

By: White

H.B. No. 2733

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration and operation of the Texas Juvenile
3 Justice Department, including the denial of bail for violent
4 juveniles committed to the department.

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

6 SECTION 1. Chapter 17, Code of Criminal Procedure, is
7 amended by adding Article 17.154 to read as follows:

8 Art. 17.154. DENIAL OF BAIL FOR VIOLENCE AT A JUVENILE STATE
9 CORRECTIONAL FACILITY. (a) This article applies to a defendant who
10 has been adjudicated under Title 3, Family Code, and committed to
11 the custody of the Texas Juvenile Justice Department.

12 (b) Bail may be denied for the following offenses, if the
13 offense is a felony and is committed by a person 17 years of age or
14 older while the person is confined in a facility operated by or
15 under contract with the Texas Juvenile Justice Department:

16 (1) an offense alleged under Chapter 22, Penal Code;

17 or

18 (2) any offense in which the victim of the alleged
19 offense is a public servant, as defined by Section 1.07, Penal Code.

20 SECTION 2. Section 411.1141, Government Code, is amended to
21 read as follows:

22 Sec. 411.1141. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH~~

24 ~~COMMISSION~~]. (a) The Texas Juvenile Justice Department is

1 entitled to obtain from the department criminal history record
2 information maintained by the department that relates to:

3 (1) a person described by Section 242.010(b), Human
4 Resources Code;

5 (2) an applicant for a certification from the
6 department; or

7 (3) a holder of a certification from the department.

8 (b) Criminal history record information obtained by the
9 Texas Juvenile Justice Department [~~Youth Commission~~] under
10 Subsection (a) may not be released to any person except:

11 (1) on court order;

12 (2) with the consent of the entity or person who is the
13 subject of the criminal history record information;

14 (3) for purposes of an administrative hearing held, or
15 an investigation conducted, by the Texas Juvenile Justice
16 Department [~~Youth Commission~~] concerning the person who is the
17 subject of the criminal history record information; [~~or~~]

18 (4) a juvenile board by which a certification
19 applicant or holder is employed; or

20 (5) as provided by Subsection (c) or (f).

21 (c) The Texas Juvenile Justice Department [~~Youth~~
22 ~~Commission~~] is not prohibited from releasing criminal history
23 record information obtained under Subsection (a) to:

24 (1) the person who is the subject of the criminal
25 history record information; or

26 (2) a business entity or person described by
27 Subsection (a)(1) [~~(a)(4) or (a)(5)~~] who uses or intends to use the

1 services of the volunteer or intern or employs or is considering
2 employing the person who is the subject of the criminal history
3 record information.

4 (d) The Texas Juvenile Justice Department [~~Youth~~
5 ~~Commission~~] may charge an entity or a person who requests criminal
6 history record information under Subsection (c)(2) [~~(a)(4)~~ or
7 ~~(a)(5)~~] a fee in an amount necessary to cover the costs of obtaining
8 the information on the person's or entity's behalf.

9 (e) After a person is certified by the Texas Juvenile
10 Justice Department, the Texas Juvenile Justice Department shall
11 destroy the criminal history record information that relates to a
12 person described by Subsection (a)(2).

13 (f) The Texas Juvenile Justice Department is not prohibited
14 from disclosing criminal history record information obtained under
15 Subsection (a) in a criminal proceeding or in a hearing conducted by
16 the Texas Juvenile Justice Department.

17 SECTION 3. Section 552.117(a), Government Code, is amended
18 to read as follows:

19 (a) Information is excepted from the requirements of
20 Section 552.021 if it is information that relates to the home
21 address, home telephone number, emergency contact information, or
22 social security number of the following person or that reveals
23 whether the person has family members:

24 (1) a current or former official or employee of a
25 governmental body, except as otherwise provided by Section 552.024;

26 (2) a peace officer as defined by Article 2.12, Code of
27 Criminal Procedure, or a security officer commissioned under

1 Section 51.212, Education Code, regardless of whether the officer
2 complies with Section 552.024 or 552.1175, as applicable;

3 (3) a current or former employee of the Texas
4 Department of Criminal Justice or of the predecessor in function of
5 the department or any division of the department, regardless of
6 whether the current or former employee complies with Section
7 552.1175;

8 (4) a peace officer as defined by Article 2.12, Code of
9 Criminal Procedure, or other law, a reserve law enforcement
10 officer, a commissioned deputy game warden, or a corrections
11 officer in a municipal, county, or state penal institution in this
12 state who was killed in the line of duty, regardless of whether the
13 deceased complied with Section 552.024 or 552.1175;

