

## **BILL ANALYSIS**

Senate Research Center  
81R4094 JSC-F

S.B. 518  
By: Harris  
Jurisprudence  
3/10/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the 80th Legislature, Regular Session, 2007, S.B. 103 unanimously passed, reforming the juvenile justice system in the state. A significant measure included in S.B. 103 was the lowering of the age of persons who could be incarcerated in juvenile facilities. While youths sentenced to the Texas Youth Commission (TYC) could previously be sentenced to TYC until age 21, S.B. 103 lowered the age to 19. Because of the reduction in age, prosecutors may seek more adult certifications, particularly with 16-year-old or 17-year-old offenders. It is important that the process through which juveniles are certified is as fair as possible. Currently, the defense attorney only gets one day to review the juvenile's file before the transfer hearing.

As proposed, S.B. 518 requires that the court allow a defense attorney of a child and the prosecuting attorney at least five days prior to the transfer hearing to review the juvenile's file.

### **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 Section 54.02(e), Family Code, as follows:

(e) Requires that the court, at least five days, rather than at least one day, prior to the transfer hearing, provide the attorney for the child and the prosecuting attorney with access to all written matter to be considered by the court in making the transfer decision. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.