(The House considered SB 103 by Hinojosa, the Senate companion bill, in lieu of HB 2807, the House version of the bill, which had been set on the daily calendar. In the bill analysis for HB 2807, the House Research Organization analyzed the House committee substitute version of SB 103.)

SUBJECT: Revising Texas Youth Commission authority and operations

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Madden, Hochberg, McReynolds, Dunnam, Haggerty, Jones, Oliveira

0 nays

WITNESSES: For — Doots DuFour, Catholic Diocese of Austin; Will Harrell, ACLU, NAACP, LULAC TCAJJ; Isela Gutierrez, Texas Criminal Justice Coalition; Clifford Gay (*Registered, but did not testify*: Caroline O'Connor, Texas State Employees Union, Legislative Director; Amy Tripp, Texans Care for Children)

Against — Jill Mata, Prosecution-Bexar County District Attorneys Office; Judge Laura Parker; Judge Darlene Whitten; Jean Boyd

On — Gina DeBottis, Special Prosecution Unit; Ed Owens, TYC; Vicki Spriggs, Texas Juvenile Probation Commission; Bruce Tony, TYC - Office of Inspector General; Riley Shaw, Tarrant County District Attorney's Office; Bonita White, TDCJ CJAD

BACKGROUND: The Texas Youth Commission (TYC) oversees delinquent children committed to it by courts and provides parole supervision for children until TYC authority ends. Youths age 17 or older at the time of a criminal offense are considered adults, and offenders younger than age 10 are referred through law enforcement agencies to another state agency. The age limit for youths at TYC is 21 years old.

Under Family Code, sec. 54.04, youths can be sent by courts to TYC for felony delinquent conduct and, under certain circumstances, for misdemeanor offenses. Youths may be placed in TYC for a misdemeanor offense only if the youth had been adjudicated previously of at least two misdemeanors or if the child had one prior felony offense.

Sentences to the TYC usually are indeterminate, meaning that TYC determines the length of commitment based on a number of factors. Juveniles found guilty of certain serious or violent crimes may be sentenced to a determinate (fixed) term of up to 40 years in a TYC facility, with possible release on parole or future transfer to the adult prison system or the adult parole system. Once youths sent to TYC under determinate sentences reach the age of 16, and until they turn 21, TYC can refer them to the court for approval for transfer to the Texas Department of Criminal Justice (TDCJ) .

TYC is governed by a board comprising seven members appointed for six-year terms by the governor with the consent of the Senate. The only requirement is that they be citizens who are recognized within their communities for their interest in youth. In March 2007 the TYC board resigned and Gov. Rick Perry appointed Jay Kimbrough as TYC Conservator.

DIGEST:

Rep. Madden plans to move to take up and consider in lieu of CSHB 2807 the House Corrections Committee substitute to the companion bill, SB 103 by Hinojosa. The analysis below is of CSSB 103.

Governing board. CSSB 103 would set statutory requirements for the TYC governing board, which would remain at seven members appointed by the governor. At least one member would have to be a physician, one an experienced member of a victim's advocacy organization, one a mental health professional, and one a current or former prosecutor or judge. A majority of the board members would have to be qualified, by experience or education, in the development and administration of programs for the rehabilitation and reestablishment in society of children in the custody of agencies similar to TYC.

Advisory committee. The Sunset Advisory Commission would be required to appoint an advisory committee to develop a plan to move the TYC toward a regionalized structure of smaller facilities and more diversified treatment and placement options. The committee would have to take into consideration the likely effects of a regionalized structure on recidivism, juvenile and family access to services, and costs to the state and counties. The committee would have to report its findings to the Sunset commission by December 1, 2008. The Sunset commission would have to consider the findings in its report to the Legislature when it

performed its Sunset review of TYC, which would be abolished September 1, 2009, unless continued by the Legislature.

