

SUBJECT: Allowing TJJD to reduce residential program sentences for children

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 8 ayes — Dutton, Murr, Calanni, Cyrier, Dean, Lopez, Shine, Talarico

0 nays

1 absent — Bowers

WITNESSES: For — (*Registered, but did not testify:* Fatima Mann, Community Advocacy and Healing Project; Brett Merfish, Texas Appleseed; Lauren Rose, Texas Network of Youth Services)

Against — None

On — Forrest Mitchell, Office of Inspector General, Texas Juvenile Justice Department; JD Robertson, Office of Ombudsman, Texas Juvenile Justice Department; Camille Cain, Texas Juvenile Justice Department; (*Registered, but did not testify:* Seth Christensen, Texas Juvenile Justice Department)

BACKGROUND: Family Code sec. 59.003 allows probation departments, prosecuting attorneys, and juvenile courts to assign children to one of seven sanction levels within the Texas Juvenile Justice Department (TJJD) after a child's first commission of delinquent conduct or conduct indicating a need for supervision. The sanction levels correspond to specific offenses and punishments. For first-degree felonies involving the use of deadly weapons or causing serious bodily injury, aggravated controlled substance felonies, or capital felonies, the sanction level is a six.

Sec. 59.009 allows TJJD, a juvenile board, or a local juvenile probation department, as applicable, to require children at sanction level six to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for at least nine months and no more than 24 months, unless TJJD or another

entity extends the stay and the reason for the extension is documented.

Concerns have been raised that TJJD lacks the flexibility to reduce the amount of time that children at sanction level six are required to spend in residential programs, even when reducing the sentence would be in the child's best interest.

DIGEST:

HB 3195 would allow the Texas Juvenile Justice Department (TJJD) to reduce the amount of time that children at sanction level six spent in highly structured residential programs as long as the reason for the reduction was documented. The bill also would remove the ability of a juvenile board or local juvenile probation department to require a child to participate in such a program.

The bill would make records of a child's examinations and treatment available to individuals or entities assisting TJJD in providing transition planning and reentry services to the child. TJJD also would be required to provide the court that committed the child to TJJD with a copy of the child's reentry and reintegration plan and a report about the child's progress at least 10 days before the child's release.

HB 3195 would repeal a requirement that a child in a TJJD educational program could not be released on parole unless the child participated in the positive behavior support system and reading instruction.

The bill would not apply to children committed to post-adjudication secure correctional facilities under former law, and the former law would be continued in effect for those children.

The bill would take effect September 1, 2019.