

## **BILL ANALYSIS**

Senate Research Center

S.B. 1727  
By: Perry et al.  
Criminal Justice  
3/29/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Data from the Texas Juvenile Justice Department (TJJD), indicates that violence against staff by juveniles has continued to be a serious problem. This legislation affects a small number of juveniles who TJJD data suggests cause the majority of disruptive and violent behavior in secure facilities. This bill offers multiple strategies to allow law enforcement and prosecutors to expedite the prosecution of new criminal cases so that these dangerous juveniles may be removed from the TJJD population before new crimes can be committed.

As proposed, S.B. 1727 amends current law relating to the protection and detention of a juvenile who engages in delinquent conduct or commits a felony offense while committed to the custody of the Texas Juvenile Justice Department, changes the eligibility for community supervision, and redefines habitual felony conduct.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Article 42A, Code of Criminal Procedure, by adding Article 42A.061, as follows:

Art. 42A.061. PLACEMENT ON COMMUNITY SUPERVISION PROHIBITED FOR CERTAIN OFFENSES. Provides that, notwithstanding any other provision of Chapter 42A (Community Supervision), a defendant is not eligible for community supervision under this chapter, including deferred adjudication community supervision, if the defendant is charged with or convicted of a felony allegedly committed when the defendant was at least 17 years of age and while the defendant was committed to the Texas Juvenile Justice Department (TJJD), residing in a halfway house operated by or under contract with TJJD, or placed in a secure correctional facility or secure detention facility as defined by Section 51.02 (Definitions), Family Code.

SECTION 2. Amends Section 51.031(a), Family Code, as follows:

(a) Provides that habitual felony conduct is conduct violating a penal law of the grade of felony, other than a state jail felony, if:

- (1) the child who engaged in the conduct has at least one, rather than two, previous final adjudication as having engaged in delinquent conduct violating a penal law of the grade of felony; and
- (2) all appeals relating to the previous adjudication considered under Subdivision (1) have been exhausted.

Deletes existing text providing that habitual felony conduct is conduct violating a penal law of the grade of felony, other than a state jail felony, if the second previous final

adjudication is for conduct that occurred after the date the first previous adjudication became final. Makes nonsubstantive changes.

SECTION 3. Amends Section 53.045(a), Family Code, as follows:

(a) Authorizes a prosecuting attorney, except as provided by Subsection (e) (relating to prohibiting the prosecuting attorney from referring a petition that alleges the child engaged in conduct that violated certain provisions), to refer the petition to the grand jury of the county in which the court in which the petition is filed presides if the petition alleges that the child engaged in delinquent conduct that:

(1) creates this subdivision from existing text and makes no further changes;

(2) makes a nonsubstantive change to this subdivision;

(A)-(P) redesignates existing Subdivisions (1)-(16) as Paragraphs (A)-(P) and makes no further changes; or

(Q) redesignates existing Subdivision (17) as Paragraph (Q) and makes a nonsubstantive change; or

(3) constitutes a felony of the first, second, or third degree committed while the child was committed to TJJD, was residing in a halfway house operated by or under contract with TJJD, or was placed in a secure correctional facility or secure detention facility as defined by Section 51.02, Family Code.

SECTION 4. Amends Section 54.05, Family Code, by amending Subsection (j) and adding Subsections (k) and (k-1), as follows:

(j) Authorizes the court, if, after conducting a hearing to modify disposition without a jury, the court finds by a preponderance of the evidence that a child violated a reasonable and lawful condition of probation ordered under Section 54.04(q) (relating to authorizing a court or jury to place a child on probation if certain criteria is met), to:

(1) modify the disposition to commit the child to TJJD under Section 54.04(d)(3) (relating to authorizing a court or jury to sentence a child to commitment in certain facilities if certain criteria are met) for a term that does not exceed the original sentence assessed by the court or jury; or

(2) if the court finds the violation occurred on or after the child's 18th birthday, in accordance with Subsection (k), modify the disposition to transfer the child to the Texas Department of Criminal Justice (TDCJ) for a term that does not exceed the original sentence assessed by the court or jury; or

(3) if the court finds the violation occurred on or after the child's 18th birthday, transfer the child to an appropriate district court. Provides that, if the court orders such a transfer, the provisions of Section 54.051 (Transfer of Determinate Sentence Probation to Appropriate District Court) apply except that the date of transfer is authorized to be before the child's 19th birthday.

