

By: Whitmire

S.B. No. 1839

A BILL TO BE ENTITLED

AN ACT

relating to the detention of certain juvenile offenders.

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

SECTION 1. Sections 51.12(f) and (h), Family Code, are amended to read as follows:

(f) A child detained in a building that contains a jail, lockup, or other place of secure confinement, including an alcohol or other drug treatment facility, shall be separated by sight and sound from adults detained in the same building. Children and adults are separated by sight and sound only if they are unable to see each other and conversation between them is not possible. The separation must extend to all areas of the facility, including sally ports and passageways, and those areas used for admission, counseling, sleeping, toileting, showering, dining, recreational, educational, or vocational activities, and health care. The separation may be accomplished through architectural design. ~~[A person who has been transferred for prosecution in criminal court under Section 54.02 and is under 17 years of age is considered a child for the purposes of this subsection.]~~

(h) This section does not apply to a person:

(1) after transfer ~~[who has been transferred]~~ to criminal court for prosecution under Section 54.02 ~~[and is at least 17 years of age]~~; or

(2) who is at least 17 years of age and who has been

1 taken into custody after having:

2 (A) escaped from a juvenile facility operated by
3 or under contract with the Texas Youth Commission; or

4 (B) violated a condition of release under
5 supervision of the Texas Youth Commission.

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