

BILL ANALYSIS

Senate Research Center

S.B. 1630
By: Whitmire
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Justice Center of the Council for State Government released its first of a kind study of Texas youth involved with the juvenile justice system at the Texas Supreme Courtroom last January. It provides that juveniles under community-based supervision are far less likely to reoffend than youth with very similar profiles who are confined in Texas Juvenile Justice Department (TJJD) facilities. Based on an unprecedented dataset of 1.3 million individual juvenile case records, the study results show that youth incarcerated in state facilities are 21 percent more likely to be rearrested than those who remain under supervision closer to home in local county programs. Also, when they do reoffend, youth released from state-secure facilities are three times more likely to commit a felony than youth under community supervision.

This study also revealed that a youth secured at a TJJD facility for an average stay of just over 18 months cost the state \$158,000.00, much greater than the cost of supervision on community supervision or community inpatient programs.

S.B. 1630 is designed to implement the recommendations of the Justice Center's study and continue the movement of the Texas juvenile justice system from the 1950's model of large rural institutions into a regional system that supervises and treats a youth closer to the youth's home community. The bill instructs TJJD to adopt a regionalization plan for keeping youth closer to home in lieu of commitment to the secure facilities operated by the department and adjust its budget accordingly. It also instructs the TJJD to create specialized programs and special programs for determinate-sentenced youth. It establishes a new sentence scheme for sending indeterminate youth to the state facilities, requiring a valid needs assessment and determination that the needs of the youth cannot be met with the resources available within the community. The state appropriations for the TJJD for fiscal years 2016 and 2017 have been aligned to accommodate the new structure.

S.B. 1630 will not only provide for better outcomes of the youth served but will use the significant resources that are provided for their rehabilitation in a more effective system. (Original Author's / Sponsor's Statement of Intent)

S.B. 1630 amends current law relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Juvenile Justice Department in SECTION 4 (Section 203.017, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.04(d), Family Code, to authorize the court to commit a child to the Texas Juvenile Justice Department (TJJD) under Section 54.04013, or a post-adjudication secure correctional facility under Section 54.04011(c)(1), as applicable, without a determinate sentence if the court or jury makes the finding specified in Subsection (c) allowing the court to make a disposition in the case if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the

United States of the grade of felony, the court or jury made a special commitment finding under Section 54.04013, and the petition was not approved by the grant jury under Section 53.045. Makes a nonsubstantive change. Makes no further change to this subsection.

SECTION 2. Amends Chapter 54, Family Code, by adding Section 54.04013, as follows:

Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE DEPARTMENT. Authorizes the juvenile court, notwithstanding any other provision of this code, after a disposition hearing held in accordance with Section 54.04, to commit a child who is found to have engaged in delinquent conduct that constitutes a felony offense to TJJD without a determinate sentence, if the court makes a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community. Provides that the court should consider the findings of a validated risk and needs assessment and the findings of any other appropriate professional assessment available to the court.

SECTION 3. Amends Section 202.010, Human Resources Code, to change a reference to September 1, 2017, to September 1, 2021.

SECTION 4. Amends Chapter 203, Human Resources Code, by adding Sections 203.017 and 203.018, as follows:

Sec. 203.017. REGIONALIZATION PLAN. (a) Requires TJJC to develop and the Texas Juvenile Justice Board (board) to adopt a regionalization plan for keeping children closer to home in lieu of commitment to the secure facilities operated by TJJD under Subtitle C (Assistance Programs).

(b) Requires TJJD to consult with juvenile probation departments in developing a regionalization plan, including the identification of:

- (1) post-adjudication facility capacity that may be dedicated to support the plan; and
- (2) resources needed to implement the plan.

(c) Requires that the regionalization plan define regions of the state to be served by facilities operated by juvenile probation departments, counties, halfway houses, or private operators, based on the post-adjudication facilities identified as being available for the purpose of the plan.

(d) Requires TJJD to ensure that each region has defined, appropriate, research-based programs for the target populations under the regionalization plan.

(e) Requires that the regionalization plan:

- (1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan;
- (2) create a new division of TJJD responsible for administering the regionalization plan and monitoring program quality and accountability;
- (3) include sufficient mechanisms to divert at least:
 - (A) 30 juveniles from commitment to secure facilities operated by TJJD for the state fiscal year beginning September 1, 2015; and
 - (B) 150 juveniles from commitment to secure facilities operated by TJJD for the state fiscal year beginning September 1, 2016; and

(4) for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by TJJD under Subtitle C that exceed the cost of implementing the plan.

(f) Requires that the division created under Subsection (e)(2):

(1) approve plans and related protocols to administer the developed regional model;

(2) provide training on best practices for all local probation departments affected by the regionalization plan;

(3) assist in research-based program development;

(4) monitor contract and program measures for the regionalization plan;

(5) analyze department data to provide clear guidance to local probation departments on outcome measures; and

(6) report on performance of specific programs and placements to assist in implementing best practices and maximize the impact of state funds.

