

By: Rodríguez

S.B. No. 424

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 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 circumstances, be committed to the Texas Juvenile Justice Department for engaging in conduct that would not, under state or local law, be a crime if committed by an adult;

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

(3) a child adjudicated for contempt of a county, justice, or municipal court order may not, under any circumstances, be placed in a post-adjudication secure correctional facility or committed to the Texas Juvenile Justice Department for that conduct;

(4) a child younger than 14 years of age may not, under any circumstances, be committed to the Texas Juvenile Justice Department; and

(5) a child younger than 14 years of age may not be placed in a post-adjudication secure correctional facility except as provided by Section 54.04011(c-1).

1 SECTION 2. Section 54.04011, Family Code, is amended by
2 amending Subsection (c) and adding Subsection (c-1) to read as
3 follows:

4 (c) Subject to Subsection (c-1), after ~~[After]~~ a
5 disposition hearing held in accordance with Section 54.04, the
6 juvenile court of a county to which this section applies may commit
7 a child who is found to have engaged in delinquent conduct that
8 constitutes a felony to a post-adjudication secure correctional
9 facility:

10 (1) without a determinate sentence, if:

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

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

18 (C) the disposition is modified under Section
19 54.05(f); or

20 (2) with a determinate sentence, if:

21 (A) the child is found to have engaged in conduct
22 that included a violation of a penal law listed in Section 53.045 or
23 that is considered habitual felony conduct as described by Section
24 51.031, the petition was approved by the grand jury under Section
25 53.045, and, if applicable, the court or jury makes the finding
26 described by Section 54.04(m)(2); or

27 (B) the disposition is modified under Section

1 54.05(f).

2 (c-1) After a disposition hearing held in accordance with
3 Section 54.04, the juvenile court of a county to which this section
4 applies may commit a child who is younger than 14 years of age and
5 who is found to have engaged in delinquent conduct that constitutes
6 a felony to a post-adjudication secure correctional facility as
7 provided by Subsection (c) only if the court finds that:

8 (1) as determined by a validated risk and needs
9 assessment, the child is an at-risk child or has significant needs
10 that cannot be met outside of a residential setting; and

11 (2) no other reasonable placement is available for the
12 child.

13 SECTION 3. (a) The change in law made by this Act applies to
14 a child who:

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

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

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

22 SECTION 4. This Act takes effect September 1, 2017.