

By: McClendon

H.B. No. 69

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Juvenile Court Jurisdiction Task
3 Force.

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

5 SECTION 1. JUVENILE COURT JURISDICTION TASK FORCE. (a) In
6 this Act:

7 (1) "Juvenile" means a person subject to the
8 jurisdiction of a juvenile court for acts committed when the person
9 was a child.

10 (2) "Task force" means the Juvenile Court Jurisdiction
11 Task Force established under this section.

12 (b) The Juvenile Court Jurisdiction Task Force is
13 established. The purpose of the task force is to:

14 (1) evaluate a proposal to define a person who is 17
15 years of age and commits an offense as a child under the Family Code
16 to include the person under the jurisdiction of a juvenile court;
17 and

18 (2) if the task force determines the legislature
19 should implement the proposal, develop an implementation plan that
20 includes legislative, administrative, and funding changes
21 necessary to implement the proposal.

22 (c) The task force is composed of the following 25 members:

23 (1) the chief justice of the supreme court or the chief
24 justice's designee;

- 1 (2) the presiding judge of the court of criminal
2 appeals or the presiding judge's designee;
- 3 (3) the executive director of the Texas Department of
4 Criminal Justice or the executive director's designee;
- 5 (4) the executive director of the Texas Juvenile
6 Justice Department or the executive director's designee;
- 7 (5) the executive director of the Commission on Jail
8 Standards or the executive director's designee;
- 9 (6) the public safety director of the Department of
10 Public Safety or the director's designee;
- 11 (7) the independent ombudsman of the Texas Juvenile
12 Justice Department or the independent ombudsman's designee;
- 13 (8) one representative of the Legislative Budget Board
14 with expertise in criminal justice population projections and
15 budget issues, appointed by the director of the Legislative Budget
16 Board;
- 17 (9) one prosecutor with expertise in prosecuting
18 juvenile offenders, appointed by the governor;
- 19 (10) one criminal defense lawyer, appointed by the
20 governor;
- 21 (11) one current or former juvenile court judge,
22 appointed by the chief justice of the supreme court;
- 23 (12) one current or former criminal court judge
24 appointed by the presiding judge of the court of criminal appeals;
- 25 (13) one school administrator, appointed by the
26 governor;
- 27 (14) one chief juvenile probation officer from an

1 urban county and one chief juvenile probation officer from a rural
2 county, appointed by the governor;

3 (15) one chief adult probation officer, appointed by
4 the governor;

5 (16) one police chief, appointed by the governor;

6 (17) one person with expertise in brain development or
7 adolescent mental health, appointed by the governor;

8 (18) one person who was adjudicated for a juvenile
9 offense in Texas, appointed by the governor;

10 (19) three members of the house of representatives,
11 appointed by the speaker of the house; and

12 (20) three members of the senate, appointed by the
13 lieutenant governor.

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

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

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

24 (g) The presiding officer shall call the initial meeting of
25 the task force on or before December 1, 2015. The task force shall
26 meet at the times and places that the presiding officer determines
27 are appropriate. The task force shall adopt rules necessary to

1 fulfill the task force's duties under this Act.

2 (h) A member of the task force is not entitled to
3 compensation but may be entitled to reimbursement for the member's
4 actual and necessary expenses incurred in attending meetings of the
5 task force and performing other official duties authorized by the
6 presiding officer of the task force, if funding is available.

7 (i) The task force may request meeting facilities, data,
8 clerical help, or other assistance from any department, agency,
9 institution, office, or political subdivision of this state.

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

15 (k) The task force is not subject to Chapter 2110,
16 Government Code.

17 SECTION 2. DUTIES OF TASK FORCE. (a) After evaluating the
18 proposal described by Section 1(b) of this Act, the task force shall
19 determine whether the legislature should implement that proposal.
20 To make the determination, the task force shall consider:

21 (1) the potential short-term and long-term benefits to
22 offenders, victims, and taxpayers;

23 (2) the requirements of federal law, including the
24 Prison Rape Elimination Act of 2003 (42 U.S.C. Section 15601 et
25 seq.), for the confinement of persons 17 years of age;

26 (3) the implications of the decisions of the United
27 States Supreme Court in Miller v. Alabama, 567 U.S. ____ (2012), and

1 similar cases involving the sentencing of persons younger than 18
2 years of age;

3 (4) appropriate sanctions, services, and treatment
4 programs for persons 17 years of age who have committed criminal
5 offenses and the effectiveness of the sanctions, services, and
6 programs;

7 (5) best practices and national trends in the
8 prosecution and sentencing of persons younger than 18 years of age;

9 (6) data about the nature and frequency of offenses
10 committed by persons 17 years of age in this state;

11 (7) the projected costs and savings for the state
12 criminal court and juvenile court systems, state and local law
13 enforcement, local adult and juvenile probation departments, state
14 and local correctional facilities, and facilities operated by the
15 Texas Juvenile Justice Department;

16 (8) which criminal and juvenile justice laws to amend,
17 including laws relating to traffic offenses, offenses under the
18 Education Code or Alcoholic Beverage Code, and laws relating to
19 criminal records; and

20 (9) any other issues that the task force considers
21 relevant to the proposal.

22 (b) The task force shall:

23 (1) develop the implementation plan relating to the
24 proposal described by Section 1(b) of this Act;

25 (2) calculate the projected state and local adult and
26 juvenile correctional facility populations if the plan is
27 implemented;

1 (3) conduct a cost-benefit analysis for each part of
2 the juvenile and adult criminal justice systems and for offenders,
3 victims, and taxpayers if the plan is implemented; and

4 (4) make findings and recommendations and describe
5 policy considerations relating to whether the proposal should be
6 adopted.

7 SECTION 3. REPORT. Not later than December 1, 2016, the
8 task force shall deliver an interim report of the task force's
9 findings and recommendations, including legislative,
10 administrative, and funding recommendations, to the governor, the
11 lieutenant governor, the speaker of the house of representatives,
12 the standing committees of each house of the legislature with
13 primary jurisdiction over criminal justice and juvenile justice
14 matters, the supreme court, the court of criminal appeals, the
15 executive director of the Texas Department of Criminal Justice, and
16 the executive director of the Texas Juvenile Justice Department.

17 SECTION 4. FINAL REPORT. The task force shall deliver a
18 final report not later than December 1, 2018, to the persons listed
19 in Section 3 of this Act describing the results of the
20 implementation of the laws enacted by the 85th Legislature relating
21 to the task force's recommendations and providing additional
22 legislative, administrative, or funding recommendations to make
23 the change in law more effective.

24 SECTION 5. EXPIRATION. The task force is abolished and this
25 Act expires August 31, 2019.

26 SECTION 6. EFFECTIVE DATE. This Act takes effect
27 immediately if it receives a vote of two-thirds of all the members

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1 elected to each house, as provided by Section 39, Article III, Texas
2 Constitution. If this Act does not receive the vote necessary for
3 immediate effect, this Act takes effect September 1, 2015.