

9 SECTION 5.003. (a) Section 141.011(a), Human Resources
10 Code, as amended by this Act, applies only to a person appointed to
11 the Texas Juvenile Probation Commission on or after the effective
12 date of this Act. A person appointed to the Texas Juvenile
13 Probation Commission before the effective date of this Act is
14 governed by the law in effect on the date the person was appointed,
15 and that law is continued in effect for that purpose.

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

~~SECTION 5.004. Section 141.011(b), Human Resources Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is~~

~~2 this section is unable to provide adequate and sufficient
3 educational opportunities and services to juveniles residing at the
4 facility, the facility may not continue to operate beyond the end of
5 the school year in which the opportunities or services provided by
6 the facility are determined to be inadequate or insufficient.~~

~~7 (d) Notwithstanding any other law and in addition to the
8 number of charters allowed under Subchapter D, Chapter 12,
9 Education Code, the State Board of Education shall grant a charter
0 on the application of a residential treatment facility established
1 under this section for a school chartered for the purposes of this
2 section.~~

~~3 (3) Add the following appropriately numbered SECTION to
4 ARTICLE 4 of the bill and renumber subsequent SECTIONS of that
5 ARTICLE accordingly:~~

~~6 SECTION 4. Section 29.012, Education Code, is amended
7 by adding Subsection (e) to read as follows:~~

~~8 (e) This section does not apply to a residential treatment
9 facility for juveniles established under Section 141.059, Human
0 Resources Code.~~

~~1 (4) Add the following appropriately numbered SECTION to
2 ARTICLE 5 of the bill and renumber subsequent SECTIONS of that
ARTICLE accordingly:~~

24 SECTION 5.¹⁰⁰⁴ Section 141.059, Human Resources Code, as
25 added by this Act, and Section 29.012, Education Code, as amended by
26 this Act, apply beginning with the 2009-2010 school year.



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

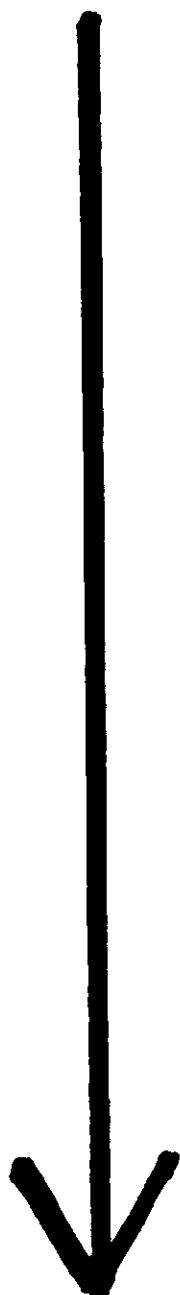
SECTION 5.003. (a) Section 141.011(a), Human Resources Code, as amended by this Act, applies only to a person appointed to the Texas Juvenile Probation Commission on or after the effective date of this Act. A person appointed to the Texas Juvenile Probation Commission before the effective date of this Act is governed by the law in effect on the date the person was appointed, and that law is continued in effect for that purpose.

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

SECTION 5.⁰⁰⁴/₀₀₅. Article 13.34, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was

1 committed before the effective date of this Act if any element of
2 the offense occurred before that date.

~~SECTION 5.003. This Act takes effect immediately if
receives a vote of two-thirds of all the members elected to each
house, as provided by Section 5.002, Article III, Texas Constitution.
If this Act does not receive the vote necessary for immediate
effect, this Act takes effect September 1, 2009.~~



2 (2) the implementation of the positive behavior
3 support system plan under Subsection (c).

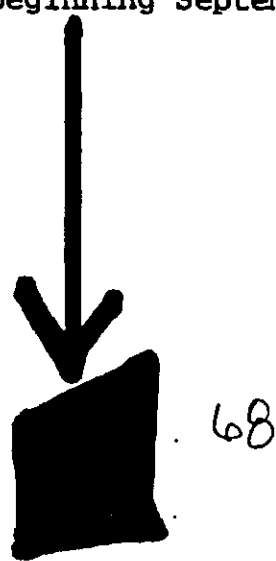
4 (g) Not later than December 1, 2012, the Texas Youth
5 Commission shall report to the legislature concerning the
6 effectiveness of the positive behavior support system based on
7 the criteria specified by Subsection (c) (3).

8 (h) Subsections (f) and (g) and this subsection expire
9 January 1, 2013.

10 SECTION ^{5.00b}/. (a) Not later than November 1, 2009, the
11 Texas Youth Commission shall adopt the battery of reading
12 assessments as required by Subsection (b), Section 30.106,
13 Education Code, as added by this Act.

14 (b) Not later than January 1, 2010, the Texas Youth
15 Commission shall begin administering the battery of reading
16 assessments as required by Subsection (b), Section 30.106,
17 Education Code, as added by this Act.

18 SECTION ^{5.007}/. Subsection (e), Section 30.106, Education
19 Code, as added by this Act, applies to release on parole from
20 the Texas Youth Commission beginning September 1, 2010.



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

3 SECTION 5.⁰⁰⁵/₀₀₈. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2009.

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HOUSE VERSION	SENATE VERSION	CONFERENCE
ARTICLE 1. JUVENILE JUSTICE POLICY COORDINATING COUNCIL	No equivalent provision.	Senate version.
SECTION 1.001. Amends Title 1, Human Resources Code, by adding Chapter 2.	No equivalent provision.	Senate version.
CHAPTER 2. JUVENILE JUSTICE POLICY COORDINATING COUNCIL		
SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS		
Sec. 2.001. DEFINITIONS. Provides that definitions provided by Sections 61.001 and 141.002 apply to this chapter. Provides a definition of "council" and "juvenile justice agency".		
Sec. 2.002. COMPOSITION OF COUNCIL; PRESIDING OFFICER. (a) Provides for an 18-member Juvenile Justice Policy Council.		
(b) Provides for the executive head of each of the following agencies, or that person's designee, to serve as a nonvoting member of the council: the Texas Education Agency; the Health and Human Services Commission; the Department of Family and Protective Services; the Department of State Health Services; the Department of Aging and Disability Services; the Texas Workforce Commission; and the Texas Department of Criminal Justice.		
(c) Provides for the presiding officer of the Texas Juvenile Probation Commission and the presiding officer of the board of the Texas Youth Commission to serve as voting members of the		

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council.

(d) Requires the governor to appoint, with the advice and consent of the senate, the following nine voting members: one juvenile court judge; one prosecutor in juvenile court; one defense attorney who regularly represents children alleged to have engaged in delinquent conduct or conduct indicating a need for supervision; one chief juvenile probation officer of a juvenile probation department; one mental health treatment professional; one educator, as that term is defined by Section 5.001, Education Code; one member who is an advocate with experience in juvenile issues and policy; one member who is a member of the governing board of the Texas Juvenile Probation Commission and is not the presiding officer of that board; and one member who is a member of the board of the Texas Youth Commission and is not the presiding officer of that board.

(e) Provides for members appointed under Subsection (d) to serve staggered six-year terms, with the terms of three members expiring on February 1 of each odd-numbered year.

(f) Requires the Governor to make appointments to the council under Subsection (d) with regard to the geographical region of this state in which each appointee resides; and without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(g) Requires the Governor to designate a member of the council as the presiding officer of the council to serve in that capacity at the pleasure of the governor.

Sec. 2.003. RESTRICTIONS ON AND QUALIFICATIONS

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FOR COUNCIL MEMBERSHIP. Prohibits individuals required to register as lobbyists, under Chapter 305, Government Code, from being council members. Requires council members to have documented expertise or educational training in the person's professional field.

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

Sec. 2.005. MEETINGS; PUBLIC PARTICIPATION. Requires the council to hold regular quarterly meetings on dates set by the council and special meetings at the call of the presiding officer. Requires the council to adopt rules regulating the council's proceedings. Requires the council to keep a public record of the council's decisions at the council's general office.

