

BILL ANALYSIS

Senate Research Center
81R17304 KCR-D

C.S.S.B. 332
By: Carona
Transportation & Homeland Security
4/7/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Criminal gang activity has far-reaching negative impacts on communities and on the individual lives of gang members. Reducing participation, a major step toward the elimination of gang activity, may be accomplished in a number of ways. One way is to require that certain juveniles participate in gang awareness programs. Gang awareness programs explain the dangers and risks associated with gang membership, as well as the consequences of involvement in gang activity.

Generally, judges have the discretion to order juveniles into any course they deem appropriate for the rehabilitation of the juvenile. While a judge may order a juvenile to participate in a gang intervention program, there is no mandate requiring that judges do so.

C.S.S.B. 332 requires that a juvenile court require any juvenile who has engaged in gang-related conduct to attend a criminal street gang intervention program. This bill requires any gang awareness program provided under this legislation to include 12 hours of classroom instruction on the negative effects of gang membership. C.S.S.B. 332 also authorizes the program to provide the juvenile with the option to have tattoos removed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54, Family Code, by adding Section 54.0491, as follows:

Sec. 54.0491. GANG-RELATED CONDUCT. (a) Defines "criminal street gang" and "gang-related conduct."

(b) Requires a juvenile court, in a disposition hearing under Section 54.04 regarding a child who has been adjudicated to have engaged in delinquent conduct that is also gang-related conduct, to order the child to participate in a criminal street gang intervention program that is appropriate for the child based on the child's level of involvement in the criminal activities of a criminal street gang. Requires that the intervention program include at least 12 classroom hours of instruction and authorizes the awareness program to include voluntary tattoo removal.

(c) Requires a child, if the child required to attend a criminal street gang awareness program is committed to the Texas Youth Commission (TYC) as a result of the gang-related conduct, to complete the awareness program before being discharged from the custody of or released under supervision of TYC.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.