

SUBJECT: Intermediate sanction facilities for youth offenders

COMMITTEE: Corrections — favorable, without amendment

VOTE: 9 ayes — Hightower, Gray, Allen, Culberson, Farrar, Longoria, Pitts,
Serna, Telford

0 nays

WITNESSES: For — None

Against — None

On — Steve Robinson, Texas Youth Commission

DIGEST: HB 2119 would authorize the Texas Youth Commission (TYC) to establish or contract for intermediate sanction facilities that provide secure residential care for children. TYC would be authorized to place in the facilities youths adjudicated for delinquent conduct and sentenced to the commission and youths adjudicated for delinquent conduct and sentenced to an intermediate sanction facility as a term of probation.

TYC would be able to refuse to accept a child sentenced to an intermediate sanction facility as a probation condition if it found services and the level of security at the facility were inappropriate or if space was not available. When considering whether space is available for a child on probation, TYC would have to consider whether the child's county has exceeded its targeted annual commitments to TYC.

TYC would be authorized to return to the juvenile court a child in an intermediate sanction facility as a part of probation if it determined the services and security level were inappropriate or to prevent overcrowding. Youths on probation could not be kept in an intermediate sanction facility for more than one year and could not be transferred to another TYC facility, except for a medical facility.

The bill would take immediate effect if approved by two thirds of the membership of each house.

SUPPORTERS
SAY:

Intermediate sanction facilities would provide a critical missing link in the juvenile justice system. Currently youth offenders can be committed to TYC or, as a part of probation, placed in their homes, the custody of a relative, a foster home or a suitable public or private institution or agency. Intermediate sanction facilities would fill the need for a place to send youths short of the most serious consequence, commitment to the youth commission, and as an alternative to a foster home or other placement.

Intermediate sanction facilities would be a step in the progressive sanctions model now being considered by the Legislature in the juvenile justice revisions that provide guidelines for graduated, incrementally more serious sanctions against juvenile offenders. They could be used for youths who violate probation rules and others who need a more restricted program and as an alternative to TYC commitment. These facilities are intended to be more structured, secure and have more counseling and treatment options than foster homes or other placements.

While some local probation departments have established similar facilities there is a need for a statewide system. Because counties have a wide range of expertise, experience and need for these facilities it would be best to have them operated by TYC, which has experience in building facilities and operating programs and would be able to develop uniform standards and programs. Consistent standards are necessary to ensure uniform application of a statewide progressive sanctions model. TYC-run intermediate sanction facilities would be especially beneficial to small counties that do not have the resources to have their own intermediate facilities and may have only a few youths each year needing this type of sanction. Authorizing TYC to set up a statewide program would ensure that state funds are used for state facilities.

Counties would retain the right to operate their own intermediate facilities as part of their local probation programs.

This bill would not appropriate any funds for TYC to establish the facilities but would give it the necessary authorization should money become available.

OPPONENTS
SAY:

Intermediate sanction facilities should be operated by the counties rather than the state. Historically, the juvenile justice system has had a strong emphasis on local involvement, and local areas have great latitude to set up their own probation programs. This bill would de-emphasize local programs by setting up another level of state facilities.

OTHER
OPPONENTS
SAY:

Instead of a state-run system of intermediate sanction facilities, this bill should establish a state-county partnership for them.

HB 2119 should also give explicit authority to the Texas Juvenile Probation Commission and to local juvenile probation departments to establish intermediate sanction facilities. While some local departments currently operate intermediate sanction facilities, they should have clear authority.

HB 2119 should contain standards or guidelines for intermediate sanction facilities instead of leaving it to the total discretion of TYC.