

## **BILL ANALYSIS**

C.S.H.B. 1549  
By: McClendon  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

S.B. 653, Acts of the 82nd Legislature, Regular Session, 2011, abolished the Texas Youth Commission and the Texas Juvenile Probation Commission, transferred the powers and duties of those former agencies to the Texas Juvenile Justice Department (TJJD), and established that a reference in law to those former agencies means TJJD. However, that bill did not replace all of the references in numerous statutes to the former agencies. The periodic correction of these references since the passage of the bill has been piecemeal, and C.S.H.B. 1549 seeks to make comprehensive and consistent corrections to the law relating to TJJD.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1549 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Family Code, Government Code, Human Resources Code, Labor Code, Local Government Code, Occupations Code, Penal Code, Transportation Code, and Vernon's Texas Civil Statutes to conform to S.B. 653, Acts of the 82nd Legislature, Regular Session, 2011, by replacing references to the former Texas Youth Commission and Texas Juvenile Probation Commission with references to the Texas Juvenile Justice Department (TJJD).

C.S.H.B. 1549 amends the Code of Criminal Procedure, Education Code, Family Code, and Government Code to establish TJJD's representation on the Texas Violent Gang Task Force, the board of directors that advises the Texas School Safety Center, the human trafficking prevention task force, and the Texas Interagency Council for the Homeless.

C.S.H.B. 1549 establishes that if any of its provisions conflict with a provision of another act of the 84th Legislature, Regular Session, 2015, the provision of the other act controls to the extent of the conflict, regardless of the date of enactment.

C.S.H.B. 1549 repeals Section 41.301(2), Government Code.

### **EFFECTIVE DATE**

September 1, 2015.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1549 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 104.001, Civil Practice and Remedies Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Article 13.34, Code of Criminal Procedure, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Article 15.27(c), Code of Criminal Procedure, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Article 38.43(c), Code of Criminal Procedure, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Article 49.18(d)(3), Code of Criminal Procedure, is amended.	SECTION 5. Same as introduced version.
SECTION 6. Articles 60.03(a) and (b), Code of Criminal Procedure, are amended.	SECTION 6. Same as introduced version.
SECTION 7. Article 61.01(9), Code of Criminal Procedure, is amended.	SECTION 7. Same as introduced version.
SECTION 8. Article 61.02(e)(2), Code of Criminal Procedure, is amended.	SECTION 8. Same as introduced version.
SECTION 9. Articles 61.06(a) and (c), Code of Criminal Procedure, are amended.	SECTION 9. Same as introduced version.
SECTION 10. Articles 61.07(a) and (c), Code of Criminal Procedure, are amended.	SECTION 10. Same as introduced version.
SECTION 11. Article 61.08(d), Code of Criminal Procedure, is amended.	SECTION 11. Same as introduced version.
SECTION 12. Article 61.10(f), Code of Criminal Procedure, is amended.	SECTION 12. Same as introduced version.
SECTION 13. Article 62.001(3), Code of Criminal Procedure, is amended.	SECTION 13. Same as introduced version.
SECTION 14. Articles 62.007(d) and (e), Code of Criminal Procedure, are amended.	SECTION 14. Same as introduced version.
SECTION 15. Article 62.008, Code of Criminal Procedure, is amended.	SECTION 15. Same as introduced version.
SECTION 16. Article 62.010, Code of	SECTION 16. Same as introduced version.

Criminal Procedure, is amended.

SECTION 17. Article 62.051(b), Code of Criminal Procedure, is amended.

SECTION 17. Same as introduced version.

SECTION 18. Article 104.003(a), Code of Criminal Procedure, is amended.

SECTION 18. Same as introduced version.

SECTION 19. Section 1.001(b), Education Code, is amended.

SECTION 19. Same as introduced version.

SECTION 20. Section 7.055(b)(26), Education Code, is amended.

SECTION 20. Same as introduced version.

SECTION 21. Section 25.042, Education Code, is amended.

SECTION 21. Same as introduced version.

SECTION 22. Section 29.012(d), Education Code, is amended.

SECTION 22. Same as introduced version.

SECTION 23. Section 29.087(d), Education Code, is amended.

SECTION 23. Same as introduced version.

SECTION 24. The heading to Subchapter E, Chapter 30, Education Code, is amended.

SECTION 24. Same as introduced version.

SECTION 25. Section 30.101, Education Code, is amended.

SECTION 25. Same as introduced version.

SECTION 26. Section 30.102, Education Code, is amended.

SECTION 26. Same as introduced version.

SECTION 27. Section 30.103, Education Code, is amended.

SECTION 27. Same as introduced version.

SECTION 28. Section 30.104, Education Code, is amended.

SECTION 28. Same as introduced version.

SECTION 29. Section 30.106, Education Code, is amended.

SECTION 29. Same as introduced version.

SECTION 30. Section 30A.105(c), Education Code, is amended.

SECTION 30. Same as introduced version.

SECTION 31. Section 31.021(c), Education Code, is amended.

SECTION 31. Same as introduced version.

SECTION 32. Sections 37.0062(a), (b), and (d), Education Code, are amended.

