

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 31, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1727 by Schwertner (Relating to the continuation and functions of the Texas Juvenile Justice Department and the functions of the office of independent ombudsman for the Texas Juvenile Justice Department.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend various Codes as they relate to the functions of the Texas Juvenile Justice Department (TJJD) and the Office of the Independent Ombudsman (OIO). Based on information provided by the Sunset Commission and TJJD, this analysis assumes that most of the duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources. However, the provisions of the bill related to risk-based assessments and inspections, the reduction in the number of board members, and requirements related to university partnerships would have an indeterminate fiscal impact. According to the Office of Court Administration and the Texas Department of Criminal Justice, any fiscal impact associated with the bill could be absorbed within existing resources.

The bill would amend the Family Code to remove the annual inspection requirement certain facilities. The bill would also amend the Human Resources Code to require TJJD and the OIO to establish risk-based assessment tools and risk-based inspections of certain facilities under TJJD and the OIO's purview. Based on information provided by the Sunset Commission and TJJD, the fiscal impact cannot be determined because any increases or decreases in inspection costs or savings cannot be estimated until the establishment of risk assessments and risk-based inspection protocol.

The bill would amend the Human Resources Code to reduce the size of TJJD's board, alter composition requirements, update conflict-of-interest and recusal requirements and training for board members, clarify oversight duties and the delegation of certain duties to the executive director. The bill would also require the board to adopt certain rules related to juvenile probation departments, administrative investigations, and placement procedures. According to the Sunset Commission, there may be cost savings resulting from decreased reimbursements to board members for incurred expenses.

The bill would abolish one advisory committee, allow the board to appoint advisory committees in rule, and create the Youth Career and Technical Education committee. The bill would also alter the composition of the advisory council on juvenile services to include the commissioner of the Department of Family and Protective Services (DFPS) or their designee and require the adoption of certain rules related to council operations. DFPS indicates that no significant fiscal impact is anticipated.

The bill would require TJJD to update and submit the regionalization plan in consultation with stakeholders as outlined in the provisions of the bill. The bill would also require TJJD to partner with institutions of higher education to review resources for justice involved youth and identify resource and service gaps in each probation region. Based on information provided by the Sunset Commission and TJJD, the fiscal impact of the university partnerships would be determined by which university TJJD partners with and what resource and service gaps are identified.

The bill would require TJJD to publish certain information related to complaints against certified officers and

juvenile commitments on the agency website. The bill would also consolidate reports related to the rehabilitation and re-entry of youth committed to TJJD. The bill would also amend the Human Resources Code as it relates to qualifications and provisional certification of Juvenile Probation Officers. The bill would update statute to reflect the current scope of the OIO's duties as it relates to oversight of facilities housing post adjudicated youth and permits the OIO access to certain records. The bill would also permit the use of retrofitted facilities constructed for adult offenders with TJJD approval.

While it is assumed that any impact on adult state correctional populations or on the demand for adult state correctional resources would not be significant, the impact on juvenile state correctional populations or on the demand for juvenile state correctional resources cannot be determined due to the lack of data necessary to identify the prevalence of conduct that would qualify for an increased penalty under the bill.

The bill would extend the continuation of TJJD until September 1, 2025, and would require the Sunset Commission to conduct a limited scope review of TJJD and the OIO for the Eighty-ninth Legislature. The OIO would not be subject to abolishment. According to the Sunset Commission, costs associated with the provisions of the bill could be absorbed within existing resources.

This bill would take effect September 1, 2023.

Local Government Impact

Local juvenile probation boards and departments may experience a fiscal impact due to additional reporting requirements and increased collaboration with TJJD on newly required initiatives, but the extent of that impact cannot be determined. It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant. No significant fiscal impact to other units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 530 Family and Protective Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice

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