

SUBJECT: Reducing the size of the Texas Juvenile Justice Board from 13 to 9

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Parker, White, Allen, Riddle, Rose, J.D. Sheffield, Toth  
0 nays

WITNESSES: For — None

Against — (*Registered, but did not testify*: Marc Bittner, 33rd and 424th Judicial District Juvenile Probation Department)

On — Jim Allison, County Judges and Commissioners Association of Texas; Jennifer Carreon, Texas Criminal Justice Coalition; Mike Griffiths, Texas Juvenile Justice Department; Donald Lee, Texas Conference of Urban Counties; Mark Mendez, Tarrant County; Ron Quiros, Guadalupe County and the Central Texas Chiefs Association; Lisa Tomlinson, Texas Probation Association, Johnson and Somervell Co. Juvenile Probation; Ray West, Brown County; Mark Williams, Texas Probation Association. & Tom Green County Juvenile Probation and six small counties surrounding Tom Green; Roger Harmon, Johnson County; (*Registered, but did not testify*: Susan Humphrey, Bell County Juvenile Services)

BACKGROUND: The Texas Juvenile Justice Board oversees the Texas Juvenile Justice Department (TJJD) which was created in 2011. The 82nd Legislature created the new agency and abolished the two state agencies, the Texas Youth Commission and the Texas Juvenile Probation Commission, which previously were responsible for juvenile offenders.

The 13-member board is composed of:

- one district court judge who is a judge of a juvenile court;
- three members of a county commissioners court;
- one prosecutor in a juvenile court;
- one chief juvenile probation officer of a department serving a county of fewer than 7,500 persons younger than 18 years old;
- one chief juvenile probation officer of a department serving a county that includes at least 7,500 but fewer than 80,000 persons

- younger than 18 years old;
- one chief juvenile probation officer of a department serving a county with a population of 80,000 or more persons younger than 18 years old;
  - one adolescent mental health professional;
  - one educator; and
  - three public members.

Commission members serve staggered, six-year terms. They may not hold office in the same county or judicial district as other commission members.

**DIGEST:**

CSHB 2443 would reduce the size of the Texas Juvenile Justice Board from 13 members to nine. There would be one, instead of three, members from a county commissioners court. Membership of chief probation officers would be reduced from three who represent counties of different sizes to one, with no requirement to represent a county of any specific size. Each member would be required to live in a different political subdivision.

Members currently on the board would serve the remainder of their terms. As the terms of members from county commissioners courts and those who were chief probation officers expired, those positions would be abolished until there was one position left in each category.

The bill would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

CSHB 2443 would make the Texas Juvenile Justice Board more efficient and effective. When the 82nd Legislature created the agency board and abolished the Texas Juvenile Probation Commission and the Texas Youth Commission, it was necessary to appoint a large group with diverse expertise to guide the transition. As the agency has taken shape and the transition is ending, it would be appropriate to reduce the board to a more manageable, efficient size in keeping with other agency governing boards.

Under CSHB 2443, the TJJD governing board would retain its diverse membership with strong representation from local juvenile justice officials and other important stakeholders. Every group that currently has a spot on the board would continue to have representation. Representatives of commissioners courts and chief juvenile probation officers would continue to serve on the board, along with representatives of judges, prosecutors,

mental health professionals, educators, and the public. CSHB 2443 would ensure geographic diversity by prohibiting representatives from residing in the same area.

The interests of all counties and chief probation officers could adequately be represented by one board member each. This would be consistent with other governing boards on which members represent broad interest groups. Just like on other agency boards, members of the TJJD board could continue to raise issues not directly tied to their position.

An interest group need not have a formal spot on the TJJD board for it to participate in the agency's work and to have its voice heard. The agency has an advisory council that includes a representative of commissioners courts and seven chief probation officers. Information would continue to flow between the agency and those in the juvenile justice field, and public comments could be made to the board.

CSHB 2443 would maintain a proper relationship between commissioners courts and probation officers by allowing one representative of each on the agency board. Probation chiefs work for counties, and it would be inappropriate for them to outnumber representatives of county commissioners courts.

With three public members, it would be possible for representatives from juvenile justice advocacy organizations or any other group to be appointed to the board. In addition, the public can commit to the board and make other contributions to the agency.

**OPPONENTS  
SAY:**

The composition of the current board should be retained because it ensures that all stakeholders have a formal voice in the decisions of the juvenile justice board. TJJD was created about two years ago and is still in a transition phase. Changing the composition of the board could upset the stability of the agency and the board. The large, diverse board with strong representation from local juvenile justice officials ensures that the agency is properly guided.

Counties commissioners deserve at least two representatives on the board because counties provide about 70 percent of probation funding and handle about 98 percent of youths involved in the juvenile justice system. At least two representatives are needed to adequately represent this local role in juvenile justice and to allow a voice for both large and small

counties. County court commissioners are elected officials representing the public and should maintain their strong presence on the board.

The current requirement that the board have three chief probation officers should be maintained. This arrangement gives the board the benefit of knowledge from the local practitioners who represent small, medium, and large counties. The state's 165 local probation departments operate differently, have different needs, and can contribute uniquely to the board. All of these voices need formal representation.

**OTHER  
OPPONENTS  
SAY:**

The board would benefit from having a formal position reserved for a representative from a juvenile advocacy organization. Such organizations often are heavily involved in agency issues.

**NOTES:**

The original bill would have reduced the board to seven members, instead of the nine in the committee substitute. The board would have had one member who was either a district court judge of a juvenile court, a member of a county commissioners court, or a juvenile court prosecutor. The committee substitute would allocate one position each to the judge, county commissioners court member, and juvenile prosecutor. The committee substitute also would require board members to reside in different political subdivisions.