

## **BILL ANALYSIS**

H.B. 888  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1995, one of the Legislature's top priorities was to address the issue of juvenile crime in the state of Texas. Consequently, the legislature passed House Bill 327, which significantly amended Title 3 of the Texas Family Code. Arguably, 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).

House Bill 888 would eliminate the requirement that deviations from the model; be reported to the juvenile board. Secondly, this bill would eliminate the requirement that the Criminal Justice Policy Council include compliance with progressive sanctions guidelines in its analysis of juvenile justice policies.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

- Section 1.** Amends Section 53.013, Family Code. Changes the term "guidelines" to "model."
- Section 2.** Amends the heading to Chapter 59, Family Code. Changes "guidelines" to "model."
- Section 3.** Amends Section 59.001, Family Code. Changes "guidelines" to "model." Amends Section 59.001, Family Code by adding (5) which reads "recognize that departure of a disposition from this model is not necessarily undesirable and in some cases is highly desirable."
- Section 4.** Amends the heading to Chapter 59. Changes "guidelines" to "model."
- Section 5.** Amends Section 59.003(e), (f), and (g), Family Code.
- Section 6.** Amends Section 59.006(a), Family Code by deleting "or more than 12 months."
- Section 7.** Amends Section 59.007(a)(2), Family Code by deleting "for not less than six months or more than 12 months."
- Section 8.** Amends Section 59.008(a)(2), Family Code by deleting "for not less than six months or more than 12 months."
- Section 9.** Amends Section 59.012(a), Family Code by deleting "compliance with progressive sanctions guidelines," and "the guidelines and related". This proposed change would make the studying and reporting duties of the Criminal Justice Policy Council more general, rather than focusing only on guidelines compliance.

**Section 10.** Amends Section 59.014, Family Code. Substitutes the word “departure” for “deviation” when reference is made to assignment of the progressive sanctions levels. Substitutes “model” for “guidelines” when reference is made to progressive sanctions.

**Section 11.** This Act takes effect September 1, 2003. (b) This Act applies only to conduct that occurs on or after the effective date of this Act. Conduct violating the penal law of this state occurs on or after the effective date of this Act if any element of the violation occurs on or after that date. (c) Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose. (d) This Act applies only to an appeal under Section 56.01, Family Code, of an order by a juvenile court rendered on or after the effective date of this Act. An appeal of an order rendered before the effective date of this Act is governed by the law in effect at the time the order was rendered, and that law is continued in effect for that purpose.

**EFFECTIVE DATE**

September 1, 2003.