Deletes existing text authorizing the court to modify the disposition to commit the child to TJJD under Section 54.04(d)(3) or, if applicable, a post-adjudication secure correctional facility operated under Section 152.0016 (Post-Adjudication Secure Correctional Facilities; Release Under Supervision), Human Resources Code, for a term that does not exceed the original sentence assessed by the court or jury.

(k) Authorizes the court, in imposing a disposition described by Subsection (j)(2), to consider the experiences and character of the person before and after disposition to probation, the nature of the penal offense that the person was found to have committed and the manner in which the offense was committed, the ability of the person to

contribute to society, the protection of the victim of the offense or any member of the victim's family, the recommendations of the juvenile probation department and prosecuting attorney, the best interests of the person, and any other factor relevant to the issue to be decided.

(k-1) Requires that a hearing conducted to consider the disposition described by Subsection (j)(2) be recorded by a court reporter or by audio or video tape recording, and the record of the hearing be retained by the court for at least two years after the date of the court's order in the hearing.

SECTION 5. Amends Section 54.051, Family Code, by amending Subsections (b), (d), (f), and (i) and adding Subsection (f-1), as follows:

(b) Requires that the hearing be conducted before the person's 19th birthday, rather than before the person's 19th birthday or before the person's 18th birthday if the offense for which the person was placed on probation occurred before September 1, 2011, and be conducted in the same manner as a hearing to modify disposition under Section 54.05 (Hearing to Modify Disposition).

(d) Requires the court, if, after a hearing, the court determines to transfer the child, to transfer the child to an appropriate district court on the child's 19th birthday, unless the transfer is ordered under Subsection (f-1).

(f) Prohibits any alleged violations of a condition of probation that were known to the juvenile court before the transfer from being addressed by the district court except as provided by Subsection (f-1).

(f-1) Authorizes the juvenile court, if the motion filed under Subsection (a) includes an allegation that the person violated a condition of probation ordered under Section 54.04(q) when the person was age 18 or older, after providing notice and an opportunity to be heard, upon a finding of probable cause to believe the person violated a condition of probation, to immediately transfer the case to the appropriate district court, which will have jurisdiction to address any probation violations, or retain the jurisdiction of the case.

(i) Authorizes the court or jury, if the juvenile court exercises jurisdiction over a person who is 19 years of age or older, rather than 18 or 19 years of age or older, as applicable, under Section 51.041 (Jurisdiction After Appeal) or 51.0412 (Jurisdiction Over Incomplete Proceedings), if the person is otherwise eligible, to place the person on probation under Section 54.04(q).

SECTION 6. Amends Section 54.052, Family Code, as follows:

Sec. 54.052. CREDIT FOR TIME SPENT IN DETENTION FACILITY FOR CHILD WITH DETERMINATE SENTENCE. (a) Deletes text of existing Subdivision (2) providing that this section applies only to a child who is committed to a post-adjudication secure correctional facility under a determinate sentence under Section 54.04011(c)(2) (relating to authorizing the juvenile court of certain counties to commit a child who is found to have engaged in delinquent conduct that constitutes a felony to a post-adjudication secure correctional facility to certain sentences). Makes nonsubstantive changes.

(b) Requires the judge of the court in which a child is adjudicated to give the child credit on the child's sentence for the time spent by the child, in connection with the conduct for which the child was adjudicated, in a secure detention facility before the child's transfer to a TJJD facility, rather than to a TJJD facility or a post-adjudication secure correctional facility, as applicable. Prohibits the judge from ordering credit for any other time.

