

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: White, Wu, Bernal

H.B. No. 1204

A BILL TO BE ENTITLED

AN ACT

relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.

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

SECTION 1. Section 53.01, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The person who is conducting the preliminary investigation shall, as appropriate, refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services under Section 53.011, if the person determines that:

(1) the child is younger than 12 years of age;

(2) there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;

(3) the child's case does not require referral to the prosecuting attorney under Subsection (d) or (f);

(4) the child is eligible for deferred prosecution under Section 53.03; and

(5) the child and the child's family are not currently receiving services under Section 53.011 and would benefit from receiving the services.

SECTION 2. Chapter 53, Family Code, is amended by adding

1 Section 53.011 to read as follows:

2 Sec. 53.011. SERVICES PROVIDED TO CERTAIN CHILDREN AND  
3 FAMILIES. (a) In this section:

4 (1) "Community resource coordination group" has the  
5 meaning assigned by Section 531.421, Government Code.

6 (2) "Local-level interagency staffing group" means a  
7 group established under the memorandum of understanding described  
8 by Section 531.055, Government Code.

9 (b) On receipt of a referral under Section 53.01(b-1), a  
10 community resource coordination group, a local-level interagency  
11 staffing group, or another community juvenile services provider  
12 shall evaluate the child's case and make recommendations to the  
13 juvenile probation department for appropriate services for the  
14 child and the child's family.

15 (c) The probation officer shall create and coordinate a  
16 service plan or system of care for the child or the child's family  
17 that incorporates the service recommendations for the child or the  
18 child's family provided to the juvenile probation department under  
19 Subsection (b). The child and the child's parent, guardian, or  
20 custodian must consent to the services with knowledge that consent  
21 is voluntary.

22 (d) For a child who receives a service plan or system of care  
23 under this section, the probation officer may hold the child's case  
24 open for not more than three months to monitor adherence to the  
25 service plan or system of care. The probation officer may adjust the  
26 service plan or system of care as necessary during the monitoring  
27 period. The probation officer may refer the child to the

1 prosecuting attorney if the child fails to successfully participate  
2 in required services during that period.

3 SECTION 3. Subchapter A, Chapter 152, Human Resources Code,  
4 is amended by adding Section 152.00145 to read as follows:

5 Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN  
6 JUVENILES. A juvenile board shall establish policies that  
7 prioritize:

8 (1) the diversion of children younger than 12 years of  
9 age from referral to a prosecuting attorney under Chapter 53,  
10 Family Code; and

11 (2) the limitation of detention of children younger  
12 than 12 years of age to circumstances of last resort.

13 SECTION 4. The changes in law made by this Act apply only to  
14 a child who engages in conduct that occurs on or after the effective  
15 date of this Act. A child who engages in conduct that occurs before  
16 the effective date of this Act is governed by the law in effect on  
17 the date the conduct occurred, and the former law is continued in  
18 effect for that purpose. For purposes of this section, conduct  
19 occurs before the effective date of this Act if any element of the  
20 conduct occurs before that date.

21 SECTION 5. This Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

*Lataj Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Yvonne Burton*

1 Amend H.B. No. 1204 by adding the following appropriately  
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of  
3 the bill accordingly:

4 SECTION \_\_\_\_\_. (a) The Office of Court Administration of the  
5 Texas Judicial System shall conduct a study to examine the use of  
6 the terms "juvenile," "child," and "minor" throughout the criminal  
7 justice and juvenile justice statutes of this state and the varying  
8 definitions assigned those terms. The study shall also determine  
9 whether:

10 (1) adjudication under the adult criminal justice  
11 system of juveniles charged with misdemeanors punishable by fine  
12 only is just and efficient; and

13 (2) certain procedures under the juvenile justice  
14 system if used in the adjudication of juveniles charged with  
15 misdemeanors punishable by fine only would provide a more just and  
16 efficient process for responding to violations of the law by  
17 juvenile offenders.

18 (b) In conducting the study under Subsection (a) of this  
19 section, the Office of Court Administration of the Texas Judicial  
20 System shall consult with the chair of the senate criminal justice  
21 committee, the chair of the juvenile justice and family issues  
22 committee of the house of representatives, and the chair of the  
23 corrections committee of the house of representatives.

24 (c) Not later than December 1, 2018, the Office of Court  
25 Administration of the Texas Judicial System shall submit a report  
26 containing the results of the study conducted under Subsection (a)  
27 of this section to the governor, the lieutenant governor, the  
28 speaker of the house of representatives, and the appropriate  
29 standing committees of the senate and the house of representatives.

1 (d) This section expires December 1, 2019.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1204** by White (Relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Family Code and the Human Resources Code as they relate to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct. Under the provisions of the bill, individuals younger than 12 referred to a local juvenile probation department for certain conduct would be referred to certain community groups for services. A juvenile probation officer would monitor adherence to the service plan developed by the group. The bill would also require the Office of Court Administration (OCA) to conduct a study to be completed by December 1, 2018 on the adjudication of juveniles charged with misdemeanors punishable by fine only and the use of certain terms signifying age in the criminal justice and juvenile justice statutes.

This analysis assumes the provision of services specified by the bill would have no significant impact on juvenile correctional populations. The Texas Juvenile Justice Department (TJJD) and OCA do not indicate a significant fiscal impact. The bill would take effect on September 1, 2017 and apply only to conduct that occurs on or after the effect date of the Act.

