

## **BILL ANALYSIS**

Senate Research Center

H.B. 1230  
By: Place (Whitmire)  
Criminal Justice  
5-16-97  
Engrossed

### **DIGEST**

Currently, a juvenile must be detained awaiting his or her detention hearing, which usually happens within 24 hours or less but can take as long as 72 hours, depending on the time of initial detention. However, a child detained by police cannot be held in a detention facility that is not designated a juvenile detention facility according to Section 51.12 of the Family Code. Many rural counties in Texas do not have a certified juvenile detention facility and must transport the juvenile some distance to detain the juvenile overnight awaiting a detention hearing. This transport is costly to the counties and removes an officer from his or her regular duties. H.B. 1230 would allow for the temporary detention of juveniles in a sight and sound separated area within a local county jail until a juvenile detention hearing can be held under Section 54.01(a), Family Code.

### **PURPOSE**

As proposed, H.B. 1230 provides for the place of detention for juveniles in certain counties, and establishes the use or establishment of certain criminal detention facilities.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.12, Family Code, by amending Subsections (a), (d), and (g), and adding Subsections (i) and (j), to prohibit a child from being placed in a facility that has not been certified under Subsection (c) as suitable for the detention of children. Deletes existing text establishing that no child shall be placed in a facility that has not been certified. Provides that except for a child detained in a secure detention facility, a child detained in a building that contains a jail or lockup may not have contact with certain persons. Authorizes a child, after being taken into custody, to be detained in a secure detention facility until the child is released or until a detention hearing is held, regardless of whether the facility has been certified under Subsection (c), if a certified juvenile detention facility is not available; the detention facility complies with certain requirements; and the detention facility has been designated by the county juvenile board. Provides that if a child who is detained under Subsection (i) is not released from detention at the conclusion of the detention hearing for certain reasons, the child may be detained after the hearing only in a certified juvenile detention facility. Makes conforming changes.

SECTION 2. Amends Section 52.02(a), Family Code, to make conforming changes.

SECTION 3. Amends Sections 52.026(a) and (b), Family Code, to make conforming changes.

SECTION 4. Amends Sections 52.027(b) and (d), Family Code, to make conforming changes.

SECTION 5. Amends Section 53.01(d), Family Code, to make a conforming change.

SECTION 6. Amends Section 53.02(a), Family Code, to require the intake or other authorized officer of the court, if a child is brought before the court or delivered to a detention facility as authorized by Sections 51.12(a)(3) and (4), to immediately make an investigation and release the child, unless it appears that the child's detention is warranted.

SECTION 7. Amends Section 54.011(a), Family Code, to make a conforming change.

SECTION 8. Amends Section 261.405, Family Code, as follows:

Sec. 261.405. INVESTIGATIONS IN COUNTY DETENTION FACILITIES INVOLVING CHILDREN. Makes a conforming change.

SECTION 9. Amends Section 262.108, Family Code, to make a conforming change.

SECTION 10. Defines "criminal detention facility" and "governmental entity." Prohibits a governmental entity from changing the use of a criminal detention facility from a residential facility for the placement of juvenile offenders. Prohibits a governmental entity from establishing a criminal detention facility unless a public hearing is held about the proposed change or establishment and the change or establishment is approved by unanimous vote of the governing body of certain counties or municipalities. Sets forth provisions regarding the publishing of a notice and the holding of a hearing.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.