Sec. 2.006. SHARING OF STAFF, EQUIPMENT, AND FACILITIES; ALLOCATION OF COSTS. (a) Requires the council to use the staff, equipment, and facilities of juvenile justice agencies as necessary.

(b) Requires the agencies enter into an agreement that provides that the cost of staff used by the council is to be shared between juvenile justice agencies in proportion to each juvenile justice agency's operating budget.

Sec. 2.007. SUNSET PROVISION. Provides that the Juvenile Justice Policy Coordinating Council is subject to Chapter 325, Government Code (Texas Sunset Act) and is abolished

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September 1, 2021 unless continued in existence as provided by that chapter.

SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COUNCIL

Sec. 2.051. EVALUATION OF JUVENILE JUSTICE AGENCIES; RECOMMENDATIONS AND FUNCTION. (a) Requires the council to evaluate the operations of juvenile justice agencies and make recommendations to those agencies concerning improvement of services for youth on probation or committed to the Texas Youth Commission; and improvement of coordination of services provided by or programs operated by those agencies.

(b) Provides that the council exists only in an advisory capacity and does not govern, and is not responsible for, the operations of the Texas Juvenile Probation Commission or the Texas Youth Commission.

Sec. 2.052. JUVENILE JUSTICE IMPROVEMENT PLAN; ANNUAL REPORT. (a) Provides that, beginning in 2011, not later than June 1 of each year or as soon as possible after that date, the council shall review, revise, and update the juvenile justice improvement plan adopted in the previous fiscal year and submit it to the juvenile justice agencies for review and comment.

(b) Provides that, not later than September 1 of each year or as soon as possible after that date, the council may make any changes necessary in the plan resulting from receiving review and comment from the juvenile justice agencies and shall

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readopt the juvenile justice plan.

(c) Requires the council, in reviewing and updating the plan, to have the following goals: to the maximum extent possible, reserving facilities operated by or under contract with the state for higher risk juveniles; increasing reliance on alternatives to secure placement, except when secure placement is necessary to address adequately a juvenile offender's treatment needs or prevent the juvenile offender from reoffending; serving juveniles in settings that are as close to the juveniles' homes as possible; using facility and program designs proven to be most effective in rehabilitating juveniles; locating facilities as geographically close as possible to necessary workforce and other services; and developing county centers or consortiums that enhance county collaboration.

(d) Requires the council to prepare an annual implementation report to the governor, lieutenant governor, speaker, and the Criminal Justice Legislative Oversight Committee. Requires the report to concern: the progress of the juvenile justice agencies in implementing the plan; using the comprehensive performance measurement system incorporated into the plan; and the overall performance of each juvenile justice agency and the juvenile justice system.

(e) Requires the council to submit the annual implementation report each December for the period of September 1 of the previous year through August 31 of the year of report submission.

**SUBCHAPTER C. JUVENILE JUSTICE IMPROVEMENT
PLAN**

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Sec. 2.101. DEFINITION. Defines "plan" to mean the comprehensive juvenile justice improvement plan developed by the council under Sec. 2.102(a).

Sec. 2.102. DEVELOPMENT OF PLAN. (a) Requires that, not later than June 1, 2010, and every fifth year after that date, the council develop the juvenile justice improvement plan covering the five fiscal years following this date. Provides that the first plan begin on the fiscal year starting September 1, 2010. Requires that the council deliver a copy of the plan and accept comments and review from: the governor, the lieutenant governor, the speaker, the Criminal Justice Legislative Oversight Committee, and the juvenile justice agencies.

(b) Provides that the committee may, but is not obligated to, make changes to the plan resulting from receiving comments from the entities named above.

(c) Requires the council to adopt the plan not later than September 1, 2010, and every fifth year after that date, or as soon as possible after that date.

Sec. 2.103. PLAN COMPONENT: JUVENILE JUSTICE FACILITIES. (a) Requires that the juvenile justice improvement plan include a master plan for the operation of the Texas Youth Commission's secure facilities, and requires the council to evaluate state and county infrastructure to determine the number of beds needed in secure facilities.

(b) Requires that the master plan for facilities identify any Texas Youth Commission facilities to be closed and any areas of the state that have an insufficient number of locally operated secure

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or nonsecure correctional facilities. Requires that the master plan take into consideration the timing and cost of relocating or closing Texas Youth Commission facilities operated on September 1, 2009, in making this identification.

(c) Requires the council to develop the master plan to achieve the following goals: to the maximum extent possible, reserving facilities operated by or under contract with the state for higher risk juveniles; increasing reliance on alternatives to secure placement, except when secure placement is necessary to address adequately a juvenile offender's treatment needs or prevent the juvenile offender from reoffending; serving juveniles in settings that are as close to the juveniles' homes as possible; using facility and program designs proven to be most effective in rehabilitating juveniles; locating facilities as geographically close as possible to necessary workforce and other services; and developing county centers or consortiums that enhance county collaboration.

Sec. 2.104. PLAN COMPONENT: DATA SHARING. Requires the comprehensive juvenile justice improvement plan to include a specific process and procedures for developing common data systems among: the Texas Youth Commission; the Texas Juvenile Probation Commission; local probation departments; and other agencies serving youth, including the Department of Family and Protective Services, the Department of State Health Services, the Health and Human Services Commission, and the Texas Education Agency. Also requires the plan to include procedures to improve access to educational and mental health records for juveniles who are placed on probation or placed in state custody.

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Sec. 2.105. PLAN COMPONENT: PROGRAMS, SERVICES, AND REENTRY PLANNING. Requires that the comprehensive juvenile justice improvement plan include a specific process, procedures and, if appropriate, policy for: developing or improving validated risks and needs assessment instruments; developing policies to assess juveniles at crucial specified points in the juvenile justice system; ensuring that a juvenile's minimum length of stay and placement in a facility directly address the juvenile's needs; establishing timelines to identify and implement state and local programs shown to be effective; providing training on programs shown to be effective; improving reentry into the community for juveniles exiting the justice system at the state and local levels; increasing the use of the Texas Correctional Office on Offenders with Medical or Mental Impairments, community resource coordination groups, and other community resources for juvenile or parole or probation; ensuring that juveniles exiting state commitment or extended probation placements have the appropriate personal identification and service referrals to ensure delivery of services and treatment without delay; and ensuring that all applicable funding resources, including Medicaid and Title IV(e) funds are accessed to the greatest extent possible at the state and local levels.

Sec. 2.106. PLAN COMPONENT: PERFORMANCE MEASUREMENT. (a) Requires the comprehensive juvenile justice improvement plan to include the development of a comprehensive system to measure the performance of the entire juvenile justice system in this state, including performance measures showing the costs of different levels of supervision and treatment to help identify the most cost-effective programs.

(b) Requires the council to consult with the Legislative Budget

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Board and the Budget, Planning, and Policy Division of the Governor's Office in developing the performance measurement system.

ARTICLE 2. TEXAS YOUTH COMMISSION

SECTION 2.001. Amends the heading to Chapter 61, Human Resources Code, to read as follows: "CHAPTER 61. TEXAS YOUTH COMMISSION".

SECTION 2.002. Amends Section 61.001, Human Resources Code, by adding Subdivision (3). Specifies that "Board" means the board of the Texas Youth Commission appointed under Section 61.024.

SECTION 2.003. Amends Section 61.020, Human Resources Code as follows:

Sec. 61.020. SUNSET PROVISION. (a) Provides that the Texas Youth Commission is subject to the Texas Sunset Act and, unless continued in existence as provided by that chapter, the Texas Youth Commission is abolished September 1, 2021.

(b) Requires the Sunset Commission to evaluate the Texas Youth Commission's compliance with SB 103, 80th Legislature, and to report to the 82nd Legislature. Requires the Texas Youth Commission to perform all duties for the evaluation that a state agency subject to review under the Texas Sunset Act would perform. Specifies that this section expires September 1, 2011.

ARTICLE 1. Same as House version.

SECTION 1.001. Same as House version.

