

- SUBJECT:** Limiting juvenile probationers' time in "shock" probation facilities
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, with amendment
- VOTE:** 6 ayes — Goodman, P. King, Morrison, Naishtat, A. Reyna, E. Reyna  
0 nays  
3 absent — Pickett, Isett, Truitt
- WITNESSES:** For — Eric Riester, Bexar County  
Against — None  
On — Andy Mireles
- BACKGROUND:** Juvenile court judges have authority to place children on probation, using reasonable and lawful terms, in their homes, in the custody of a relative or other fit person, in a foster home, or in a suitable public or private institution or agency, except for the Texas Youth Commission.
- DIGEST:** HB 1153, as amended, would allow a court placing a juvenile offender on probation to place the child for up to 30 days in a certified juvenile detention or correctional facility as a condition of probation. The court could place the child in the facility at the time the court placed the child on probation or, after modifying the terms of probation, at any time during probation. A court could place a child in a facility more than once during the same term of probation, but the child could not spend more than a total of 30 days in the facility.  
  
HB 1153 would take effect September 1, 1999, and would apply to children placed on probation for conduct that occurred on or after that date.
- SUPPORTERS SAY:** HB 1153 would clear up questions about whether judges can send probationers to pre-adjudication facilities for a kind of "shock" probation. Some juvenile judges require youths on probation to spend weekends or other time in a facility as a kind of shock treatment. HB 1153 would authorize this practice clearly and would limit it reasonably to ensure that juveniles on probation did not spend a lengthy time incarcerated in juvenile detention

facilities, also called pre-adjudication facilities.

HB 1153 would give judges another tool to use with probationers and would preserve their discretion over a juvenile's probation terms, as long as any stint in a detention facility was within the 30-day cap.

**OPPONENTS  
SAY:**

HB 1153 unwisely would take away judges' discretion by limiting the time that they could place a juvenile probationer into juvenile detention. Judges should retain the broad authority they now have to place conditions on probationers as they see fit and to craft conditions that are appropriate for a specific case.

**OTHER  
OPPONENTS  
SAY:**

While it might be proper to limit the time probationers could spend in pre-adjudication facilities such as juvenile detention facilities, the committee amendment to HB 1153 unwisely would limit the time for which judges could place probationers into *post*-adjudication facilities as well. Under the progressive sanctions guidelines commonly used to decide the disposition of juvenile cases, youths adjudicated for level 5 offenses are supposed to be placed on probation and placed in a post-adjudication facility for six to 12 months.

**NOTES:**

The committee amendment would include juvenile correctional facilities, which would include post-adjudication facilities.

Rep. Puente plans to move to table the committee amendment.