

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

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

IN RE: HB3689 by McClendon (Relating to the functions and continuation of the Texas Youth Commission and the Texas Juvenile Probation Commission and to the functions of the Office of Independent Ombudsman for the Texas Youth Commission.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The Youth Commission (TYC) and the Juvenile Probation Commission (JPC) are subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the Legislature. The Office of the Independent Ombudsman (OIO) is subject to review, but not abolishment. The bill contains the following Sunset Commission key recommendations on these three agencies.

- Maintain TYC and JPC as separate agencies, and create the new 18-member Juvenile Justice Policy Coordinating Council (Council) to evaluate the operations of JPC and TYC and make recommendations to those agencies concerning the provision and coordination of services and operations.
- Require the Council to oversee the development of a comprehensive five-year plan to better integrate juvenile justice functions and ensure implementation of state-level reforms. The Council would exist only in an advisory capacity and would not govern or be responsible for the operations of JPC or TYC.
- Continue the Juvenile Justice Policy Coordinating Council and JPC until 2021, to provide for the standard 12-year Sunset review. Continue TYC until 2011, and require the Sunset Commission to evaluate TYC's compliance with the provisions of S.B. 103 (Eightieth Legislative Session) and present a report to the Eighty-second Legislature.
- Provide funding incentives for counties to keep more youth in their home communities.
- Require TYC to develop a comprehensive plan to reduce recidivism and ensure successful reentry of juveniles into the community upon release from state facilities.
- Require TYC and JPC to adopt a memorandum of understanding with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TOOMMI) for continuity of care for juvenile offenders with mental impairments. Require TCOOMMI, in coordination with TYC, JPC, and other participating state and local agencies, to collect data and report on the outcomes of the MOU.
- Require OIO and TYC to enter into a memorandum of understanding concerning the development of formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility. Authorize the OIO to withhold information concerning matters under active investigation from TYC and to report the information to the Governor.
- Require JPC to regulate, and local juvenile boards to inspect and certify, all non-secure correctional facilities that accept only youth on probation.
- Conform key elements of JPC's officer certification program to commonly applied licensing practices.
- Apply standard Sunset Commission across-the-board recommendations or updates language already in statute.

The bill takes effect immediately if it receives a two-thirds vote of all members. Otherwise, the effective date of this bill is September 1, 2009.

This analysis assumes that cost/savings estimates provided by the Sunset Advisory Commission, TYC, and JPC could be met with existing resources. Any costs estimated by JPC could be offset by savings from TYC. This analysis assumes no significant fiscal impact to the State.

Local Government Impact

The bill would require local juvenile boards to annually inspect any non-secure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the JPC. Local juvenile boards are already required to inspect over 80 secure facilities throughout the state. The six non-secure facilities impacted by this provision are located in five jurisdictions, requiring each local juvenile board to inspect one or two additional facilities only. The Sunset Commission estimates that additional inspections could be accomplished within existing resources.

Source Agencies:

LBB Staff: JOB, KK, GG, AI