

By: Hinojosa

S.B. No. 1632

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

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

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

(i) a suitable foster home; or

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

(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony or, if the requirements of Subsection (s) or (t) are 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 Section 61.055 to read as follows:

4 Sec. 61.055. CULTURAL AND LINGUISTIC COMPETENCE. The  
5 commission shall incorporate a component of cultural and linguistic  
6 competence into all commission staff training, policies, and  
7 program development.

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

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

16 SECTION 4. (a) Section 54.04, Family Code, as amended by  
17 this Act, applies only to conduct that occurs on or after the  
18 effective date of this Act. Conduct violating the penal law of this  
19 state occurs on or after the effective date of this Act if any  
20 element of the violation occurs on or after that date.

21 (b) Conduct that occurs before the effective date of this  
22 Act is governed by the law in effect at the time the conduct  
23 occurred, and that law is continued in effect for that purpose.

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