

BILL ANALYSIS

Senate Research Center
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S.B. 1295
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current legislative session began with reports documenting the problems within the Texas Youth Commission (TYC). Since that time, various remedies have been discussed by members of the legislature. S.B. 1295 responds to the sentiment expressed by some members that during this period of restructuring of TYC, measures should be taken to slow the rate of commitments to that agency.

The Juvenile Probation Commission (commission) estimates that more than 2,700 youthful misdemeanants could be served by the pilot program proposed by S.B. 1295. Successful community-based supervision would reduce the need for TYC commitment, address offender needs, and reduce costs to the state.

As proposed, S.B. 1295 diverts TYC-eligible, juvenile misdemeanor offenders from commitment to TYC through the creation of community-based programs. The bill is bracketed to create a pilot program in Texas's largest counties, including Harris, Dallas, Bexar, and Tarrant, which have had historically high rates of TYC commitments. The commission would establish the guidelines for pilot creation under existing rulemaking authority and is authorized to provide grants to local juvenile boards that create pilot programs. This bill authorizes the commission to prioritize grant awards based on counties that have an above-average rate of TYC commitments.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54, Family Code, by adding Section 54.0401, as follows:

Sec. 54.0401. COMMUNITY-BASED PROGRAMS. (a) Provides that this section applies only to a county that has a population of at least 1.3 million.

(b) Requires a juvenile court of certain counties to require a child who is found to have engaged in delinquent conduct that violates a penal law of the grade of misdemeanor and who would otherwise be committed to the Texas Youth Commission (TYC) under Section 54.04(d)(2) to participate in a community-based program administered by the county's juvenile board.

(c) Requires the Texas Juvenile Probation Commission (commission) to establish guidelines to implement community-based programs described by this section. Requires the juvenile board of certain counties to implement a community-based program that complies with those guidelines.

(d) Requires the commission to provide grants to selected juvenile boards to assist with the implementation of a system of community-based programs under this section. Requires the commission, in providing grants, to give priority to certain juvenile boards.

(e) Requires the commission to prepare and deliver a report describing the implementation and effectiveness of the community-based programs described by this section to the governor, the lieutenant governor, and each member of the legislature not later than January 1, 2009. Requires the report to include certain information regarding the cost of said programs.

SECTION 2. (a) Requires the commission to issue guidelines for the creation of community-based programs required by Section 54.0401, Family Code, as added by this Act, not later than November 1, 2007.

(b) Requires the juvenile board of a county to which Section 54.0401, Family Code, as added by this Act, applies to implement a community-based program that complies with the guidelines established by the commission.

SECTION 3. Provides that Section 54.0401(b), Family Code, as added by this Act, applies to a child that a court finds on or after the Act's effective date to have engaged in delinquent conduct, regardless of when that conduct occurred.

SECTION 4. Effective date: September 1, 2007.