

SUBJECT: Identifying juvenile suspects who have fled from arrest

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 6 ayes — Goodman, Pickett, Isett, Morrison, A. Reyna, E. Reyna
0 nays
3 absent — P. King, Naishtat, Truitt

SENATE VOTE: On final passage, March 11 — voice vote

WITNESSES: None

BACKGROUND: Under sec. 58.106, Family Code, law enforcement officials can issue a directive to apprehend a juvenile for any offense committed, including a criminal offense. Under the Code of Criminal Procedure, an arrest warrant can be issued for a criminal offense. Both a directive to apprehend and an arrest warrant issued for a juvenile are confidential.

DIGEST: SB 187 would allow the Department of Public Safety (DPS) to make public and disseminate information about the identity of a juvenile suspected of certain criminal offenses under certain circumstances. SB 187 would authorize DPS to release the juvenile offender's name, physical description, and a photograph of the offender:

- ! if necessary to protect the community welfare;
- ! upon notification by a law enforcement agency that an arrest warrant or directive to apprehend had been issued for that juvenile;
- ! if the juvenile was suspected of having committed a felony offense against a person, felonious robbery, or felonious aggravated robbery; and
- ! if the juvenile had fled to avoid arrest.

The bill would take effect on September 1, 1999, and apply only to offenses committed after that date.

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**SUPPORTERS
SAY:**

SB 187 would improve public safety by allowing DPS to publicize information about a juvenile who was a fugitive suspected of committing a violent offense and considered potentially dangerous. This action would be taken rarely and only under special circumstances, that is, if the juvenile had committed a serious felony, had fled arrest, and the community welfare was at stake.

Because juvenile records cannot be made public, information about a juvenile suspected of serious crimes is confidential. A juvenile suspect's name, physical description, or photograph may not be released to the public. Publicizing these facts could be crucial in helping to protect the public against young offenders and in apprehending them. Under current law, the public could not be warned of the identity of a dangerous young criminal fleeing the scene of a shooting or other serious crime.

Current law already allows this information to be released about a juvenile who has escaped from the custody of the Texas Youth Commission. SB 187 would simply extend the circumstances under which the public could be warned about a potentially dangerous offender who was being sought by law enforcement officials.

**OPPONENTS
SAY:**

Juvenile records should remain confidential, even if a suspected offender supposedly has fled arrest or is suspected of a serious crime. Under this bill, unfounded allegations against a minor could be published in a newspaper and on the evening news despite the fact that further investigation may prove the allegations to be untrue. Untrue allegations could haunt a minor for life.

This bill could be subject to misuse by law enforcement officials. Although the bill would require that the information be made public only if the suspect had fled from arrest, it would be easy enough to make such an accusation when, in fact, officers seeking to make an arrest had failed to conduct a thorough search or simply did not know where to look.