SECTION 1.002. Same as House version.

SECTION 1.003. Amends Section 61.020, Human Resources Code as follows:

Sec. 61.020. SUNSET PROVISION. (a) Provides that the Texas Youth Commission is subject to Sunset review and abolishment September 1, 2011, rather than 2021.

(b) Similar to the House, except expands the focus of the limited review provided for in the House version. Requires the Sunset Commission to focus its review in 2011 on: compliance with SB 103 (80th Legislature); requirements placed on the agency by the 81st Legislature, including implementation of programs for the diversion of youth from the Texas Youth Commission; and initiatives of the Texas Youth Commission and the Texas Juvenile Probation Commission to coordinate activities and

House version.

House version.

House version.

Senate version.

Senate version.

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services among the state agencies and county juvenile justice functions, including joint strategic planning, the sharing of youth data across youth-serving agencies, assessments and classification of youth, and collection of data on probation outcomes.

(c) Authorizes the Sunset Commission to include any recommendations it considers appropriate in its report to the 82nd Legislature. Specifies that this subsection and Subsection (b) expire September 1, 2011.

SECTION 1.004. Same as House version.

SECTION 1.005. Same as House version.

No equivalent provision.

SECTION 2.004. Amends Section 61.024(a), Human Resources Code. Adds standard Sunset language that requires the governor to designate a member of the board as the presiding officer of the board.

SECTION 2.005. Amends Subchapter B, Chapter 61, Human Resources Code, by adding Sections 61.025 through 61.029.

Sec. 61.025. RESTRICTIONS ON BOARD MEMBERSHIP AND EMPLOYMENT. (a) Adds standard Sunset language prohibiting a person from being a board member or the executive director, if that person or their spouse has certain ties to the agency or the field of criminal or juvenile justice.

(b) Adds standard Sunset language prohibiting a person from serving as a board member or high-level agency employee if the person, or their spouse, is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(c) Adds standard Sunset language specifying that a person may

Senate version.

House version.

House version.

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not be a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist because of the person's activities for compensation on behalf of a profession related to the operation of the Texas Youth Commission.

(d) Adds standard Sunset language defining "Texas trade association" for purposes of this section.

Sec. 61.026. REMOVAL OF BOARD MEMBERS. Adds standard Sunset language specifying the grounds for removing a board member.

Sec. 61.027. TRAINING FOR BOARD MEMBERS. Adds standard Sunset language requiring members of the board to complete training before assuming their duties.

Sec. 61.028. USE OF TECHNOLOGY. Adds standard Sunset language requiring the board to implement a policy to require the Texas Youth Commission to make effective use of technology in its delivery of services and provision of information to the public.

Sec. 61.029. NEGOTIATED RULEMAKING;
ALTERNATIVE DISPUTE RESOLUTION. Adds standard Sunset language requiring the board to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

SECTION 2.006. Amends Section 61.0352, Human Resources Code.

SECTION 1.006. Same as House version.

House version.

Sec. 61.0352. DIVISION OF RESPONSIBILITY. Conforming

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change to reflect change from an executive commissioner to a board structure for Texas Youth Commission.

SECTION 2.007. Amends Section 61.0422, Human Resources Code.

Sec. 61.0422. COMPLAINTS REGARDING SERVICES. Updates standard Sunset language requiring the Texas Youth Commission to maintain information on all complaints and notify the parties about policies for and status of complaints.

SECTION 2.008. Amends Section 61.0423, Human Resources Code.

Sec. 61.0423. PUBLIC HEARINGS. Conforming change to reflect change from an executive commissioner to a board structure for the Texas Youth Commission.

No equivalent provision.

SECTION 1.007. Same as House version.

House version.

SECTION 1.008. Same as House version.

House version.

SECTION 1.__. Amends Sections 61.0451(a) and (i), Human Resources Code.

Senate version.

(a) Clarifies that the jurisdiction of the Texas Youth Commission Office of Inspector General includes the authority to investigate crimes and delinquent conduct committed at any facility in which a child committed to the custody of the Commission is housed or receives medical or mental health treatment, as well as any facility operated by the Commission, or any residential facility operated by another entity under a contract with the Commission.

(i) Requires the Office of Inspector General to immediately report to the executive director, board, the governor's general

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counsel, and the state auditor, any interference in an investigation by the executive director, a Commission employee, or an officer or employee of any facility where a youth is committed or receives treatment. (Senate Floor Amendment #3 by Hinojosa)

SECTION 2.009. Amends Subchapter D, Chapter 61, Human Resources Code, by adding Section 61.067.

SECTION 1.009. Same as House version.

House version.

Sec. 61.067. INFORMATION PROVIDED TO COMMITTING COURT. Requires that the Texas Youth Commission keep a committing court informed of a child's progress while committed to the Texas Youth Commission through periodic updates, if so requested by the court in a commitment order. Provides that this report may include any information the Texas Youth Commission determines to be relevant in evaluating the child's progress. Provides that the report may not include information that is protected from disclosure under state or federal law.

SECTION 2.010. Amends Subchapter F, Chapter 61, Human Resources Code, by adding Section 61.08131.

No equivalent provision.

House version.

Sec. 61.08131. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) Requires the Texas Youth Commission to develop a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of children into the community following a child's release under supervision or final discharge from the Commission.

(b) Requires the comprehensive reentry and reintegration plan to

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provide for: an assessment of each child committed to the Texas Youth Commission to determine which skills the child needs to develop to be successful in the community following release; programs that address the assessed needs of each child; a comprehensive network of transition programs to address the needs of children released under supervision or finally discharged from the Texas Youth Commission; the identification of providers of existing local programs and transitional services with whom the Texas Youth Commission may contract to implement the reentry and reintegration plan; and the sharing of information between local coordinators, contractors, and other providers as necessary to adequately assess and address the needs of each child.

(c) Provides that a child's personal health information may be disclosed only in the manner authorized by Section 61.0731 of the Human Resources Code or other state or federal law, provided that the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996.

(d) Requires that certain programs provided under this plan: be implemented by highly skilled staff who are experienced in working with reentry and reintegration programs for children; provide children with individualized case management and a full continuum of care, as well as certain types of training, education, and treatment; and be designed to build post-release and post-discharge support from the community into which the child is released.

(e) Authorizes the Texas Youth Commission to contract and coordinate with private vendors, local governments, or other entities to implement the comprehensive reentry and

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reintegration plan including contracting to: coordinate the supervision and services provided to children during their time in the custody of the Texas Youth Commission with any supervision or services provided children who have been released under supervision or finally discharged from the Commission; provide children awaiting release under supervision or final discharge with documents that are necessary after release or discharge; and provide housing and structured programs through which children are provided services immediately following release under supervision or final discharge.

(f) Requires that, to ensure accountability, any contract entered into under this section contain specific performance measures that the Texas Youth Commission shall use to evaluate compliance with contract terms.

(g) Requires that the Texas Youth Commission ensure that each reentry and reintegration plan developed for a child under Section 61.0814 of the Human Resources Code is coordinated with the comprehensive reentry and reintegration plan developed under this section.

(h) Requires the Texas Youth Commission to conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan reduces recidivism rates.

(i) Requires the Texas Youth Commission to report on the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of jurisdiction of each house not later than December 1 of each even-numbered

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year.

SECTION 2.011. Amends Subchapter F, Chapter 61, Human Resources Code by adding Section 61.08141.

SECTION 1.010. Same as House version.

House version.

Sec. 61.08141. INFORMATION PROVIDED TO COURT BEFORE RELEASE. Requires that, in addition to providing the court with notice of release of a child, as soon as possible but not later than the 30th day before the child's release, the Texas Youth Commission provide to the court that committed the child: a copy of the child's reentry and reintegration plan; and a report concerning the progress the child has made while committed to the Commission. Requires that, if the Texas Youth Commission places a child in a county other than the county served by the committing court, the Commission provide the information to both the committing court and the juvenile court in the county where the child is placed after release. Requires that, if a child's residence is located in another state, the Texas Youth Commission shall provide the information to both the committing court and a juvenile court of the other state that has jurisdiction over the area in which the child's residence is located.

