

By: Wu

H.B. No. 3176

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a youthful offender pilot court program.

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

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

CHAPTER 127. YOUTHFUL OFFENDER PILOT COURT PROGRAM

Sec. 127.001. YOUTHFUL OFFENDER PILOT COURT PROGRAM;

PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "youthful offender pilot court program" means a program that has the following essential characteristics:

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

(2) 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;

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

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

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

(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.