

BILL ANALYSIS

Senate Research Center

S.B. 1839
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 1839 is to remove language requiring dual staffing for the monitoring and management of juveniles detained in adult or juvenile facilities. Additionally, this bill will permit certified juveniles housed in juvenile facilities access to programs and resources that are essential to their development.

S.B. 1209, 82nd Legislature, Regular Session, 2011, contained language that created unintended consequences that have inadvertently created hardships for county sheriffs in the management of their jail operations. Currently, Section 51.12(g), Family Code, mandates that a child detained in a building that contains a jail or lock-up may not have contact with part-time or full-time staff, management, or direct care staff who also have contact with adults offenders. This language does not allow sherriff's staff, who supervise adult offenders, to also supervise juveniles who are detained in that same facility. Because current law already contains a sight and sound requirement separating juveniles from adult offenders, language also requiring separate staff is unnecessary.

Furthermore, Section 54.02(h), Family Code, provides that a certified juvenile must be dealt with as an adult in accordance with the Code of Criminal Procedures. This language, as written, does not allow certified juveniles detained in juvenile facilities access to educational or rehabilitative programs provided in those facilities. By adding an exception to this statute, certified juveniles housed in juvenile facilities will gain access to such programs.

S.B. 1839 provides a reasonable avenue for large and small departments that do not have the resources to hire or maintain dedicated staff to supervise a small number of juvenile offenders. The bill continues the efforts of ensuring that juveniles detained in adult or juvenile facilities are safe and ensuring that juveniles have access to the resources necessary to live a productive life rather it be in a detention facility center or in society.

As proposed, S.B. 1839 amends current law relating to the detention of certain juvenile offenders.

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 Sections 51.12(f) and (h), Family Code, as follows:

(f) Deletes existing text providing that a person who has been transferred for prosecution in criminal court under Section 54.02 (Waiver of Jurisdiction and Discretionary Transfer to Criminal Court) and is under 17 years of age is considered a child for the purposes of this subsection (relating to the sight and sound separation of a child detained in certain facilities).

(h) Provides that this section does not apply to a person after transfer to criminal court for prosecution under Section 54.02, rather than this section does not apply to a person who

has been transferred to criminal court for prosecution under Section 54.02 and is at least 17 years of age.

SECTION 2. Effective date: September 1, 2013.