SECTION 1.011. Amends Section 61.0911, Human Resources Code to require the Texas Youth Commission, in biennially developing a strategic plan with the Texas Juvenile Probation Commission, to comply with new statutory provisions established in Human Resources Code, Section 141.0472.

Senate version.

No equivalent provision.

SECTION 1.012. Same as House version.

House version.

SECTION 2.012. Amends Section 61.098(b), Human Resources Code, to provide that the special prosecution unit may not only prosecute, but also assist in the prosecution of, an offense or

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delinquent conduct concerning the Texas Youth Commission on request of the district attorney, criminal district attorney, or county attorney who would otherwise represent the state.

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

SECTION 3.001. Amends Section 64.054, Human Resources Code, to provide that the Office shall be reviewed under Sunset during the periods in which the Texas Youth Commission is reviewed.

SECTION 3.002. Amends Section 64.058, Human Resources Code, to require that the Texas Youth Commission and the office adopt rules necessary to implement Section 64.060, including rules that establish procedures for the commission to review and comment on reports of the office.

SECTION 3.003. Amends Subchapter B, Chapter 64, Human Resources Code, by adding Sections 64.060 and 64.061.

Sec. 64.060. REVIEW AND FORMAT OF REPORTS. Requires the office to accept, both before and after publication, comments from the Texas Youth Commission concerning specific types of reports published by the office under this chapter. Provides that the Texas Youth Commission may not submit comments after the 30th day after the date the report is published. Requires the office to ensure that reports are in a format to which the Texas Youth Commission can easily

ARTICLE 2. Same as House version.

SECTION 2.001. Same as House version, except provides that, when the Texas Youth Commission undergoes a focused Sunset review in 2011, requires that the Sunset Commission focus its review of the office on compliance with requirements placed on the office by the 81st Legislature. Provides that this requirement expires September 1, 2011.

SECTION 2.002. Same as House version.

SECTION 2.003. Same as House version.

House version.

Senate version.

House version.

House version.

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respond. Provides that the office is not obligated to change any report or the manner in which the office performs its duties after receiving these comments.

Sec. 64.061. COMPLAINTS. Adds standard Sunset language requiring the office to maintain information on all complaints related to its operations or staff and notify the parties about policies for and status of complaints.

SECTION 3.004. Amends Subchapter C, Chapter 64, Human Resources Code, by adding Section 64.104.

Sec. 64.104. MEMORANDUM OF UNDERSTANDING. Require the office and the Texas Youth Commission to enter into a memorandum of understanding concerning the most efficient manner to share information and the procedures for handling overlapping monitoring duties, and specifies those areas that, at a minimum, must be addressed. Requires that the memorandum of understanding preserve the independence of the office by authorizing the office to withhold information concerning matters under active investigation by the office from the Texas Youth Commission and commission staff and to report the information to the governor.

ARTICLE 4. TEXAS JUVENILE PROBATION COMMISSION

SECTION 4.001. Amends Section 141.011(a), Human Resources Code.

(a) Provides for the Texas Juvenile Probation Commission to consist of:

SECTION 2.004. Same as House version.

ARTICLE 3. Same as House version.

SECTION 3.001. Amends Section 141.011(a), Human Resources Code.

(a) Provides for the Texas Juvenile Probation Commission to consist of:

House version.

House version.

Senate version with changes.

Provides for the following board composition:

- two district court judges who sit as juvenile court

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- two district court judges;
- two county judges or commissioners;
- one prosecutor in juvenile court who regularly prosecutes children alleged to have engaged in delinquent conduct or conduct indicating a need for supervision;
- one defense attorney who regularly represents children alleged to have engaged in delinquent conduct or conduct indicating a need for supervision;
- one member who represents an organization that advocates on behalf of juvenile offenders or victims of delinquent or criminal conduct; and
- two members of the public who are not employees in the criminal or juvenile justice system.

SENATE VERSION

- two district court judges who sit as juvenile court judges;
- one county judge or commissioner;
- one chief juvenile probation officer of a juvenile probation department that serves a county with a small population;
- one chief juvenile probation officer of a juvenile probation department that serves a county with a medium population;
- one chief juvenile probation officer of a juvenile probation department that serves a county with a large population;
- one mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;
- one educator, as that term is defined by Section 5.001, Education Code; and
- one member of the public who is not an employee in the criminal or juvenile justice system and is recognized in the community for the person's interest in youth.

(Senate Floor Amendment #2 by Hinojosa)

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- judges;
- two county judges or commissioners;
 - one chief juvenile probation officer;
 - one member who represents an organization that advocates on behalf of juvenile offenders or victims of delinquent or criminal conduct;
 - one educator, as that term is defined by Section 5.001, Education Code;
 - one mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code; and
 - one member of the public who is not an employee in the criminal or juvenile justice system and is recognized in the community for the person's interest in youth.

SECTION 4.002. Amends Section 141.012, Human Resources Code.

Sec. 141.012. SUNSET PROVISION. (a) Provides that the Texas Juvenile Probation Commission is subject to Sunset review and abolishment September 1, 2021.

No equivalent provision.

SECTION 3.002. Amends Section 141.012, Human Resources Code.

Sec. 141.012. SUNSET PROVISION. (a) Provides that the Texas Juvenile Probation Commission is subject to Sunset review and abolishment September 1, 2011, rather than September 1, 2021.

(b) Requires the Sunset Commission to focus its review in 2011 on: compliance with SB 103 (80th Legislature); requirements placed on the agency by the 81st Legislature, including

Senate version.

Senate version.

Senate version.

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implementation of programs for the diversion of youth from the Texas Youth Commission; and initiatives of the Texas Youth Commission and the Texas Juvenile Probation Commission to coordinate activities and services among the state agencies and county juvenile justice functions, including joint strategic planning, the sharing of youth data across youth-serving agencies, assessments and classification of youth, and collection of data on probation outcomes.

No equivalent provision.

(c) Authorizes the Sunset Commission to include any recommendations it considers appropriate in its report to the 82nd Legislature. Specifies that this subsection and Subsection (b) expire September 1, 2011.

Senate version.

SECTION 4.003. Amends Section 141.014, Human Resources Code.

SECTION 3.003. Same as House version.

House version.

Sec. 141.014. RESTRICTIONS ON COMMISSION APPOINTMENT, MEMBERSHIP, AND EMPLOYMENT. (a) Updates standard Sunset language to ensure that public members of the Texas Juvenile Probation Commission or their spouses be without certain ties to the Texas Juvenile Probation Commission or the field of criminal or juvenile justice.

(b) Updates standard Sunset language prohibiting a person from serving as a Texas Juvenile Probation Commission member or high-level agency employee if the person, or their spouse, is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

SECTION 4.004. Amends Section 141.0145, Human Resources Code.

SECTION 3.004. Same as House version.

House version.

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Sec. 141.0145. TRAINING FOR COMMISSION MEMBERS.
Updates standard Sunset language that requires members of the Texas Juvenile Probation Commission to complete training before assuming their duties.

SECTION 4.005. Amends Sections 141.017(a) and (c), Human Resources Code.

(a) Updates standard Sunset language specifying the grounds for removing a Texas Juvenile Probation Commission member.

(c) Makes a technical change to change the term "chairman" to "presiding officer".

SECTION 4.006. Amends Sections 141.022(a) and (b), Human Resources Code.

(a) Changes the membership of the advisory council on juvenile services from a combination of chief probation officers and other interests to a council composed only of chiefs. Requires the Texas Juvenile Probation Commission to appoint the following council members:

- three chief juvenile probation officers from departments serving counties with populations of less than 10,000;
- four chief juvenile probation officers from departments serving counties with populations of 10,000 or more but less than 50,001;
- three chief juvenile probation officers from departments serving counties with populations of 50,001 or more but less than 200,001;
- and three chief juvenile probation officers from departments serving counties with populations of 200,001 or more.

