

BILL ANALYSIS

Senate Research Center
84R15718 MK-F

H.B. 1144
By: Dukes (Hinojosa)
Criminal Justice
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1144 amends current law relating to establishing a task force to examine the adjudication, disposition, and registration of juvenile sex offenders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. TASK FORCE ON IMPROVING OUTCOMES FOR JUVENILES ADJUDICATED OF SEXUAL OFFENSES. (a) Defines, for purposes of this Act, "juvenile sex offender" and "task force."

(b) Provides that the Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offenses (task force) is established. Provides that the purpose of the task force is to make policy recommendations to improve the outcomes for juvenile sex offenders after studying:

- (1) the adjudication and disposition processes and programs for juvenile sex offenders;
- (2) counseling, mental health, or other services provided by the state or local juvenile probation departments to juvenile sex offenders;
- (3) the sex offender registration process for juveniles; and
- (4) any other issue related to improving the outcomes for juvenile sex offenders.

(c) Provides that the task force is composed of the following members:

- (1) the executive director of the Texas Juvenile Justice Department (TJJD) or the executive director's designee;
- (2) the commissioner of the Department of Family and Protective Services (DFPS) or the commissioner's designee;
- (3) one representative designated by the Crime Records Service of the Department of Public Safety of the State of Texas (DPS) who has experience with the DPS sex offender registry;
- (4) one representative designated by the Council on Sex Offender Treatment;
- (5) one representative designated by Children's Advocacy Centers of Texas;
- (6) one representative designated by the Texas Association for the Protection of Children;

- (7) one representative designated by Texans Care for Children;
- (8) one private provider of juvenile sex offender treatment from a rural county and one private provider of juvenile sex offender treatment from an urban county, appointed by the governor;
- (9) one judge from a rural county and one judge from an urban county, appointed by the governor;
- (10) one law enforcement official from a rural county and one law enforcement official from an urban county, appointed by the governor;
- (11) one prosecutor from a rural county and one prosecutor from an urban county, appointed by the governor;
- (12) one juvenile probation officer from a rural county and one juvenile probation officer from an urban county, appointed by the governor;
- (13) one juvenile public defender from a rural county and one juvenile public defender from an urban county, appointed by the governor; and
- (14) one academic researcher from an accredited university who specializes in juvenile justice, appointed by the governor.

(d) Requires the governor to designate a member of the task force to serve as presiding officer.

(e) Authorizes the presiding officer to designate additional experts to serve as advisors to the task force.

(f) Requires a person designated to make an appointment of a member of the task force to make the appointment not later than the 60th day after the effective date of this Act. Requires the designated person to fill a vacancy in the task force or a vacancy in the position of presiding officer of the task force by the appointment of another person with the same qualifications as the original appointee.

(g) Requires the presiding officer to call the initial meeting of the task force on or before December 1, 2015. Requires the task force to meet at the times and places that the presiding officer determines are appropriate.

(h) Provides that a member of the task force is not entitled to compensation but may receive reimbursement for the member's actual and necessary expenses incurred in attending meetings of the task force and performing other official duties authorized by the presiding officer of the task force, if funding is available.

(i) Authorizes the task force to request meeting facilities, data, clerical assistance, and other assistance from any department, agency, institution, office, or political subdivision of this state.

(j) Authorizes the task force to consult with any relevant experts and stakeholders, including:

- (1) juvenile sex offenders;
- (2) family members of juvenile sex offenders;
- (3) mental health experts;
- (4) public school district administrators; and

(5) higher education administrators.

(k) Prohibits state funds from being appropriated for purposes of the task force. Authorizes the task force to apply for, receive, and accept grants of funds or other contributions as appropriate to assist in the performance of its duties. Authorizes the task force to contract for consultants or technical assistance.

(l) Provides that the task force is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

SECTION 2. DUTIES OF TASK FORCE. (a) Requires the task force to:

(1) solicit and review information and hear testimony relevant to the purposes of the task force from individuals, state and local agencies, community-based organizations, and other public and private organizations;

(2) review the adjudication and disposition processes and programs for juvenile sex offenders, including:

(A) the consistency in adjudication and disposition processes across the state;

(B) the training provided to judges, law enforcement officers, parole and probation officers, and other juvenile service providers on the differences between juvenile and adult sex offenders regarding the potential for rehabilitation through treatment; and

(C) training provided to judges, law enforcement officers, parole and probation officers, and other juvenile service providers regarding the most effective way to protect the community by reducing recidivism rates among juvenile sex offenders;

(3) review juvenile sex offender registration, including:

(A) the effectiveness of juvenile sex offender registration in reducing recidivism rates;

(B) statistical information regarding juveniles required to register as sex offenders;

(C) the impact of juvenile sex offender registration on a juvenile, including a juvenile's ability to access education, obtain housing, and gain employment; and

(D) the impact of labeling a juvenile as a juvenile sex offender on the family of the juvenile;

(4) review counseling, mental health, or other services provided to juvenile sex offenders, including:

(A) the effectiveness of the services in the rehabilitation of juvenile sex offenders and the reduction of recidivism rates; and

(B) the current shortage of juvenile sex offender service providers; and

(5) review statistical information regarding the frequency of juvenile sex offenders being victims of abuse or neglect or witnesses to family violence.

(b) Requires the task force to adopt rules necessary to fulfill the task force's duties under this Act.

SECTION 3. REPORT. (a) Requires the task force to prepare a report that includes:

- (1) a description of the activities of the task force;
- (2) the findings and recommendations of the task force, including proposed policy recommendations related to:
 - (A) the provision of coordinated support services to juvenile sex offenders; and
 - (B) the most effective strategy to reduce recidivism rates and improve outcomes for juvenile sex offenders; and
- (3) any related proposals for legislation or other matters the task force considers appropriate.

(b) Requires the task force, not later than December 1, 2016, to deliver the report of the task force's findings and recommendations to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the standing committees of each house of the legislature with primary jurisdiction over criminal justice matters;
- (5) the executive director of the Texas Department of Criminal Justice;
- (6) the executive director of the TJJD;
- (7) each state agency and nonprofit organization represented on the task force; and
- (8) any other appropriate agency of this state.

SECTION 4. EXPIRATION. Provides that the task force is abolished and this Act expires September 1, 2017.

SECTION 5. EFFECTIVE DATE. Effective date: upon passage or September 1, 2015.