Misdemeanor offenses. CSSB 103 would prohibit youths from being sent to TYC for misdemeanor offenses. Any youth committed to TYC before the bill's effective date for a misdemeanor would have to be discharged by the youth's 19th birthday.

Age limit and determinate sentences. The maximum age limit for youths in TYC would be changed from age 21 to age 19. Youths sent to TYC on determinate sentences who had not already been released by their 19th birthday would have to be released or transferred to the adult system.

Youth placement restrictions. TYC would be prohibited from placing youths younger than age 15 in dormitories with youths age 17 and older unless it was to ensure the safety of TYC youths or for short-term assessment and orientation. As soon as practicable after the bill's effective date, TYC would have to ensure that male children younger than age 15 were assigned to separate dorms from youths age 17 and older.

The commission would have to adopt scheduling, housing, and placement procedures to protect vulnerable children in TYC. The procedures would have to address the age, physical condition, and treatment needs of children. When deciding where to house a child, TYC would have to consider the proximity of the child's family.

Lengths of stay and review panel. TYC would be required to establish a minimum length of stay for offenses that would consider the nature and seriousness of the child's conduct and the danger the child posed to the community.

After youths had completed the minimum length of stay, TYC would have to either discharge the child, release the child on parole, or extend the child's stay. TYC would have to appoint a panel to review and determine which action would be taken. Board policies would have to ensure the transparency, consistency, and objectivity of its composition, procedures, and decisions. The panel would be able to extend the length of a stay only on a majority vote and only on the basis of clear and convincing evidence that the youth needed additional rehabilitation and that TYC would provide the most suitable environment for that rehabilitation. The panel would have to specify the additional period of time that the youth would

remain at TYC and review the child's placement again at the end of that term. Parents would have to receive a report explaining the extension of a length of stay.

TYC would have to establish a process for youths, parents and guardians, employees, and volunteers to request the reconsideration of an extension order. Children would have to be able to ask for help in requesting reconsidering of an extension order. The panel would have to explain its decisions, keep statistics on them, and report on them. The report would be public information and would be placed on TYC's web site and given to the Legislature.

Training, staffing. TYC would be required to give each juvenile correction officer (JCO) at least 300 hours of training before they began work. The commission would be able to employ part-time JCOs.

TYC would have to maintain a ratio of at least one JCO for every 12 youths in correctional facilities with dormitories. This requirement would have to be met as soon as practicable after the bill's effective date.

TYC would be required to consider the age of a JCO so that, to the extent practicable, JCOs would be at least three years older than the youths they supervised. JCO assignments would have to be rotated so that they were not assigned to the same station for an extended period. At least one JCO would have to be assigned in or near each classroom.

The TYC executive director would be required to perform state and national criminal background checks of employees, contractors, volunteers, ombudsmen, and advocates working for the commission and persons who provided direct delivery of services to the youths or had access to TYC records. Background checks would begin as soon as practicable after the bill's effective date.

CSSB 103 would change the status of TYC employees so that they would be employed at-will. The commission would have to create procedures for employment-related grievances by employees and disciplinary actions.

Office of Inspector General (OIG). CSSB 103 would establish an office of inspector general to investigate crimes committed at TYC facilities and fraud committed by TYC employees. The TYC board would have to select a commissioned peace officer as chief inspector general. The OIG would

be authorized to employ and commission inspectors general as peace officers to carry out the duties of the office.

The office of the OIG would be required to report the results of its investigations to the TYC executive director, the TYC board, the governor, legislative leaders and committees, the special prosecution unit, the state auditor, and other state agencies responsible for licensing or certifying TYC employees or facilities. The report would be public information.

The chief inspector general also would have to prepare a quarterly report on the operations of the office. The report would be public information and would have to be published on the TYC web site. It would be distributed to the executive director, the board, the governor, legislative leaders and committees, the state auditor, and the comptroller. Information in the report would be aggregated and disaggregated by individual facility and would have to include:

- the types of investigations performed by the office, such as whether they included alleged incidents of sex abuse or narcotics;
- the relationship of the victim to perpetrator, if applicable; and
- the number of investigations concerning suicides, deaths, and hospitalization of children in TYC custody.

