

BILL ANALYSIS

S.B. 518
By: Harris
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 80th Legislature, Regular Session, 2007, S.B. 103 unanimously passed, reforming the juvenile justice system in Texas. A significant measure included in S.B. 103 was the lowering of the age of persons who could be incarcerated in juvenile facilities. While youths sentenced to the Texas Youth Commission (TYC) could previously be sentenced to TYC until age 21, S.B. 103 lowered the age to 19. Because of the reduction in age, prosecutors may seek more adult certifications, particularly with 16-year-old or 17-year-old offenders. It is important that the process through which juveniles are certified is as fair as possible. Currently, the defense attorney only gets one day to review the juvenile's file before the transfer hearing.

S.B. 518 requires a juvenile court to provide the prosecuting attorney and the attorney for the child with access to all written material to be considered by the court in making the decision to transfer an alleged child offender to the appropriate district court or criminal district court for criminal proceedings and to allow those attorneys at least five days prior to the transfer hearing to review to juvenile's file.

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

S.B. 518 amends the Family Code to require a juvenile court to provide the prosecuting attorney, in addition to the attorney for the child, with access to all written matter to be considered by the court in making the decision to transfer an alleged child offender to the appropriate district court or criminal district court for criminal proceedings. The bill requires the court to provide the access to those attorneys at least five days, rather than at least one day, prior to the transfer hearing.

EFFECTIVE DATE

September 1, 2009.