

BILL ANALYSIS

S.B. 1630
By: Whitmire
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A recent study of Texas youth involved with the juvenile justice system provided certain information showing that juveniles under community-based supervision are far less likely to reoffend than youth with similar profiles who are confined in Texas Juvenile Justice Department (TJJD) facilities. The study also shows that a youth who is released from a state-secure facility is more likely to commit a felony than a youth under community supervision and that a youth secured at a TJJD facility costs the state much more than the cost of supervision of a youth on community supervision or in community inpatient programs. S.B. 1630 seeks to implement recommendations regarding this study and continue the movement of the Texas juvenile justice system from an outdated model of large rural institutions into a regional system that supervises and treats a youth closer to the youth's home community.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Juvenile Justice Department in SECTION 3 of this bill.

ANALYSIS

S.B. 1630 amends the Family Code to condition the authority of a juvenile court or jury, after a disposition hearing, to commit a child who is found to have engaged in delinquent conduct that constitutes a felony offense to the Texas Juvenile Justice Department (TJJD) without a determinate sentence on the court or jury making a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community, as documented in a validated needs assessment conducted by the juvenile probation department serving the court. The bill makes these provisions applicable to conduct that occurs on or after September 1, 2017.

S.B. 1630 amends the Human Resources Code to require TJJD to develop and the Texas Juvenile Justice Board to adopt a regionalization plan for keeping children closer to home in lieu of commitment to the secure facilities operated by TJJD. The bill requires TJJD to consult with juvenile probation departments to identify post-adjudication facility capacity that may be dedicated to support the regionalization plan. The bill requires the regionalization plan to define regions of the state to be served by facilities operated by juvenile probation departments, counties, or private operators, based on the post-adjudication facilities identified as being available for the purpose of the plan. The bill requires TJJD to ensure that each region has defined, appropriate, research-based programs for the target populations under the regionalization plan. The bill requires the regionalization plan to include a budget review,

redirection of staff, and funding mechanisms necessary to support the plan and to create a new division of TJJD responsible for administering the regionalization plan and monitoring program quality and accountability. The bill requires the new division to approve plans and related protocols to administer the developed regional model, to provide training on best practices for all local probation departments affected by the regionalization plan, to assist in research-based program development, to monitor contract and program measures for the developed regional model, to analyze TJJD data to provide clear guidance to local probation departments on outcome measures, and to report on performance of specific programs and placements to assist in implementing best practices and maximize the impact of state funds. The bill makes a region eligible for funding to support evidence-based, intensive in-home services only if the region meets the performance standards established by TJJD and adopted in contracts for placement and services. The bill requires TJJD to adopt rules to allow the local probation departments implementing the regionalization plan to access the data submitted by those departments in the state juvenile case management system for planning and research purposes.

S.B. 1630 requires TJJD to develop specialized programs for children with a determinate sentence and children committed to TJJD for special commitment under the bill's provisions. The bill requires the programs to ensure safety and security for committed children and provide developmentally appropriate program strategies. The bill requires TJJD to establish performance-based goals related to improved outcomes, requires the goals to include measures to reduce recidivism, and authorizes the goals to include other well-being outcome measures. The bill requires TJJD to use case review strategies to identify children in TJJD facilities who can safely and appropriately be transferred to alternative local placements or halfway houses, placed on probation or parole, or otherwise released under supervision. The bill requires TJJD to study and report to the board on the potential for repurposing existing secure facilities for the confinement of children with a determinate sentence or children committed to TJJD for special commitment under the bill's provisions or for other purposes.

S.B. 1630 requires TJJD's annual allocation for financial assistance to juvenile boards to provide juvenile services to be made in accordance with a basic probation funding formula for departments that clearly defines what basic probation entails and which services are provided, in addition to other statutorily prescribed factors. The bill expands the purposes for which the legislature is authorized to appropriate state aid necessary to supplement local funds to include initiating the regionalization plan so that savings are generated by decreases in the population of TJJD secure facilities. The bill requires TJJD to set aside a portion of the funds appropriated to TJJD for state aid to fund programs designed to address special needs or projects of local juvenile boards, rather than authorizing TJJD to take such action. The bill specifies that such state aid is discretionary state aid, that such special projects include projects dedicated to specific target populations based on risk and needs, and that the state aid is to fund programs with established recidivism reduction goals. The bill requires TJJD to develop discretionary grant funding protocols based on documented, data-driven, and research-based practices. The bill requires TJJD to reimburse counties for the placement of children in the regional specialized program at a rate that offers a savings to the state in relation to the average cost per day for confining a child in a TJJD secure facility. The bill expands the powers of the office of independent ombudsman with TJJD to include post-adjudication correctional facilities for juvenile offenders and the investigation of complaints alleging a violation of the rights of the children committed to such a facility.

EFFECTIVE DATE

September 1, 2015.