14 (5) a commissioned security officer as defined by
15 Section 1702.002, Occupations Code, regardless of whether the
16 officer complies with Section 552.024 or 552.1175, as applicable;

17 (6) an officer or employee of a community supervision
18 and corrections department established under Chapter 76 who
19 performs a duty described by Section 76.004(b), regardless of
20 whether the officer or employee complies with Section 552.024 or
21 552.1175; ~~[or]~~

22 (7) a current or former employee of the office of the
23 attorney general who is or was assigned to a division of that office
24 the duties of which involve law enforcement, regardless of whether
25 the current or former employee complies with Section 552.024 or
26 552.1175;

27 (8) a current or former employee of the Texas Juvenile

1 Justice Department or of the predecessors in function of the
2 department, regardless of whether the current or former employee
3 complies with Section 552.1175;

4 (9) a juvenile probation or supervision officer
5 certified by the Texas Juvenile Justice Department, or the
6 predecessors in function of the department, under Title 12, Human
7 Resources Code; or

8 (10) employees of a juvenile justice department or a
9 juvenile justice program or facility, as those terms are defined by
10 Section 261.405, Family Code.

11 SECTION 4. The heading to Section 552.1175, Government
12 Code, is amended to read as follows:

13 Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL
14 ~~[ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND~~
15 ~~PERSONAL FAMILY]~~ INFORMATION OF PEACE OFFICERS, COUNTY JAILERS,
16 SECURITY OFFICERS, AND EMPLOYEES OF CERTAIN ~~[THE TEXAS DEPARTMENT~~
17 ~~OF]~~ CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES ~~[A~~
18 ~~PROSECUTOR'S OFFICE]~~.

19 SECTION 5. Section 552.1175(a), Government Code, is amended
20 to read as follows:

21 (a) This section applies only to:

22 (1) peace officers as defined by Article 2.12, Code of
23 Criminal Procedure;

24 (2) county jailers as defined by Section 1701.001,
25 Occupations Code;

26 (3) current or former employees of the Texas
27 Department of Criminal Justice or of the predecessor in function of

1 the department or any division of the department;

2 (4) commissioned security officers as defined by
3 Section 1702.002, Occupations Code;

4 (5) employees of a district attorney, criminal
5 district attorney, or county or municipal attorney whose
6 jurisdiction includes any criminal law or child protective services
7 matters;

8 (6) officers and employees of a community supervision
9 and corrections department established under Chapter 76 who perform
10 a duty described by Section 76.004(b);

11 (7) criminal investigators of the United States as
12 described by Article 2.122(a), Code of Criminal Procedure;

13 (8) police officers and inspectors of the United
14 States Federal Protective Service; ~~and~~

15 (9) current and former employees of the office of the
16 attorney general who are or were assigned to a division of that
17 office the duties of which involve law enforcement;

18 (10) juvenile probation and supervision officers
19 certified by the Texas Juvenile Justice Department, or the
20 predecessors in function of the department, under Title 12, Human
21 Resources Code;

22 (11) employees of a juvenile justice department or a
23 juvenile justice program or facility, as those terms are defined by
24 Section 261.405, Family Code; and

25 (12) current or former employees of the Texas Juvenile
26 Justice Department or the predecessors in function of the
27 department.

1 SECTION 6. Section 203.001, Human Resources Code, is
2 amended by adding Subsection (d) to read as follows:

3 (d) The board may delegate to the executive director or to
4 any other employee any authority given to the board under this
5 chapter except the authority to adopt rules.

6 SECTION 7. Section 203.0081(a), Human Resources Code, is
7 amended to read as follows:

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

9 (1) the executive director of the department or the
10 executive director's designee;

11 (2) the director of probation services of the
12 department or the director's designee;

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

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

17 (5) [~~(4)~~] one representative of the county
18 commissioners courts appointed by the board;

19 (6) [~~(5)~~] two juvenile court judges appointed by the
20 board; and

21 (7) [~~(6)~~] seven chief juvenile probation officers
22 appointed by the board as provided by Subsection (b).

