

BILL ANALYSIS

Senate Research Center
81R8604 KCR-D

S.B. 1374
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Criminal Justice
4/10/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 80th Legislature, Regular Session, 2007, S.B. 103 put in motion an overhaul of the juvenile justice system with a particular focus on juvenile corrections facilities and the Texas Youth Commission (TYC).

The Sunset Advisory Commission recommended the creation of a community corrections pilot program that would target low-risk, juvenile felony offenders. This recommendation is consistent with the objective that TYC commitments should be reduced and institutional confinement should be reserved for the more serious juvenile felony offenders.

As proposed, S.B. 1374 creates a community-based corrections pilot program for juvenile felony offenders. The pilot will be created by the Texas Juvenile Probation Commission in consultation with TYC.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Juvenile Probation Commission in SECTION 2 (Section 141.087, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.024(a), Human Resources Code, as follows:

(a) Requires the Texas Juvenile Probation Commission (TJPC) to report annually to the governor and the legislature on TJPC's operations and the condition of probation services in the state during the previous year. Provides that the report:

(1) is authorized to include recommendations; and

(2) is required to include:

(A) an evaluation of the effectiveness of the community-based programs operated under Section 54.0401 (Community-based Programs), Family Code, and the community corrections pilot programs implemented under Section 141.087; and

(B) information comparing the cost of a child participating in a program described by Paragraph (A) with the cost of committing the child to the Texas Youth Commission (TYC). Makes conforming changes.

SECTION 2. Amends Subchapter E, Chapter 141, Human Resources Code, by adding Section 141.087, as follows:

Sec. 141.087. COMMUNITY CORRECTIONS PILOT PROGRAM IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county that has a population of at least 335,000.

(b) Requires TJPC and TYC to establish guidelines for the implementation of community corrections pilot programs to provide an array of rehabilitation services for juvenile offenders, including juvenile delinquency prevention

services and substance abuse and mental health treatment services. Authorizes a juvenile court of a county to which this section applies to require a child to participate in a community corrections pilot program instead of ordering commitment to TYC under Section 54.04 (d) (2) (regarding whether 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 and if the petition was not approved by the grand jury under Section 53.045, the court may commit the child to TYC without a determinate sentence), Family Code, if the child was found to have engaged in delinquent conduct that violates a penal law of the grade of felony under Title 7 (Offenses Against Property), Penal Code, or Chapter 481 (Texas Controlled Substances Act), Health and Safety Code; and did not involve the use of force or the threat of force against another person, including the use or exhibition of a deadly weapon.

(c) Authorizes a juvenile board in a county to which this section applies to apply to TJPC for a grant to implement a community corrections pilot program in the county.

(d) Requires TJPC, in cooperation with TYC, to adopt rules that govern the administration and operation of a community corrections pilot program by a juvenile board, and the process by which a juvenile board may apply to TJPC for a grant to implement a community corrections pilot program.

(e) Provides that a juvenile board that receives a grant under this section receives the grant in addition to any state aid that is otherwise allocated to the county served by the juvenile board for the provision of juvenile probation services.

(f) Requires a juvenile board that receives a grant under this section to annually, and at the request of the director, report to TJPC concerning the implementation, cost-effectiveness, and success rate of a community corrections pilot program implemented under this section.

(g) Requires TJPC, not later than January 1 of each odd-numbered year, to submit a report concerning the implementation, cost-effectiveness, and success rates of community corrections pilot programs implemented by juvenile boards under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee in the senate and the house of representatives that has primary jurisdiction over TJPC.

(h) Provides that the report submitted under Subsection (g) must contain recommendations as to whether any of the community corrections pilot programs implemented by juvenile boards under this section should be implemented on a statewide basis.

SECTION 3. (a) Requires TJPC to adopt rules governing the administration and operation of community corrections pilot programs under Section 141.087, Human Resources Code, as added by this Act, including rules governing the process by which a juvenile board may apply to TJPC for a grant not later than January 1, 2010.

(b) Makes application of Section 141.0087, Human Resources Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2009.