SECTION 3.005. Same as House version.

House version.

SECTION 3.006. Amends Section 141.022(b), Human Resources Code.

Senate version.

No equivalent provision.

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(b) Requires the advisory council to report any determinations made under Subsection (c) to the members of the Texas Juvenile Probation Commission, in addition to the director.

Similar to the House version, except requires the advisory council to report only to the members of the Texas Juvenile Probation Commission, deleting the requirement in current law to report to the director.

SECTION 4.007. Amends Subchapter B, Chapter 141, Human Resources Code, by adding Sections 141.027 through 141.029.

SECTION 3.007. Same as House version.

House version.

Sec. 141.027. COMPLAINTS. (a) Adds standard Sunset language requiring the Texas Juvenile Probation Commission to maintain information on all complaints, other than complaints received under Section 141.049 of the Human Resources Code (Complaints Relating to Juvenile Boards), and notify the parties about policies for and status of complaints.

Sec. 141.028. USE OF TECHNOLOGY. Adds standard Sunset language requiring the Texas Juvenile Probation Commission to implement a policy requiring the agency to make effective use of technology in its delivery of services and provision of information to the public.

Sec. 141.029. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) Adds standard Sunset language requiring the Texas Juvenile Probation Commission to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

SECTION 4.008. Amends Section 141.042, Human Resources Code, Subsections (a), (e), and (h); and adds Subsections (d), (f), (i), and (j).

SECTION 3.008. Amends Section 141.042, Human Resources Code, by amending Subsections (a) and (h) and adding Subsection (i).

House version.

(a) Requires that the Texas Juvenile Probation Commission

(a) Same as House version, except does not reference

House version.

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adopt reasonable rules that provide, among other things, minimum standards for certain public and private juvenile detention facilities, subject to Subsection (d), as described below. Specifies that these facilities include those operated by a governmental unit or under a contract with a governmental unit, with certain exceptions; as well as nonsecure correctional facilities operated by or under contract with a governmental unit.

Subsection (d).

(d) Requires that, in adopting rules, the Texas Juvenile Probation Commission ensure that the minimum standards for facilities are designed to ensure that juveniles confined in those facilities are provided the rights, benefits, responsibilities, and privileges to which a juvenile is entitled under the United States Constitution, federal law, and the constitution and laws of this state. Requires that the minimum standards must include a humane physical and psychological environment, safe conditions of confinement, protection from harm, adequate rehabilitation and education, adequate medical and mental health treatment, and due process of law.

No equivalent provision.

House version.

(e) Deletes language in this subsection that requires juvenile probation departments report data to the Texas Juvenile Probation Commission from the use of the mental health screening instrument or the clinical assessment required in this section in a format and in the time prescribed by the Texas Juvenile Probation Commission.

No equivalent provision.

House version.

(f) Requires that a juvenile probation department complete a risk and needs assessment for each child under its jurisdiction before the disposition of a child's case and use a validated risk and needs assessment instrument or a process approved by the Texas Juvenile Probation Commission.

No equivalent provision.

House version.

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(h) Makes a technical change to specify that the term “board” refers to a “juvenile board”. Removes a requirement that the Texas Juvenile Probation Commission adopt “by rule” an electronic format for a monthly data report that it may require under certain conditions.

Same as House version.

House version.

(i) Replaces the requirement previously struck in Subsection (e) that requires juvenile probation departments to report data from the use of the mental health screening instrument or clinical assessment to the Texas Juvenile Probation Commission in the manner prescribed by the Commission. Also requires that juvenile probation departments report data from the risk and needs assessment under Subsection (f) to the Texas Juvenile Probation Commission in the manner prescribed by the Commission.

No equivalent provision.

House version.

(j) Requires the Texas Juvenile Probation Commission to adopt rules to ensure that youth in the juvenile justice system are assessed using the mental health screening instrument or clinical assessment under Subsection (e) and the risk and needs assessment under Subsection (f).

(i) Same as House version, except does not require the Texas Juvenile Probation Commission to adopt rules relating to the risk and needs assessment under subsection (f).

House version.

SECTION 4.009. Amends Section 141.0471, Human Resources Code, by amending Subsection (a) and adding Subsection (b-1).

SECTION 3.009. Subchapter C, Chapter 141, Human Resources Code, is amended by amending Section 141.0471 and adding Section 141.0472.

Senate version.

(a) Provides that the coordinated strategic plan developed by the Texas Juvenile Probation Commission and the Texas Youth Commission guide, but not substitute for, the new juvenile justice improvement plan adopted by the Juvenile Justice Policy Coordinating Council under Chapter 2.

Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE. (a) Requires the director of the Texas Juvenile Probation Commission and the executive director of the Texas Youth Commission to jointly appoint a strategic planning committee to develop the coordinated biennial strategic plan. Designates the director of the Texas Juvenile Probation

Senate version.

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Commission and the executive director of the Texas Youth Commission as co-presiding officers of the strategic planning committee.

No equivalent provision.

(b) Requires the director of the Texas Juvenile Probation Commission to appoint four members to the strategic planning committee. Specifies that the director's committee appointments shall include: one committee member who represents the interests of families of juvenile offenders; one committee member who represents the interests of local juvenile probation departments; and one committee member who is a mental health treatment professional.

Senate version.

No equivalent provision.

(c) Requires the executive director of the Texas Youth Commission to appoint four members to the strategic planning committee. Specifies that executive director's the committee appointments shall include: one committee member who represents the interests of juvenile offenders; one committee member who represents the interests of the victims of delinquent or criminal conduct; and one committee member who is an educator.

Senate version.

No equivalent provision.

Sec. 141.0472. COORDINATED STRATEGIC PLAN; ADOPTION OF PLAN. (a) In addition to requirements in current law, requires the coordinated strategic plan developed by the strategic planning committee to include: plans for the development of common data sources and data sharing among the Texas Juvenile Probation Commission, juvenile probation departments, the Texas Youth Commission, the Department of Family and Protective Services, the Department of State Health Services, the Health and Human Services Commission, the Texas Education Agency, and other state agencies that serve

Senate version.

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youth in the juvenile justice system; plans for the development of validated risk assessment instruments; strategies to identify the most effective programs; plans for effective aftercare programs and services; tracking of performance measures to illustrate the costs of different levels of treatment and to identify the most cost-effective programs in each component of the juvenile justice system in this state.

(b-1) Requires that, in addition to the information described by Subsection (b) of Section 141.0471, the juvenile justice improvement plan must include specific processes and procedures for routinely communicating juvenile justice system information between the agencies and determining opportunities to coordinate practices for improving youth outcomes.

(b) Contains language similar to House version, but conforming to a two-year coordinated strategic plan instead of the five-year juvenile justice improvement plan in the House version.

Senate version.

No equivalent provision.

(c) Conforms language to reflect the Texas Youth's Commission's return to a governance structure headed by a board rather than an executive commissioner. Requires the governing boards of the two agencies not only to adopt, but also to review, the coordinated strategic plan.

Senate version.

SECTION 4.010. Amends Section 141.049, Human Resources Code

SECTION 3.010. Same as House version.

House version.

Sec. 141.049. COMPLAINTS RELATING TO JUVENILE BOARDS. Updates standard Sunset language requiring the Texas Juvenile Probation Commission to maintain information on all complaints filed with the Texas Juvenile Probation Commission relating to a juvenile board funded by the Texas Juvenile Probation Commission and to notify the parties about policies for and status of complaints.

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SECTION 4.011. Amends Section 141.050, Human Resources Code, by adding Subsection (c) to require the Texas Juvenile Probation Commission to consider the past performance of a juvenile board when contracting with the juvenile board for local probation services other than basic probation services. Requires that these contracts include specific performance targets for the juvenile board, and require a juvenile board to report on its success in meeting these targets.

