

SUBJECT: Texas Juvenile Probation Commission duties

COMMITTEE: Juvenile Justice and Family Issues — favorable, with amendment

VOTE: 5 ayes — Goodman, Staples, McReynolds, Naishtat, A. Reyna
0 nays
4 absent — Jones, McClendon, Smith, Williams

WITNESSES: For — None
Against — Gwendolyn Selby, San Antonio ISD and Texas School Alliance
On — Vicki Wright, Texas Juvenile Probation Commission

BACKGROUND : The Texas Juvenile Probation Commission (TJPC) is authorized in Human Resources Code Chapter 141, which also addresses juvenile boards and probation departments. A juvenile board is a body established by law to provide juvenile probation services to a county.

DIGEST: HB 1917, as amended, would assign new duties to the TJPC and county juvenile boards.

The bill would amend Chapter 141 of the Human Resources Code to specify that the TJPC is mandated to establish uniform standards for the community-based juvenile justice system, rather than just probation administration, and give it a new mission of promoting delinquency prevention and early intervention programs and activities for juveniles.

The TJPC would be required to adopt rules for the implementation of the progressive sanctions guidelines found in the Juvenile Justice Code and set minimum standards for juvenile justice alternative education programs in collaboration and conjunction with the Texas Education Agency or its designee.

Juvenile boards would be authorized to contract with other political subdivisions or private vendors for juvenile probation services. They would

have to keep programmatic records and submit them in a TJPC-specified format, which could include electronic formats.

The TJPC would be authorized to inspect and evaluate juvenile boards and probation departments and could inspect any program or facility operated on behalf of and under the authority of the juvenile board by the probation department, a governmental entity or a private vendor. In addition, the TJPC would be authorized to audit the programmatic and statistical records of a juvenile board and probation department. HB 1917 would repeal a section of HB 327, last session's juvenile justice reform bill, that provided for temporary TJPC oversight of fiscal matters involving local juvenile probation services.

To receive the full amount of state funds for which it was eligible, a juvenile board would be required to show that the amount of local funds it had budgeted for juvenile services was at least equal to the amount spent for those services in fiscal 1994. The TJPC could waive this requirement if the juvenile board showed that unusual, catastrophic or exceptional circumstances existed during the relevant year to affect adversely the level of county funding. Absent a waiver, the TJPC would be required to reduce state funding to the juvenile board by the same amount that the county funding fell below its 1994 funding. The commission also would have discretion to reduce or suspend state funding to juvenile boards that failed to comply with its rules or minimum standards or to maintain local financial support.

HB 1917 would amend the definition of “juvenile probation services” to include services provided by a juvenile probation department that are related to the operation of a preadjudication or postadjudication juvenile facility, and replace references in Chapter 141 to “informal adjustment” with its current equivalent, “deferred prosecution.”

The bill also would specify appointment criteria for the six appointed public members of the TJPC's governing board: two would come from counties with populations of 500,000 or greater, two from counties with populations of 100,000 to 499,999, and two from counties with populations of fewer than 100,000, as determined by the most recent figures available from the comptroller.

HB 1917 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

HB 1917 would update the TJPC's enabling statute to more accurately reflect new duties, responsibilities and mandates that were modified by the 74th Legislature when it rewrote the juvenile justice laws and the Education Codes. The bill also would correct sections of the statute that are outdated because of new law or appropriation riders already in effect.

The bill would improve and increase the accountability of juvenile justice alternative education programs (JJAEPs) by requiring the TJPC to set minimum standards for their operation. JJAEPs represent a new direction in juvenile programs in Texas, one with much promise for helping juveniles complete their education in a safe setting that protects the safety and well-being of other students. As more communities set up such programs, there is a clear need for direction and assistance from the state. HB 1917 would provide for this direction and would ensure that the educational community was involved in the process by requiring the TJPC to set standards in collaboration and conjunction with the Texas Education Agency (TEA) or its designee.

Because of the diverse needs of Texas communities, HB 1917 also would establish new selection criteria for the six appointed public members of the TJPC's governing board. Currently, large urban counties are overrepresented on the board. HB 1917 would ensure a balanced membership with fair representation from all counties.

**OPPONENTS
SAY:**

School districts and JJAEPs should continue to set program standards at the local level. Allowing the TJPC to set standards in collaboration with the TEA would add a new level of bureaucracy that would micromanage local programs.

NOTES:

Under the committee amendments, the TJPC would set minimum standards for JJAEPs in collaboration and conjunction with the TEA and juvenile boards would have to maintain local funding of juvenile services at 1994 levels or greater in order to automatically receive state funding for which they were eligible.

The TJPC underwent Sunset Advisory Commission review during the interim. The Juvenile Justice and Family Issues Committee on April 8 reported favorably a substitute for HB 2073 by Hightower, which would continue the TJPC. Its companion, SB 362 by Brown, has been referred to the Senate Criminal Justice Committee.