

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 26, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1632 by Hinojosa (Relating to the sentencing of juveniles in juvenile court and the functions of the Texas Youth Commission.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Section 1 of the bill would amend the Family Code to require the juvenile court to specify a date in its commitment order when a youth must be discharged from the Texas Youth Commission (TYC) on or before the youth's 21st birthday. This provision does not apply to a youth sentenced to commitment with a possible transfer to the Texas Department of Criminal Justice under the determinate sentence law.

Section 2 of the bill would amend the Human Resources Code to require TYC to incorporate a component of cultural and linguistic competence into all staff training, policies, and program development.

The fiscal impact of Section 1 would depend on the discharge dates specified by the juvenile courts. This fiscal analysis assumes current youth commitment lengths would continue. To the extent that the courts specify commitment lengths shorter or longer than current lengths-of-stay, the state would experience reduced or increased commitment costs. The ability to specify discharge dates could also affect sentencing patterns. Juvenile courts may opt to sentence more defendants to commitment in TYC since they could specify a relatively short commitment length for less serious offenders. An increase in the number of commitments could result in increased costs.

There are approximately 800 juvenile court judges and alternate judges in Texas. In fiscal year 2004, there were 2,526 new commitment intakes to TYC. Of the 2,526 youths, it is estimated that 2,236 would be affected by the provisions of the bill. In fiscal year 2004, youths released from TYC that were originally received with either a sentence or adjudication for a Violent A offense (determinate sentences), served on average 43 months in TYC. All other youths released in fiscal year 2004 (indeterminate sentences) served on average 18 months in TYC. The current cost per youth per day for institutional programs is \$76.75. The bill does not provide sentencing standards or guidelines for the juvenile courts to use in place of the current TYC indeterminate sentencing option.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. To the extent that juvenile courts opt to sentence more defendants to commitment in TYC since they could specify a relatively short commitment length rather than placing the youth in a local residential facility, there would be a savings to local government.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 694 Youth Commission

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