SECTION 4.012. Amends Subchapter C, Chapter 141, Human Resources Code, by adding Sections 141.057 and 141.058.

Sec. 141.057. DATA COLLECTION. Requires the Texas Juvenile Probation Commission to collect comprehensive data concerning the outcomes of local probation programs throughout the state. Requires that data collected include: a description of the types of programs and services offered by a juvenile probation department, including their components; and, to the extent possible, the rate at which juveniles who enter or complete juvenile probation are later placed in state custody.

Sec. 141.058. QUARTERLY REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. Requires that, on January 1, 2010, and quarterly after that, the Texas Juvenile Probation Commission report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. Requires the report to include a summary of the actions taken by the Texas Juvenile Probation Commission and any applicable juvenile board or juvenile probation departments in resolving the complaint. Specifies that such a report is public information

SENATE VERSION

SECTION 3.011. Same as House version.

SECTION 3.012. Amends Subchapter C, Chapter 141, Human Resources Code, by adding Sections 141.057, 141.058, and 141.059.

Same as House version.

Same as House version.

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House version.

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under Chapter 552, Government Code, only to the extent authorized by that chapter.

No equivalent provision.

Sec. 141.059. RESIDENTIAL TREATMENT FACILITY. (a) Permits the Texas Juvenile Probation Commission to contract with a local mental health and mental retardation authority that, on April 1, 2009, had an unutilized or underutilized residential treatment facility, for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. Permits the Texas Juvenile Probation Commission to work in cooperation with the local mental health and mental retardation authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

Senate version.

(b) Requires a residential treatment facility established under this section to provide juveniles receiving treatment at the facility: a short-term program of mental health stabilization that does not exceed 150 days in duration; and all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

(c) Provides that, if a residential treatment facility established under this section is unable to provide adequate and sufficient educational opportunities and services to juveniles residing at the facility, the facility may not continue to operate beyond the end of the school year in which the opportunities or services provided by the facility are determined to be inadequate or

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insufficient.

(d) Requires, notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education to grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section. (Senate Floor Amendment #1 by Hinojosa)

SECTION 4.013. Amends the heading to Subchapter D, Chapter 141, Human Resources Code, so that it reads "SUBCHAPTER D. PROVISIONS RELATING TO CERTAIN OFFICERS AND EMPLOYEES".

SECTION 3.013. Same as House version.

House version.

SECTION 4.014. Amends Section 141.061(a), Human Resources Code, to add to the eligibility requirements for appointment as a probation officer that a person to complete any continuing education required by the Texas Juvenile Probation Commission.

SECTION 3.014. Same as House version.

House version.

SECTION 4.015. Amends Subchapter D, Chapter 141, Human Resources Code, by adding Section 141.0612.

SECTION 3.015. Same as House version.

House version.

Sec.141.0612. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. Requires the Texas Juvenile Probation Commission to adopt, by rule, certification standards for persons who are employed in nonsecure correctional facilities that accept only juveniles who are on probation and that are operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code. Requires that these certification standards be substantially similar to the certification

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requirements for detention officers under Section 141.0611.

SECTION 4.016. Amends Section 141.064, Human Resources Code.

SECTION 3.016. Same as House version.

House version.

Sec. 141.064. REVOCATION OR SUSPENSION OF CERTIFICATION. (a) Adds language that authorizes the Texas Juvenile Probation Commission to revoke or suspend a certification, or reprimand a certified officer if, under Subsection (c), a panel determines that continued certification of the person threatens juveniles in the juvenile justice system.

(b) Authorizes the Texas Juvenile Probation Commission to place on probation a person whose certification is suspended, and authorizes the Texas Juvenile Probation Commission to make certain requirements of the person if the suspension is probated.

(c) Authorizes the director to convene, in person or telephonically, a panel of three Texas Juvenile Probation Commission members to determine if a person's continued certification threatens juveniles in the system. If the panel determines that such a threat exists, the person's license is temporarily suspended until an administrative hearing is held as soon as possible under Subsection (d). Authorizes the director to convene a panel under this subsection only if the danger posed by the person's continued certification is imminent. Authorizes the panel to hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

(d) Amends language to provide that a person is entitled to a

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hearing before the State Office of Administrative Hearings, rather than a commission hearing officer, if the Texas Juvenile Probation Commission proposes to suspend or revoke the person's certification.

(e) Authorizes a person to appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. Provides that the standard of review is under the substantial evidence rule. Deletes language requiring the Texas Juvenile Probation Commission to prescribe procedures by which decisions to suspend or revoke are made by or appealable to the Commission.

SECTION 4.017. Amends Section 141.081, Human Resources Code, by adding Subsection (d), which requires the Texas Juvenile Probation Commission to establish by rule, and not later than September 1, 2010, one or more basic probation services funding formulas and one or more community corrections funding formulas. Requires that the funding formulas established under this subsection include each grant for which the Texas Juvenile Probation Commission, on or before September 1, 2009, established an allocation formula.

SECTION 3.017. Same as House version.

House version.

SECTION 4.018. Amends Chapter 141, Human Resources Code, by adding Subchapter F.

No equivalent provision.

Senate version.

SUBCHAPTER F. COMMUNITY CORRECTIONS PILOT PROGRAMS

Sec. 141.101. ESTABLISHMENT OF COMMUNITY CORRECTIONS PILOT PROGRAMS. (a) Requires the Texas Juvenile Probation Commission, in coordination with the Texas

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Youth Commission, to establish guidelines for implementing community corrections pilot programs to provide rehabilitation services for juvenile offenders. Authorizes a juvenile court of a county that has established a community corrections pilot program to require a child to participate in a community corrections pilot program instead of being committed to the Texas Youth Commission if the child was found to have engaged in delinquent conduct that: (1) violates a penal law of the grade of felony under Title 7, Penal Code, or Chapter 481, Health and Safety Code; and (2) did not involve the use of force or the threat of force against another person, including the use or exhibition of a deadly weapon.

(b) Requires the Texas Juvenile Probation Commission to implement this subchapter only to the extent that the legislature specifically appropriates money for the pilot.

Sec. 141.102. GRANTS. (a) Authorizes a juvenile board or a group of juvenile boards serving counties that are in the same service region established by the Texas Juvenile Probation Commission to apply to the Commission for a grant to implement a community corrections pilot program.

(b) Requires the Texas Juvenile Probation Commission to adopt rules that govern the administration and operation of a pilot program and establish a competitive process through which juvenile boards may apply to the Commission for a grant.

(c) Requires the rules adopted to: require a juvenile board or group of juvenile boards that applies for a grant under this section to detail the intended use of grant money; and establish conditions that juvenile boards must meet to receive a grant.

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Requires grant conditions to include: reduced commitment targets; specific performance measures for evaluating a community corrections pilot program; restrictions on the use of grant money; and any other standard condition the Texas Juvenile Probation Commission requires. Requires a recipient of a pilot grant that chooses to use it to contract for services to be open to nonprofit, for-profit, or faith-based organizations that have demonstrated experience, the ability to quantify the effectiveness of their programs, and provide innovative or specialized juvenile justice programs.

Sec. 141.103. FUNDING TO JUVENILE BOARDS. (a) Requires the Texas Juvenile Probation Commission to establish by rule a funding formula for juvenile boards implementing a community corrections pilot program. Specifies elements that the formula must take into account.

(b) Provides that the funding formula established under Subsection (a) may take into account any factor not described by Subsection (a) that the Texas Juvenile Probation Commission determines is relevant.

(c) Requires the Texas Juvenile Probation Commission to make available money for distribution for community corrections pilot programs in the same manner as other state aid is distributed under this chapter, except as otherwise provided by this subsection. Requires that costs associated with a juvenile participating in the pilot program and who is committed to the Texas Youth Commission be subtracted from a pilot program grant allotment and transferred to an account in the general revenue fund for the operation of secure facilities by or under contract with the Texas Youth Commission.

