

BILL ANALYSIS

C.S.H.B. 1756

By: Madden

Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law allows for youth to be committed to the Texas Youth Commission (TYC) if they have been convicted of certain misdemeanors or a felony. Additionally, current law allows the youth committed to the Texas Youth Commission to be under the jurisdiction of the Texas Youth Commission until they reach the age of 21. Frequently, these youth, ranging from 10 years of age to 20 years of age, are housed together in the same dorms, without regards to the nature of the offense each youth offender has committed.

C.S.H.B.1756 would remove the ability of counties to commit these youth to the Texas Youth Commission for misdemeanor law violations. Moreover, C.S.H.B.1756 would require the removal of all youth once they have reached the age of 19, from the Texas Youth Commission custody. Furthermore, the youth would either be discharged from the custody of the Texas Youth Commission or placed in the custody of the Texas Department of Criminal Justice.

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.

ANALYSIS

Amends Sections 54.04(d), (o), and (u) of the Family Code by removing language that pertains to the requirements of Subsection (s) or (t) as to the grade of misdemeanor and removes institutional division or pardons and paroles division of the Texas Department of Criminal Justice as a possible place of transfer.

Furthermore, a child adjudicated as having engaged in delinquent conduct violating a penal law of this state or the United States of the grade of misdemeanor may not, under any circumstances, be committed to the Texas Youth Commission for that conduct.

Finally, under Subsection (u), language with respect to a misdemeanor is removed.

Amends Section 54.05(f) of the Family Code, by removing language pertaining to "or, if the requirements of Subsection (k) are met, of the grade of misdemeanor." Additionally, removes language that reads, "institutional division or the pardons and paroles division of the."

Amends Section 508.156(a) of the Government Code by adding Section 61.084(g) and removing 61.084(f) or (g) of the Human Resources Code.

Amends Section 61.079(a) of the Human Resources Code, by replacing "21" with 19 years of age. Further, this bill removes language that reads "institutional division of the," and adds the words "or confinement."

Amends Section 61.084(e) and (g) of the Human Resources Code by providing that except as for Subsection (g), the commission shall discharge from its custody a person not already discharged on the person's 19th birthday. Under Section (g), language pertaining to "pardons and paroles division of the," is removed. Additionally, language that reads "21st" is struck and replaced with "19th."

Amends Section 61.0841(a) of the Human Resources Code by removing the following language "the pardons and paroles division of" and "61.084(f) or (g)." This section adds Section "61.084(g)."

Repeals Sections 54.04(s) and (t) of the Family Code; Section 54.05(k) of the Family Code; and Section 61.084 (f) of the Human Resources Code.

A person committed to the Texas Youth Commission on the basis of conduct constituting the commission of an offense of the grade of misdemeanor under Section 54.04(d)(2) of the Family Code, as it existed before the effective date of this Act, must be discharged from the custody of the Texas Youth Commission not later than the person's 19th birthday.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1756 modifies the original H.B.1756 by removing all amendments pertaining to Subchapter E, Chapter 508 of the Government Code where Section 508.1561 was added which related to the transfer of the Texas Youth Commission youths, with an indeterminate sentence, to the custody of Texas Department of Criminal Justice. Further deletes language that amends Section 499.053(e) of the Government Code.