

*84th Session
Outlook*

*Emerging Juvenile Justice
Issues*

2014

Data Coordinators Conference

Juvenile Justice Outlook



Objective

- This session is designed to provide data coordinators with an **overview of the emerging issues** that will impact the **84th Session** of the Texas Legislature in 2015.

A Look Back at the 83rd Session



The 83rd Session...



A New Direction for Juvenile Justice

- Forecasted the **new direction** of juvenile justice in Texas;
- Signaled a **realignment** of system influences;
- Emphasized the **need for collaborative policymaking** that considers system capacity and a range of perspectives; and
- Highlighted the need for child-focused, innovative and **incremental strategic change**.

Cleanup Legislation

HB 2862 - Enrolled

HB 2862 included a wide range of substantive and technical cleanup provisions relating to:

- juvenile court proceedings
- restricted access;
- determinate sentencing;
- restitution payments;
- admissibility;
- non-secure facilities*; and
- updating and cleanup;

**not an original workgroup proposal*



83rd Session

The Juvenile Justice Tally



HB 694 authorized military access to restricted access juvenile information.

HB 2733 permitted TJJD to conduct certain background checks.

HB 1769 created the Fingerprint Advisory Committee on misdemeanor fingerprinting.

SB 393, 394, 1114 and HB 528 affected school attendance laws, school offenses, graduated sanctions and the scope of confidentiality of justice and municipal court records.

SB 92 expanded the jurisdictional authority of juvenile courts in human trafficking/CINS prostitution matters.

HB 2862 contained various cleanup provisions to Title 3 and related codes.

HB 511 established a pilot program in Travis County to commit certain youth to the local post-adjudication facility.

2013 Special Legislative Issue

- State Bar Juvenile Law Section Report, Special Legislative Issue.
- **TJJD Legal Education & Technical Assistance** and guest contributors prepared useful summaries and intent history of key juvenile justice bills enacted during the 83rd Legislative Session.
- Available online at www.juvenilelaw.org.