**Local Government Impact**

According to OCA, the bill may lead to a reduced number of juvenile court prosecutions of children who are 10 or 11 years of age due to referrals for services by a community resource coordination group. According to TJJD, there will be a cost to counties in convening a community resource coordination group for every youth under 12 who is referred to juvenile probation departments. According to the Dallas County Juvenile Probation Department, the fiscal impact to the Department to implement the provisions of the bill is not anticipated to be significant. The Nueces County Juvenile Probation Department anticipates no fiscal impact to the Department to implement the provisions of the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

**LBB Staff:** UP, KJo, LM, JPo, GDz, ZB, FR, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 8, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1204** by White (Relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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This analysis assumes the provision of services specified by the bill would have no significant impact on juvenile correctional populations. The Texas Juvenile Justice Department (TJJD) and Office of Court Administration (OCA) do not indicate a significant fiscal impact. The bill would take effect on September 1, 2017 and apply only to conduct that occurs on or after the effect date of the Act.

**Local Government Impact**

According to OCA, the bill may lead to a reduced number of juvenile court prosecutions of children who are 10 or 11 years of age due to referrals for services by a community resource coordination group. According to TJJD, there will be a cost to counties in convening a community resource coordination group for every youth under 12 who is referred to juvenile probation departments. According to the Dallas County Juvenile Probation Department, the fiscal impact to the Department to implement the provisions of the bill is not anticipated to be significant. The Nueces County Juvenile Probation Department anticipates no fiscal impact to the Department to implement the provisions of the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

**LBB Staff:** UP, ZB, FR, LM, JPo, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 12, 2017**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB1204** by White (Relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Family Code and the Human Resources Code as they relate to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct. Under the provisions of the bill, individuals younger than 12 referred to a local juvenile probation department for certain conduct would be referred to certain community groups for services. A juvenile probation officer would monitor adherence to the service plan developed by the group.

This analysis assumes the provision of services specified by the bill would have no significant impact on juvenile correctional populations. The Texas Juvenile Justice Department (TJJD) and Office of Court Administration (OCA) do not indicate a significant fiscal impact. The bill would take effect on September 1, 2017 and apply only to conduct that occurs on or after the effect date of the Act.

**Local Government Impact**

According to OCA, the bill may lead to a reduced number of juvenile court prosecutions of children who are 10 or 11 years of age due to referrals for services by a community resource coordination group. According to TJJD, there will be a cost to counties in convening a community resource coordination group for every youth under 12 who is referred to juvenile probation departments. According to the Dallas County Juvenile Probation Department, the fiscal impact to the Department to implement the provisions of the bill is not anticipated to be significant. The Nueces County Juvenile Probation Department anticipates no fiscal impact to the Department to implement the provisions of the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

**LBB Staff:** UP, FR, LM, JPo, JGA



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 21, 2017**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB1204** by White (Relating to an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1204, As Introduced: a positive impact of \$659,736 through the biennium ending August 31, 2019.

Additional savings potentially associated with the decreased demand on juvenile probation programming are not included in this analysis and could be significant.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2018	\$70,923
2019	\$588,813
2020	\$618,108
2021	\$579,100
2022	\$572,933

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
2018	\$70,923
2019	\$588,813
2020	\$618,108
2021	\$579,100
2022	\$572,933

**Fiscal Analysis**

The bill would amend the Family Code to provide an alternative to adjudication for individuals younger than 12 years of age who engage in conduct in need of supervision or delinquent conduct. Under the provisions of the bill, individuals younger than 12 referred to a local juvenile

probation department for certain conduct would be referred to a community resource coordination group in lieu of adjudication in the juvenile justice system. The bill would take effect on September 1, 2017, and apply to conduct that occurs on or after the effective date of the Act.

## **Methodology**

Shifting individuals away from the juvenile justice system is expected to result in decreasing demands on counties and the State due to fewer juveniles under the supervision of local juvenile probation departments. In fiscal year 2016, there were 287 juveniles age 10 or 11 at offense in the juvenile justice system who were adjudicated. Under the provisions of the bill, all of these individuals would be eligible to be referred to a community resource coordination group and have services coordinated by that group in lieu of adjudication. This analysis assumes those juveniles disposed for violent felony offenses (36 percent) would continue to be adjudicated in the juvenile justice system and the rest (64 percent) would instead be served by community resource coordination groups. Estimated populations are based on the juvenile adjudicated probation supervision projections included in the *January 2017 Adult and Juvenile Correctional Population Projections* report and juvenile justice system disposition trends.

Savings are estimated based on the state costs per day for juvenile probation supervision (\$5.93) as reported in the *January 2017 Criminal and Juvenile Justice Uniform Cost* report and the length of supervision for the most recent group of adjudicated individuals who were age 10 to 11 at offense completing probation supervision. This estimate assumes a small time lag before the first individuals would have been disposed in the juvenile justice system after the bill becomes effective; therefore, the savings estimate for fiscal year 2018 would be approximately \$70,923. The savings estimate for fiscal year 2019 would be \$588,813. Savings in the following fiscal years would vary depending upon the estimated fluctuations in the projected population. This analysis does not include potentially significant savings associated with probation programming such as mental health, substance abuse, or other specialized services, including placement in residential post-adjudication facilities.

The Office of Court Administration indicates they do not anticipate a significant fiscal impact to the state court system.

## **Local Government Impact**

According to the Office of Court Administration, the bill may lead to a reduced number of juvenile court prosecutions of children who are 10 or 11 years of age due to referrals for services by a community resource coordination group. According to the Juvenile Justice Department, there will be a cost to counties in convening a community resource coordination group for every youth under 12 who is referred to juvenile probation departments.

According to the Dallas County Juvenile Department, the fiscal impact to the Department to implement the provisions of the bill is not anticipated to be significant.

The Nueces County Juvenile Department anticipates no fiscal impact to the Department to implement the provisions of the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 644 Juvenile Justice Department

**LBB Staff:** UP, FR, LM, JPo, JGA, BM