The OIG would have to immediately report to the executive director, the board, the governor's general counsel, and the state auditor any particularly serious or flagrant problem concerning the administration of a TYC program or operation or any interference by the board or a TYC employee with an investigation of the office.

The OIG would be required to immediately provide the special prosecution unit with a report about an alleged offense if he or she believed it was particularly serious and egregious. The chief OIG would be required, at the direction of the special prosecution unit's board, to notify the foreman of the appropriate grand jury if the OIG reasonably believed information about certain types of alleged conduct had not been presented to the grand jury. This would apply to conduct that jeopardized the health, safety, and welfare of TYC youths, could constitute a crime, and involved alleged physical or sexual abuse of a TYC youth.

The TYC director would be required to immediately file a complaint with a law enforcement agency if the director had reasonable cause to believe that a youth was the victim of a crime committed at a TYC facility.

TYC would be authorized to share with law enforcement authorities images and documents about the youths if it were relevant to the investigation of a crime at a TYC facility.

Special prosecution unit. CSSB 130 would codify the Special Prosecution Unit. It would be an independent unit that cooperated with and supported prosecuting attorneys handling criminal offenses and delinquent conduct on TDCJ or TYC property or committed by or against anyone in their custody or while a person was performing a duty away from department or commission property. Prosecutors would be authorized to request that the special prosecution unit handle any criminal offense or delinquent conduct that fit these criteria.

The bill would establish the unit's board of directors and executive board, which would comprise prosecuting attorneys from counties with TDCJ or TYC facilities in their jurisdictions. The board of directors would employ the chief of the unit.

The executive board could, by majority vote, elect a "counselor," who would be required to coordinate prosecution issues and monitor cases dealing with TYC. The counsellor also would be authorized to conduct investigations of alleged illegal or improper conduct by commission officers, employees, or contractors if the counsellor believed such conduct jeopardized the health, safety, and welfare of TYC youths and could constitute a criminal offense. The counsellor would be required to report to the board of directors and the Legislature about prosecutions by the office and requests for assistance. The report would be public information and would have to include information about the types and outcomes of cases.

The counsellor would be required to notify the foreman of the appropriate grand jury if he or she believed that information about certain types of alleged conduct had not been presented to the grand jury. This would apply if the counsellor:

- received credible evidence of illegal or improper conduct by TYC officers, employees, or contractors;

- believed it jeopardized the health, safety, and welfare of TYC youths and could constitute a criminal offense; and
- involved alleged physical or sexual abuse of a TYC child.

The attorney general would be authorized to offer assistance to prosecutors handling criminal offenses concerning TYC.

Office of the ombudsman. CSSB 103 would establish the Office of Independent Ombudsman of the Texas Youth Commission as a state agency to investigate, evaluate, and secure the rights of youths committed to TYC. The ombudsman would be independent of TYC.

The governor would appoint the ombudsman with the advise and consent of the Senate for two-year terms, and the appointment would have to be made as soon as practicable after the bill's effective date with a term that expired February 1, 2009. The office would be subject to review under the Texas Sunset Act but would not be abolished. The office would be reviewed alongside agencies scheduled for abolition in 2009 and every 12 years after that.

Duties of the office would include reviewing TYC procedures and services to ensure youths rights were observed, review complaints, conduct investigations of non-criminal complaints, review facilities and procedures, and provide assistance to youths and their families, including advocating for the best interests of the child. TYC would have to allow youths to confidentially communicate with the ombudsman.

The ombudsman would have to submit quarterly reports to the Legislature on the work of the office. It also would have to immediately report serious or flagrant cases of abuse or injury of a child, problems with TYC programs or operations, problems delivering services, or interference by the commission with an investigation by the office. These reports would go to the governor, the lieutenant governor, the speaker of the House, the state auditor, and the OIG.

