

BILL ANALYSIS

H.B. 3176
By: Wu
Youth Health & Safety, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law allows counties to operate specialty court programs using state and federal funds, such as drug courts, veterans treatment courts, mental health courts, and public safety employees treatment courts. Experts in the field of adolescent psychological development have conducted extensive empirical research and report that 18-year-olds are predisposed to risky, impulsive behavior. Research suggests that the prefrontal cortex, responsible for regulating thoughts, emotions, and actions, is not fully developed until a person reaches their mid-twenties. Therefore, it is commonly understood that youthful offenders do not have the same capacity as adults when it comes to understanding the consequences of their actions and therefore should not be treated equally. Furthermore, academic studies suggest that only a small percentage of youthful offenders' behavior persists into adulthood, proving that these offenders often have a greater capacity for rehabilitation than adults. H.B. 3176 seeks to support this rehabilitative potential by providing for the creation of a youthful offender specialty court pilot program.

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. 3176 amends the Government Code to authorize a county commissioners court to establish a youthful offender pilot court program for persons arrested for or charged with an offense punishable as a felony, other than an offense for which a defendant is not eligible for judge-ordered community supervision, committed when the person was at least 17 years of age but younger than 22 years of age. If a defendant successfully completes the program, after notice to the state's attorney and a hearing in the pilot court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending must dismiss the case against the defendant. The bill requires the court in which the criminal case is pending to allow an eligible defendant to choose whether to proceed through the program or otherwise through the criminal justice system. A youthful offender pilot court program has the following essential characteristics:

- the integration of services in the processing of cases in the judicial system;
- the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- early identification and prompt placement of eligible program participants;
- access to a continuum of counseling, mental health, alcohol, controlled substance, and other related treatment and rehabilitative services;

- careful monitoring of treatment and services provided to program participants;
- a coordinated strategy to govern program responses to participants' compliance;
- ongoing judicial interaction with program participants;
- monitoring and evaluation of program goals and effectiveness;
- continuing interdisciplinary education to promote effective program planning, implementation, and operations;
- development of partnerships with public agencies and community organizations; and
- inclusion of a participant's family members who agree to be involved in the treatment and services provided to the participant under the program.

H.B. 3176 requires a youthful offender pilot court program to do the following:

- ensure that a defendant eligible for program participation is provided legal counsel before electing to proceed through the program and while participating in the program;
- allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;
- provide a participant with a court-ordered individualized plan indicating the services that will be provided to the participant; and
- make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program.

The bill authorizes a program to allow a participant to comply with their court-ordered individualized plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.

H.B. 3176 requires the commissioners court of a county that establishes a youthful offender court program to submit not later than December 1, 2024, a report regarding the program's effectiveness at enhancing judicial compliance and decreasing recidivism of youthful offenders to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the legislature with primary jurisdiction over criminal justice matters. The report must include the commissioners court's recommendation on whether the program should be continued. The bill's provisions expire September 1, 2025.

EFFECTIVE DATE

September 1, 2023.