

By: Rodríguez

S.B. No. 1333

A BILL TO BE ENTITLED

AN ACT

relating to the secure confinement of certain children.

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

SECTION 1. Section 51.12(j), Family Code, is amended to read as follows:

(j) After being taken into custody, a child who is at least 14 years of age may be detained in a secure detention facility until the child is released under Section 53.01, 53.012, or 53.02 or until a detention hearing is held under Section 54.01(a), regardless of whether the facility has been certified under Subsection (c), if:

(1) a certified juvenile detention facility is not available in the county in which the child is taken into custody;

(2) the detention facility complies with:

(A) the short-term detention standards adopted by the Texas Juvenile Justice Department [~~Probation Commission~~];

and

(B) the requirements of Subsection (f); and

(3) the detention facility has been designated by the county juvenile board for the county in which the facility is located.

SECTION 2. Section 54.04(o), Family Code, is amended to read as follows:

(o) In a disposition under this title:

(1) a status offender may not, under any

1 circumstances, be committed to the Texas Juvenile Justice
2 Department [~~Youth Commission~~] for engaging in conduct that would
3 not, under state or local law, be a crime if committed by an adult;

4 (2) a status offender may not, under any circumstances
5 other than as provided under Subsection (n), be placed in a
6 post-adjudication secure correctional facility; [~~and~~]

7 (3) a child adjudicated for contempt of a county,
8 justice, or municipal court order may not, under any circumstances,
9 be placed in a post-adjudication secure correctional facility or
10 committed to the Texas Juvenile Justice Department [~~Youth~~
11 ~~Commission~~] for that conduct; and

12 (4) a child younger than 14 years of age may not, under
13 any circumstances, be placed in a post-adjudication secure
14 correctional facility or committed to the Texas Juvenile Justice
15 Department.

16 SECTION 3. Section 54.04011(c), Family Code, as added by
17 Chapter 1323 (S.B. 511), Acts of the 83rd Legislature, Regular
18 Session, 2013, is amended to read as follows:

19 (c) After a disposition hearing held in accordance with
20 Section 54.04, the juvenile court of a county to which this section
21 applies may commit a child who is at least 14 years of age and who is
22 found to have engaged in delinquent conduct that constitutes a
23 felony to a post-adjudication secure correctional facility:

24 (1) without a determinate sentence, if:

25 (A) the child is found to have engaged in conduct
26 that violates a penal law of the grade of felony and the petition
27 was not approved by the grand jury under Section 53.045;

1 (B) the child is found to have engaged in conduct
2 that violates a penal law of the grade of felony and the petition
3 was approved by the grand jury under Section 53.045 but the court or
4 jury does not make the finding described by Section 54.04(m)(2); or

5 (C) the disposition is modified under Section
6 54.05(f); or

7 (2) with a determinate sentence, if:

8 (A) the child is found to have engaged in conduct
9 that included a violation of a penal law listed in Section 53.045 or
10 that is considered habitual felony conduct as described by Section
11 51.031, the petition was approved by the grand jury under Section
12 53.045, and, if applicable, the court or jury makes the finding
13 described by Section 54.04(m)(2); or

14 (B) the disposition is modified under Section
15 54.05(f).

16 SECTION 4. (a) The change in law made by this Act applies to
17 a child who:

18 (1) is detained or confined on or after the effective
19 date of this Act; or

20 (2) on the effective date of this Act is in detention
21 or confinement.

22 (b) Subsection (a) of this section applies regardless of
23 whether the conduct for which the child was detained or confined
24 occurred before, on, or after the effective date of this Act.

25 SECTION 5. This Act takes effect September 1, 2015.