Audits and reports. TYC would be required to conduct regular internal audits of its correctional facilities and medical facilities and report the results to the Legislature and the state auditor. TYC would be subject to audit by the state auditor. The state auditor would be authorized to provide information and assistance to the OIG and to access all information maintained by the OIG.

TYC would be required to submit three reports by December 1, 2008, to the joint select committee on the operation and management of the Texas Youth Commission on its progress in complying with CSSB 103.

Parent's bill of rights. TYC would be required to create a parent's bill of rights and distribute it to a youth's parents or guardians within two days of a child being admitted to TYC. CSSB 103 would require that the bill of rights contain numerous items, including a description of the agency's grievance procedures and contact information for the offices of inspector general and the ombudsman. TYC would be required to give parents or guardians a quarterly report on their child's progress in language that was clear and easy to understand.

Increased penalty for improper sexual activity. CSSB 103 would increase the penalty for the crimes of violating the civil rights of someone in custody and improper sexual activity with a person in custody. The penalty would increase from a state- jail felony (180 days to two years in a state jail and an optional fine of up to $10,000) to a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) if the offender employed, authorized, or induced a youth in TYC to engage in sexual conduct or a sexual performance. This would apply to offenses committed on or after September 1, 2007.

Other provisions: CSSB 103 would make numerous other changes to the laws governing TYC, including requiring the commission to:

- offer appropriate rehabilitation programs for its youths and, if not able to do so, to report to the Legislature about which programs were not offered or available and why;
- establish a permanent, toll-free number for information about abuse, neglect, or exploitation of youths that would be prominently displayed in each facility and accessible by the youths;
- develop a reentry and reintegration plan for each youth that included any services needed for a continuity of care for the youth such as housing assistance, family counseling, and academic tutoring;
- integrate the provision of medical care into an integrated, comprehensive delivery system that could be used to deliver any medical, behavioral health, and rehabilitation services to a child;
- include certain assessments in the initial examination of children committed to TYC and periodic reexaminations of the youths at

least every 6 months instead of annually;
- assign each child a caseworker and requiring caseworkers to attempt to contact a child's parents at least once a month;
- employ or designate chaplains at each TYC correctional institution;
- allow advocacy and support groups to provide on-site information, support, and services to youths;
- adopt standards consistent with TDCJ's concerning the confidential correspondence of youths with external entities;
- adopt a mission statement by October 1, 2007; and
- adopt a plan for and begin the process of receiving accreditation by the American Correctional Association for each of its facilities by September 1, 2007.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY:

CSSB 103 is necessary to address the problems that played significant roles in the recent scandal involving allegations of sexual abuse and other crimes in TYC facilities. The bill would address these problems by significantly reforming the internal operations of the agency and increasing oversight of it. The bill would enhance accountability at the agency, require transparency in its operations, establish checks and balances on agency staff and operations, establish oversight and reporting of agency operations and alleged crimes, and institute training and safeguards to protect the children committed to the agency and help the agency staff.

The agency will undergo Sunset review this interim, and the 81st Legislature will have the opportunity to make additional changes in 2009.

Governing board. CSSB 103 would keep the current structure for agency operations but would ensure that those appointed to the agency's board were qualified and that agency operations were significantly reformed so that the board could exercise meaningful oversight. The problems plaguing the agency resulted from the structure of agency operations and the personnel appointed and hired to run the agency, not from the governance structure itself. The board and much of the staff who were in charge when the problems occurred have resigned or been terminated, and CSSB 103 would allow a new board to implement the numerous improvements in the bill.

Currently, there are no appointment requirements for individual board members. CSSB 103 would require specific qualifications for four of the members and require that a majority of members have experience relating to rehabilitation of children. The appointed-board structure works well to oversee numerous other state agencies, including TDCJ, and it should be continued with TYC. Under this structure, the executive director of the agency would be a full-time professional at the agency.

