

BILL ANALYSIS

Senate Research Center

H.B. 1204
By: White et al. (West)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of H.B. 1204 is to provide services outside the juvenile justice system to children under age 12 who are alleged to have committed an offense. These services would be available to children who are not charged with crimes of violence or that involve weapons. To be considered for these services, the offense charged must also be eligible for deferred prosecution.

Under current provisions, children ages 10-11 charged with certain offenses would be referred to juvenile authorities or to child protective services for case management.

Under H.B. 1204, during the early stages of an investigation involving a child, a juvenile department would be able to refer the case to a community resource coordination group as defined in Section 531.421, Government Code. An evaluation would take place and a service plan would be developed for the child and his or her parents or guardian, under the oversight of the department. Services would be delivered through a collaboration of agencies or local service providers.

The child's parents or guardian must agree to participate on a voluntary basis. The child would be monitored for up to three months for plan adherence. The plan may be modified if needed during this period. If the child is determined to be out of compliance with the service plan, a referral may be made by the department to prosecutors and the courts.

H.B. 1204 amends current law relating to the provision of services as an alternative to adjudication for certain children who engage in conduct in need of supervision or delinquent conduct.

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 53.01, Family Code, by adding Subsection (b-1), as follows:

(b-1) Requires the person who is conducting the preliminary investigation to, as appropriate, refer the child's case to a community resource coordination group, a local-level interagency staffing group, or other community juvenile service provider for services under Section 53.011, if the person determines that the child is younger than 12 years of age, there is probable cause to believe the child engaged in delinquent conduct or conduct indicating a need for supervision, the child's case does not require referral to a certain prosecuting attorney, the child is eligible for deferred prosecution under Section 53.03 (Deferred Prosecution), and the child and the child's family are not currently receiving services under Section 53.011 and would benefit from receiving the services.

SECTION 2. Amends Chapter 53, Family Code, by adding Section 53.011, as follows:

Sec. 53.011. SERVICES PROVIDED TO CERTAIN CHILDREN AND FAMILIES. (a) Defines "community resource coordination group" and "local-level interagency staffing group."

(b) Requires a community resource coordination group, a local-level interagency staffing group, or another community juvenile services provider, on receipt of a referral under Section 53.01(b-1), to evaluate the child's case and make recommendations to the juvenile probation department (JPD) for appropriate services for the child and the child's family.

(c) Requires the probation officer to create and coordinate a service plan or system of care for the child or the child's family that incorporates the service recommendations for the child or the child's family provided to the JPD under Subsection (b). Requires the child and the child's parent, guardian, or custodian to consent to the services with knowledge that consent is voluntary.

(d) Authorizes the probation officer, for a child who receives a service plan or system of care under this section, to hold the child's case open for not more than three months to monitor adherence to the service plan or system of care. Authorizes the probation officer to adjust the service plan or system of care as necessary during the monitoring period. Authorizes the probation officer to refer the child to the prosecuting attorney if the child fails to successfully participate in required services during that period.

SECTION 3. Amends Subchapter A, Chapter 152, Human Resources Code, by adding Section 152.00145, as follows:

Sec. 152.00145. DIVERSION AND DETENTION POLICY FOR CERTAIN JUVENILES. Requires a juvenile board to establish policies that prioritize the diversion of children younger than 12 years of age from referral to a prosecuting attorney under Chapter 53 (Proceedings Prior to Judicial Proceedings), Family Code, and the limitation of detention of children younger than 12 years of age to circumstances of last resort.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2017.