

SUBJECT: Enhancing punishment for escaping from certain juvenile facilities

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

VOTE: 8 ayes — Goodman, A. Reyna, E. Reyna, P. King, Menendez, Morrison, Naishtat, Tillery

0 nays

1 absent — Nixon

SENATE VOTE: On final passage, May 3 — 30-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Penal Code, sec. 38.06 establishes a third-degree felony (punishable by two to 10 years in prison and an optional fine of up to \$10,000) for escaping from a secure correctional facility operated by or under contract with the Texas Youth Commission (TYC). Escaping from another type of juvenile correctional facility is a Class A misdemeanor (punishable by up to one year in jail and/or a maximum fine of \$4,000). It is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the escapee causes bodily injury, or a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) if the escapee causes serious bodily injury or uses or threatens to use a deadly weapon.

DIGEST: SB 1271 would make it a third-degree felony for escaping from a secure detention or correctional facility, including a residential alcohol or drug treatment center, operated by or under contract with a juvenile board.

The bill would take effect September 1, 2001.

SUPPORTERS SAY: SB 1271 would make the penalty for escaping from a detention or correctional facility operated by a juvenile board the same as for escaping from a TYC facility. It is important to create a strong deterrent against juveniles escaping from any secure facility. Making it a felony offense to escape would emphasize the seriousness of the action.

The 76th Legislature enacted SB 152 by West, which added secure correctional facilities operated by or under contract with TYC to the list of third-degree felonies for escape. It would be consistent with the policy of deterring escape to apply this same penalty to juveniles who escape from other juvenile facilities.

OPPONENTS
SAY:

SB 1271 would impose too harsh a penalty across the board for escape from juvenile facilities. A secure correctional facility could be a residential alcohol or drug facility, and a secure detention facility provides temporary placement for a juvenile who has not yet been adjudicated. The current penalty of a Class A misdemeanor is appropriate for escape from these facilities. If an escapee from a juvenile board-operated facility caused bodily injury or uses or threatens to use a deadly weapon, a felony penalty appropriately would apply.