(c) Requires the judge of the court in which the child was adjudicated, if a child appeals the child's adjudication or disposition and is retained in a secure detention

facility pending the appeal, to give the child credit on the child's sentence for the time spent by the child in a secure detention facility pending disposition of the child's appeal.

(d) Requires TJJD to grant any credit under this section in computing the child's eligibility for discharge for completion of the sentence. Prohibits credit from being given toward computing the completion of the minimum period of confinement assigned under Section 245.051 (Release Under Supervision), Human Resources Code.

Deletes existing text requiring TJJD or the juvenile board or local juvenile probation department operating or contracting for the operation of the post-adjudication secure correctional facility under Section 152.0016 (Post-Adjudication Secure Correctional facilities; Release Under Supervision), Human Resources Code, as applicable, to grant any credit under this section in computing the child's eligibility for parole and discharge.

SECTION 7. Amends Subchapter E, Chapter 41, Government Code, by adding Section 41.3021, as follows:

Sec. 41.3021. ADDITIONAL FUNCTION OF SPECIAL PROSECUTION UNIT WITH REGARD TO TEXAS JUVENILE JUSTICE DEPARTMENT. (a) Authorizes the special prosecution unit (unit), at the request of TJJD, to participate in a hearing regarding the possible return to an institution of a youth who has been released under supervision and alleged to have violated the terms of the conditions of that release, as authorized under Section 245.051(f) (relating to authorizing TJJD to release under supervision any child in TJJD's custody and place the child in certain residencies approved by TJJD), Human Resources Code.

(b) Authorizes the unit to serve in any role in the hearing other than defense attorney, as agreed between the unit and TJJD.

SECTION 8. Amends Section 244.014(a), Human Resources Code, as follows:

(a) Authorizes TJJD, after a child sentenced to commitment under certain provisions becomes 15, rather than 16, years of age but before the child becomes 19 years of age, to refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to TDCJ for confinement if certain criteria are met.

SECTION 9. Amends Section 245.102, Human Resources Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes a panel to extend the length of the child's stay as provided by certain provisions only if the panel finds certain determinations by majority vote and on the basis of a preponderance of the evidence, rather than clear and convincing evidence.

(a-1) Requires TJJD to extend the length of the child's stay in the custody of TJJD if the child is alleged by a pending petition to have engaged in delinquent conduct during the child's commitment to TJJD or is under indictment for a felony committed during the child's commitment to TJJD.

SECTION 10. Amends Section 245.151, Human Resources Code, by adding Subsections (f) and (g), as follows:

(f) Prohibits TJJD, except as provided by Subsection (g), from discharging a child committed to TJJD if the child is alleged by a pending petition to have engaged in delinquent conduct constituting a felony that occurred while the child was committed to TJJD or is under indictment for a felony allegedly committed while the child was committed to TJJD.

(g) Authorizes TJJD to discharge a child to whom Subsection (f) applies if the child has been sentenced to or transferred to the Texas Department of Criminal Justice.

SECTION 11. Amends Section 38.112(a), Penal Code, as follows:

(a) Provides that a person who is required to submit to electronic monitoring of the person's location as part of an electronic monitoring program under Article 42.035 (Electronic Monitoring; House Arrest), Code of Criminal Procedure, or as a condition of community supervision, juvenile probation, TJJD release under supervision, TJJD placement at a halfway house, parole, mandatory supervision, or release on bail commits an offense if the person knowingly removes or disables, or causes or conspires or cooperates with another person to remove or disable, a tracking device that the person is required to wear to enable the electronic monitoring of the person's location.

SECTION 12. Repealer: Section 51.031(c) (relating to prohibiting an adjudication from being considered in a certain disposition), Family Code.

SECTION 13. Makes application of this Act prospective.

SECTION 14. Effective date: September 1, 2025.