

## **BILL ANALYSIS**

H.B. 1709  
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Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

A status offender is a youth accused, adjudicated, or convicted for conduct that would not be a crime under state law if it were committed by an adult. The conduct associated with status offenses is often caused by factors outside the youth's control, such as family dynamics, problems at school, or unmet mental health needs. Although a status offender can not be punished with a term of confinement, a status offender may be detained in a secure facility while they await an adjudication hearing or as a punishment for violating a court order related to the status offense—a situation that can be disproportionate to the original conduct. There is concern about classifying youth who run away from home as status offenders, because the causal factors can lead to further delinquent behavior, such as running away from home again, which in turn can lead to violations resulting in detention in a secure facility. H.B. 1709 seeks to address these issues in part by removing running away from home from the list of status offenses and by preventing conduct of the other status offenses from resulting in detention in a secure facility.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1709 amends the Family Code to specify that the conduct that violates a lawful order of a court in a case for a status offense is such conduct committed by a child that, if committed by an adult, would not be a crime under state law. The bill does the following:

- removes running away from home as conduct that constitutes a status offense; and
- removes as conduct indicating a need for supervision the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return.

H.B. 1709 repeals provisions authorizing a court, under certain conditions, to order a disposition of secure confinement of a status offender adjudicated for violating a valid court order.

H.B. 1709 provides the following:

- if a child is accused only of a status offense, the child may be detained only in the following:
  - a juvenile processing office;
  - a place of nonsecure custody; or
  - a nonsecure correctional facility, if the former are not available;

- such a child may not be detained at a place of nonsecure custody for longer than six hours, or at a nonsecure correctional facility for longer than 24 hours, after the time the child arrived at the place of detention; and
- if the child is not released before the sixth hour after the time of arrival at the place of detention, the child is entitled to a detention hearing that must be held before the 24th hour after the time the child arrived at the place of detention, with certain exceptions.

The judge or referee conducting the detention hearing must release the child from detention, except as otherwise provided by law regarding such detention hearings.

H.B. 1709 amends the Code of Criminal Procedure and Education Code to make conforming changes.

H.B. 1709 repeals the following provisions of the Family Code:

- Section 51.03(e);
- Section 54.04(n); and
- Section 58.0022.

**EFFECTIVE DATE**

September 1, 2021.