SECTION 32. Same as introduced version.

SECTION 33. Sections 37.011(a), (a-1), (f), (g), and (h), Education Code, are amended.

SECTION 33. Same as introduced version.

SECTION 34. Section 37.084(b),

SECTION 34. Same as introduced version.

Education Code, is amended.

SECTION 35. Section 37.203(a), Education Code, is amended.

SECTION 35. Same as introduced version.

SECTION 36. Section 52.40(a), Education Code, is amended.

SECTION 36. Same as introduced version.

SECTION 37. Section 32.001(b), Family Code, is amended.

SECTION 37. Same as introduced version.

SECTION 38. Section 32.101(d), Family Code, is amended.

SECTION 38. Same as introduced version.

SECTION 39. Section 51.031(b), Family Code, is amended.

SECTION 39. Same as introduced version.

SECTION 40. Section 51.06(b), Family Code, is amended.

SECTION 40. Same as introduced version.

SECTION 41. Section 51.10(b), Family Code, is amended.

SECTION 41. Same as introduced version.

SECTION 42. Section 51.101(e), Family Code, is amended.

SECTION 42. Same as introduced version.

SECTION 43. Section 51.102(b), Family Code, is amended.

SECTION 43. Same as introduced version.

SECTION 44. Sections 51.12(c), (c-1), (h), (i), (j), (l), and (m), Family Code, are amended.

SECTION 44. Same as introduced version.

SECTION 45. Sections 51.125(b), (c), (d), and (e), Family Code, are amended.

SECTION 45. Same as introduced version.

SECTION 46. Section 51.21(b), Family Code, is amended.

SECTION 46. Same as introduced version.

SECTION 47. Section 53.01(e), Family Code, is amended.

SECTION 47. Same as introduced version.

SECTION 48. Section 53.03(d), Family Code, is amended.

SECTION 48. Same as introduced version.

SECTION 49. Sections 54.04(e), (i), (k), and (o), Family Code, are amended.

SECTION 49. Same as introduced version.

SECTION 50. Sections 54.0401(d) and (e), Family Code, are amended.

SECTION 50. Same as introduced version.

SECTION 51. Section 54.0411(h), Family Code, is amended.

SECTION 51. Same as introduced version.

SECTION 52. Section 54.0462(a), Family Code, is amended.

SECTION 52. Same as introduced version.

SECTION 53. Section 54.0491(c), Family Code, is amended.

SECTION 53. Same as introduced version.

SECTION 54. Sections 54.05(a), (g), and (h), Family Code, are amended.

SECTION 54. Same as introduced version.

SECTION 55. Sections 54.06(a) and (b), Family Code, are amended.

SECTION 55. Same as introduced version.

SECTION 56. Section 57.002, Family Code, is amended.

SECTION 56. Same as introduced version.

SECTION 57. Section 57.003(c), Family Code, is amended.

SECTION 57. Same as introduced version.

SECTION 58. Section 57.004, Family Code, is amended.

SECTION 58. Same as introduced version.

SECTION 59. Section 57.005, Family Code, is amended.

SECTION 59. Same as introduced version.

SECTION 60. Section 58.005(a), Family Code, is amended.

SECTION 60. Same as introduced version.

SECTION 61. Section 58.007(d), Family Code, is amended.

SECTION 61. Same as introduced version.

SECTION 62. Sections 58.0072(a), (c), (d), (e), (f), and (g), Family Code, are amended.

SECTION 62. Same as introduced version.

SECTION 63. Section 58.102(b), Family Code, is amended.

SECTION 63. Same as introduced version.

SECTION 64. Section 58.104(b), Family Code, is amended.

SECTION 64. Same as introduced version.

SECTION 65. Sections 58.106(a) and (c), Family Code, are amended.

SECTION 65. Same as introduced version.

SECTION 66. Section 58.112, Family Code, is amended.

SECTION 66. Same as introduced version.

SECTION 67. Section 58.304(b), Family Code, is amended.

SECTION 67. Same as introduced version.

SECTION 68. Section 58.352(a), Family Code, is amended.

SECTION 68. Same as introduced version.

SECTION 69. Section 58.401(1), Family Code, is amended.

SECTION 69. Same as introduced version.

SECTION 70. Sections 58.403(a), (b), and (c), Family Code, are amended.

SECTION 70. Same as introduced version.

SECTION 71. Section 58.404, Family Code, is amended.

SECTION 71. Same as introduced version.

SECTION 72. Section 58.405, Family Code, is amended.

SECTION 72. Same as introduced version.

SECTION 73. Section 59.003(f), Family Code, is amended.

SECTION 73. Same as introduced version.

SECTION 74. Section 59.011, Family Code, is amended.

SECTION 74. Same as introduced version.

SECTION 75. Section 59.013, Family Code, is amended.

SECTION 75. Same as introduced version.

SECTION 76. Section 61.103(a), Family Code, is amended.

SECTION 76. Same as introduced version.

SECTION 77. Section 61.104(a), Family Code, is amended.

SECTION 77. Same as introduced version.

SECTION 78. Section 61.107, Family Code, is amended.

