

SUBJECT: Requiring children to inform probation officers about handgun offenses

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 7 ayes — Goodman, Pickett, Isett, P. King, Morrison, A. Reyna, Truitt

0 nays

2 absent — Naishtat, E. Reyna

WITNESSES: None

DIGEST: Under CSHB 2869, if a court placed a child on probation for an offense that involved possessing, carrying, using, or exhibiting a handgun and the court found that the child personally had possessed, carried, used, or exhibited the handgun, the court would have to require the child to notify the child's juvenile probation officer of the manner in which the child acquired the handgun. The notification would have to be a condition of probation. The child would have to give the probation officer this information, including the date and place of and any person involved in the acquisition, within 30 days of being placed on probation. The probation officer would have to notify the appropriate law enforcement agencies promptly.

The information provided to the probation officer and any other information derived from that information could not be used as evidence against the child in a juvenile or criminal proceeding.

CSHB 2869 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: CSHB 2869 could help law enforcement authorities crack down on people who provide handguns to juveniles. Giving a handgun to a juvenile is a serious offense that can have tragic results, and the state should authorize all necessary tools to combat this crime.

Information passed from juveniles to their probation officers and then to law enforcement authorities could help in the apprehension and prosecution of these criminals. It is a state jail felony to provide a handgun to a person

younger than 18, and information from juveniles could prove crucial in finding these criminals and preventing them from continuing to provide juveniles with guns.

Juveniles would have no reason to withhold information because it could not be used to prosecute them for a crime. CSHB 2869 would not change the relationship between a juvenile and a probation officer because all the probation officer would do is turn over the information to law enforcement authorities.

OPPONENTS
SAY:

CSHB 2869 could result in a subtle and unwise shift in the role of juvenile probation officers. Traditionally, the role of investigating crimes has been separated from the juvenile probation officer's role of supervising and counseling juvenile offenders. Requiring a juvenile to give information to the probation officer, who would turn around and give the information to law enforcement authorities, could lead the juvenile to view the probation officer as part of a law enforcement investigation.

OTHER
OPPONENTS
SAY:

CSHB 2869 would have no real effect. Juveniles simply could lie and tell their probation officers that they found a handgun in a field rather than identify the real source.

The bill at least should be expanded to include all firearms, not just handguns.

NOTES:

The committee substitute added that the information could not be used as evidence against a child in a juvenile or criminal proceeding.