

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 3648  
By: Guillen (Whitmire)  
Criminal Justice  
5/15/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3648 amends current law relating to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 261.001, Human Resources Code, by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b), as follows:

(1) Defines "child" as an individual who is 10 years of age or older and younger than 19 years of age and committed to or placed in a facility described by Section 261.101(f) by an order issued by a juvenile court.

(1-a) Creates this subdivision, defining "independent ombudsman," from existing text.

SECTION 2. Amends Section 261.101, Human Resources Code, by adding Subsection (f), as follows:

(f) Provides that, notwithstanding any other provision of this chapter (Independent Ombudsman), the powers of the office of independent ombudsman of the Texas Juvenile Justice Department (office; TJJD) include:

(1) the inspection of:

(A) a facility operated by TJJD under Subtitle C (Secure Facilities);

(B) a post-adjudication secure correctional facility under Section 51.125 (Post-Adjudication Correctional Facilities), Family Code;

(C) a nonsecure correctional facility under Section 51.126 (Nonsecure Correctional Facilities), Family Code; and

(D) any other residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order; and

(2) the investigation of complaints alleging a violation of the rights of the children committed to or placed in a facility described by this subsection.

SECTION 3. Repealer: Section 261.101(e) (relating to certain powers of the office), Human Resources Code, as added by Section 11(b), Chapter 854 (S.B. 1149), Acts of the 84th Legislature, Regular Session, 2015.

Repealer: Section 261.101(e) (relating to certain powers of the office), Human Resources Code, as amended by Chapter 962 (S.B. 1630), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 4. Effective date: September 1, 2019.