SECTION 78. Same as introduced version.

SECTION 79. Section 107.0161, Family Code, is amended.

SECTION 79. Same as introduced version.

SECTION 80. Section 261.103(b), Family Code, is amended.

SECTION 80. Same as introduced version.

SECTION 81. Section 261.105(e), Family Code, is amended.

SECTION 81. Same as introduced version.

SECTION 82. Sections 261.201(i), (j), and (k), Family Code, are amended.

SECTION 82. Same as introduced version.

SECTION 83. Section 261.401(c), Family Code, is amended to read as follows:

No equivalent provision.

(c) A state agency shall adopt rules relating to the investigation and resolution of reports received as provided by this subchapter. The Health and Human Services Commission shall review and approve the rules of agencies other than the Texas Department of Criminal Justice ~~[, Texas Youth Commission,]~~ or Texas Juvenile Justice Department ~~[ Probation Commission]~~ to ensure that those agencies implement appropriate standards for the conduct of investigations and that uniformity exists among agencies in the investigation and

resolution of reports.

SECTION 84. Sections 261.405(a), (b), (c), and (e), Family Code, are amended to read as follows:

(a) In this section:

(1) "Juvenile justice facility" means a facility operated wholly or partly by the juvenile board, by another governmental unit, or by a private vendor under a contract with the juvenile board, county, or other governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a public or private juvenile pre-adjudication secure detention facility, including a holdover facility;

(B) a public or private juvenile post-adjudication secure correctional facility except for a facility operated solely for children committed to the Texas Juvenile Justice Department [~~Youth Commission~~]; and

(C) a public or private non-secure juvenile post-adjudication residential treatment facility that is not licensed by the Department of Protective and Regulatory Services or the Texas Commission on Alcohol and Drug Abuse.

(2) "Juvenile justice program" means a program or department operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:

(A) a juvenile justice alternative education program;

(B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court; and

(C) a juvenile probation department.

(b) A report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility shall be made to the Texas Juvenile Justice Department [~~Probation Commission~~] and a local law enforcement agency for investigation.

(c) The Texas Juvenile Justice Department [~~Probation Commission~~] shall conduct an investigation as provided by this chapter if that department [~~the commission~~] receives a report of alleged abuse, neglect, or exploitation in any juvenile justice program

SECTION 83. Sections 261.405(b), (c), and (e), Family Code, are amended to read as follows:

No equivalent provision.

(b) A report of alleged abuse, neglect, or exploitation in any juvenile justice program or facility shall be made to the Texas Juvenile Justice Department [~~Probation Commission~~] and a local law enforcement agency for investigation.

(c) The Texas Juvenile Justice Department [~~Probation Commission~~] shall conduct an investigation as provided by this chapter if that department [~~the commission~~] receives a report of alleged abuse, neglect, or exploitation in any juvenile justice program

or facility.

(e) As soon as practicable after a child is taken into custody or placed in a juvenile justice facility or juvenile justice program, the facility or program shall provide the child's parents with:

(1) information regarding the reporting of suspected abuse, neglect, or exploitation of a child in a juvenile justice facility or juvenile justice program to the Texas Juvenile Justice Department [~~Probation Commission~~]; and

(2) the Texas Juvenile Justice Department's [~~commission's~~] toll-free number for this reporting.

SECTION 85. Section 261.407(c), Family Code, is amended to read as follows:

(c) This section does not apply to a facility under the jurisdiction of the Texas Department of Criminal Justice [~~Texas Youth Commission,~~] or Texas Juvenile Justice Department [~~Probation Commission~~].

SECTION 86. Section 261.408(c), Family Code, is amended to read as follows:

(c) This section does not apply to a facility under the jurisdiction of the Texas Department of Criminal Justice [~~Texas Youth Commission,~~] or Texas Juvenile Justice Department [~~Probation Commission~~].

SECTION 87. Section 261.409, Family Code, is amended.

SECTION 88. Section 263.001(a)(4), Family Code, is amended to read as follows:

(4) "Substitute care" means the placement of a child who is in the conservatorship of the department or an authorized agency in care outside the child's home. The term includes foster care, institutional care, adoption, placement with a relative of the child, or commitment to the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 89. Section 263.002, Family Code, is amended to read as follows:

Sec. 263.002. REVIEW OF PLACEMENTS BY COURT. In a suit affecting the parent-child relationship in which the department or an authorized agency has been appointed by the court or

or facility.

(e) As soon as practicable after a child is taken into custody or placed in a juvenile justice facility or juvenile justice program, the facility or program shall provide the child's parents with:

(1) information regarding the reporting of suspected abuse, neglect, or exploitation of a child in a juvenile justice facility or juvenile justice program to the Texas Juvenile Justice Department [~~Probation Commission~~]; and

(2) the Texas Juvenile Justice Department's [~~commission's~~] toll-free number for this reporting.

No equivalent provision.

No equivalent provision.

SECTION 84. Same as introduced version.

No equivalent provision.

