

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1839
By: Whitmire
Criminal Justice
4/10/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of C.S.S.B. 1839 is to remove language requiring dual staffing for the monitoring and management of juveniles detained in adult or juvenile facilities. Additionally, this bill will permit certified juveniles housed in juvenile facilities access to programs and resources that are essential to their development.

S.B. 1209, 82nd Legislature, Regular Session, 2011, contained language that created unintended consequences that have inadvertently created hardships for county sheriffs in the management of their jail operations. Currently, Section 51.12(g), Family Code, mandates that a child detained in a building that contains a jail or lock-up may not have contact with part-time or full-time staff, management, or direct care staff who also have contact with adults offenders. This language does not allow sherriff's staff, who supervise adult offenders, to also supervise juveniles who are detained in that same facility. Because current law already contains a sight and sound requirement separating juveniles from adult offenders, language also requiring separate staff is unnecessary.

Furthermore, Section 54.02(h), Family Code, provides that a certified juvenile must be dealt with as an adult in accordance with the Code of Criminal Procedures. This language, as written, does not allow certified juveniles detained in juvenile facilities access to educational or rehabilitative programs provided in those facilities. By adding an exception to this statute, certified juveniles housed in juvenile facilities will gain access to such programs.

C.S.S.B. 1839 provides a reasonable avenue for large and small departments that do not have the resources to hire or maintain dedicated staff to supervise a small number of juvenile offenders. The bill continues the efforts of ensuring that juveniles detained in adult or juvenile facilities are safe and ensuring that juveniles have access to the resources necessary to live a productive life rather it be in a detention facility center or in society.

C.S.S.B. 1839 amends current law relating to the detention of certain juvenile offenders.

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 Sections 51.12(c-1) and(f), Family Code, as follows:

(c-1) Requires the Texas Juvenile Justice Department (TJJD), rather than the Texas Juvenile Probation Commission (TJPC), to annually inspect each public or private juvenile pre-adjudication secure detention facility. Requires TJJD, rather than TJJP, to provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children in accordance with:

(1) the requirements of Subsections (a) (relating to authorizing a child to be detained only in certain facilities) and (f), rather than the requirements of

Subsections (a), (f), and (g) (relating to prohibiting a child detained in a building that contains a jail or lockup from having any contact with security staff or direct-care staff); and

(f) Requires staff at a jail, lockup, or other place of secure confinement, if incidental contact between a child and detained adults is possible at the facility, to directly supervise the child during all times incidental contact is possible.

SECTION 2. Amends Section 54.02(h), Family Code, to provide that a person who is ordered to be detained in a juvenile detention facility and who is under 17 years of age is considered a child for purposes of Section 51.12 (Place and Conditions of Detention).

SECTION 3. Repealer: Section 51.12 (relating to prohibiting a child detained in a building that contains a jail or lockup from having any contact with security staff or direct-care staff), Family Code.

SECTION 4. Provides that the change in law made by this Act applies to a child detained on or after the effective date of this Act, regardless of whether the conduct for which the child was detained occurred before, on, or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2013.