Changing the structure to a single governor-appointed commissioner would not ensure more oversight for TYC. In fact, it might lessen oversight because instead of a diverse board with six members only one person would be in charge. It is unclear how a single governor-appointed commissioner could better oversee the agency when the previous board of six members also was appointed by the governor. The answer to the problems with the agency lies in more oversight — which would be provided by CSSB 103 — rather than less.

Advisory committee. The advisory committee appointed by the Sunset Advisory Commission that would be established by the bill would help develop a plan to move the agency in a new direction. The committee's recommendations would be non-binding, and any final decision about the direction of the agency would be made by the 81st Legislature in 2009.

Misdemeanor offenses. It is important to prohibit the placement in TYC of youths who commit misdemeanor offenses so that space and resources can be devoted to those who commit more serious offenses. At this point in the agency reorganization efforts, space should be reserved for the worst offenders.

Prohibiting misdemeanor placements would not mean that kids who committed misdemeanors would go untreated or without sanctions. Local juvenile probation departments are well equipped to handle these youths, and the Legislature is working to increase their resources through the appropriations process. Studies have shown that community-based programs can be very successful in rehabilitating youths.

To properly refocus its efforts and implement some of the provisions of CSSB 103, including lower staff-to-youth ratios, the agency must downsize. It is unclear how often youths are influenced by the technical aspects of sentencing. The Legislature will be able to revise the ban on

misdemeanants in two years if it feels the agency has the resources to handle them.

Any effect on plea agreements would be minimal and would influence only a small number of cases. Only about 6 percent of the misdemeanants in TYC have committed a felony that was pled down to a misdemeanor offense.

Age limit and determinate sentences. Lowering the age limit of youths at TYC from age 21 to age 19 would allow the agency to focus on its core mission of rehabilitating youths. This would reserve TYC for younger offenders who should not be mixed with older offenders who are really adults.

TDCJ is well equipped to handle these older youths. Currently, if youths are 17 years old when they commit an offense, they are handled in the adult system, and many are sent to TDCJ. At the end of February 2007, TDCJ had 162 offenders who were 17 years old, and at the end of fiscal 2006, TDCJ had about 2,400 18-and-19-year-olds. Youthful offenders typically are housed together in TDCJ, and some are placed in a youthful offenders' program. Housing 19 year olds in prisons is more appropriate than housing them with 13 year olds in TYC.

Youth placement restrictions. To address the problem of very young offenders being housed and sometimes victimized by older offenders, CSSB 103 would place restriction on the ages that can be housed together.

Length of stay and review panel. To help create transparency and fairness, CSSB 103 would establish a review panel to make formal decisions about whether youths should remain at TYC longer than their minimum lengths of stay. In the past some of these decisions seem to have been made arbitrarily. The bill would ensure these decisions were made fairly and that youths and their families understood and could appeal them. The bill's statistical reporting requirements and requirements that decisions be transparent, consistent, and objective would allow oversight.

Training and staffing. CSSB 103 would address problems caused by untrained and unsupported staff by significantly increasing the training required of juvenile corrections officers from 80 hours to 300 hours. CSSB 103 would implement a ratio of one JCO to 12 youths, which would be

within the range of national ratios and a reduction from the current rate of one-to-24 at night and one-to-15 or one-to-24 during the day.

Office of Inspector General. Creating a TYC OIG would address the problem of alleged crimes committed at TYC not being prosecuted because the allegations were not properly investigated or forwarded to law enforcement officers and prosecutors.

Under TYC's current system, while some alleged crimes may have been investigated by local law enforcement officers, in numerous other cases the initial and only investigations were done by civilian TYC staff who were untrained and unqualified to perform criminal investigations and whose focus was on whether the agency should take administrative actions. Another problem has occurred when these staff filed reports with the agency and sometimes with local law enforcement authorities. Sometimes these reports were sent to records divisions and often contained little information besides noting that a case was closed or could not be confirmed.