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(d) Provides that the amount of money to be subtracted from a pilot grant recipient's allotment under Subsection (c) is computed based on the average daily cost of committing a juvenile to the Texas Youth Commission and may not exceed the amount the pilot grant recipient first received from the Texas Juvenile Probation Commission for the juvenile.

Sec. 141.104. JUVENILE BOARD OBLIGATIONS. Provides that a pilot grant recipient that receives a grant under this subchapter: may not use the funds to supplant existing program expenditures; must comply with all applicable Texas Juvenile Probation Commission rules; and must report on the use of and evaluate the effectiveness of the program.

Sec. 141.105. REPORTS. (a) Requires that a pilot grant recipient annually, and at the request of the Texas Juvenile Probation Commission, report to the Commission concerning the implementation, cost-effectiveness, and success rate of the pilot program.

(b) Requires the Texas Juvenile Probation Commission to report on the implementation, cost-effectiveness, and success rates of community corrections pilot programs implemented by juvenile boards not later than January 1 of each odd-numbered year. Provides that the report must be submitted to the governor; the lieutenant governor; the speaker; and the standing committees of jurisdiction in the senate and the house.

(c) Requires that the report contain recommendations as to whether any of the community corrections pilot programs implemented by juvenile boards under this subchapter should be implemented on a statewide basis.

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ARTICLE 5. MISCELLANEOUS PROVISIONS	ARTICLE 4. Same as House version.	House version.
SECTION 5.001. Amends Chapter 13, Code of Criminal Procedure, by adding Article 13.34.	SECTION 4.001. Same as House version.	House version.
Art. 13.34. CERTAIN OFFENSES COMMITTED AGAINST CHILD COMMITTED TO THE TEXAS YOUTH COMMISSION. Provides that an offense described by Article 104.003(a) committed by an employee, officer, or contractor of the Texas Youth Commission against a child committed to the Texas Youth Commission may be prosecuted in any county in which an element of the offense occurred or Travis County.		House version.
No equivalent provision.	SECTION 4. ___. Adds Subsection (e) to Section 29.012, Education Code. Provides that this section does not apply to a residential treatment facility for juveniles established under Section 141.059, Human Resources Code. (Senate Floor Amendment #1 by Hinojosa)	Senate version.
No equivalent provision.	SECTION 4. ___. Amends Subchapter E, Chapter 30, Education Code, by adding Section 30.106.	Senate version.
	Sec. 30.106. READING AND BEHAVIOR PLAN. (a) Requires the Texas Youth Commission to not only fulfill the Commission's duties under state and federal law to provide general and special educational services to students in commission educational programs, but also to implement a comprehensive plan to improve the reading skills and behavior of those students.	
	(b) Requires the Texas Youth Commission to: (1) Adopt a reliable battery of reading assessments that are	

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based on a normative sample appropriate to students in commission educational programs; are designed to be administered on an individual basis; and allow school employees to evaluate performance in each essential component of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension, monitor progress in areas of deficiency specific to an individual student, and provide reading performance data.

- (2) Administer the assessments at periodic intervals not to exceed 12 months, to each student in a commission educational program, and at least 15 days and not more than 30 days before a student is released from the commission.
- (3) Provide at least 60 minutes per school day of individualized reading instruction to each student in a commission educational program who exhibits deficits in reading on the assessments adopted under Subdivision (1). Requires that instruction be provided by trained educators with expertise in teaching reading to struggling adolescent readers, and through the use of scientifically based, peer-reviewed reading curricula. Requires the use of curricula that have proven effective in improving the reading performance of struggling adolescent readers, address individualized and differentiated reading goals, and include each of the essential components of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension.

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- (4) Require each teacher in a commission regular or special educational program who teaches English language arts, reading, mathematics, science, social studies, or career and technology education to be trained in incorporating content area reading instruction using empirically validated instructional methods that are appropriate for struggling adolescent readers.

 - (5) Evaluate the effectiveness of the commission's plan to increase reading skills according to the following criteria: an adequate rate of improvement in reading performance, as measured by monthly progress monitoring using curricular-based assessments in each of the essential components of effective reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; a significant annual rate of improvement in reading performance, disaggregated by subgroups designated under commission rule, as measured using the battery of reading assessments adopted under Subdivision (1); and student ratings of the quality and impact of the reading plan under this subsection, as measured on a student self-reporting instrument.
- (c) Requires the Texas Youth Commission to:
- (1) Adopt system-wide classroom and individual positive behavior supports that incorporate a continuum of prevention and intervention strategies that are based on current behavioral research, and are systematically and individually applied to students consistent with the demonstrated level of need.

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- (2) Require each teacher and other educational staff member in a commission educational program to be trained in implementing the positive behavior support system adopted under Subdivision (1).

- (3) Adopt valid assessment techniques to evaluate the effectiveness of the positive behavior support system according to the following criteria: documentation of school-related disciplinary referrals, disaggregated by the type, location, and time of infraction and by subgroups designated under commission rule; documentation of school-related disciplinary actions, including time-out, placement in security, and use of restraints and other aversive control measures, disaggregated by subgroups designated under commission rule; validated measurement of systemic positive behavioral support interventions; and the number of minutes students are out of the regular classroom because of disciplinary reasons.

(d) Requires the Texas Youth Commission to consult with faculty from institutions of higher education who have expertise in reading instruction for adolescents, in juvenile corrections, and in positive behavior supports to develop and implement the plan under Subsections (b) and (c).

(e) Prohibits the release to parole of a student in the Texas Youth Commission educational program unless the student participates, to the extent required by commission rule, in the positive behavior support system under Subsection (c). Requires a student in the educational program who exhibits deficits in reading on the assessments to also participate in reading

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instruction to the extent required by this section and by commission rule before the student may be released on parole.

(f) Requires the Texas Youth Commission to report, not later than December 1, 2010, to the legislature concerning the effectiveness of the commission's reading plan based on the criteria specified by Subsection (b)(5), and the implementation of the positive behavior support system plan under Subsection (c).

(g) Requires the Texas Youth Commission to report, not later than December 1, 2012, to the legislature concerning the effectiveness of the positive behavior support system based on the criteria specified by Subsection (c)(3).

(h) Provides that Subsections (f) and (g) and this subsection expire January 1, 2013.

(Senate Floor Amendment #4 by Shapiro)

SECTION 4.002. Same as House version.

House version.

SECTION 4.003. Same as House version.

House version.

SECTION 5.002. Amends Section 51.02, Family Code, by adding Subdivision (8-a). Provides that a "Nonsecure correctional facility" means a facility, other than a secure correctional facility, that accepts only juveniles who are on probation and that is operated by or under contract with a governmental unit.

SECTION 5.003. Amends Chapter 51, Family Code, by adding Section 51.126.

Sec. 51.126. NONSECURE CORRECTIONAL FACILITIES.

(a) Provides that a nonsecure correctional facility for juvenile

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offenders may be operated only by a governmental unit, or a private entity under a contract with a governmental unit in this state.

(b) Requires, in each county, each judge of the juvenile court and a majority of the members of the juvenile board to personally inspect, at least annually, all nonsecure correctional facilities located in the county and to certify in writing to the Texas Juvenile Probation Commission and other entities as to the suitability of the facilities for the confinement of children. Lists elements that must be considered in making this judgment.

(c) Requires the Texas Juvenile Probation Commission to annually inspect each nonsecure correctional facility and provide a report to each appropriate juvenile court judge indicating the facility's suitability for the confinement of children, according to certain standards.

(d) Requires a governmental unit or private entity that operates or contracts for the operation of a juvenile nonsecure correctional facility, except for a Texas Youth Commission-related facility, to register the facility annually with the Texas Juvenile Probation Commission and adhere to all applicable minimum standards.

(e) Authorizes the Texas Juvenile Probation Commission to deny, suspend, or revoke the registration of any facility if it fails to meet all applicable minimum standards for the facility or does not correct in a timely fashion any notice of noncompliance with minimum standards.

SECTION 5.004. Amends Section 54.04, Family Code, by

No equivalent provision.

