

SUBJECT: Juvenile Justice agency criminal history records handling; administration

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Parker, White, Allen, Riddle, Rose, J.D. Sheffield

0 nays

1 absent — Toth

WITNESSES: For — Doots Dufour, Diocese of Austin; (*Registered, but did not testify*: Steven Tays, Bexar County Criminal District Attorney's Office)

Against — None

On — Mike Griffiths, Texas Juvenile Justice Department; (*Registered, but did not testify*: Chelsea Buchholtz, Texas Juvenile Justice Department)

BACKGROUND: The 82nd Legislature created the Texas Juvenile Justice Department (TJJD) and abolished two state agencies — the Texas Youth Commission and the Texas Juvenile Probation Commission — that previously were responsible for juvenile offenders.

DIGEST: **Criminal history record information.** HB 2733 would give TJJD the authority vested in the predecessor agencies to obtain criminal history information from the Department of Public Safety. The authority to obtain criminal history information would be expanded to include:

- children committed to TJJD's custody;
- persons requesting to visit TJJD facilities;
- persons living in homes where TJJD youths could be placed upon release; and
- applicants for and holders of TJJD certification as a juvenile probation or supervision office.

TJJD would be required to destroy the criminal history record information of applicants for certification as a juvenile probation or supervision office after an applicant was certified. Criminal history records obtained by the

TJJD could be released to a juvenile board that employs a certified juvenile probation or supervision officer, and TJJD would be allowed to disclose criminal history record information in criminal proceedings or in hearings conducted by TJJD.

The bill would transfer to TJJD, from the agency's executive director, the current requirement to review criminal history record information about certain individuals. It also would require criminal history records only of contractors and employees of contractors who have direct access to children in TJJD facilities, instead of all contractors.

**Other provisions.** The bill would amend Government Code, sec. 552.117(a) and sec. 552.1175 to add to the current list of those whose personal information is excepted from the Public Information Act and can be kept confidential:

- current and former employees of TJJD, or its predecessor agencies;
- certified juvenile probation officers; and
- employees of a juvenile program or facility.

Other provisions of the bill would:

- give the TJJD board authority to delegate to the executive director or other agency employees any board authority, except rulemaking;
- add the director of state program and facilities for TJJD to the agency's advisory council;
- refer to supervision officers instead of detention officers;
- change the frequency with which the agency must submit a report to the Legislative Budget Board on treatment programs from annually to in even-numbered years; and
- change the date that the agency must submit a comprehensive reentry and reintegration plan to legislative leaders from December 1 to December 31 of even-numbered years.

The bill would take effect September 1, 2013.