

## **BILL ANALYSIS**

Senate Research Center  
88R19567 CJD-D

S.B. 2589  
By: Schwertner  
Criminal Justice  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Discussions with stakeholders have highlighted serious concerns over the work climate at the Texas Juvenile Justice Department (TJJD), including the statutory policies in place that contribute to the lack of accountability between juveniles' actions towards staff. While working in a secure facility is inherently a dangerous job, data from the State Office of Risk Management shows TJJD has had the highest injury frequency rate among all reporting entities over the last decade, surpassing those found in other public safety agencies by a significant margin. For example, between fiscal years 2019 and 2021, major rule violations identified as assaults on staff increased by 23 percent. About 25 percent of assaults on staff during this time period resulted in bodily injuries.

Prosecutors practicing in juvenile law must remain cognizant of balancing rehabilitation of society's youth with seeking justice for victims. While certification or community supervision of a juvenile may be the simple option, it is not always the most just resolution to a case. Therefore, there should be policies in place that target specific types of offenses to effectively deter youth, as opposed to general policies aimed at overall crime reduction.

S.B. 2589 aims to supplement prosecutors' decision-making with the appropriate level of punishment and treatment within the juvenile justice system that maximizes the public safety benefits of confinement. This bill modifies criminal procedures for serious offense that occur within the five juvenile state facilities and codifies existing practices to keep lowly offenses within the juvenile courts' jurisdiction.

Key provisions of S.B. 2589:

- Removes the option to sentence 17-year-olds to adult community supervision after they commit felonies within TJJD;
- Narrows the circumstances for which a juvenile may be certified as an adult and transferred, with the goal of keeping more young offenders closer to home; and
- Automatically qualifies certain felonies for a determinate sentence if the youth commits a serious felony offense while in TJJD custody.

As proposed, S.B. 2589 amends current law relating to the prosecution and punishment of juveniles who commit certain felony offenses while committed to the custody of the Texas Juvenile Justice Department and the waiver of jurisdiction and discretionary transfer of a child from a juvenile court to a criminal court and changes eligibility for community supervision.

### **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 Article 42A.054, Code of Criminal Procedure, by adding Subsection (b-1), as follows:

- (b-1) Provides that Article 42A.053 (Judge-Ordered Community Supervision) does not apply to a defendant if it is shown that the defendant committed an offense punishable as

a felony when the defendant was at least 17 years of age, was committed to the Texas Juvenile Justice Department (TJJD), and was confined in a secure facility operated under Subtitle C (Secure Facilities), Title 12, Human Resources Code.

SECTION 2. Amends Article 42A.056, Code of Criminal Procedure, as follows:

Art. 42A.056. LIMITATION ON JURY-RECOMMENDED COMMUNITY SUPERVISION. Provides that a defendant is not eligible for community supervision under Article 42A.055 (Jury-Recommended Community Supervision) if the defendant meets certain requirements, including is convicted of an offense punishable as a felony when the defendant was at least 17 years of age, was committed to TJJD, and was confined in a secure facility operated under Subtitle C, Title 12, Human Resources Code.

SECTION 3. Amends Section 53.045(a), Family Code, as follows:

(a) Authorizes the prosecuting attorney, except as provided by Subsection (e) (relating to prohibiting the prosecuting attorney from referring a petition that alleges the child engaged in conduct that violated certain statutes unless the child is more than three years older than the victim of the conduct), to refer the petition to the grand jury of the county in which the court in which the petition is filed presides if the petition alleges that the child engaged in delinquent conduct that meets certain requirements, including constituting a felony of the first, second, or third degree committed while the child was committed to TJJD. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Sections 54.02(a) and (j), Family Code, as follows:

(a) Deletes existing text authorizing the juvenile court to waive its exclusive original jurisdiction and transfer a child to the appropriate district court or criminal district court for criminal proceedings if the child was 15 years of age or older at the time the child is alleged to have committed the offense, if the offense is a state jail felony, and no adjudication hearing has been conducted concerning that offense. Makes a nonsubstantive change.

(j) Deletes existing text authorizing the juvenile court to waive its exclusive original jurisdiction and transfer a person to the appropriate district court or criminal district court for criminal proceedings if the person was 15 years of age or older and under 17 years of age at the time the person is alleged to have committed a state jail felony.

SECTION 5. Makes application of the changes in law to Articles 42A.054 and 42A.056, Code of Criminal Procedure, and Sections 53.045 and 54.02, Family Code, prospective.

SECTION 6. Effective date: September 1, 2023.