

BILL ANALYSIS

S.B. 1839
By: Whitmire
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that previous legislation has inadvertently created hardships for county sheriffs in the management of their jail operations. Current law prohibits a child detained in a building that contains a jail or lockup from having contact with security staff or direct-care staff who have contact with adult offenders. The parties express concern that this prohibition does not allow staff who supervise adult offenders to also supervise juveniles detained in that same facility and consequently may require the hiring of dedicated staff to supervise what may be a relatively small number of juvenile offenders at a particular facility. The parties contend that, because current law already contains a requirement that adult and juvenile offenders be separated by sight and sound, the law requiring a facility to employ separate staff for adult and juvenile offenders is unnecessary. The parties also express concern that provisions requiring a certified juvenile to be dealt with as an adult do not allow certified juveniles detained in certain facilities access to educational or rehabilitative programs provided for juvenile offenders in those facilities.

S.B. 1839 seeks to eliminate the need for facilities to employ separate staffs for the monitoring of adults and juveniles detained in the same facility and to ensure that all juveniles have access to the resources necessary to live a productive life.

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

S.B. 1839 amends the Family Code to repeal provisions prohibiting a child detained in a building that contains a jail or lockup from having contact with security staff or direct-care staff who have contact with adults detained in the same building. The bill instead requires staff at a building that contains a jail, lockup, or other place of confinement in which incidental contact between a child detained at the facility and detained adults is possible to directly supervise the child at all times during which such incidental conduct is possible. The bill establishes that a person who is ordered to be detained in a juvenile detention facility and who is under 17 years of age is considered a child for purposes of statutory provisions relating to the place and condition of a child's detention. The bill's provisions apply to a child detained on or after the bill's effective date, regardless of whether the conduct for which the child was detained occurred before, on, or after that date.

S.B. 1839 repeals Section 51.12(g), Family Code.

EFFECTIVE DATE

September 1, 2013.