STATE BAR
SECTION REPORT
JUVENILE LAW

VOL. 25, NO. 3
AUGUST 2011

2011 Special Legislative Issue

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Terms Expire 2013

Terms Expire 2014

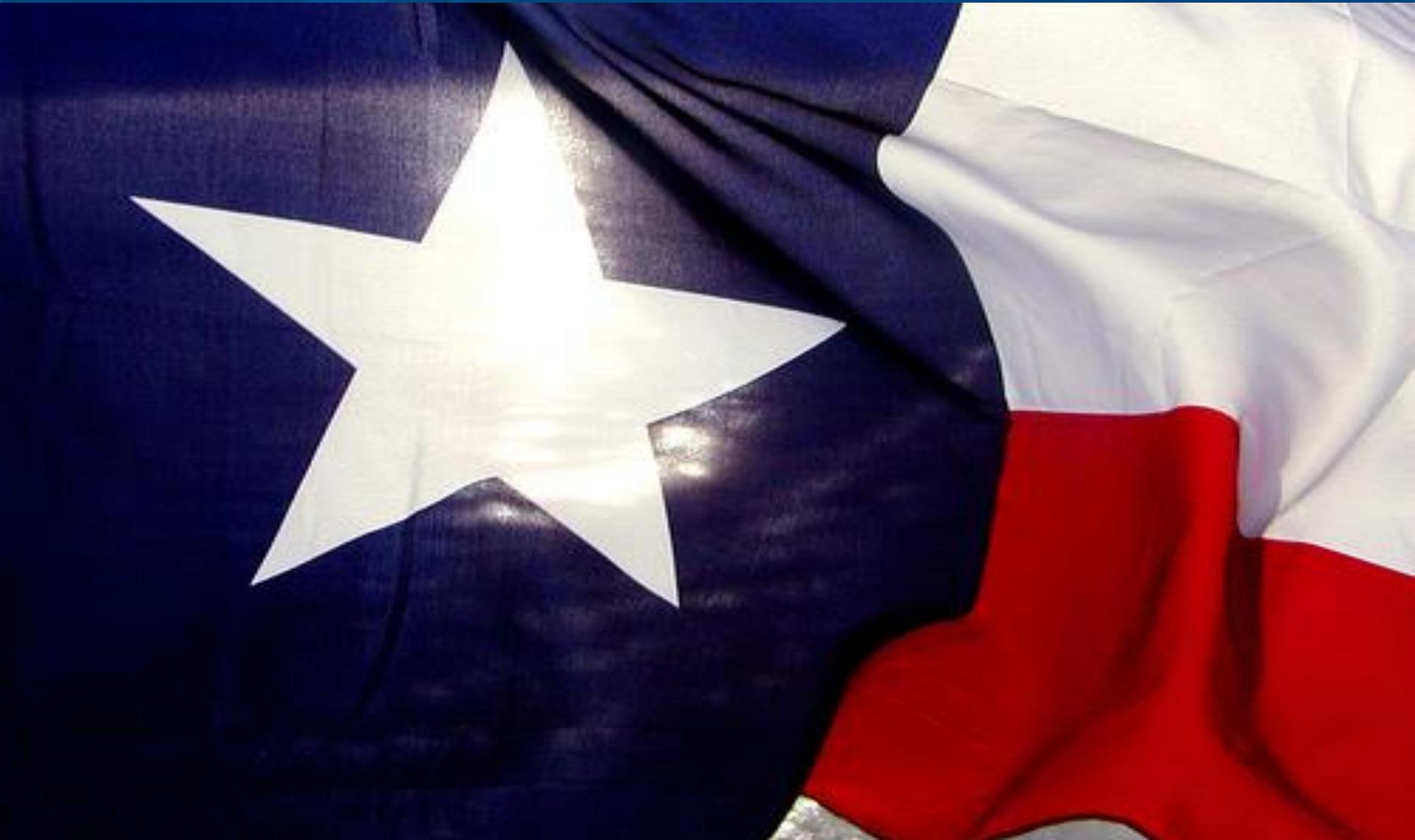
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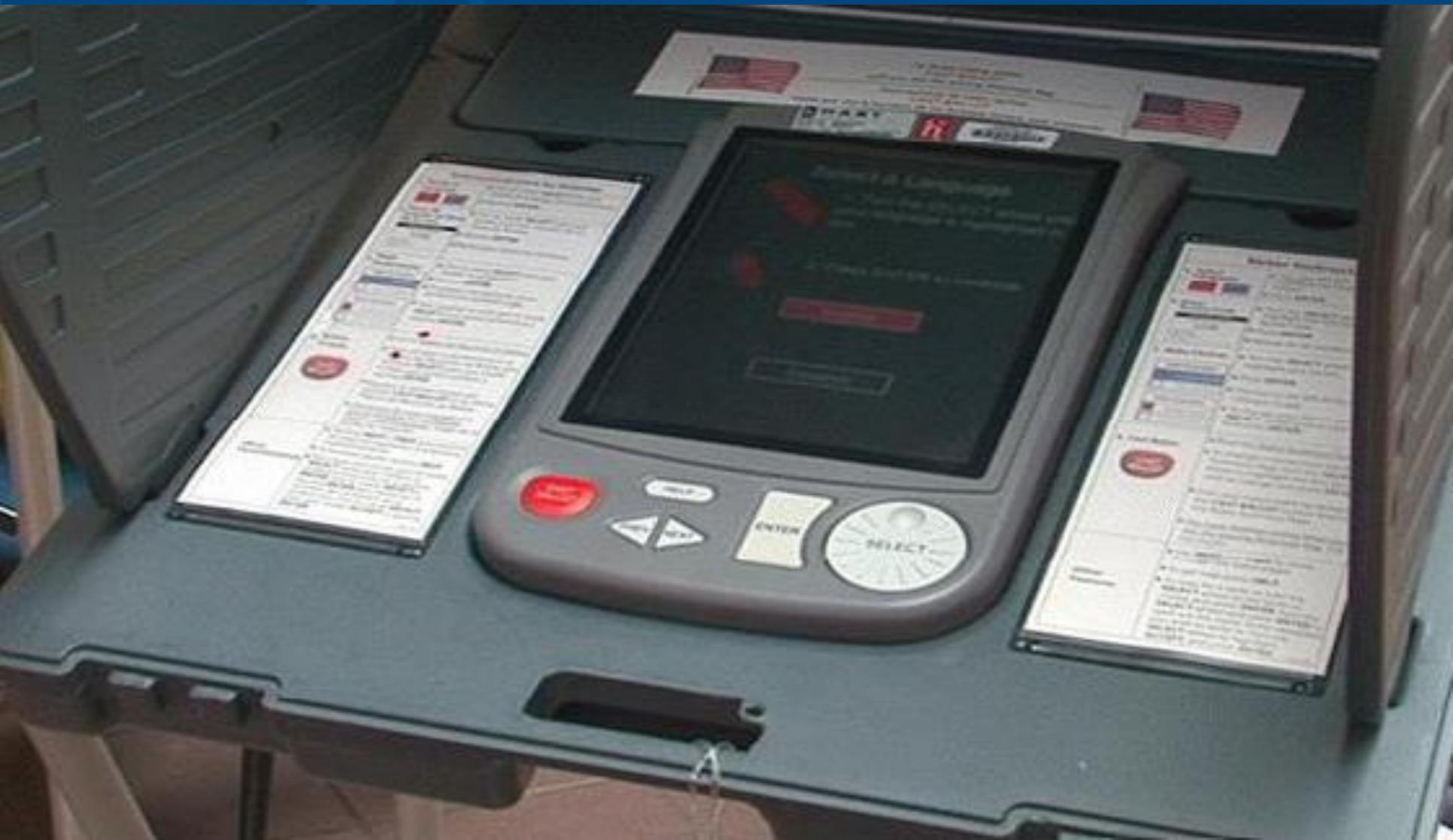
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Looking Forward...