Staffing the OIG with peace officers who would have a duty to investigate and report crimes would ensure that investigations into all crimes were handled properly. Peace officers also know where to send information once an investigation is completed, and are obligated to follow up on their investigations. The system established by CSSB 103 would be modeled on the one that works well in the adult criminal justice system.

Several provisions in CSSB 103 would ensure the independence of the office and proper oversight of its investigations and operations. For example, the OIG would report on its operations and investigations directly to the several independent entities, including the Legislature, and the reports would be public information.

Special prosecution unit. CSSB 103 would address the problem of alleged crimes at TYC not being prosecuted due to a lack of local prosecutorial resources. The bill would allow the state resources of the Special Prosecution Unit (SPU) to be used to prosecute criminal offenses that occur in TYC facilities, just as they are used to prosecute offenses in adult correctional facilities.

Local prosecutors would invite the SPU to work in their jurisdictions, and the staff of the SPU would be sworn in as assistant prosecutors in the local

county. CSSB 103 would help prevent TYC cases from falling through the cracks by requiring the appointment of a counsellor to have the direct responsibility for alleged crimes in TYC and to coordinate prosecution issues and monitor cases.

CSSB 103 would codify the current SPU structure and establish it in one statute. Currently, laws governing the office are scattered in different statutes and the appropriations bill.

The bill would create another check and balance by authorizing the attorney general to offer assistance to prosecutors handling criminal offenses concerning TYC.

Office of the ombudsman. CSSB 103 would establish an ombudsman to create an independent entity focused on the needs of the youths. Currently, no one is charged explicitly with advocating for the youths, and the youths and their families often feel that there is nowhere to turn with their concerns. CSSB 103 would address these issues by establishing an ombudsman who is independent of the agency and to whom the youths and families could communicate with confidentially. At least 30 other states have such an office for people in state custody.

The office would serve as another check and balance for TYC because it would be authorized to review procedures and services. However, CSSB 103 would keep the lines of authority clear by limiting the investigatory powers of the office to non-criminal cases that under CSSB 103 would be handled by the office of inspector general. Requiring the office to report to the Legislature and to immediately report certain serious or flagrant situations would be yet another check on the agency.

OPPONENTS SAY:

Governing board. The important job of running TYC warrants a single, independent, full-time professional rather than a part-time, volunteer board of lay persons. The current problems demonstrate the lack of accountability and oversight when a volunteer board oversees the agency.

A professional commissioner would be the best way to focus responsibility for the agency and would make it clear whom to hold accountable. The public holds the governor responsible for the agency, and the governing structure should allow the governor to meet that responsibility by appointing the commissioner. This commissioner model

is being implemented more often and has been successful in the state's insurance and health and human service agencies.

Misdemeanor offenses. Prohibiting the placement of misdemeanants at TYC would reduce the flexibility of judges to handle youths and would upset the sentencing dynamics in the state's juvenile justice system.

The category of offense committed by youths does not always reflect the danger the child represents to the community or the child's needs for rehabilitation. In many cases, although a youth may be adjudicated for a misdemeanor, factors such as their past crimes, their success in local programs, and their home and school situations can result in judges deciding that the TYC is the best place for them. Most misdemeanants sent to TYC repeatedly have failed in the local juvenile probation system. Plea agreements could be reduced because prosecutors who want to keep the option of sending a youth to TYC would not be willing to agree to reduce a charge to a misdemeanor. This could translate into more felony charges and convictions.

Crime could increase if youths realized that they could commit misdemeanors and not be sent to TYC. They also would know that no matter what they did in the local communities after a misdemeanor charge, they could not be sent to TYC.

CSSB 103 could shift problems to the local level. Although new funding may be available this session for local probation departments to handle more youths, increased funding and shifts to local communities historically have not translated into permanently increased resources.