No equivalent provision.

designated in an affidavit of relinquishment of parental rights as the temporary or permanent managing conservator of a child, the court shall hold a hearing to review:

- (1) the conservatorship appointment and substitute care; and
- (2) for a child committed to the Texas Juvenile Justice Department [~~Youth Commission~~], the child's commitment in that department [~~the Texas Youth Commission~~] or release under supervision by that department [~~the Texas Youth Commission~~].

SECTION 90. Section 263.302, Family Code, is amended.

SECTION 91. Section 263.303(b), Family Code, is amended to read as follows:

- (b) The permanency progress report must:
  - (1) recommend that the suit be dismissed; or
  - (2) recommend that the suit continue, and:
    - (A) identify the date for dismissal of the suit under this chapter;
    - (B) provide:
      - (i) the name of any person entitled to notice under Chapter 102 who has not been served;
      - (ii) a description of the efforts by the department or another agency to locate and request service of citation; and
      - (iii) a description of each parent's assistance in providing information necessary to locate an unserved party;
    - (C) evaluate the parties' compliance with temporary orders and with the service plan;
    - (D) evaluate whether the child's placement in substitute care meets the child's needs and recommend other plans or services to meet the child's special needs or circumstances;
    - (E) describe the permanency plan for the child and recommend actions necessary to ensure that a final order consistent with that permanency plan, including the concurrent permanency goals contained in that plan, is rendered before the date for dismissal of the suit under this chapter;
    - (F) with respect to a child 16 years of age or older, identify the services needed to assist the child in the transition to adult life; and
    - (G) with respect to a child committed to the Texas Juvenile Justice Department [~~Youth Commission~~] or released under supervision by that department [~~the Texas Youth~~

SECTION 85. Same as introduced version.

No equivalent provision.

~~Commission~~]:

- (i) evaluate whether the child's needs for treatment and education are being met;
- (ii) describe, using information provided by the Texas Juvenile Justice Department [~~Youth Commission~~], the child's progress in any rehabilitation program administered by that department [~~the Texas Youth Commission~~]; and
- (iii) recommend other plans or services to meet the child's needs.

SECTION 92. Sections 263.501(f) and (g), Family Code, are amended.

SECTION 93. Section 264.0091, Family Code, is amended to read as follows:

Sec. 264.0091. USE OF TELECONFERENCING AND VIDEOCONFERENCING

TECHNOLOGY. Subject to the availability of funds, the department, in cooperation with district and county courts, shall expand the use of teleconferencing and videoconferencing to facilitate participation by medical experts, children, and other individuals in court proceedings, including children for whom the department, an authorized agency, or a licensed child-placing agency has been appointed managing conservator and who are committed to the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 94. Section 264.701(b), Family Code, is amended to read as follows:

(b) The committee is appointed by the Board of Protective and Regulatory Services and is composed of the following 15 members:

- (1) an officer or employee of the Texas Education Agency;
- (2) two officers or employees of the Department of Protective and Regulatory Services;
- (3) an officer or employee of the Texas Juvenile Justice Department [~~Probation Commission~~];
- (4) an officer or employee of the Texas Department of Mental Health and Mental Retardation;
- (5) an officer or employee of the Health and Human Services Commission;
- (6) three members of the public who have knowledge of and experience in the area of

SECTION 86. Same as introduced version.

No equivalent provision.

No equivalent provision.

delivery of services relating to child abuse and neglect;  
(7) three members of the public who have knowledge of and experience in the area of evaluation of programs relating to the prevention and treatment of child abuse and neglect; and  
(8) three members of the public who are or have been recipients of services relating to the prevention or treatment of child abuse or neglect.

SECTION 95. Section 41.102(c), Government Code, is amended.

SECTION 87. Same as introduced version.

SECTION 96. Section 41.303(a), Government Code, is amended.

SECTION 88. Same as introduced version.

SECTION 97. Section 41.304(a), Government Code, is amended.

SECTION 89. Same as introduced version.

SECTION 98. Section 41.310, Government Code, is amended.

SECTION 90. Same as introduced version.

SECTION 99. Section 322.019(d), Government Code, is amended.

SECTION 91. Same as introduced version.

SECTION 100. Section 402.035(c), Government Code, is amended.

SECTION 92. Same as introduced version.

SECTION 101. Section 411.138, Government Code, is amended.

SECTION 93. Same as introduced version.

SECTION 102. Sections 411.148(a), (d), (f-1), (f-2), and (j), Government Code, are amended.

SECTION 94. Same as introduced version.

SECTION 103. Section 420.008(c), Government Code, is amended.

SECTION 95. Same as introduced version.

SECTION 104. Section 492.0011, Government Code, is amended.

SECTION 96. Same as introduced version.

SECTION 105. Sections 497.051(a), (b), and (c), Government Code, are amended.

SECTION 97. Same as introduced version.

SECTION 106. Section 497.058(a), Government Code, is amended.

SECTION 98. Same as introduced version.

SECTION 107. Section 497.0581(a), Government Code, is amended.

SECTION 99. Same as introduced version.

SECTION 108. Section 508.003(c), Government Code, is amended.

SECTION 100. Same as introduced version.

SECTION 109. Sections 508.156(d), (e), and (f), Government Code, are amended.

