

By: Wu, Reynolds, Thompson of Harris, Moody

H.B. No. 3176

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of a youthful offender pilot court  
3 program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle K, Title 2, Government Code, is amended  
6 by adding Chapter 127 to read as follows:

7 CHAPTER 127. YOUTHFUL OFFENDER PILOT COURT PROGRAM

8 Sec. 127.001. YOUTHFUL OFFENDER PILOT COURT PROGRAM;  
9 PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "youthful  
10 offender pilot court program" means a program that has the  
11 following essential characteristics:

12 (1) the integration of services in the processing of  
13 cases in the judicial system;

14 (2) the use of a nonadversarial approach involving  
15 prosecutors and defense attorneys to promote public safety and to  
16 protect the due process rights of program participants;

17 (3) early identification and prompt placement of  
18 eligible participants in the program;

19 (4) access to a continuum of counseling, mental  
20 health, alcohol, controlled substance, and other related treatment  
21 and rehabilitative services;

22 (5) careful monitoring of treatment and services  
23 provided to program participants;

24 (6) a coordinated strategy to govern program responses

1 to participants' compliance;

2 (7) ongoing judicial interaction with program  
3 participants;

4 (8) monitoring and evaluation of program goals and  
5 effectiveness;

6 (9) continuing interdisciplinary education to promote  
7 effective program planning, implementation, and operations;

8 (10) development of partnerships with public agencies  
9 and community organizations; and

10 (11) inclusion of a participant's family members who  
11 agree to be involved in the treatment and services provided to the  
12 participant under the program.

13 (b) If a defendant successfully completes a youthful  
14 offender pilot court program, after notice to the attorney  
15 representing the state and a hearing in the youthful offender pilot  
16 court at which that court determines that a dismissal is in the best  
17 interest of justice, the court in which the criminal case is pending  
18 shall dismiss the case against the defendant.

19 Sec. 127.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.

20 (a) The commissioners court of a county may establish a youthful  
21 offender pilot court program for persons arrested for or charged  
22 with an offense that is punishable as a felony, other than an  
23 offense listed in Article 42A.054(a), Code of Criminal Procedure.

24 (b) A defendant is eligible to participate in the youthful  
25 offender pilot court program established under this chapter only if  
26 the defendant was at least 17 years of age but younger than 22 years  
27 of age at the time of the offense.

1       (c) The court in which the criminal case is pending shall  
2 allow an eligible defendant to choose whether to proceed through  
3 the youthful offender pilot court program or otherwise through the  
4 criminal justice system.

5       Sec. 127.003. DUTIES OF YOUTHFUL OFFENDER PILOT COURT  
6 PROGRAM. (a) A youthful offender pilot court program established  
7 under this chapter must:

8           (1) ensure that a defendant eligible for participation  
9 in the program is provided legal counsel before electing to proceed  
10 through the program and while participating in the program;

11           (2) allow a participant to withdraw from the program  
12 at any time before a trial on the merits has been initiated; and

13           (3) provide a participant with a court-ordered  
14 individualized plan indicating the services that will be provided  
15 to the participant.

16       (b) A youthful offender pilot court program established  
17 under this chapter shall make, establish, and publish local  
18 procedures to ensure maximum participation of eligible defendants  
19 in the program.

20       (c) A youthful offender pilot court program may allow a  
21 participant to comply with the participant's court-ordered  
22 individualized plan or to fulfill certain other court obligations  
23 through the use of videoconferencing software or other  
24 Internet-based communications.

25       Sec. 127.004. REPORT. Not later than December 1, 2024, the  
26 commissioners court of a county that establishes a youthful  
27 offender pilot court program under this chapter shall submit a

1 report to the governor, the lieutenant governor, the speaker of the  
2 house of representatives, and the standing committees of the  
3 legislature with primary jurisdiction over criminal justice  
4 matters, regarding the effectiveness of the program at enhancing  
5 judicial compliance and decreasing recidivism of youthful  
6 offenders. The report must include the commissioners court's  
7 recommendation on whether the program should be continued.

8 Sec. 127.005. EXPIRATION. This chapter expires September  
9 1, 2025.

10 SECTION 2. This Act takes effect September 1, 2023.