

EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 343. SECURE JUVENILE PRE-ADJUDICATION DETENTION AND POST-ADJUDICATION CORRECTIONAL FACILITIES

SUBCHAPTER B. PRE-ADJUDICATION AND POST-ADJUDICATION SECURE FACILITY STANDARDS

37 TAC §343.261

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, new 37 TAC §343.261, Resident Supervision. The new section requires pre-adjudication and post-adjudication juvenile secure correctional facilities to adopt policies that prohibit the obstruction of observation windows in facilities.

The new section is adopted on an emergency basis due to the finding of TJJD's Governing Board that obstructed observation windows present an imminent peril to public health, namely the safety of juveniles in local facilities.

The new section is adopted under §221.002, Human Resources Code, which requires the TJJD Board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

The new section is also adopted on an emergency basis pursuant to §2001.034, Government Code, which authorizes the adoption of a rule on an emergency basis without prior notice and comment based upon a determination of imminent peril to the public health, safety, or welfare.

No other statute, code, or article is affected by this emergency adoption.

§343.261. Resident Supervision.

(a) Facility policy must prohibit the blocking of viewing windows that are used to observe residents. The policy must instruct staff of the actions to take if a viewing window is blocked.

(b) The refusal to remove an item obstructing the viewing window is considered a serious threat to facility safety and/or security.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 11, 2024.

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