

BILL ANALYSIS

Senate Research Center
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S.B. 1836
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a juvenile commits a low-level offense like jaywalking, or a status offense like violating a city or county curfew, they are issued a citation and charged a fine. While some Class C misdemeanors, such as disorderly conduct, could result in a juvenile being brought into custody and adjudicated in the juvenile justice system, all citations are processed in the adult criminal justice system. As a result, the citations remain on permanent records, although other low-level crimes may be sealed upon request.

Additionally, there exists some inconsistency in statute regarding the terms "juvenile," "child," and "minor." Certain sections may define the terms in different ways. The age of criminal responsibility in Texas is currently 17. The commonly understood definition of the above terms refers to persons under the age of 18, and for many other legal purposes a person is not considered to be an adult until age 18.

S.B. 1836 calls for the Office of Court Administration (OCA) to conduct a study examining the use of the terms "juvenile," "child," and "minor" throughout the code and examining the adjudication of juveniles charged with misdemeanors punishable by fine only.

S.B. 1836 gathers information for the purposes of determining whether changes need to be made regarding the use of terms and the adjudication of fine-only offenses. S.B. 1836 charges OCA with conducting a study and producing a report on these topics. OCA is required to research if adjudicating juveniles charged with fine-only offenses in the juvenile justice system, rather than the adult criminal justice system, is more just and efficient. OCA examines the usage of the terms "juvenile," "child," and "minor" in statutes. The chairs of the Senate Criminal Justice Committee, the House Juvenile Justice Committee, and the House Corrections Committee are consulted during the production of this report. The deadline for submitting the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives is December 1, 2018. S.B. 1836 expires December 1, 2019.

As proposed, S.B. 1836 amends current law relating to a study on the adjudication of juveniles charged with misdemeanors punishable by fine only and the use of certain terms signifying age in the criminal justice and juvenile justice statutes of this state.

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. (a) Requires the Office of Court Administration (OCA) to conduct a study to examine the use of the terms "juvenile," "child," and "minor" throughout the criminal justice and juvenile justice statutes of this state and the varying definitions assigned those terms. Requires that the study make certain determinations.

(b) Requires OCA to, in conducting the study under Subsection (a) of this section, consult with the chair of the senate criminal justice committee, the chair of the juvenile

justice and family issues committee of the house of representatives, and the chair of the corrections committee of the house of representatives.

(c) Requires OCA to, not later than December 1, 2018, submit a report containing the results of the study conducted under Subsection (a) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the senate and the house of representatives.

SECTION 2. Provides that this Act expires December 1, 2019.

SECTION 3. Effective date: September 1, 2017.