

By: Dutton

H.B. No. 2669

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sentencing of juveniles in juvenile court and the
3 functions of the Texas Youth Commission.

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

5 SECTION 1. Section 54.04(d), Family Code, is amended to
6 read as follows:

7 (d) If the court or jury makes the finding specified in
8 Subsection (c) allowing the court to make a disposition in the case:

9 (1) the court or jury may, in addition to any order
10 required or authorized under Section 54.041 or 54.042, place the
11 child on probation on such reasonable and lawful terms as the court
12 may determine:

13 (A) in the child's own home or in the custody of a
14 relative or other fit person; or

15 (B) subject to the finding under Subsection (c)
16 on the placement of the child outside the child's home, in:

17 (i) a suitable foster home; or

18 (ii) a suitable public or private
19 institution or agency, except the Texas Youth Commission;

20 (2) if the court or jury found at the conclusion of the
21 adjudication hearing that the child engaged in delinquent conduct
22 that violates a penal law of this state or the United States of the
23 grade of felony or, if the requirements of Subsection (s) or (t) are
24 met, of the grade of misdemeanor, and if the petition was not

1 approved by the grand jury under Section 53.045, the court may
2 commit the child to the Texas Youth Commission and specify in that
3 commitment a date, on or before the child's 21st birthday, no later
4 than which the commission shall discharge the child from its
5 custody [~~without a determinate sentence~~];

6 (3) if the court or jury found at the conclusion of the
7 adjudication hearing that the child engaged in delinquent conduct
8 that included a violation of a penal law listed in Section 53.045(a)
9 and if the petition was approved by the grand jury under Section
10 53.045, the court or jury may sentence the child to commitment in
11 the Texas Youth Commission with a possible transfer to the
12 institutional division or the pardons and paroles division of the
13 Texas Department of Criminal Justice for a term of:

14 (A) not more than 40 years if the conduct
15 constitutes:

16 (i) a capital felony;
17 (ii) a felony of the first degree; or
18 (iii) an aggravated controlled substance
19 felony;

20 (B) not more than 20 years if the conduct
21 constitutes a felony of the second degree; or

22 (C) not more than 10 years if the conduct
23 constitutes a felony of the third degree;

24 (4) the court may assign the child an appropriate
25 sanction level and sanctions as provided by the assignment
26 guidelines in Section 59.003; or

27 (5) if applicable, the court or jury may make a

1 disposition under Subsection (m).

2 SECTION 2. Subchapter C, Chapter 61, Human Resources Code,
3 is amended by adding Sections 61.0424 and 61.055 to read as follows:

4 Sec. 61.0424. ALLEGATION OF ABUSE OR NEGLECT AT COMMISSION
5 FACILITY. (a) The commission shall contract with a separate state
6 agency to investigate an allegation of abuse or neglect of a child
7 at a facility operated by the commission.

8 (b) The state agency shall report the agency's findings and
9 recommendations concerning the allegation to the commission.

10 Sec. 61.055. CULTURAL AND LINGUISTIC COMPETENCE. The
11 commission shall incorporate a component of cultural and linguistic
12 competence into all commission staff training, policies, and
13 program development.

14 SECTION 3. Section 61.084(e), Human Resources Code, is
15 amended to read as follows:

16 (e) Except as provided by Subsection (f) or (g), the
17 commission shall discharge from its custody a person not already
18 discharged on the earlier of the person's 21st birthday or the date
19 specified by the court committing the person to the commission
20 under Section 54.04(d)(2), Family Code, by which the commission
21 must discharge the person.

22 SECTION 4. (a) Section 54.04, Family Code, as amended by
23 this Act, applies only to conduct that occurs on or after the
24 effective date of this Act. Conduct violating the penal law of this
25 state occurs on or after the effective date of this Act if any
26 element of the violation occurs on or after that date.

27 (b) Conduct that occurs before the effective date of this

H.B. No. 2669

1 Act is governed by the law in effect at the time the conduct
2 occurred, and that law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2005.