LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 1, 2025

TO: Honorable John T. Smithee, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB2234** by Dutton (relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2234, Committee Report 1st House, Substituted: an impact of $0 through the biennium ending August 31, 2027.

This analysis begins costs once the bill goes into effect starting in fiscal year 2028.

This analysis does not incorporate potentially significant costs associated with an increased demand for juvenile correctional resources, including infrastructure and staffing needs, specialized probation services such as mental health and substance abuse treatment, and placements in residential post-adjudication facilities.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to *General Revenue Related Funds*
2026	$0
2027	$0
2028	($55,162,218)
2029	($80,666,779)
2030	($74,967,179)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from *General Revenue Fund* 1
2026	$0
2027	$0
2028	($55,162,218)
2029	($80,666,779)
2030	($74,967,179)

Fiscal Analysis

The bill would amend statutory provisions related to the age of criminal responsibility and to certain substantive and procedural matters related to that age. The bill would raise the minimum age at which a person who commits an offense may be prosecuted or convicted, with certain exceptions, from 17 to 18. The bill would establish that individuals who were 17 at the time of an offense would be considered juveniles and would be under the jurisdiction of juvenile courts and the juvenile justice system instead of the adult criminal justice system. The bill would also make conforming changes to the jurisdiction of juvenile courts, probation, and juvenile state residential facilities. The sections of the bill changing the age of criminal responsibility would take effect on September 1, 2027 and apply to offenses committed on or after the effective date.

Methodology

Population data and trends based on the January 2025 Biennial Report on Adult Criminal Justice Populations Fiscal Years 2018 to 2030 were analyzed to determine the proportion of adult correctional institution, community supervision, and parole supervision admissions who would be served by the juvenile justice system under the provisions of the bill.

In fiscal year 2024, there were 11,872 arrests and 3,526 individuals in the adult criminal justice system that would have likely been eligible for referral and subsequent disposition in the juvenile justice system under the provisions of the bill. This includes 3,393 individuals who would likely be eligible for deferred prosecution or adjudicated probation supervision and 133 individuals who would likely be eligible for commitment to the Texas Department of Juvenile Justice (TJJD). Based on fiscal year 2024 trends, 40 of the individuals eligible for commitment to TJJD would likely be eligible for TJJD parole supervision following their release from commitment.

Savings and costs are based on the January 2025 Biennial Report on Adult Criminal Justice Populations Fiscal Years 2018 to 2030 and the Biennial Report on Juvenile Justice Populations Fiscal Years 2018 to 2030. Savings are estimated based on the state uniform costs per day for adults incarcerated in a Texas Department of Criminal Justice (TDCJ) systemwide facility ($86.50), misdemeanor community supervision ($0.70), and felony community supervision ($2.44). Costs are estimated based on cost per formal referral ($1,940.28) and the state uniform costs per day for juveniles in TJJD state residential facilities ($770.53) and on juvenile parole supervision ($101.59). Based on trends observed in fiscal year 2024, it is assumed that there will be a lag between offense, referral into the juvenile justice system, and disposition as the first individuals enter the juvenile justice system under the provisions of the bill. Because the provisions of the bill changing the age of criminal responsibility would take effect on September 1, 2027, and apply to offenses on or after the effective date, the cost estimate for fiscal years 2026 and 2027 is $0. Based on current trends, it is also assumed that not all of those entering the juvenile justice system would complete their length of stay or supervision within the first year the bill is effective; therefore, the estimated cost in fiscal year 2028 is $55,162,218 from the General Revenue Fund. The estimated cost in fiscal year 2029 is $80,666,779 from the General Revenue Fund, and the estimated cost in fiscal year 2030 is $74,967,179 from the General Revenue Fund.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, the additional demands upon local correctional resources will likely be significant due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 409 Commission on Jail Standards, 529 Health and Human Services Commission, 696 Department of Criminal Justice

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