A BILL TO BE ENTITLED

AN ACT

relating to the licensing of family residential centers by the
Department of Family and Protective Services and the detention of
certain juveniles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
is amended by adding Section 42.0538 to read as follows:

Sec. 42.0538. FAMILY RESIDENTIAL CENTERS. (a) In this
section, “family residential center” means a facility that:

(1) is operated by or under a contract with United
States Immigration and Customs Enforcement to enforce federal
immigration laws;

(2) houses children with a parent or other adult
family member who remains with the child at the center or children
who are not accompanied by a parent or other adult family member;

and

(3) provides care for children for at least part of a
day.

(b) Except as provided by Subsection (c), the department
shall license a family residential center in the same manner as the
department licenses a general residential operation under this
chapter.

(b-1) The department shall revoke the license of a family
residential center if 90 percent or more of the people detained at
the family residential center are held at the center for longer than
90 days.

(c) The executive commissioner by rule may exempt a family
residential center from any minimum standard or rule applicable to
a general residential operation as the executive commissioner
determines necessary to:

(1) allow members of a family to remain together in the
same living space;

(2) allow a child's parent or other adult family member
who is housed with the child to supervise and care for the child at
the family residential center; or

(3) operate the family residential center.

(d) Subsection (c) does not prohibit the department from
granting a waiver or variance on a case-by-case basis as authorized
by other law.

(e) This section does not waive sovereign immunity or create
a cause of action.

(f) This section expires September 1, 2019.

SECTION 2. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2017.