

## **BILL ANALYSIS**

H.B. 1654  
By: Cook  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Juvenile gang violence is a serious threat to the safety of our communities. Currently, when faced with juveniles who engage in gang violence, the state is limited to two options: (1) indeterminate sentencing, which is often inadequate due to time and punishment limitations, or (2) certifying juvenile gang members as adults, which eliminates available extended and essential rehabilitative resources available in the juvenile justice system. H.B. 1654 gives the state the option to seek a determinate sentence for a juvenile gang member who engages in organized criminal activity involving a violent criminal offense. Under a determinate sentence, a juvenile offender can receive the benefits of extended and essential rehabilitative services with an added incentive to fully participate in the services to avoid being transferred to the adult criminal justice system. This legislation seeks to protect Texas communities from gang violence while providing appropriate rehabilitative resources to juvenile gang offenders who commit serious violent crimes, balancing community safety with important rehabilitation opportunities available in the juvenile justice system.

### **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. 1654 amends the Family Code to expand the delinquent conduct that makes a child eligible for a determinate sentence to include engaging in organized criminal activity the subject of which includes any of the following:

- murder, capital murder, or manslaughter;
- aggravated kidnapping;
- sexual assault or aggravated sexual assault;
- aggravated assault or aggravated robbery;
- injury to a child, or elderly or disabled individual, if the offense is punishable as a felony, other than a state jail felony;
- felony deadly conduct involving discharging a firearm;
- certain offenses involving controlled substances, if the conduct constituting the offense is punishable as a first degree felony or an aggravated controlled substance felony;

- criminal solicitation or criminal solicitation of a minor;
- indecency with a child;
- criminal attempt, if the offense attempted was murder, capital murder, or an offense disqualifying the defendant from judge-ordered community supervision;
- arson, if bodily injury or death is suffered by any person by reason of the commission of the conduct; or
- intoxication manslaughter.

The bill applies only to conduct violating a state penal law that occurs on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of conduct, or any element thereof, that occurred before that date.

**EFFECTIVE DATE**

September 1, 2023.