

BILL ANALYSIS

Senate Research Center

S.B. 1314
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

El Paso County's Juvenile Probation Department (JPD) is a secure facility that must adhere to standards set forth by the Texas Juvenile Justice Department (TJJD). However, it is also licensed as a drug treatment facility and must therefore follow regulations set forth by the Department of State Health Services (DSHS). DSHS is proposing new regulations to take effect in November 2017 regarding treatment facilities for individuals with substance-related disorders. These proposed changes would be in conflict with standards set forth by TJJD and would therefore pose a problem for the El Paso JPD.

S.B. 1314 grants the El Paso County JPD, and others like it, an exemption similar to that allowed by statute to the Texas Department of Criminal Justice (TDCJ). TDCJ is allowed to provide drug treatment to adults under its own regulations without following additional regulations set forth by DSHS. The similar exemption for JPDs would allow the El Paso JPD to continue to provide drug treatment to youth involved in the justice system while being governed by TJJD regulations.

This would allow youth to remain in El Paso for services, allow for the incorporation of family members in the treatment process, and potentially reduce costs for JPD and the county by allowing access to Medicaid payments for therapeutic services. If the new requirements are approved and JPD is required to adhere to them, JPD will likely have to forego providing drug treatment services for up to 50 juveniles per year, which could result in an increase in commitment rates to TJJD and a reduction in the family and community involvement in treatment that is so important to youth success. (Original Author's / Sponsor's Statement of Intent)

S.B. 1314 amends current law relating to the regulation of substance abuse facilities and programs for juveniles.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Juvenile Justice Board is modified in SECTION 2 (Section 221.002, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 464.003, Health and Safety Code, to include a juvenile justice facility or juvenile justice program, as defined by Section 261.405 (Investigations in Juvenile Justice Programs and Facilities), Family Code, in the list of programs or facilities to which this subchapter (Regulation of Chemical Dependency Treatment Facilities) does not apply.

SECTION 2. Amends Section 221.002, Human Resources Code, by amending Subsection (a) and adding Subsection (f), as follows:

- (a) Includes minimum standards for the operation of substance abuse facilities or programs that are juvenile justice facilities or juvenile justice programs, as defined by Section 261.405, Family Code, in the list of certain standards for which reasonable rules adopted by the Texas Juvenile Justice Board are required to provide. Makes nonsubstantive changes.

(f) Provides that a substance abuse facility or program operating under the standards adopted under this section is not required to be licensed or otherwise approved by any other state or local agency.

SECTION 3. (a) Provides that the change in law made by this Act to Section 464.003, Health and Safety Code, does not affect the validity of a disciplinary action or other proceeding that was initiated before the effective date of this Act and that is pending before a court or other governmental entity on the effective date of this Act.

(b) Provides that the change in law made by this Act does not apply to an offense committed under or a violation of Subchapter A, Chapter 464 (Facilities Treating Persons with a Chemical Dependency), Health and Safety Code, that occurred before the effective date of this Act. Provides that an offense committed or a violation that occurred before the effective date of this Act is governed by the law as it existed on the date the offense was committed or the violation occurred, and the former law is continued in effect for that purpose. Provides that, for purposes of this subsection, an offense was committed or a violation occurred before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 4. Effective date: September 1, 2017.