

## **BILL ANALYSIS**

H.B. 77  
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Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

State law defines a status offender as a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult. The actions associated with status offenses are often caused by factors outside of a youth's control, such as family tensions, problems at school, or unmet mental health needs. Youth who run away from home may be fleeing an unsafe or abusive environment and require additional services, including a more stable and supportive place to reside. State law prohibits status offenders from being punished with a term of confinement in a secure detention facility; however, status offenders can still be detained in such a facility while they await an adjudication hearing. If a status offender violates a court order related to the status offense, such as running away again, a court can punish the youth with a term of secure confinement, which does not meet the needs of a status offender. H.B. 77 seeks to address these issues by removing running away from home from the list of status offenses and redirecting youth to emergency shelters and crisis intervention services, as well as preventing conduct of the other status offenses from resulting in detention in a secure detention facility, either pre- or post-adjudication.

### **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. 77 amends the Family Code to do the following:

- remove running away from home as conduct that constitutes a status offense; and
- remove 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.

The bill clarifies that a status offense is conduct a child commits that would not, under state law, be a crime if committed by an adult. The bill repeals the authorization for a law enforcement officer to fingerprint or photograph a child in custody who the officer has probable cause to believe is a runaway for the purpose of establishing the child's identity.

H.B. 77 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. 77 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, excluding weekends and holidays.

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. 77 applies only to conduct that occurs on or after the bill's effective date.

H.B. 77 amends the Code of Criminal Procedure and Education Code to make conforming changes.

H.B. 77 repeals the following provisions of the Family Code:

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

**EFFECTIVE DATE**

September 1, 2023.