

By: Swanson

H.B. No. 3213

A BILL TO BE ENTITLED

AN ACT

relating to the detainment and housing of juveniles based on biological sex.

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

SECTION 1. SHORT TITLE. This Act may be cited as the Juvenile Girls Protection Act.

SECTION 2. Title 3, Chapter 51, Family Code, is amended by adding Section 51.127 to read as follows:

Sec. 51.127. PLACEMENT OF JUVENILES BASED ON BIOLOGICAL SEX. (a) A juvenile may not be detained or housed in an applicable detention or correctional facility provided by 51.12(a) that is designed for the biological sex opposite to the juvenile's biological sex as correctly determined by:

(1) the juvenile's official birth certificate, as described by Subsection (b); or

(2) if the juvenile's official birth certificate described by Subdivision (1) is unobtainable, another government record that accurately states the juvenile's biological sex.

(b) For purposes of this section, a statement of a juvenile's biological sex on the juvenile's official birth certificate is considered to have correctly stated the juvenile's biological sex only if the statement was:

(1) entered at or near the time of the juvenile's birth; or

1           (2) modified to correct any type of scrivener or  
2 clerical error in the juvenile's biological sex.

3           (c) The Department of Vital Statistics, or other applicable  
4 state agency, may not impose a cost to the Texas Juvenile Justice  
5 Department or an applicable detention or correctional facility  
6 under this chapter for a request to obtain a juvenile's birth  
7 certificate for the purposes of determining a juvenile's correct  
8 biological sex under this section.

9           (e) Pursuant to the Prison Rape Elimination Act National  
10 Standards for Juvenile Facilities (28 C.F.R., Part 115, Subpart D),  
11 the Texas Juvenile Justice Department, or applicable detention  
12 facility under this chapter, shall consider the unique safety needs  
13 of each juvenile on a case by case basis, and shall take appropriate  
14 action to ensure a juvenile's health and safety, so long as such  
15 action does not conflict with the requirements of Subsection (a).

16           (f) The Texas Juvenile Justice Department shall adopt any  
17 additional rules necessary to implement this section, provided that  
18 those rules ensure compliance with state and federal law.

19           SECTION 3. Section 51.12(m), Family Code, is amended to  
20 read as follows:

21           (m) The Texas Juvenile Justice Department may deny,  
22 suspend, or revoke the registration of any facility required to  
23 register under Subsection (i) if the facility fails to:

24                 (1) adhere to all applicable minimum standards for the  
25 facility; or

26                 (2) timely correct any notice of noncompliance with  
27 minimum standards.

1           (3) strictly comply with the requirements of Section  
2 51.127.

3           SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2023.