Mid-Term Elections – November 4, 2014

Have a Seat ... In the House or Senate



Dates of Interest

- Monday, November 10, 2014
Pre-Filing Begins
- Tuesday, January 13, 2015
84th Legislature convenes at noon
- Friday, March 13, 2015
Deadline for filing bills
- Monday, June 1, 2015
Sine Die - Last day of 84th Session
- Sunday, June 21, 2015
Last day governor can sign or veto bills.
- Monday, August 31, 2015
Date that bills without specific effective dates become law.



Facing the 84th Legislature



MAJOR ISSUES

- Membership Turnover
- New Gov. & Lt. Governor
- Border Security
- Higher Education
- Agency Sunset Reviews
- Mental Health Services
- Voter ID

State Agencies



Sunset Process

Agencies Up for Review

- Nearly 130 state agencies are subject to the Sunset Process.
- About 20-30 state agencies are reviewed each legislative session:

The following agencies are up for sunset during the 84th Session -- *[Selected]*

- **HHSC & DADS, DARS, DSHS, DFPS**
- **TEA*, SOAH, TWC**



State Agency Reforms

Interim Charge



- Each standing committee is granted authority to take up matters regarding agencies under its GENERAL OVERSIGHT.
- **Conduct legislative oversight** and monitor state agencies and the implementation of relevant legislation. **Consider reforms and identify issues** regarding efficiency, transparency, or governance that may be appropriate to streamline, eliminate, remedy, investigate, or improve **while maintaining the mission** of the agency. *(paraphrased)*

TJJD & the Budget Cycle

- State priorities set by Gov. & LBB
- TJJD Strategic Plan for 2015-2019
July 2014
- TJJD Legislative Appropriations Request (LAR) **August 2014**
- LAR Hearings **Legislative Budget Board & Gov.'s Budget, Planning and Policy Office**
- General Appropriations Bill
LBB Draft
- LBB Budget Estimate
Comparison of LBB Amounts and Agency LAR
- Introduction of a House or Senate Appropriations Bill



Funding the Juvenile Justice System



Funding Cycle

Biennium - Fiscal Years 2016 – 2017

Fiscal Year - September 1st through August 31st

Key Strategies

Goal A Community Juvenile Justice

Goal B State Services & Facilities

Goals C, D & E Oversight, Training & Administration

Exceptional Items

“Wish-List” of additional items that are not part of the budget request.