SECTION 101. Same as introduced version.

SECTION 110. Sections 531.02418(a) and (b), Government Code, are amended to read as follows:

No equivalent provision.

(a) The commission shall enter into a memorandum of understanding with the Texas Juvenile Justice Department [~~Youth Commission~~] to ensure that each individual who is committed under Title 3, Family Code, is assessed by the commission for eligibility for the medical assistance program under Chapter 32, Human Resources Code, and the child health plan program before that individual's release from commitment.

(b) The commission shall enter into a memorandum of understanding with the Texas Juvenile Justice Department [~~Probation Commission~~] to ensure that each individual who is placed or detained under Title 3, Family Code, is assessed by the commission for eligibility for the medical assistance program under Chapter 32, Human Resources Code, and the child health plan program before the individual's release from placement or detention. Local juvenile probation departments are subject to the requirements of the memorandum.

SECTION 111. Section 531.047(a), Government Code, is amended to read as follows:

No equivalent provision.

(a) The commission, after consulting with representatives from the Department of Protective and Regulatory Services, the Texas Juvenile Justice Department [~~Probation Commission~~], and the Texas Department of Mental Health and Mental Retardation, shall by rule adopt result-oriented standards that a provider of substitute care services for children under the care of the state must achieve.

SECTION 112. Section 531.055(a), Government Code, is amended to read as follows:

No equivalent provision.

(a) Each health and human services agency, the Texas Council on Offenders with Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Education Agency, the Texas Workforce Commission, and the Texas Juvenile Justice

Department [~~Youth Commission~~] shall adopt a joint memorandum of understanding to promote a system of local-level interagency staffing groups to coordinate services for persons needing multiagency services.

SECTION 113. Section 531.802(c), Government Code, is amended to read as follows:

(c) Subject to Subsection (d), the council is composed of the following:

- (1) the executive commissioner;
- (2) the commissioner of state health services;
- (3) the commissioner of the Department of Family and Protective Services;
- (4) the commissioner of aging and disability services;
- (5) the commissioner of assistive and rehabilitative services;
- (6) the commissioner of education;
- (7) the executive director of the Texas Juvenile Justice Department [~~Probation Commission~~];
- (8) [~~the executive commissioner of the Texas Youth Commission~~];
- ~~[(9)]~~ the executive director of the Texas Workforce Commission;
- ~~[(10)]~~ the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- ~~[(11)]~~ two public representatives who are parents of children who have received services from an agency represented on the council, appointed by the executive commissioner; and
- ~~[(12)]~~ two representatives who are young adults or adolescents who have received services from an agency represented on the council, appointed by the executive commissioner.

No equivalent provision.

SECTION 114. Section 658.002(c), Government Code, is amended.

SECTION 102. Same as introduced version.

SECTION 115. Section 659.044(e), Government Code, is amended.

SECTION 103. Same as introduced version.

SECTION 116. Section 659.046(f), Government Code, is amended.

SECTION 104. Same as introduced version.

SECTION 117. Section 659.302(b), Government Code, is amended.

SECTION 105. Same as introduced version.

SECTION 118. Section 659.303, Government Code, is amended.

SECTION 106. Same as introduced version.

SECTION 119. Section 661.031(2), Government Code, is amended.

SECTION 107. Same as introduced version.

SECTION 120. Section 661.061(2), Government Code, is amended.

SECTION 108. Same as introduced version.

SECTION 121. Section 661.152(a), Government Code, is amended.

SECTION 109. Same as introduced version.

SECTION 122. Section 814.104(b), Government Code, is amended.

SECTION 110. Same as introduced version.

SECTION 123. Section 815.505, Government Code, is amended.

SECTION 111. Same as introduced version.

SECTION 124. Section 2155.143, Government Code, is amended.

SECTION 112. Same as introduced version.

SECTION 125. Section 2165.005(f), Government Code, is amended.

SECTION 113. Same as introduced version.

SECTION 126. Section 2165.252(b), Government Code, is amended.

SECTION 114. Same as introduced version.

SECTION 127. Section 2167.001(b), Government Code, is amended.

SECTION 115. Same as introduced version.

SECTION 128. Section 2303.402(c), Government Code, is amended.

SECTION 116. Same as introduced version.

SECTION 129. Section 2306.5621(a)(6), Government Code, is amended.

SECTION 117. Same as introduced version.

SECTION 130. Section 2306.903(a), Government Code, is amended.

SECTION 118. Same as introduced version.

SECTION 131. Section 61.003(f), Health and Safety Code, is amended to read as follows:

No equivalent provision.

(f) For purposes of this chapter, a person who is an inmate or resident of a state school or institution operated by the Texas Department of Criminal Justice, Department of Aging and Disability Services, Department of State Health Services, Texas Juvenile Justice Department [~~Youth Commission~~], Texas School for the Blind and Visually Impaired, Texas School for the Deaf, or any other state agency or who is an inmate, patient, or resident of a school or institution operated by a federal agency is

not considered a resident of a hospital district or of any governmental entity except the state or federal government.