Senate version.

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amending Subsection (l) and adding Subsection (y) to provide that a court or jury may divert a child from commitment to the Texas Youth Commission by placing the child on probation in a community corrections program operated in accordance with Subchapter F, Chapter 141, Human Resources Code (Community Corrections Pilot Programs). Provides that the period of probation under this subsection may not continue beyond the child's 19th birthday. Provides that the court may, before the period of probation ends, extend the probation for any period that does not extend to or after the child's 19th birthday.

SECTION 5.005. Amends Section 54.0405(i), Family Code, to conform date of extensions for ending probation to a child's 19th birthday if the child is participating in a pilot program under Section 54.04(y).

No equivalent provision.

Senate version.

SECTION 5.006. Amends Section 54.041(b), Family Code, to conform termination date for payment of restitution to a child's 19th birthday if the child is participating in a pilot program under Section 54.04(y).

No equivalent provision.

Senate version.

SECTION 5.007. Amends Section 54.05(b), Family Code, to provide that, except for a commitment to the Texas Youth Commission or a grant of juvenile probation under Section 54.04(y), all dispositions automatically terminate when the child reaches the child's 18th birthday.

No equivalent provision.

Senate version.

SECTION 5.008. Amends Section 59.006(b), Family Code, to provide for the discharge of a child from probation by the child's 19th birthday if the child is placed on probation under Section 54.04(y).

No equivalent provision.

Senate version.

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<p>SECTION 5.009. Section Amends 59.007(b), Family Code, to provide for the discharge of a child from probation by the child's 19th birthday if the child is placed on probation under Section 54.04(y).</p>	No equivalent provision.	Senate version.
<p>SECTION 5.010. Amends Section 59.008(b), Family Code, to provide for the discharge of a child from probation by the child's 19th birthday if the child is placed on probation under Section 54.04(y).</p>	No equivalent provision.	Senate version.
<p>SECTION 5.011. Amends Chapter 614, Health and Safety Code, by adding Section 614.018.</p>	SECTION 4.004. Same as House version.	House version.
<p>Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL IMPAIRMENTS. (a) Requires the Texas Juvenile Probation Commission, the Texas Youth Commission, the Department of Public Safety, the Department of State Health Services, the Department of Aging and Disability Services, the Department of Family and Protective Services, the Texas Education Agency, and local juvenile probation departments to adopt a memorandum of understanding that establishes their responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. Requires the Texas Correctional Office on Offenders with Medical and Mental Impairments to coordinate and monitor the development and implementation of the memorandum of understanding.</p> <p>(b) Requires the memorandum of understanding to establish methods for: identifying juveniles with mental impairments in the juvenile justice system and collecting and reporting relevant data to the office; and developing interagency rules, policies, and</p>		

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procedures for the coordination of care of and the exchange of information on juveniles with mental impairments among certain agencies dealing with this population; and identifying the services needed by juveniles with mental impairments in the juvenile justice system.

(c) Defines "continuity of care and service program" to include: identifying the medical, psychiatric, or psychological care or treatment needs and educational or rehabilitative service needs of a juvenile with mental impairments in the juvenile justice system; developing a plan for meeting the needs identified under Subdivision (1); and coordinating the provision of continual treatment, care, and services throughout the juvenile justice system to juveniles with mental impairments.

SECTION 5.012. Amends Sections 614.017(a) and (b), Health and Safety Code, to conform to new provisions related to continuity of care for juveniles with mental impairments.

SECTION 4.005. Same as House version.

House version.

SECTION 5.013. Amends Section 614.017(c), Health and Safety Code, by amending Subdivision (1) and adding Subdivision (3) to: conform to new provisions related to continuity of care for juveniles with mental impairments, add the Department of Family and Protective Services to the definition of "agency"; and to define "juvenile with mental impairment" for purposes of this section to mean a juvenile with a mental impairment in the juvenile justice system.

SECTION 4.006. Same as House version.

House version.

SECTION 5.014. Amends Section 614.009, Health and Safety Code.

SECTION 4.007. Same as House version.

House version.

Sec. 614.009, BIENNIAL REPORT. Requires the office to

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include in its biennial report an evaluation of the continuity of care program for juveniles with mental impairments established in Section 614.018.

ARTICLE 6. TRANSITION AND EFFECTIVE DATE

ARTICLE 5. Same as House version.

House version.

SECTION 6.001. Requires that, as soon as possible after the effective date of this Act, the governor shall appoint the initial members of the Juvenile Justice Policy Coordinating Council. Establishes dates on which members' terms expire. Provides that the Juvenile Justice Policy Coordinating Council not hold its first meeting or take any other action until a quorum of the members of the council have taken office.

No equivalent provision.

Senate version.

SECTION 6.002. Makes board member requirements for the Texas Youth Commission and the Texas Juvenile Probation Commission prospective to members appointed or reappointed on or after the effective date of this Act.

SECTION 5.001. Same as House version.

House version.

SECTION 6.003. Makes a ground for removal added by this Act prospective to occurrences on or after the effective date of this Act.

SECTION 5.002. Same as House version.

House version.

SECTION 6.004. (a) Provides that Section 141.011(a), as amended by this Act., applies only to a person appointed to the Texas Juvenile Probation Commission on or after the effective date of this Act, and provides that a person appointed to the Texas Juvenile Probation Commission before the effective date of the Act is governed by the law in effect on the date the person was appointed.

SECTION 5.003. Same as House version.

House version.

(b) Provides that persons serving on the Texas Juvenile

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Probation Commission on the effective date of this act continue to serve until their terms expires, and provides that when a person's term expires or a vacancy occurs, the governor shall make appointment in accordance with Section 141.011(a), as amended by this Act.

SECTION 6.005. Provides that persons serving on the advisory council on juvenile services on the effective date of this Act continue to serve until the Texas Juvenile Probation Commission reappoints members or appoints new members.

SECTION 6.006. Makes modifications in venue for offenses against Texas Youth Commission youth apply only to an offense committed on or after the effective date of this Act.

SECTION 6.007. Clarifies that changes in law made by this Act relating to Title 3 of the Family Code apply to a violation of a penal law that occurs on or after the effective date of this Act.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 5.004. Same as House version.

No equivalent provision.

SECTION 5.____. Provides that Section 141.059, Human Resources Code, as added by this Act, and Section 29.012, Education Code, as amended by this Act, apply beginning with the 2009-2010 school year. (Senate Floor Amendment #1 by Hinojosa)

SECTION _____. (a) Requires the Texas Youth Commission to adopt, not later than November 1, 2009, the battery of reading assessments as required by Subsection (b), Section 30.106, Education Code, as added by this Act.

(b) Requires the Texas Youth Commission to begin administering the battery of reading assessments required by

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Senate version.

Senate version.

Senate version.

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Subsection (b), Section 30.106, Education Code, not later than January 1, 2010. (Senate Floor Amendment #4 by Shapiro)

SECTION _____. Provides that Subsection (e), Section 30.106, Education Code, as added by this Act, applies to release on parole from the Texas Youth Commission beginning September 1, 2010. (Senate Floor Amendment #4 by Shapiro)

SECTION 5.005. Same as House version.

No equivalent provision.

SECTION 6.008. Effective date: Upon passage, or, if the Act does not receive the necessary vote, on September 1, 2009.

Senate version.

House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3689** by McClendon (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.), **Conference Committee Report**

The fiscal implications of the bill cannot be determined at this time

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

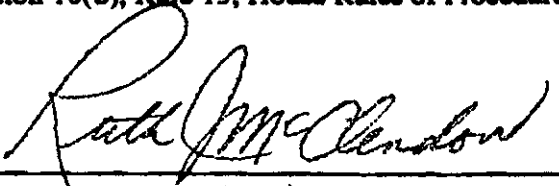
Source Agencies:

LBB Staff: JOB, KK

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

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

I certify that a copy of the conference committee report on H. B. 3689 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.


(name)

05/30/09
(date)