

BILL ANALYSIS

C.S.H.B. 2107
By: Wu
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Children with intellectual and developmental disabilities (IDD) end up in the juvenile justice system at nearly three times the rate of children without IDD. However, there are concerns that children with intellectual disabilities do not have certain options available to them that children with mental illness have under the juvenile justice code. C.S.H.B. 2107 seeks to address this issue by helping to ensure that children who are unfit to proceed in juvenile court proceedings as a result of an intellectual disability receive appropriate services or treatment, including outpatient services as necessary.

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

C.S.H.B. 2107 amends the Family Code to require a juvenile court, if the court or jury determines that a child is unfit as a result of an intellectual disability to proceed with the juvenile court proceedings for delinquent conduct or finds that a child is not responsible for the child's conduct indicating a need for supervision as a result of an intellectual disability, to order the child to receive services for the child's intellectual disability on an outpatient basis for a specified period if the court determines that the child may be adequately treated or served in an alternative setting. The bill requires the court, before issuing an order for treatment or services in an alternative setting, to consult with the probation department and with local treatment or service providers to determine the appropriate treatment or services for the child.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2107 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for the court to consult with the probation department and with local treatment or service providers to determine the appropriate treatment or services for the child before issuing an order for the treatment or services in an alternative setting.