SECTION 132. Section 81.010(c), Health and Safety Code, is amended to read as follows:

(c) The council consists of one representative from each of the following agencies appointed by the executive director or commissioner of each agency:

- (1) the Department of State Health Services;
- (2) the Department of Aging and Disability Services;
- (3) the Department of Assistive and Rehabilitative Services;
- (4) the Department of Family and Protective Services;
- (5) ~~the Texas Youth Commission;~~
- (6) ~~the Texas Department of Criminal Justice;~~
- (6) ~~the Texas Juvenile Justice Department~~ the Texas Juvenile Justice Department ~~[Probation Commission];~~
- (7) ~~the Texas Medical Board;~~
- (8) ~~the Texas Board of Nursing;~~
- (9) ~~the State Board of Dental Examiners;~~
- (10) ~~the Health and Human Services Commission;~~
- (11) ~~the Texas Workforce Commission;~~ and
- (12) ~~the Texas Higher Education Coordinating Board.~~

No equivalent provision.

SECTION 133. Section 81.102(a), Health and Safety Code, is amended to read as follows:

(a) A person may not require another person to undergo a medical procedure or test designed to determine or help determine if a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS unless:

- (1) the medical procedure or test is required under Subsection (d), under Section 81.050, or under Article 21.31, Code of Criminal Procedure;
- (2) the medical procedure or test is required under Section 81.090, and no objection has been made under Section 81.090(1);
- (3) the medical procedure or test is authorized under Chapter 545, Insurance Code;

No equivalent provision.

(4) a medical procedure is to be performed on the person that could expose health care personnel to AIDS or HIV infection, according to board guidelines defining the conditions that constitute possible exposure to AIDS or HIV infection, and there is sufficient time to receive the test result before the procedure is conducted; or

(5) the medical procedure or test is necessary:

(A) as a bona fide occupational qualification and there is not a less discriminatory means of satisfying the occupational qualification;

(B) to screen blood, blood products, body fluids, organs, or tissues to determine suitability for donation;

(C) in relation to a particular person under this chapter;

(D) to manage accidental exposure to blood or other body fluids, but only if the test is conducted under written infectious disease control protocols adopted by the health care agency or facility;

(E) to test residents and clients of residential facilities of the Texas Department of Mental Health and Mental Retardation, but only if:

(i) the test result would change the medical or social management of the person tested or others who associated with that person; and

(ii) the test is conducted in accordance with guidelines adopted by the residential facility or the Texas Department of Mental Health and Mental Retardation and approved by the department; or

(F) to test residents and clients of residential facilities of the Texas Juvenile Justice Department [~~Youth Commission~~], but only if:

(i) the test result would change the medical or social management of the person tested or others who associate with that person; and

(ii) the test is conducted in accordance with guidelines adopted by that department [~~the Texas Youth Commission~~].

SECTION 134. Section 85.113, Health and Safety Code, is amended to read as follows:

Sec. 85.113. WORKPLACE GUIDELINES FOR STATE CONTRACTORS. An entity that contracts with or is funded by any of the following state agencies to operate a program involving direct client contact shall adopt and implement workplace guidelines

No equivalent provision.

similar to the guidelines adopted by the agency that funds or contracts with the entity:

- (1) the Texas Commission on Alcohol and Drug Abuse;
- (2) the Texas Commission for the Blind;
- (3) the Texas Commission for the Deaf and Hard of Hearing;
- (4) the Texas Juvenile Justice Department [~~Probation Commission~~];
- (5) the Texas Department of Criminal Justice;
- (6) [~~the Texas Youth Commission~~];
- (7) [~~the~~] the department;
- (8) [~~the~~] the Texas Department of Human Services;
- (9) [~~the~~] the Texas Department of Mental Health and Mental Retardation; and
- (10) [~~the~~] the Texas Rehabilitation Commission.

SECTION 135. Section 89.101(1), Health and Safety Code, is amended to read as follows:

- (1) "Corrections facility" means:
  - (A) a jail or community corrections facility, without regard to whether the jail or facility satisfies the requirements of Section 89.002;
  - (B) any correctional facility operated by or under contract with a division of the Texas Department of Criminal Justice; or
  - (C) a detention facility operated by the Texas Juvenile Justice Department [~~Youth Commission~~].

No equivalent provision.

SECTION 136. Section 115.007(a), Health and Safety Code, is amended to read as follows:

- (a) The task force consists of:
  - (1) the commissioner, the executive director or director, or a deputy or assistant commissioner of:
    - (A) the commission, designated by the executive commissioner;
    - (B) the Department of Aging and Disability Services, designated by the commissioner of that agency;
    - (C) the Department of Assistive and Rehabilitative Services, designated by the commissioner of that agency;
    - (D) the division of early childhood intervention services, designated by the commissioner of the Department of Assistive and Rehabilitative Services;
    - (E) the Department of Family and

No equivalent provision.