23 SECTION 8. Section 222.002, Human Resources Code, is
24 amended to read as follows:

25 Sec. 222.002. MINIMUM STANDARDS FOR SUPERVISION
26 [~~DETENTION~~] OFFICERS. To be eligible for appointment as a
27 supervision [~~detention~~] officer, a person who was not employed as

1 an [~~a detention~~] officer before September 1, 2005, must:

- 2 (1) be of good moral character;
- 3 (2) be at least 21 years of age;
- 4 (3) have acquired a high school diploma or its
5 equivalent;
- 6 (4) have satisfactorily completed the course of
7 preservice training or instruction required by the department;
- 8 (5) have passed the tests or examinations required by
9 the department; and
- 10 (6) possess the level of certification required by the
11 department.

12 SECTION 9. Section 222.003(b), Human Resources Code, is
13 amended to read as follows:

14 (b) The certification standards adopted under Subsection
15 (a) must be substantially similar to the certification requirements
16 for supervision [~~detention~~] officers under Section 222.002.

17 SECTION 10. The heading to Section 222.004, Human Resources
18 Code, is amended to read as follows:

19 Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF
20 ADMINISTRATIVE, JUVENILE PROBATION, OR SUPERVISION [~~DETENTION~~]
21 OFFICERS.

22 SECTION 11. Section 222.004(a), Human Resources Code, is
23 amended to read as follows:

24 (a) A peace officer, prosecuting attorney, or other person
25 who is employed by or who reports directly to a law enforcement or
26 prosecution official may not act as a chief administrative,
27 juvenile probation, or supervision [~~detention~~] officer or be made

1 responsible for supervising a juvenile on probation.

2 SECTION 12. Section 222.005(a), Human Resources Code, is
3 amended to read as follows:

4 (a) A juvenile probation, supervision [~~detention~~], or
5 corrections officer may not carry a firearm in the course of the
6 person's official duties.

7 SECTION 13. Sections 242.002(b) and (d), Human Resources
8 Code, are amended to read as follows:

9 (b) On or before December 31 of each even-numbered year, the
10 department shall make a report on the effectiveness of the programs
11 to the Legislative Budget Board.

12 (d) If the department is unable to offer or make available
13 programs described by Subsection (a) in the manner provided by
14 Subsection (c), the department shall, not later than December 31
15 [~~January 10~~] of each even-numbered [~~odd-numbered~~] year, provide the
16 standing committees of the senate and house of representatives with
17 primary jurisdiction over matters concerning correctional
18 facilities with a report explaining:

19 (1) which programs are not offered or are unavailable;
20 and

21 (2) the reason the programs are not offered or are
22 unavailable.

23 SECTION 14. Sections 242.010(b), (c), and (d), Human
24 Resources Code, are amended to read as follows:

25 (b) The department [~~executive director~~] shall review the
26 national criminal history record information, state criminal
27 history record information maintained by the Department of Public

1 Safety, and previous and current employment references of each
2 person who:

3 (1) is an employee, [~~contractor~~] volunteer,
4 ombudsman, or advocate working for the department or working in a
5 department facility or a facility under contract with the
6 department;

7 (2) is a contractor or an employee or subcontractor of
8 a contractor who has direct access to children in department
9 facilities;

10 (3) provides direct delivery of services to children
11 in the custody of the department; or

12 (4) [~~(3)~~] has access to records in department
13 facilities or offices.

14 (c) To enable the department [~~executive director~~] to
15 conduct the review, the board shall adopt rules requiring a person
16 described by Subsection (b) to electronically provide the
17 Department of Public Safety with a complete set of the person's
18 fingerprints in a form and of a quality acceptable to the Department
19 of Public Safety and the Federal Bureau of Investigation.

20 (d) For each person described by Subsection (b), the
21 department [~~executive director~~] shall review on an annual basis the
22 person's national criminal history record information.

23 SECTION 15. Section 245.0535(i), Human Resources Code, is
24 amended to read as follows:

25 (i) Not later than December 31 [~~December 1~~] of each
26 even-numbered year, the department shall deliver a report of the
27 results of research conducted or coordinated under Subsection (h)

1 to the lieutenant governor, the speaker of the house of
2 representatives, and the standing committees of each house of the
3 legislature with primary jurisdiction over juvenile justice and
4 corrections.

5 SECTION 16. Section 411.137, Government Code, is repealed.

6 SECTION 17. Article 17.154, Code of Criminal Procedure, as
7 added by this Act, applies only to an offense committed on or after
8 the effective date of this Act. An offense committed before the
9 effective date of this Act is governed by the law in effect on the
10 date the offense was committed, and the former law is continued in
11 effect for that purpose. For purposes of this section, an offense
12 was committed before the effective date of this Act if any element
13 of the offense occurred before that date.

14 SECTION 18. This Act takes effect September 1, 2013.