

SUBJECT: Extended probation for juveniles as an alternative to determinate sentencing

COMMITTEE: Juvenile Justice and Family Issues — favorable, with amendment

VOTE: 6 ayes — Goodman, Staples, McReynolds, Naishtat, A. Reyna, Smith
0 nays
3 absent — J. Jones, McClendon, Williams

WITNESSES: For — Pat Garza
Against — None

BACKGROUND : Courts or juries may place juveniles on probation for any period, and a court may extend a juvenile's probation for any period. In both cases, the probation may not continue beyond the juvenile's 18th birthday.

Sentences to the Texas Youth Commission (TYC) are usually indeterminate, i.e., the TYC determines the length of commitment based on a number of factors. Juveniles found guilty of certain serious or violent crimes may be sentenced to a determinate term of up to 40 years in the TYC, with possible future transfer to the adult prison system.

DIGEST: HB 1466 would authorize a court or jury to place a juvenile on probation for a period that could continue after the juvenile turned 18 as an alternative to a determinate sentence. The period of probation in the original sentence or any modification of the sentence could not exceed 10 years.

A court placing a juvenile on probation as an alternative to a determinate sentence would be required to waive its exclusive jurisdiction without a hearing and transfer the juvenile to an appropriate district court between the juvenile's 17th and 18th birthdays, if the probation would continue on or after the juvenile turned 18. A district court exercising jurisdiction over the transferred juvenile would have to place the child on community supervision for the remainder of the probationary period and under conditions consistent with those ordered by the juvenile court.

NOTES: The committee amendment would allow probation for juveniles adjudicated for habitual felony conduct that was eligible for a determinate sentence and remove the requirement for a hearing before juvenile courts waived jurisdiction to transfer juveniles whose probation would continue after their 18th birthday.