

BILL ANALYSIS

Senate Research Center
76R2675 JMC-D

S.B. 283
By: West
Criminal Justice
2/25/1999
Committee Report (Amended)

DIGEST

Currently, the state and local governments give law enforcement officers the latitude to dispose of a juvenile case without having a juvenile court adjudicate the matter. More than half of Texas counties, usually the least populated areas, place no emphasis whatsoever on any type of informal disposition, according to a 1997 survey by the Office of Court Administration, such as deferred prosecution, the STAR Program, First Program, Neighborhood/County Committees, Teen Court, and early intervention programs.

A legislative provision requiring local juvenile board to develop some guidelines would provide better guidance to an area as to how to better dispose of juvenile cases. S.B. 283 requires local juvenile boards to develop informal disposition guidelines, and adhere to the guidelines prior to release of a juvenile offender.

PURPOSE

As proposed, S.B. 283 requires a juvenile board to adopt guidelines for the informal disposition of a child.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52.03(a), Family Code, to authorize a law-enforcement officer who has taken a child into custody to dispose of the case without referral to juvenile court if guidelines of such disposition have been adopted by the county juvenile board rather than issued by the law enforcement agency in which the officer works. Makes nonsubstantive and conforming changes.

SECTION 2. Amends Section 52.031(c), Family Code, to prohibit the disposition of a child under the first offender program from taking place until guidelines have been adopted by the juvenile board of the county in which the disposition is made, rather than the agency designated under Subsection (b). Makes conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 52, Family Code, by adding Section 52.032, as follows:

Sec. 52.032. INFORMAL DISPOSITION GUIDELINES. Requires the juvenile board of each county, in cooperation with each law enforcement agency in the county, to adopt guidelines for the disposition of a child under Section 52.03 or 52.031, Family Code. Provides that the guidelines under this section shall not be considered mandatory.

SECTION 4. Requires the juvenile boards to adopt guidelines under Section 52.032, Family Code, no later than January 1, 2000.

SECTION 5. Makes application of this Act prospective to January 1, 2000.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 52.032, Family Code, to add the provision that the guidelines adopted under this section shall not be considered mandatory.