

**SUBJECT:** Establishing guidelines for juvenile curfew processing center

**COMMITTEE:** Juvenile Justice and Family Issues-committee substitute recommended

**VOTE:** 6 ayes — Goodman, Brady, H. Cuellar, De La Garza, Puente, Van De Putte

0 nays

3 absent — Cook, Naishtat, Williamson

**WITNESSES:** For — Ellis L. Langston, representing the Lubbock United Neighborhood Association; Claude T. Jones, representing the city of Lubbock and the City of Lubbock Police Department

Against — None

**BACKGROUND:** Approximately 100 towns and cities in Texas, including Houston, Dallas, San Antonio, El Paso, Austin and Fort Worth, have juvenile curfew ordinances. Violations of curfew ordinances generally are classified as class C misdemeanor offenses, punishable by a maximum fine of \$500.

**DIGEST:** CSHB 886 would require that law enforcement officers who take children under age 17 into custody for violating curfew ordinances adopted in general law or home rule municipalities or as ordered by a county commissioners court:

- release the child to his or her parent, guardian or custodian;
- take the child before a municipal or justice court to answer the charge of violating curfew; or
- take the child to a juvenile curfew processing office (processing office).

Processing offices would be designated by the head of the law enforcement agency having custody of the child.

CSHB 886 would provide that in municipalities that have juvenile curfew processing offices, the following procedures would have to be followed:

- the processing office would have to be an unlocked, multi-purpose area, not designated or used in whole or in part as a secure detention area;
- the child could not be secured physically while at the processing office;
- the child could not be detained longer than necessary to accomplish the purposes of identification, investigation, processing, release to parent or guardian or for arrangements to be made for transportation to school or court;
- a processing office could not be designated or intended to be used for residential purposes;
- a child could not be held at a processing office for more than six hours; and
- a child brought to a processing office would have to be under continuous visual supervision by a law enforcement officer or other person during the time the child was at the office.

Juvenile curfew processing centers would not be subject to the approval of the juvenile boards having jurisdiction where the municipality is located.

Juvenile processing offices in existence prior to the effective date of the bill would be validated if they meet the requirements added by this act. This bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS  
SAY:**

Crimes committed by juveniles acting alone or as part of gangs are soaring in Texas and throughout the country. CSHB 886 would provide an opportunity for early intervention by law enforcement officials in dealing with some of these juveniles. Often children who are at risk for committing more serious offenses, violate local curfew ordinances. The processing centers called for in CSHB 886 would provide law enforcement officials and other individuals offering support services with the opportunity to

interact with these juveniles in order to better understand whether the child is at risk for more serious criminal behavior and what measures, if any, might be taken to get the child headed on the right track.

Similar processing offices established in New Orleans and Phoenix have proven successful in sending the message to juveniles that curfew ordinances are to be taken seriously.

CSHB 886 would address a problem faced by many communities that have adopted curfews — where to hold the children that are picked-up for curfew violations. Many of these children are now held at the police station for a parent or guardian to pick them up, simply given citations or driven home by the police. CSHB 886 would provide a setting in which to place these children that meets federal requirements established by the U.S. Department of Justice.

**OPPONENTS  
SAY:**

CSHB 886 does not address what would happen if a child is picked-up by law enforcement officials for violating a curfew at night, has already been detained the maximum of six hours, schools and courts are closed and parents are unavailable to take custody of the child. Rather than impose statewide, inflexible standards for dealing with curfew violators, the state should allow local government the latitude to devise their own methods of handling this problem.

**NOTES:**

The committee substitute would amend Chapter 14 of the Code of Criminal Procedure, while the original version would have amended Title 3 of the Family Code. The standards and procedures for operating these centers are outlined more specifically in the committee substitute.