

BILL ANALYSIS

Senate Research Center

S.B. 1472
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As Filed

DIGEST

Currently, some Texas counties hold youths in detention for three to four months or longer awaiting trial; in other counties, youths commonly appear at adjudicatory hearings within two to three weeks. Critics of the present juvenile detention system argue that with proper procedures and staffing in place, adjudicatory hearings should be held within three weeks time. Moreover, the statewide average cost of detention in 1995 was \$82 per juvenile per day. Since juveniles spent over 460,000 days in detention, the cost to Texas counties that year was approximately \$38 million. Tarrant County's juvenile board has adopted a policy requiring the district attorney to file a petition within three days, a policy which lowered the county's average detention stay to six days, versus the state average of 10 days. This legislation would require a prosecuting attorney to file a petition for an adjudicatory hearing not later than seven working days after the child is taken into custody, and would require those hearings to be held not later than 14 working days after the petition was filed. S.B. 1472 would also require the court to hold a disposition hearing not later than the 30th working day after the adjudication hearing, in an effort to limit stays in juvenile detention and save money by expediting the process of hearing juvenile cases.

PURPOSE

As proposed, S.B. 1472 establishes the time requirements for certain petitions and hearings for a juvenile who is in detention.

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 53.04(a), Family Code, to require the prosecuting attorney, if a child is taken into custody, detained under Section 53.02(b) or 53.06(d), and is not released under Section 53.02(a) or 54.01(e), to file a petition for an adjudication hearing not later than the seventh working day after the date on which the child is taken into custody. Sets forth the terms by which the petition may be filed at a later date. Makes a conforming change.

SECTION 2. Amends Section 53.05, Family Code, by amending Subsection (b), and adding Subsections (c) and (d), to require the time set for the transfer hearing to be not later than a certain date. Prohibits the time set for the adjudication hearing, except as provided by Subsection (d), from being later than the 14th working day after the date on which the petition is filed if the child is in detention and is not released under Section 53.02(a) or 54.01(e). Sets forth the terms by which the time set for the hearing may be extended. Makes a conforming change.

SECTION 3. Amends Section 54.04, Family Code, by adding Subsection (p), to require the court, if the child is in detention, to hold a disposition hearing not later than the 30th working day after the date on which the hearing is held under Section 54.03, unless the prosecuting attorney files with the court a written request demonstrating good cause to postpone the hearing. Requires the time set for the hearing to be within a reasonable time after the date on which the court grants the postponement, if the court grants a postponement under this section.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.