

## **BILL ANALYSIS**

C.S.H.B. 3994  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised over a recent story about a high school student in Michigan being placed for upwards of 70 days in a juvenile detention facility for violating a condition of the student's probation due to falling behind on school work after transitioning to online learning at home. This story sparked a national conversation regarding the appropriate response to a child involved in the juvenile justice system committing a probation violation that would not be considered a crime. C.S.H.B. 3994 seeks to address these concerns and help reduce further system involvement for juveniles on probation by limiting the circumstances under which a child may be placed in a juvenile facility solely because of violating a condition of probation by engaging in conduct that does not violate a state penal law.

### **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**

C.S.H.B. 3994 amends the Family Code to prohibit a juvenile court that finds, after a hearing to modify a juvenile case disposition, that a child violated a condition of probation by engaging in conduct that does not violate a state penal law from modifying the disposition by ordering the placement of the child in a juvenile facility solely because of the violation unless either of the following circumstances apply:

- the conduct indicates that the child may be dangerous to the child's self or may threaten the safety of the public; or
- the placement is in a facility specifically designated to treat a diagnosed condition, including the following facilities:
  - a residential treatment center that provides care for 13 or more children or young adults and exclusively provides treatment services for children or young adults with emotional disorders;
  - a licensed chemical dependency treatment facility; or
  - a facility where the child is treated by a sex offender treatment provider.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3994 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an additional exception to the bill's prohibition that did not appear in the original allowing for the child to be placed solely because of the violation in a facility specifically designated to treat a diagnosed condition, including a certain type of residential treatment center, a licensed chemical dependency treatment facility, and a facility where the child is treated by a sex offender treatment provider.