

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 23, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

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

**IN RE: SB1209** by Whitmire (Relating to the detention of certain juvenile offenders.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to specify that a person who has been transferred for prosecution in a criminal court for a felony who is under 17 years of age is considered a child and would be required to be separated from adults detained in the same building. A child could not be committed or transferred to a penal institution or other facility if a juvenile court orders the child to be detained in a certified juvenile detention facility.

The bill would amend the Human Resources Code to require a juvenile board to establish a policy regarding transfer and detention of a person under 17 years of age who is pending criminal prosecution in an adult trial. If a juvenile court waives jurisdiction, the child would be transferred to the appropriate court and dealt with as an adult unless detention in a certified juvenile detention facility is authorized or until the criminal court enters an order.

The bill would amend the Code of Criminal Procedure to authorize the judge of the criminal court with jurisdiction over a child who is pending criminal prosecution to order the child to be transferred to another facility and treated as an adult.

The bill would take effect September 1, 2011.

**Local Government Impact**

According to the Texas Commission on Jail Standards, most counties currently separate juveniles certified as adults from adult inmates as a best practice; however, there could be additional costs to a county that does not have sufficient available jail space or follow those procedures. Those amounts would vary by county, but is not anticipated to be significant statewide.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 409 Commission on Jail Standards, 665 Juvenile Probation Commission

**LBB Staff:** JOB, ESi, TP, TB, AI, MWU, JGA