

BILL ANALYSIS

Senate Research Center

H.B. 2749
By: McClendon (West)
Criminal Justice
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Engrossed

DIGEST

Currently, the Texas Department of Protective and Regulatory Services (DPRS) does not have the authority to investigate alleged child abuse or neglect in facilities that are not licensed by DPRS. The Texas Juvenile Probation Commission (TJPC) has received complaints of alleged child abuse in juvenile pre-adjudication and post-adjudication secure detention and correctional facilities. Secure juvenile detention and correctional facilities are not licensed by DPRS and, therefore, DPRS cannot investigate the alleged child abuse. TJPC does not license, register, or certify such facilities. This bill would require TJPC to operate a statewide registry of these facilities, require TJPC to adopt minimum standards for the operation of these facilities, and authorize TJPC to inspect these facilities and monitor compliance with TJPC standards.

PURPOSE

As proposed, H.B. 2749 requires Texas Juvenile Probation Commission to operate a statewide registry for all juvenile pre-adjudication and post-adjudication secure detention and correctional facilities, except facilities operated or certified by the Texas Youth Commission.

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 141.042(a), (c), and (d), Human Resources Code, as follows:

(a) Requires the Texas Juvenile Probation Commission (commission) to adopt reasonable rules that provide minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board, and private juvenile post-adjudication secure correctional facilities, except those facilities exempt from certification by Section 42.052(e).

(c) Requires the commission to operate a statewide registry for all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities except a facility operated or certified by the Texas Youth Commission (TYC). Deletes existing Subsection (c).

(d) Requires the commission to annually inspect all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities except a facility operated or certified by TYC and to annually monitor compliance with the standards established under Subsection (a)(4) if the juvenile board has elected to comply with those standards or to annually ensure that the facility is certified by the American Correctional Association if the juvenile board has elected to comply with those standards. Deletes existing text relating to certain annual inspections conducted by the commission.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.
Effective date: 90 days after adjournment.