

BILL ANALYSIS

Senate Research Center

S.B. 1630
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Justice Center of the Council for State Government released its first of a kind study of Texas youth involved with the juvenile justice system at the Texas Supreme Courtroom last January. It provides that juveniles under community-based supervision are far less likely to reoffend than youth with very similar profiles who are confined in Texas Juvenile Justice Department (TJJD) facilities. Based on an unprecedented dataset of 1.3 million individual juvenile case records, the study results show that youth incarcerated in state facilities are 21 percent more likely to be rearrested than those who remain under supervision closer to home in local county programs. Also when they do reoffend, youth released from state-secure facilities are three times more likely to commit a felony than youth under community supervision.

This study also revealed that a youth secured at a TJJD facility for an average stay of just over 18 months cost the state \$158,000.00, much greater than the cost of supervision on community supervision or community inpatient programs.

S.B. 1630 is designed to implement the recommendations of the Justice Center's study and continue the movement of the Texas juvenile justice system from the 1950's model of large rural institutions into a regional system that supervises and treats a youth closer to the youth's home community. The bill instructs TJJD to adopt a regionalization plan for keeping youth closer to home in lieu of commitment to the secure facilities operated by the department and adjust its budget accordingly. It also instructs the TJJD to create specialized programs and special programs for determinate-sentenced youth. It establishes a new sentence scheme for sending indeterminate youth to the state facilities, requiring a valid needs assessment and determination that the needs of the youth cannot be met with the resources available within the community. The state appropriations for the TJJD for fiscal years 2016 and 2017 have been aligned to accommodate the new structure.

S.B. 1630 will not only provide for better outcomes of the youth served but will use the significant resources that are provided for their rehabilitation in a more effective system.

As proposed, S.B. 1630 amends current law relating to keeping children adjudicated as delinquent closer to home, funding for juvenile probation departments, powers of the independent ombudsman, and indeterminate commitment of children adjudicated as delinquent.

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 Chapter 203, Human Resources Code, by adding Sections 203.017 and 203.018, as follows:

Sec. 203.017. REGIONALIZATION. (a) Requires the Texas Juvenile Justice Department (TJJD) to develop and the Texas Juvenile Justice Board (board) to adopt a regionalization plan for keeping youth closer to home in lieu of commitment to the secure facilities operated by TJJD under Subtitle C (Assistance Programs). Requires that the plan define

regions of the state to be served by facilities operated by juvenile probation departments, counties, or private operators, after consultation with juvenile probation departments to identify post-adjudication facility capacity that can be dedicated to support the regionalization plan. Requires TJJD to ensure that regions have defined, appropriate, evidence-based programs for the target populations defined by the plan.

(b) Requires that the regionalization plan include a budget review redirection of staff and funding to align to the plan by creating a new division responsible for administering regionalization and monitoring program quality and accountability. Requires the new division to:

- (1) approve plans and related protocols to administer regional model;
- (2) provide training on best practices for all local probation departments affected by the plan;
- (3) assist in research-based program development;
- (4) monitor contract and program measures for new regional mode;
- (5) analyze TJJD data to provide clear guidance to local probation departments on outcome measures; and
- (6) report on performance of specific programs and placements to assist in implementing best practices and maximize the impact of state funds.

(c) Requires that regions be eligible for funding to support evidence-based, intensive in-home services, according to performance standards established by TJJD and adopted in contracts for placement and services.

Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS. (a) Requires TJJD to develop specialized programs for determinate-sentenced children and special commitment children committed under Section 54.04012 (Special Commitment to Texas Juvenile Justice Department), Family Code. Requires that the programs ensure safety and security for committed children and provide developmentally appropriate program strategies.

(b) Requires TJJD to establish performance based goals related to improved outcomes, which shall include recidivism measures and may include other well-being outcome measures.

(c) Requires TJJD to utilize case review strategies to identify children presently in TJJD facilities who can safely and appropriately be transferred to alternative local placements, halfway houses or parole.

(d) Requires TJJD to study and report to the board on the potential for repurposing existing secure facilities for determinate sentenced children, special commitment children under Section 54.04012, Family Code, or other purposes.

SECTION 2. Amends Section 223.001, Human Services Code, as follows:

Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID. (a) Requires TJJD to annually allocate funds for financial assistance to juvenile boards to provide juvenile services according to current estimates of the number of juveniles in each county, a basic probation funding formula for departments that clearly defines what basic probation entails and what services are provided, and other factors TJJD determines are appropriate.

(b) Authorizes the legislature to appropriate the amount of state aid necessary to supplement local funds to maintain and improve statewide juvenile services that comply with TJJD standards and to initiate the regionalization plan under Section

203.017 until savings are generated by decreases in the population of department facilities operated under Subtitle C.

(c) Requires TJJD, rather than authorizes TJJD, to set aside a portion of the funds appropriated to TJJD for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. Requires TJJD to develop discretionary grant funding protocols based on documented, data-driven and research-based practices.

(d) Requires TJJD to reimburse counties for placement of youth in the regional specialized program at a rate that offers a savings to the state in relation to the average cost per day in a TJJD facility operated under Subtitle C.

SECTION 3. Amends Section 261.101, Human Resources Code, to provide that, notwithstanding any other provision of this chapter, the powers of the office of independent ombudsman are limited to facilities operated and services provided by TJJD under Subtitle C, and post-adjudication correctional facilities under Section 51.125 (Post-Adjudication Correctional Facilities), Family Code.

SECTION 4. Amends Section 54.04, Family Code, by amending Subsection (d), to provide that, if the court or jury makes the finding specified in Subsection (c) (relating to the making of a disposition in a juvenile's judicial proceeding) allowing the court to make a disposition in the case if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony, if a special commitment finding is made under Section 54.04012, and if the petition was not approved by the grand jury under Section 53.045 (Offenses Eligible for Determinate Sentence), the court is authorized to commit the child to TJJD under Section 54.04012 or a post-adjudication secure correctional facility under Section 54.04011(c)(1) (authorizing the commitment of a child after a disposition hearing to a post-adjudication secure correctional facility without a determinate sentence if the child meets certain criteria) without a determinate sentence.

SECTION 5. Amends Chapter 54, Family Code, by adding Section 54.04012, as follows:

Sec. 54.04012. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE DEPARTMENT. Authorizes the juvenile court, after a disposition hearing held in accordance with Section 54.04, to commit a child who is found to have engaged in delinquent conduct that constitutes a felony to TJJD without a determinate sentence, if the court makes a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community, as documented in a validated needs assessment conducted by the juvenile probation department serving the court.

SECTION 6. Provides that the changes in law made by SECTIONS 5 and 6 of this Act apply only to an offense committed on or after the effective date applicable to those sections of this Act. Provides that an offense committed before the effective date of those sections of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of those sections of this Act if any element of the offense occurred before that date.

SECTION 7. Effective date, SECTIONS 1, 2, and 3 of this Act: September 1, 2015.

Effective date, SECTIONS 5 and 6 of this Act: September 1, 2017.