Age limit and determinate sentences. Requiring all 19-year-olds to be released or transferred to the adult system could have a negative impact on those youths, who are best served at TYC where rehabilitation programs are more accessible than at TDCJ. Some youths still are immature at age 19 and face a better chance at rehabilitation if they can stay in the juvenile system.

Reducing the age cap on youths would result in youths having shorter stays at TYC even though they received long determinate sentences. This could influence judges to order the transfer of more of these youths to the adult system when they reach age 19 so that they would stay incarcerated. It also could increase the number of youths being certified to stand trial as

adults if prosecutors wanted to ensure that older youths — 16-year-olds, for example — would be locked up for a number of years.

Office of Inspector General. The OIG that would be established by CSSB 103 would not be far enough removed from TYC to ensure its independent and objective investigation of alleged crimes. The bill would require the TYC board to appoint the inspector general. This could result in a conflict of interest in which the office felt pressure not to raise issues that might place the board or agency in a bad light. Although this system currently may be working in the adult correctional system, it depends to a large degree on the strength of character of the person appointed OIG. To ensure the true independence of the office, the OIG should be appointed by an outside entity, and the appointment should be for a set term with removal only for specified reasons.

Special prosecution unit. The counsellor position that would be created by CSSB 103 is unnecessary and would create another level of bureaucracy. The SPU does a good job of allocating its resources for operating in the adult system and could take on the duties given to it in CSSB 103 without creating a new statutory position.

OTHER OPPONENTS SAY:

Governing board. To increase the TYC board's accountability it should be expanded and include appointments by lieutenant governor and speaker of the House.

NOTES:

SB 103 passed the Senate by 30-0 on April 19 and was reported favorably, as substituted, by the House Corrections Committee on May 3.

The cost to the state for CSHB 2807, which is substantially similar to CSSB 103, would be about $15 million for fiscal 2008-09, according to the fiscal note. The release of youths at age 19 and older who currently are committed to TYC for misdemeanors and the prohibition against placing youths who commit misdemeanors at TYC would reduce the agency's daily population by 259 in fiscal 2008 and 602 in fiscal 2009. The release or transfer of to the adult system of felony offenders 19 or older who currently are in TYC and the future implications of this policy would reduce the TYC population by 433 each year. Parole populations also would be reduced.

TYC would incur costs for numerous items in the bill, including establishing the Office of Inspector General, the Office of Ombudsman,

the length of stay panel, training requirements, audit staff, and chaplains. TDCJ would incur increased costs due to the transfer of offenders from TYC to that department. The total state fiscal impact to TDCJ would be $13.6 million in fiscal 2008-09. However, there are numerous parts of the bill for which the costs cannot be determined, according to the Legislative Budget Board.

SB 103, as approved by the Senate, would eliminate the current agency board structure and have TYC governed by an executive commissioner, appointed for a two-year term by the governor with the consent of the Senate. The bill would create a nine-member TYC advisory board to advise and assist the executive commissioner and adopt policies and rules for grievances and complaints about the commission. Board members would be appointed by the governor with the consent of the Senate for two-year terms.

Numerous other provisions in SB 103 as approved by the Senate are similar to the House committee substitute for SB 103, including those prohibiting youths convicted of misdemeanors from being placed at TYC, reducing the age cap from 21 to 19, establishing a sentence review panel, requiring a minimum of 300 training hours, and establishing an Office of Inspector General. The Senate version would allow the SPU to prosecute crimes related to TYC but would not create the counsellor position to coordinate prosecution issues and monitor TYC cases. It also would create an Office of Ombudsman but would have the head of the office selected by the executive commissioner.

The House by 146-0 passed HB 914 by Madden on April 18, which would establish the office of inspector general at TYC. The bill is pending in the Senate Criminal Justice Committee.

On March 31, the House considered HB 427 by Madden, which would authorize prosecutors in counties that house TYC facilities to request that the special prosecution unit prosecute any criminal offense committed on agency property. The bill was recommitted to the House Corrections Committee and then reported favorably as substituted on April 5.