

BILL ANALYSIS

Senate Research Center
78R372 SLO-D

H.B. 888
By: Dutton (Whitmire)
Criminal Justice
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Engrossed

DIGEST AND PURPOSE

In 1995, one of the legislature's top priorities was to address juvenile crime in the state of Texas. Consequently, the legislature passed H.B. 327, which significantly amended Title 3 of the Texas Family Code. One of the most substantive additions to Title 3 was the implementation of Chapter 59, (Progressive Sanctions Guidelines). These guidelines set forth seven sanction levels, which depending on the severity of the offense and the criminal history of the juvenile, may be used in determining the punishment for that particular juvenile offender. As the severity of the offense increases, or if the juvenile is a repeat offender, the sanction level may also increase, with the ultimate sanction level of seven being a determinate sentence commitment to the Texas Youth Commission (TYC). H.B. 888 eliminates the requirement that deviations from the model be reported to the juvenile board. This bill eliminates the requirement that the Criminal Justice Policy Council include compliance with progressive sanctions guidelines in its analysis of juvenile justice policies.

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 53.013, Family Code, as follows:

Sec. 53.013. PROGRESSIVE SANCTIONS PROGRAM. Changes the term "guidelines" to "model" in relation to a sanctions program. Deletes Subsection (b) relating to a juvenile court or probation department that deviates from the guidelines.

SECTION 2. Amends the heading to Chapter 59, Family Code, to read as follows:

CHAPTER 59. PROGRESSIVE SANCTIONS MODEL

SECTION 3. Amends Section 59.001, Family Code, as follows:

Sec. 59.001. PURPOSES. Provides the purposes of the progressive sanctions model.

SECTION 4. Amends the heading of Section 59.003, Family Code, to read as follows:

Sec. 59.003. SANCTION LEVEL ASSIGNMENT MODEL.

SECTION 5. Amends Sections 59.003(e), (f), and (g), Family Code, as follows:

(e) Redesignated from Subsection (f). Deletes text of existing Subsection (e) relating to a juvenile court or probation department that deviates from the guidelines.

(f) Redesignated from Subsection (g).

SECTION 6. Amends Section 59.006(a), Family Code, to delete the text "or more than 12 months" in relation to the authority of the juvenile court to place the child on probation, for a

child at sanction level three.

SECTION 7. Amends Section 59.007(a), Family Code, to make a conforming change.

SECTION 8. Amends Section 59.008(a), Family Code, to make a conforming change.

SECTION 9. Amends Section 59.012(a), Family Code, to delete “compliance with the progressive sanctions guidelines” and the impact of “the guidelines and related” reforms on recidivism rates using standard scientific sampling or appropriate scientific methodologies to represent statewide patterns from the requirement of the Criminal Justice Policy Council to analyze trends related to juvenile referrals.

SECTION 10. Amends Section 59.014, Family Code, as follows:

Sec. 59.014. APPEAL. Replaces the term “deviation” with “departure” in relation to a child who brings an appeal or a postconviction writ of habeas corpus. Makes a conforming change.

SECTION 11. (a) Effective date: September 1, 2003.

(b), (c), and (d) Make application of this Act prospective.