

BILL ANALYSIS

C.S.H.B. 2443
By: Parker
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Juvenile Justice Board is currently composed of 13 members. Some other criminal justice-related boards in this state have smaller memberships, including the Board of Pardons and Paroles and the Texas Board of Criminal Justice. C.S.H.B. 2443 seeks to change the composition of the Texas Juvenile Justice Board so that the board can more efficiently and effectively produce positive outcomes for youths, their families, and their communities.

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

C.S.H.B. 2443 amends the Human Resources Code to change the composition of the Texas Juvenile Justice Board by reducing the number of board members who are members of a county commissioners court from three to one, reducing the number of board members who are chief juvenile probation officers of juvenile probation departments from three to one, and removing requirements that each board member who is a chief juvenile probation officer serve a county with a different juvenile population range. The bill provides that the terms of three board members, rather than four or five board members, expire on February 1 of each odd-numbered year. The bill prohibits any board member from residing in the same political subdivision as another board member.

C.S.H.B. 2443 establishes that the bill's provisions regarding the composition of board members do not affect the entitlement of a member serving on the board immediately before the bill's effective date to continue to serve the remainder of the member's term. The bill, on expiration of a term of a board member who is a member of a county commissioners court or a chief juvenile probation officer appointed under the law as it existed immediately before the bill's effective date, abolishes the member's position until the number of each such members is one. The bill requires the governor, as the terms of board members expire and for each position that is not abolished, to appoint or reappoint a member who has the required experience until the composition of the board meets the requirements under the bill's provisions. The bill authorizes an initial appointment to replace a director whose term expires but whose position is not abolished to be for two or four years to achieve the staggering of terms required under the bill's provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2443 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sec. 202.001. Human Resources Code is amended to read as follows:

COMPOSITION OF BOARD; PRESIDING OFFICER

(a) The board is composed of the following ~~7~~¹³ members appointed by the governor with the advice and consent of the senate:

(1) one member who is either:

(A) a district court judge of a court designated as a juvenile court;

~~(B)(2) three members who are members~~ a member of a county commissioners court; or

~~(C)(3) one~~ a prosecutor in a juvenile court;

~~(2)(4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;~~

~~(5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;~~

~~(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;~~

~~(3)(7)~~ one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;

~~(4)(8)~~ one educator, as that term is defined by Section 5.001, Education Code; and

~~(5)(9)~~ three members of the general public.

(b) Members serve staggered six-year terms, with the terms of four or five members expiring on February 1 of each odd-numbered year.

(e) A member appointed under Subsections (a)(1)—or ~~(2)(6)~~ may not hold office in the same county or judicial district as another member appointed under those subsections.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 202.001(a), (b), and (e), Human Resources Code, are amended to read as follows:

(a) The board is composed of the following nine ~~[13]~~ members appointed by the governor with the advice and consent of the senate:

(1) one member who is a district court judge of a court designated as a juvenile court;

(2) one member who is a member ~~[three members who are members]~~ of a county commissioners court;

(3) one member who is a prosecutor in a juvenile court;

(4) one member who is a chief juvenile probation officer of a juvenile probation department ~~[serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age];~~

(5) ~~[one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;~~

~~[(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;~~

~~[(7)]~~ one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;

~~(6) [(8)]~~ one educator, as that term is defined by Section 5.001, Education Code; and

~~(7) [(9)]~~ three members of the general public.

(b) Members serve staggered six-year terms, with the terms of three ~~[four or five]~~ members expiring on February 1 of each odd-numbered year.

(e) A member appointed under this section ~~[Subsections (a)(1)–(6)]~~ may not hold office in the same county or judicial district or reside in the same political subdivision as another member ~~[appointed under those subsections]~~.

No equivalent provision.

SECTION 2. The change in law made by Section 202.001(a), Human Resources Code, as amended by this Act, regarding the composition of members of the Texas Juvenile Justice Board does not affect the entitlement of a member serving on the board immediately before the effective date of this Act to continue to serve as a member of the board for the remainder of the member's term. On expiration of a term of a director appointed under Section 202.001(a)(2), Human Resources Code, as that subdivision existed immediately before the effective date of this Act, the director's position is abolished until the number of directors appointed under that subdivision is one. On expiration of a term of a director appointed under Sections 202.001(a)(4)-(6), Human Resources Code, as those subdivisions existed immediately before the effective date of this Act, the director's position is abolished until the number of directors appointed under those subdivisions is one. As the terms of board members expire, for each position that is not abolished the governor shall appoint or reappoint a member who has the required experience until the composition of the board meets the requirements under Section 202.001(a), Human Resources Code, as amended by this Act. An initial appointment under this section to replace a director whose term expires but whose position is not abolished may be for a term of two or four years to achieve the staggering of terms under Section 202.001(b), Human Resources Code, as amended by this Act.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.