

## **BILL ANALYSIS**

Senate Research Center

H.B. 1928  
By: McClendon (West)  
Criminal Justice  
5-17-97  
Engrossed

### **DIGEST**

Throughout Texas, local juvenile boards operate or contract for the operation of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities. Current law requires that the juvenile court judges and juvenile board members inspect these facilities annually and certify them as suitable for the detention of children. To be eligible to receive state funding from the Texas Juvenile Probation Commission (TJPC), counties must comply with TJPC standards for these types of facilities. TJPC standards are used by every juvenile board that currently operates such a facility, with American Correctional Association standards being additionally utilized in about five counties.

This bill would require all juvenile court judges and juvenile board members to certify their juvenile facilities based upon the minimum professional standards and register their facilities with TJPC.

### **PURPOSE**

As proposed, H.B. 1928 requires all juvenile court judges and juvenile board members to certify their juvenile facilities based upon the minimum professional standards.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.12, Family Code, by amending Subsections (c) and (d) and adding Subsection (i), as follows:

(c) Requires in each county each judge of the juvenile court and the members of the juvenile board to personally inspect the juvenile pre-adjudication secure detention facilities and any public or private juvenile secure correctional facilities used for post-adjudication confinement that are located in the county and operated under authority of the juvenile board at least annually and certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Probation Commission (TJPC) that they are suitable or unsuitable for the detention of children in accordance with certain requirements and standards.

(d) Prohibits any child from being placed in a facility that has not been certified under Subsection (c) of this section as suitable for the detention of children and registered under Subsection (i) of this section. Requires a child detained in a facility that has not been certified under Subsection (c) of this section as suitable for the detention of children or that has not been registered under Subsection (i) to be entitled to immediate release from custody in that facility.

(i) Requires a governmental unit or private entity that operates or contracts for the operation of a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility in this state, except for a facility operated or certified by the Texas Youth Commission, to register the facility annually with TJPC, and adhere to all applicable minimum standards for the facility.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.