

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 17, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2589 by Schwertner (Relating to the prosecution and punishment of juveniles who commit certain felony offenses while committed to the custody of the Texas Juvenile Justice Department and the waiver of jurisdiction and discretionary transfer of a child from a juvenile court to a criminal court; changing eligibility for community supervision.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would remove the option for judge-ordered or jury-recommended adult community supervision for an offense punishable as a felony committed while the individual was at least 17 years of age and committed to a secure facility operated by the Texas Juvenile Justice Department (TJJD). The bill would add delinquent conduct that constitutes a felony of the first, second, or third degree committed while the individual was committed to TJJD to the offenses eligible for a determinate sentence in juvenile judicial proceedings.

The bill would remove the authority of a juvenile court to certify an individual as an adult and transfer the individual to adult court for an offense punishable as a state jail felony if the individual was at least 15 years of age and not yet 17 years of age at the time of the alleged offense.

While it is assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant, the impact on juvenile state correctional populations or on the demand for juvenile state correctional resources would be dependent on the number of youth committed to TJJD for an offense punishable as a state jail felony.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, DDel, LBO, ESch