

BILL ANALYSIS

H.B. 5561
By: Money
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that reform is needed regarding how foster youth, particularly those residing in a general residential operation (GRO), are handled within the juvenile justice system and that such reform should focus on diverting these children from formal prosecution and detention in order to reflect a growing recognition of the unique vulnerabilities of foster youth and the need to prioritize rehabilitation over punishment. H.B. 5561 seeks to address this issue by, among making other changes, requiring a juvenile board to establish policies that prioritize the diversion of children who are residing in a GRO from referral to a prosecuting attorney and the limitation of detention of these children.

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. 5561 amends the Family Code to require a juvenile court case for any child who resides in a general residential operation (GRO) to be referred to a community juvenile service provider if the person conducting the preliminary investigation determines the following:

- that there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;
- the case does not require referral to the prosecuting attorney; and
- the child is eligible for deferred prosecution.

This requirement applies only to conduct that occurs on or after the bill's effective date. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. For these purposes, conduct occurred before the bill's effective date if any element of the conduct occurred before that date.

H.B. 5561 amends the Human Resources Code to require the behavior intervention instruction for staff members of a residential child-care facility who work directly with children to include crisis response training for emergency behavior intervention with a goal of limiting law enforcement involvement.

H.B. 5561 requires a juvenile board to establish policies that prioritize the diversion from referral to a prosecuting attorney under the juvenile justice code of children who are residing in a GRO, particularly children alleged to have engaged in conduct constituting a misdemeanor involving violence to a person, and the limitation of detention, to circumstances of last resort,

of children who are residing in a GRO. The bill requires a juvenile board, for purposes of monitoring the success of those policies, to track the following:

- the number of children referred to the board who reside in a GRO;
- the number of such children who receive deferred prosecution or are referred to the juvenile probation department; and
- the GRO where such a child resides.

For these purposes, the bill defines "general residential operation" by reference to statutory provisions governing the regulation of certain facilities, homes, and agencies that provide child-care services.

EFFECTIVE DATE

September 1, 2025.