

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 24, 2007

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB2884 by Dutton (Relating to juvenile delinquency; providing penalties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code, the Education Code, the Human Resources Code, the Code of Criminal Procedure, and the Penal Code to clarify existing statutes and add new language. Topics included in the bill are the transfer of determinate sentence probation to district court, transfer of supervision between juvenile probation departments, sharing of juvenile information, the elevation of inhalant abuse to level two of the juvenile probation progressive sanctions model, infant care and parenting programs for youth in the Youth Commission (TYC), a statewide juvenile information and case management system, juvenile restitution payments, and a variety of others. The bill would add investigators commissioned by the Juvenile Probation Commission (JPC) to the list of peace officers in Section 2.12, Code of Criminal Procedure, and would allow JPC to hire investigators for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities. The bill would provide JPC the authority to subpoena witnesses of evidence necessary for the investigation of abuse, neglect, or exploitation allegations, complaints, financial and programmatic audits of juvenile programs and facilities, or any other matter under JPC's authority. Youth would not be required to attend juvenile justice alternative education programs as a consequence for non-attendance of school with the passage of the bill. The bill would require a juvenile justice information system to include prosecutors and court clerks in those eligible to access the system. Court orders and other documents filed with the court would be added to the juvenile justice information system.

The bill would require a juvenile court judge to post on a county website a report containing the number of youth they committed to TYC, a description of the offense or conduct that caused the commitment, the year of commitment, and the age range, race and gender of the youth. The judge would be required to update the information not later than the tenth day after the beginning of each quarter. The report could not include information that identifies the youths.

The bill would establish a juvenile board in Jim Hogg County. The commissioners' court of Jim Hogg County would be given authority to pay the juvenile board members an annual salary of \$1,200 to \$3,600 in equal monthly installments. The bill would give juvenile boards in Duval, Jim Hogg, and Starr counties authority to operate together with counties that are adjacent to or in close proximity with respect to all matters, or certain matters specified by the juvenile boards. Juvenile boards operating together would be required to appoint one fiscal officer to receive and disburse funds for all the boards. The bill would repeal Sections 61.049, 141.0432, 141.0433, and 141.0434, Human Resources Code relating to the placement of the Crockett State School for Girls under the control of TYC, and juvenile boot camps operated by juvenile boards and JPC contracts with private offenders for construction, maintenance, operation, management, and financing of youth boot camps. The bill would take effect September 1, 2007. JPC and the Texas Education Agency anticipate no significant fiscal impact to the state from the passage of the bill.

Local Government Impact

Local governments would assume the costs of TYC youth who are not committed to TYC. There may be additional costs to departments associated with the posting of the required report. The fiscal impact of the bill regarding local government cannot be determined at this time.

Source Agencies:

LBB Staff: JOB, ES, GG, AI