

By: West

S.B. No. 1374

A BILL TO BE ENTITLED

AN ACT

relating to community-based programs for juveniles in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 141.024(a), Human Resources Code, is amended to read as follows:

(a) The commission shall report annually to the governor and the legislature on the commission's operations and the condition of probation services in the state during the previous year. The report:

(1) may include recommendations; and

(2) must include:

(A) an evaluation of the effectiveness of the community-based programs operated under Section 54.0401, 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.

SECTION 2. Subchapter E, Chapter 141, Human Resources Code, is amended by adding Section 141.087 to read as follows:

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

1 (b) The commission and the Texas Youth Commission shall
2 establish guidelines for the implementation of community
3 corrections pilot programs to provide an array of rehabilitation
4 services for juvenile offenders, including juvenile delinquency
5 prevention services and substance abuse and mental health treatment
6 services. Instead of ordering commitment to the Texas Youth
7 Commission under Section 54.04(d)(2), Family Code, a juvenile court
8 of a county to which this section applies may require a child to
9 participate in a community corrections pilot program if the child
10 was found to have engaged in delinquent conduct that:

11 (1) violates a penal law of the grade of felony under
12 Title 7, Penal Code, or Chapter 481, Health and Safety Code; and

13 (2) did not involve the use of force or the threat of
14 force against another person, including the use or exhibition of a
15 deadly weapon.

16 (c) A juvenile board in a county to which this section
17 applies may apply to the commission for a grant to implement a
18 community corrections pilot program in the county.

19 (d) The commission, in cooperation with the Texas Youth
20 Commission, shall adopt rules that govern:

21 (1) the administration and operation of a community
22 corrections pilot program by a juvenile board; and

23 (2) the process by which a juvenile board may apply to
24 the commission for a grant to implement a community corrections
25 pilot program.

26 (e) A juvenile board that receives a grant under this
27 section receives the grant in addition to any state aid that is

1 otherwise allocated to the county served by the juvenile board for
2 the provision of juvenile probation services.

3 (f) A juvenile board that receives a grant under this
4 section shall annually, and at the request of the director, report
5 to the commission concerning the implementation,
6 cost-effectiveness, and success rate of a community corrections
7 pilot program implemented under this section.

8 (g) The commission shall, not later than January 1 of each
9 odd-numbered year, submit a report concerning the implementation,
10 cost-effectiveness, and success rates of community corrections
11 pilot programs implemented by juvenile boards under this section
12 to:

- 13 (1) the governor;
14 (2) the lieutenant governor;
15 (3) the speaker of the house of representatives; and
16 (4) the standing committee in the senate and the house
17 of representatives that has primary jurisdiction over the
18 commission.

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

23 SECTION 3. (a) The Texas Juvenile Probation Commission
24 shall adopt rules governing the administration and operation of
25 community corrections pilot programs under Section 141.087, Human
26 Resources Code, as added by this Act, including rules governing the
27 process by which a juvenile board may apply to the Texas Juvenile

1 Probation Commission for a grant, not later than January 1, 2010.

2 (b) The change in law made by Section 141.087, Human
3 Resources Code, as added by this Act, applies only to conduct that
4 occurs on or after the effective date of this Act. Conduct that
5 occurs before the effective date of this Act is covered by the law
6 in effect when the conduct occurred, and the former law is continued
7 in effect for that purpose. For purposes of this subsection,
8 conduct violating a penal law of this state occurred before the
9 effective date of this Act if any element of the violation occurred
10 before that date.

11 SECTION 4. This Act takes effect September 1, 2009.