Protective Services, designated by the commissioner of that agency;

(F) the Department of State Health Services, designated by the commissioner of that agency;

(G) the Texas Education Agency, designated by the commissioner of that agency;

(H) ~~[the Texas Youth Commission, designated by the executive commissioner of that agency;~~

~~[(H)]~~ the Texas Juvenile Justice Department ~~[Probation Commission]~~, designated by the executive director of that agency; and

(I) ~~[(H)]~~ the Texas Correctional Office on Offenders with Medical or Mental Impairments, designated by the director of that office; and

(2) eight nonvoting members who are:

(A) a representative of a local mental health authority or a local mental retardation authority, appointed by the governor;

(B) two members of the house of representatives, appointed by the speaker of the house of representatives;

(C) two senators, appointed by the lieutenant governor; and

(D) three parents or consumer advocates, one each appointed by the commission, the Texas Education Agency, and the Texas Juvenile Justice Department ~~[Youth Commission]~~.

SECTION 137. Section 161.005(a), Health and Safety Code, is amended to read as follows:

(a) On admission of a child to a facility of the Texas Department of Mental Health and Mental Retardation, the Texas Department of Criminal Justice, or the Texas Juvenile Justice Department ~~[Youth Commission]~~, the facility physician shall review the immunization history of the child and administer any needed vaccinations or refer the child for immunization.

No equivalent provision.

SECTION 138. Section 533.0415(a), Health and Safety Code, is amended to read as follows:

(a) The department, the Texas Department of Human Services, ~~[the Texas Youth Commission,]~~ the Texas Juvenile Justice Department ~~[Probation Commission]~~, and the Texas Education Agency by rule shall adopt a joint memorandum of understanding

No equivalent provision.

to develop interagency training for the staffs of the agencies involved in the functions of assessment, case planning, case management, and in-home or direct delivery of services to children, youth, and their families. The memorandum must:

(1) outline the responsibility of each agency in coordinating and developing a plan for interagency training on individualized assessment and effective intervention and treatment services for children and dysfunctional families; and

(2) provide for the establishment of an interagency task force to:

(A) develop a training program to include identified competencies, content, and hours for completion of the training with at least 20 hours of training required each year until the program is completed;

(B) design a plan for implementing the program, including regional site selection, frequency of training, and selection of experienced clinical public and private professionals or consultants to lead the training; and

(C) monitor, evaluate, and revise the training program, including the development of additional curricula based on future training needs identified by staff and professionals.

SECTION 139. Section 551.008(a), Health and Safety Code, is amended to read as follows:

No equivalent provision.

(a) The department may transfer the South Campus of the Vernon State Hospital to the Texas Juvenile Justice Department [~~Youth Commission~~] contingent upon the agreement of the governing board of the department and the executive director [~~commissioner~~] of the Texas Juvenile Justice Department [~~Youth Commission~~].

SECTION 140. Section 555.002(e), Health and Safety Code, is amended to read as follows:

No equivalent provision.

(e) The department shall collect data regarding the commitment of alleged offender residents to state supported living centers, including any offense with which an alleged offender resident is charged, the location of the committing court, whether the alleged offender resident has previously been in the custody of the Texas Juvenile Justice Department [~~Youth Commission~~] or

the Department of Family and Protective Services, and whether the alleged offender resident receives mental health services or previously received any services under a Section 1915(c) waiver program. The department shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the legislature with primary subject matter jurisdiction over state supported living centers a report of the information collected under this section. The report may not contain personally identifiable information for any person in the report.

SECTION 141. Section 574.001(f), Health and Safety Code, is amended to read as follows:

(f) An application in which the proposed patient is a child in the custody of the Texas Juvenile Justice Department [~~Youth Commission~~] may be filed in the county in which the child's commitment to that department [~~the commission~~] was ordered.

No equivalent provision.

SECTION 142. Section 593.041(e), Health and Safety Code, is amended to read as follows:

(e) An application in which the proposed patient is a child in the custody of the Texas Juvenile Justice Department [~~Youth Commission~~] may be filed in the county in which the child's commitment to that department [~~the commission~~] was ordered.

No equivalent provision.

SECTION 143. Section 614.019, Health and Safety Code, is amended to read as follows:

Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in cooperation with the Texas Commission on Alcohol and Drug Abuse, the Texas Department of Mental Health and Mental Retardation, the Department of Protective and Regulatory Services, the Texas Juvenile Justice Department [~~Probation Commission, the Texas Youth Commission~~], and the Texas Education Agency, may establish and maintain programs, building on existing successful efforts in communities, to address prevention, intervention, and continuity of care for juveniles with mental health and substance abuse disorders.

(b) A child with mental illness who is

No equivalent provision.

receiving continuity of care services during parole from the Texas Juvenile Justice Department [~~Youth Commission~~] and who is no longer eligible to receive services from a local mental health authority when the child becomes 17 years of age because the child does not meet the requirements of a local service area plan under Section 533.0352(a) may continue to receive continuity of care services from the office until the child completes the child's parole.

(c) A child with mental illness or mental retardation who is discharged from the Texas Juvenile Justice Department under Section 244.011, Human Resources Code, may receive continuity of care services from the office for a minimum of 90 days after discharge from that department [~~the commission~~] and for as long as necessary for the child to demonstrate sufficient stability to transition successfully to mental health or mental retardation services provided by a local mental health or mental retardation authority.

