

BILL ANALYSIS

Senate Research Center

C.S.S.B. 32
By: Shapiro
Criminal Justice
3/25/1999
Committee Report (Substituted)

DIGEST

Currently, law enforcement agencies are unable to detain a juvenile prior to a hearing if a juvenile has been taken into custody for engaging in certain conduct. In such cases, the juveniles are released to their parents or guardian until a detention hearing is set. C.S.S.B. 32 would establish provisions relating to the mandatory detention of a juvenile for engaging in certain conduct.

PURPOSE

As proposed, C.S.S.B. 32 establishes provisions relating to the mandatory detention of a juvenile for engaging in certain conduct.

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 53.02, Family Code, by amending Subsection (b) and adding Subsection (f), to authorize a child taken into custody to be detained prior to a hearing on the petition only if the child fulfills certain conditions. Requires a child who is alleged to have engaged in delinquent conduct and to have used, possessed, or exhibited a firearm in the commission of the offense to be detained until the child is released at the discretion of the certain court officials. Makes conforming and nonsubstantive changes

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 53.02, Family Code, to establish conduct that authorizes the detention of a child who engages in delinquent conduct including use, exhibition, or possession of a firearm. Sets forth conditions by which a juvenile may be released. Makes conforming and nonsubstantive changes. Deletes existing proposed Section 54.04, Family Code, regarding the detainment of child, if adjudicated to have engaged in certain delinquent conduct involving a firearm.