

SUBJECT: Travis County venue for prosecution of certain offenses committed at TYC

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — McReynolds, Madden, Hodge, Marquez, S. Miller, Ortiz,  
Sheffield

0 nays

4 absent — Dutton, England, Kolkhorst, Martinez

WITNESSES: For — (*Registered, but did not testify*: Samuel Gunter, Texas Criminal  
Justice Coalition; Justin Marlin, Texans Care for Children; Matt Simpson,  
The ACLU of Texas;

Against — None

On — Gregg Cox, Travis County District Attorney, Gina DeBottis,  
Special Prosecution Unit; (*Registered, but did not testify*: Cherlyn  
Townsend, Texas Youth Commission)

DIGEST: HB 3316 would allow certain criminal offenses committed against a child  
in the Texas Youth Commission by employees of the Texas Youth  
Commission or persons working under a contract with the commission to  
be prosecuted in Travis County or any county in which an element of the  
offense occurred.

The bill also would allow the Special Prosecution Unit to assist local  
prosecutors in the prosecution of certain offenses relating to TYC in  
addition to its current authority to prosecute those cases.

The bill would take effect September 1, 2009.

SUPPORTERS  
SAY: HB 3316 would give prosecutors another venue option to pursue crimes  
committed against youths in the Texas Youth Commission by agency  
employees or contractors. Currently, these crimes are prosecuted by local  
prosecutors or by the state's Special Prosecution Unit in the county in  
which they occurred. While this current system has been working well for  
most cases, problems have arisen. For example, in one case a local

prosecutor did not support a case going forward, and a local grand jury issued a no bill. HB 3316 would allow cases such as these to proceed in Travis County.

HB 3316 would be especially helpful in areas in which TYC may be a major employer. Prosecutors and grand juries may include neighbors, coworkers, and family members of TYC staff. In some of these situations, moving the prosecution of a crime to Travis County would provide a fairer venue.

While the venue option in HB 3316 most likely would seldom be used, it would provide an option for those cases in which it were appropriate. Cases described by HB 3316 involve crimes in state facilities committed against youth in state custody so allowing the flexibility to prosecute them in Travis County would not unduly burden any defendants. The authority would be similar to that of the Public Integrity Unity to prosecute certain crimes in Travis County no matter where the offense occurs.

**OPPONENTS  
SAY:**

Moving venue of these cases to Travis County could result in an unfair burden on some defendants, who could be tried far from their home county or the county where the offense occurred.