

BILL ANALYSIS

Senate Research Center

H.B. 2065
By: King (Wentworth)
Criminal Justice
5-17-97
Engrossed

DIGEST

Under the Texas Family Code, the juvenile court has the authority to designate an "intake office or official" for juvenile cases. In all cases, this designation is either made to the juvenile probation department or the office of the prosecuting attorney. During the 74th Legislature, H.B. 327 amended the Family Code to provide that, unless the prosecutor and probation departments agree otherwise, certain offense referrals must be sent to the office of the prosecuting attorney for review. If the offense is required to be reviewed by the prosecutor, juvenile probation has no authority to dispose of the case or divert the child without the prosecutor's agreement. Problems have arisen with this system because accurate statistical and case records are not being kept in some counties. In counties where problems have occurred, local law enforcement agencies are sending the juvenile referral directly to the office of the prosecutor. Juvenile probation officials never see the referral and usually do not know it exists; thus, no record of the referral is made in the caseworker system. Furthermore, if the prosecutor disposes of the case in some way that does not involve probation, a record may never exist with probation and the statistics will never reflect that the referral came into the system.

H.B. 2065 would amend the Family Code to require a local law enforcement agency to transfer a child's case to a juvenile probation department first for statistical reporting purposes only. Upon creating a statistical record, the probation department must promptly forward the case to the prosecuting attorney for review.

PURPOSE

As proposed, H.B. 2065 provides for the statistical recording of juvenile cases initially referred to the office of the prosecuting attorney.

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 52.04, Family Code, by adding Subsection (c), to require the referring entity, if the office of the prosecuting attorney is designated by a juvenile court to conduct the preliminary investigation under Section 53.01, to first transfer the child's case to the juvenile probation department for statistical reporting purposes only. Requires the probation department, on the creation of a statistical record or file for the case, to promptly forward the case to the prosecuting attorney for review under Section 53.01.

SECTION 2. Emergency clause.
Effective date: upon passage.