

BILL ANALYSIS

C.S.H.B. 1144
By: Dukes
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that the arrest of a juvenile for a sex offense is often a one-time event. The parties continue that many juvenile sex offenders were sexually or physically abused as children, and for these reasons, it is important to view a juvenile sex offender differently than an adult sex offender. The parties also note inconsistencies in how juveniles accused of sexual offenses are adjudicated and prosecuted for their crimes and in the support services provided to juvenile sex offenders. C.S.H.B. 1144 seeks to address issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1144 establishes the Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offenses for the purpose of making policy recommendations to improve the outcomes for juvenile sex offenders after studying the adjudication and disposition processes and programs for juvenile sex offenders; counseling, mental health, or other services provided by the state or local juvenile probation departments to juvenile sex offenders; the sex offender registration process for juveniles; and any other issue related to improving the outcomes for juvenile sex offenders.

C.S.H.B. 1144 sets out the composition of the task force, including members and a presiding officer appointed by the governor, and requires a person designated to make a task force appointment to make the appointment not later than the 60th day after the bill's effective date and to fill a vacancy in the task force or a vacancy in the presiding officer position by the appointment of another person with the same qualifications as the original appointee. The bill authorizes the presiding officer to designate additional experts to serve as advisors to the task force, requires the presiding officer to call the initial task force meeting on or before December 1, 2015, and requires the task force to meet at the times and places determined appropriate by the presiding officer. The bill entitles a task force member to reimbursement of certain expenses incurred in attending task force meetings and performing authorized duties but not to compensation. The bill authorizes the task force to request meeting facilities, data, clerical assistance, and other assistance from any department, agency, institution, office, or political subdivision of the state and to consult with any relevant experts and stakeholders. The bill prohibits the appropriation of state funds for the purposes of the task force but 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 and to contract for consultants or technical assistance. The

bill exempts the task force from statutory provisions relating to state agency advisory committees.

C.S.H.B. 1144 sets out the duties of the task force and requires the task force to adopt rules necessary to fulfill those duties. The bill requires the task force to prepare a report including specified information and to deliver the report to specified recipients not later than December 1, 2016. The bill establishes that the task force is abolished and the bill's provisions expire September 1, 2017.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1144 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. TASK FORCE ON IMPROVING OUTCOMES FOR JUVENILES ADJUDICATED OF SEXUAL OFFENSES. (a) In this Act:

(1) "Juvenile sex offender" means a person subject to the jurisdiction of a juvenile court for conduct that constitutes an offense for which registration as a sex offender is required under Chapter 62, Code of Criminal Procedure.

(2) "Task force" means the Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offenses.

(b) The Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offenses is established. 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) The task force is composed of the following members:

(1) the executive director of the Texas Juvenile Justice Department or the executive

HOUSE COMMITTEE SUBSTITUTE

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(3) the sex offender registration process for juveniles; and

(4) any other issue related to improving the outcomes for juvenile sex offenders.

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

(1) the executive director of the Texas Juvenile Justice Department or the executive

- director's designee;
- (2) the commissioner of the Department of Family and Protective Services or the commissioner's designee;
 - (3) one representative designated by the Crime Records Service of the Department of Public Safety who has experience with the department's 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; and
 - (13) one juvenile public defender from a rural county and one juvenile public defender from an urban county, appointed by the governor.

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

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

(f) A person designated to make an appointment of a member of the task force shall make the appointment not later than the 60th day after the effective date of this Act. The designated person shall fill a vacancy in the task force or a vacancy in the

- director's designee;
- (2) the commissioner of the Department of Family and Protective Services or the commissioner's designee;
 - (3) one representative designated by the Crime Records Service of the Department of Public Safety who has experience with the department's sex offender registry;
 - (4) one representative designated by the Council on Sex Offender Treatment;
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 - (9) one judge from a rural county and one judge from an urban county, appointed by the governor;
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 - (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.

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position of presiding officer of the task force by the appointment of another person with the same qualifications as the original appointee.

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

(h) 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) The task force may request meeting facilities, data, clerical assistance, and other assistance from any department, agency, institution, office, or political subdivision of this state.

(j) The task force may 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) State funds may not be appropriated for purposes of the task force. The task force may apply for, receive, and accept grants of funds or other contributions as appropriate to assist in the performance of its duties. The task force may contract for consultants or technical assistance.

(l) The task force is not subject to Chapter 2110, Government Code.

SECTION 2. DUTIES OF TASK FORCE.

SECTION 3. REPORT.

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

SECTION 5. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote

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SECTION 2. Same as introduced version.

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of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.