

BILL ANALYSIS

Senate Research Center
81R10881 JSC-D

H.B. 3316
By: McClendon et al. (Hinojosa)
Criminal Justice
5/21/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Statutory authorization is needed to ensure prosecution of an offense committed against a juvenile in the Texas Youth Commission (TYC) by TYC personnel or by a person providing contractual services for TYC, even if prosecution of the offense is not pursued locally.

In most instances, local law enforcement authorities and district attorney offices prosecute such cases, but there have been instances of documented reluctance to investigate or prosecute such cases by a local sheriff's department, local police department, grand jury, district attorney, or court. In 2007, S.B. 103, 80th Legislature, Regular Session, established the Special Prosecution Unit (SPU) to augment TYC's ability to investigate and prosecute offenses against juveniles in its care. The SPU is an independent unit that cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct in the county in which the offense occurred.

H.B. 3316 establishes concurrent venue for criminal offenses against juveniles committed by TYC personnel or contractual service providers in the county where any element of the offense occurred or in Travis County. The bill authorizes the district attorney, criminal district attorney, or county attorney representing the state to request prosecutorial assistance from the SPU.

H.B. 3316 relates to venue for certain offense committed at TYC facilities.

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 13, Code of Criminal Procedure, by adding Article 13.34, as follows:

Art. 13.34. CERTAIN OFFENSE COMMITTED AGAINST A CHILD COMMITTED TO THE TEXAS YOUTH COMMISSION. Authorizes an offense described by Article 104.003(a) (relating to the requirement that the state reimburse the county in which property owned or operated by or under contract with Texas Department of Criminal Justice or the Texas Youth Commission (TYC) is located for expenses incurred by the county) committed by an employee or officer of TYC or a person providing services under a contract under TYC against a child committed to TYC to be prosecuted in any county in which an element of the offense occurred, or Travis County.

SECTION 2. Amends Section 61.098(b), Human Resources Code, to authorize, as appropriate, the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning TYC and described by Article 104.003(a), Code of Criminal Procedure, to request that the special prosecution unit prosecute, or assist in the prosecution of, the offense or delinquent conduct.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.