SECTION 144. Section 42.052(g), Human Resources Code, is amended to read as follows:

(g) The certification requirements of this section do not apply to [~~a Texas Youth Commission facility;~~] a Texas Juvenile Justice Department [~~Probation Commission~~] facility[;] or a facility providing services solely for that department [~~the Texas Youth Commission~~].

SECTION 145. Section 63.009, Human Resources Code, is amended.

SECTION 146. Section 63.010, Human Resources Code, is amended.

SECTION 147. Section 63.019, Human Resources Code, is amended.

SECTION 148. Section 63.020(1), Human Resources Code, is amended.

SECTION 149. Section 142.002(a), Human Resources Code, is amended.

SECTION 150. Section 142.003(b), Human Resources Code, is amended.

SECTION 151. Section 142.006(b), Human

No equivalent provision.

SECTION 119. Same as introduced version.

SECTION 120. Same as introduced version.

SECTION 121. Same as introduced version.

SECTION 122. Same as introduced version.

SECTION 123. Same as introduced version.

SECTION 124. Same as introduced version.

SECTION 125. Same as introduced version.

Resources Code, is amended.

SECTION 152. Section 152.0007(a), Human Resources Code, is amended.

SECTION 126. Same as introduced version.

SECTION 153. Section 152.0008(a), Human Resources Code, is amended.

SECTION 127. Same as introduced version.

SECTION 154. Section 152.0461(f), Human Resources Code, is amended.

SECTION 128. Same as introduced version.

SECTION 155. Section 152.1161(f), Human Resources Code, is amended.

SECTION 129. Same as introduced version.

SECTION 156. Section 152.2401(f), Human Resources Code, is amended.

SECTION 130. Same as introduced version.

SECTION 157. Section 152.2561(l), Human Resources Code, is amended.

SECTION 131. Same as introduced version.

SECTION 158. Section 306.002, Labor Code, is amended.

SECTION 132. Same as introduced version.

SECTION 159. Section 306.003, Labor Code, is amended.

SECTION 133. Same as introduced version.

SECTION 160. Section 306.004, Labor Code, is amended.

SECTION 134. Same as introduced version.

SECTION 161. Section 306.005(b), Labor Code, is amended.

SECTION 135. Same as introduced version.

SECTION 162. Section 306.007(a), Labor Code, is amended.

SECTION 136. Same as introduced version.

SECTION 163. Sections 306.008(a) and (c), Labor Code, are amended.

SECTION 137. Same as introduced version.

SECTION 164. Section 504.017, Labor Code, is amended.

SECTION 138. Same as introduced version.

SECTION 165. Section 244.001(1), Local Government Code, is amended.

SECTION 139. Same as introduced version.

SECTION 166. Section 244.006, Local Government Code, is amended.

SECTION 140. Same as introduced version.

SECTION 167. Section 110.202(a), Occupations Code, is amended to read as follows:

No equivalent provision.

(a) The executive head of each of the following agencies or that person's designated representative shall serve as a member of the interagency advisory

committee:

- (1) Texas Department of Criminal Justice;
- (2) Texas Juvenile Justice Department [~~Probation Commission~~];
- (3) Texas Department of Mental Health and Mental Retardation;
- (4) [~~Texas Youth Commission~~;
- (5) [~~5~~] Sam Houston State University;
- (6) [~~6~~] Department of Protective and Regulatory Services; and
- (7) [~~7~~] Texas Council of Community Mental Health and Mental Retardation Centers.

SECTION 168. Section 110.302(b), Occupations Code, is amended to read as follows:

(b) In developing the rules, the council shall coordinate with the Texas Department of Criminal Justice [~~, the Texas Youth Commission,~~] and the Texas Juvenile Justice Department [~~Probation Commission~~].

SECTION 169. Section 1701.259(a), Occupations Code, is amended.

SECTION 170. Section 22.11(d), Penal Code, is amended.

SECTION 171. Section 38.06(c), Penal Code, is amended.

SECTION 172. Sections 39.04(a), (b), and (f), Penal Code, are amended.

SECTION 173. Section 39.04(e)(2), Penal Code, is amended.

SECTION 174. Section 201.603, Transportation Code, is amended.

SECTION 175. Section 721.003(a), Transportation Code, is amended.

SECTION 176. Section 1(a), Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), is amended.

SECTION 177. Section 41.301(2), Government Code, is repealed.

SECTION 178. If any provision of this Act

No equivalent provision.

SECTION 141. Same as introduced version.

SECTION 142. Same as introduced version.

SECTION 143. Same as introduced version.

SECTION 144. Same as introduced version.

SECTION 145. Same as introduced version.

SECTION 146. Same as introduced version.

SECTION 147. Same as introduced version.

SECTION 148. Same as introduced version.

SECTION 149. Same as introduced version.

SECTION 150. Same as introduced version.

conflicts with a provision of another Act of the 84th Legislature, Regular Session, 2015, the provision of the other Act controls to the extent of the conflict, regardless of the date of enactment.

SECTION 179. This Act takes effect September 1, 2015.

SECTION 151. Same as introduced version.