

BILL ANALYSIS

H.B. 3594
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a workgroup of experienced juvenile justice practitioners convened a series of meetings to conduct a comprehensive examination aimed at identifying statutory revisions that would facilitate juvenile justice proceedings and the administration of the juvenile justice system at the state and county levels. H.B. 3594 seeks to implement selected recommendations of the workgroup to clarify the applicable law and to make substantive changes to that law to increase the efficiency of the juvenile justice system for Texas juveniles.

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

ANALYSIS

H.B. 3594 amends the Code of Criminal Procedure to limit the child detention requirements under the juvenile justice code that are applicable to the detention of a person under the age of 17 who has been certified to stand trial as an adult and who is transferred to an adult facility to the requirement that the person be separated by sight and sound from adults detained in the same building.

H.B. 3594 amends the Family Code to raise from under 18 years of age to under 19 years of age the maximum age at which a person who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age is considered a child for purposes of the juvenile justice code and to specify that such a person is under the jurisdiction of a juvenile court. The bill defines "nonsecure correctional facility" for those purposes as any public or private residential facility, other than a secure detention or correctional facility, that only accepts juveniles who are on probation, have been detained in compliance with applicable requirements, or who have been placed at the facility as a condition of court-ordered deferred adjudication or prosecution. The bill makes the prohibition against contact between a child detained in a building that contains a jail or lockup and certain staff members who have contact with adults detained in the same building inapplicable to a person under 17 years of age who has been transferred to a criminal court for prosecution and is detained in an adult jail or lockup pending trial. The bill restricts the authorization for a juvenile court to order that a witness who is at least 17 years of age be detained without bond in an appropriate county facility for the detention of adults accused of criminal offenses to a witness who is in the custody of the Texas Juvenile Justice Department (TJJD) or certain post-adjudication secure correctional facilities. The bill limits the amount of

time that a witness may be so detained in a county facility to a period of 30 days, which may be extended in 30-day increments, and replaces the authorization to return a witness detained in a certified juvenile detention to the placement from which the witness was released on the expiration of the 30-day period if that period is not extended with a requirement to return a witness who is detained in a certified juvenile detention or in a county facility to that original placement under those conditions.

H.B. 3594 includes among the conduct for which a juvenile is eligible for a determinate sentence conduct that constitutes first degree felony burglary if the actor engaged in the conduct with intent to commit indecency with a child, sexual assault, aggravated sexual assault, or aggravated assault. The bill replaces the authorization for a juvenile court, in a disposition hearing, to place a child in a suitable nonsecure correctional facility that meets applicable requirements with an authorization for a juvenile court or jury, in a disposition hearing, to place a child on probation outside of the child's home in a suitable public or private nonsecure correctional facility, other than a nonsecure facility operated by TJJD, that meets the applicable requirements.

H.B. 3594 changes the nature of the exception to the requirement that the juvenile court to which a juvenile court order applicable to a parent or other eligible person is transferred require the parent or other eligible person to appear from an exception based on a waiver of the permanent supervision hearing of a child subject to juvenile probation to an exception based on a waiver of the right to appear made by the parent or other eligible person in writing. The bill defines "child," for purposes of an investigation conducted by TJJD regarding a report of child abuse, neglect, or exploitation in a TJJD facility, as an individual who is 10 years of age or older and younger than 19 years of age and committed to TJJD under the juvenile justice code. The bill defines "child," for purposes of an investigation of a report of child abuse, neglect, or exploitation in a juvenile justice program or facility, as a person who is 10 years of age or older and younger than 19 years of age and is under the jurisdiction of a juvenile court.

H.B. 3594 amends the Human Resources Code to require a juvenile board or local juvenile probation department and the Department of Family and Protective Services (DFPS) to plan and coordinate services for a child who is in DFPS conservatorship and subject to a juvenile justice code proceeding. The bill raises from younger than 18 years of age to younger than 19 years of age the maximum age at which an individual under the jurisdiction of a juvenile court is considered a child for purposes of statutory provisions governing juvenile justice services and facilities.

EFFECTIVE DATE

September 1, 2017.