

BILL ANALYSIS

Senate Research Center
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H.B. 3195
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that the Texas Juvenile Justice Department (TJJD) lacks the flexibility to reduce the period of confinement for certain juvenile offenders who are sentenced to a residential program and who could be released for reintegration into the community as a result of completing the program earlier than the sentenced confinement. H.B. 3195 seeks to address these concerns by providing that flexibility.

H.B. 3195 amends the Family Code to extend the authority of TJJD to reduce the period in which TJJD may require a child at sanction level six to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for not less than nine months or more than 24 months and requires the reason for the reduction to be documented.

H.B. 3195 amends the Human Resources Code to make certain records of examinations and treatment and all other information concerning a child committed to TJJD available to an individual or entity assisting TJJD in providing transition planning and reentry services to the child, as determined by TJJD. The bill changes the deadline by which TJJD is required to provide the court that committed the child to TJJD custody a copy of the child's reentry and reintegration plan and a report concerning the progress the child has made while committed to TJJD from not later than the 30th day before the child's release to not later than the 10th day before that date.

H.B. 3195 repeals Section 30.106(e), Education Code, relating to the prohibition against a student in a TJJD educational program from being released on parole from TJJD unless the student participates in the positive behavior support system and in reading instruction.

H.B. 3195 amends current law relating to juveniles committed to the Texas Juvenile Justice Department.

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 Section 59.009(a), Family Code, as follows:

(a) Authorizes the juvenile court, for a child at sanction level six, to commit the child to the custody of the Texas Juvenile Justice Department (TJJD), rather than to commit the child to the custody of the Texas Juvenile Justice Department (TJJD) or a post-adjudication secure correctional facility under Section 54.04011(c)(1) (relating to authorizing a juvenile court to order commitment without a determinate sentence under certain conditions). Authorizes TJJD, rather than TJJD, the juvenile board, or the local juvenile probation department, as applicable, to:

(1) require the child to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for

not less than nine months or more than 24 months unless TJJD reduces or extends the period and the reason for the reduction or extension is documented, rather than unless TJJD, the board, or the probation department extends the period and the reason for an extension is documented; and

(2)-(4) makes no change to these subdivisions;

SECTION 2. Amends Section 244.003(b), Human Resources Code, as follows:

(b) Provides that except as provided by Section 243.051(c) (relating to authorizing TJJD to release certain information if the information relates to a child who has escaped from custody), these records and all other information concerning a child, including personally identifiable information, are not public and are available only:

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) to an individual or entity assisting TJJD in providing transition planning and reentry services to the child, as determined by TJJD.

SECTION 3. Amends Section 245.054(a), Human Resources Code, as follows:

(a) Requires TJJD, in addition to providing the court with notice of release of a child under Section 245.051(b) (relating to requiring TJJD to notify certain parties upon release of a child), as soon as possible but not later than the 10th day, rather than the 30th day, before the date TJJD releases the child, to provide certain information to the court that committed the child to TJJD.

SECTION 4. Repealer: Section 30.106(e) (relating to prohibiting a student in a TJJD educational program from being released on parole from TJJD unless the student participates in a certain positive behavior support system), Education Code.

SECTION 5. Provides that the changes in law made by this Act to Section 59.009(a), Family Code, do not apply to a child committed to a post-adjudication secure correctional facility under former Section 54.04011(c)(1), Family Code, and the former law is continued in effect for a child committed to the facility.

SECTION 6. Effective date: September 1, 2019.