(g) Provides that a region is eligible for funding to support evidence-based, intensive in-home services only if the region meets the performance standards established by TJJD and adopted in contracts for placement and services.

(h) Requires TJJD to adopt rules to allow the local probation departments implementing the regionalization plan to access the data submitted by those departments in the state juvenile case management system for planning and research purposes.

(i) Provides that the regionalization plan developed under this section be finalized not later than August 31, 2016.

(j) Requires the legislature, for the state fiscal years beginning September 1, 2015, and September 1, 2016, to appropriate funds necessary to develop and initiate the implementation of the regionalization plan. Prohibits the funds appropriated for this purpose from being offset by projected savings generated by the decreases in the population of the secure facilities operated by TJJD under Subtitle C. This subsection and Subsection (i) expire September 1, 2017.

Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS. (a) Requires TJJD to develop specialized programs for children with a determinate sentence and children committed under Section 54.04013, Family Code. Requires that the programs ensure safety and security for committed children and provide developmentally appropriate program strategies.

(b) Requires TJJD to establish performance-based goals related to improved outcomes that:

(1) must include measures to reduce recidivism; and

(2) shall include other well-being outcome measures.

(c) Requires TJJD to use case review strategies to identify children in TJJD facilities who can safely and appropriately be transferred to alternative local placements or halfway houses, placed on parole, or discharged from TJJD.

(d) Requires TJJD to study and report to the board on the potential for repurposing existing secure facilities for the confinement of children with a determinate sentence or children committed under Section 54.04013, Family Code, or for other purposes.

(e) Prohibits TJJD or any local probation department from using or contract with a facility that was constructed or previously used for the confinement of adult offenders.

SECTION 5. Amends Section 221.003, Human Resources Code, by adding Subsection (b-1) to require that any risk and needs assessment instrument or process that is provided or approved by TJJD for a juvenile probation department to use under Subsection (b) (requiring a juvenile probation department to, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by TJJD, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department) be a validated instrument or process.

SECTION 6. Amends Section 223.001, Human Resources Code, as follows:

Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID. (a) Requires TJJD to annually allocate funds for financial assistance to juvenile boards to provide juvenile services according to current estimates of the number of juveniles in each county, a basic probation funding formula for departments that clearly defines what basic probation entails and which services are provided, and other factors TJJD determines are appropriate.

(b) Authorizes the legislature to appropriate the amount of state aid necessary to supplement local funds to maintain and improve statewide juvenile services that comply with TJJD standards and to initiate and support the regionalization plan under Section 203.017 so that savings are generated by decreases in the population of TJJD facilities operated under Subtitle C.

(c) Requires TJJD, rather than authorizes TJJD, to set aside a portion of the funds appropriated to TJJD for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. Requires TJJD to develop discretionary grant funding protocols based on documented, data-driven, and research-based practices.

(d) Requires TJJD to reimburse counties for the placement of children in the regional specialized program at a rate that offers a savings to the state in relation to the average cost per day for confining a child in a TJJD facility operated under Subtitle C.

(e) Prohibits TJJD from adversely impacting the state aid for a juvenile board or a juvenile probation department that does not enter into a contract to serve youth from other counties, or does not act as a regional facility.

(f) Prohibits a juvenile board or juvenile probation department from being required to accept a child for placement in a post-adjudication correctional facility, unless the child is subject to an order issued by a juvenile court served by that board or department.

SECTION 7. Amends Sections 261.101(a) and (e), Human Resources Code, as follows:

(a) Requires the independent ombudsman to:

(1)-(9) Makes no change to these subdivisions;

(10) and (11) Makes nonsubstantive changes;

(12) immediately report the findings of any investigation related to the operation of a post-adjudication correctional facility in a county to the chief juvenile probation officer and the juvenile board of the county.

(e) Provides that, notwithstanding any other provision of this chapter, the powers of the office of independent ombudsman (office) include:

(1) facilities operated and services provided by TJJD under Subtitle C, rather than the powers of the office are limited to facilities operated and services provided by TJJD under Subtitle C;

(2) post-adjudication correctional facilities under Section 51.125 (Post-Adjudication Correctional Facilities), Family Code;

(3) any other residential facility in which a child adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct is placed by court order; and

(4) the investigation of complaints alleging a violation of the rights of the children placed in a facility described by Subdivision (2) or (3).

SECTION 8. Provides that the changes in law made by Section 54.04(d), Family Code, as amended by this Act, and Section 54.04013, Family Code, as added by this Act, apply only to conduct that occurs on or after September 1, 2017. Makes application of this Act prospective. Provides that, for purposes of this section, conduct occurs before September 1, 2017, if any element of the conduct occurs before that date.

SECTION 9. Effective date: September 1, 2015.