Funding Distribution

84th Legislature – General Appropriations Bill

TJJD Allocation – State Financial Assistance Contract

During the Session



- Introduction of House and/or Senate Bill 1
- Finance Committee Approves H/S Chamber Workgroup Recommendations
- House and Senate Approve Appropriations Bill
- Conference Committee *(Differences Worked Out)*
- Reconciled Bill goes to House & Senate for Approval
- State Comptroller Certifies that State Has Money
- Governor Signs, Vetoes or Exercises Line Item Veto on Appropriations Bill



Emerging Issues





What Drives the Legislative Process?

Juvenile Justice Legislation & Policy

System Influences

- Interim Charges
- Practitioner Workgroups
- Advocacy Initiatives
- System Stakeholders
- Professional Associations
- Law Mandates & Studies
- Appropriations
- Media Interest
- National Trends



What Drives the Process?

INTERIM CHARGES

- An interim charge is a legislative request for an in-depth examination of important **issues to be studied** prior to the upcoming session.
- Lt. Gov. and Speaker of the House specify the house or senate **standing committees** that will take up an issue.
- The committee prepares a **report** with the findings and **recommendations** for new laws or other **systemic changes**.

Education Issues



Juvenile Justice

Interim Charges



- **SCHOOL TICKETING** - Study the impact of SB 393 (83R) and SB 1114 (83R) and assess the impact of school discipline and school-based policing on court referrals. [Joint Charge – House Corrections & Public Education]
- **SCHOOL OFFENSES & GRADUATED SANCTIONS**- Monitor the implementation of SB 393 (83R) and SB 1114 (83R) and determine if any statutory changes are necessary to clarify legislative intent. Also, examine the implementation of graduated sanctions and ISD compliance. [Senate Jurisprudence]
- **FAILURE TO ATTEND** – Make recommendations on the feasibility of removing FTA (25.094, EC) as a Class C misdemeanor offense and adjudicating truancy as a CIVIL offense. [Senate Jurisprudence]

School Ticketing Reform

Gold Standard Training



- OCA Workgroup Training Module
- Available to juvenile justice professionals and others involved with reforms or dealing with school discipline issues.
- Materials include slide content, notes, recorded narrative, and a process flow chart.

School Ticketing Reform
Class C Misdemeanor
School Discipline

Changes in the Law Effective September 1, 2013



Juvenile Facilities & Services



Juvenile Justice

Interim Charges

- **CORRECTIONAL FACILITIES** - Study and review correctional facilities within...**TJJD** and other agencies with emphasis on efficiencies, effectiveness, programmatic approaches, and **recidivism**. Evaluate opportunities for partnerships between facilities and **private industries**. [House Corrections]
- **OUTCOME-BASED FINANCING** – Analyze and make recommendations on **outcome-based financing** models that allow the state to partner with **private investors** and innovative service providers in order to divert youth into cost-effective programs and interventions.

Juvenile Justice

Interim Charges



- **MENTAL HEALTH SERVICES**- Consider mental health services...in the juvenile justice system and examine **how** the **needs of youth** in contact with the system **are assessed**. [House Criminal Jurisprudence]
- **MENTAL HEALTH** – Examine the association between co-occurring serious mental illness and substance abuse disorders [in the criminal justice system]. [House Criminal Jurisprudence]

Data, Offenses & Courts



Juvenile Justice

Interim Charges



- **CRIME STATISTICS**- Study the accurate measuring and reporting of crime statistics in Texas. [[Senate Agriculture, Rural Affairs & Homeland Security](#)]
- **PERSONAL DATA** – Review the type and scope of personal data collected by governmental and commercial entities and consider protections for DNA databases, gun purchase tracking, and PHI. [[Senate State Affairs](#)]

Juvenile Justice

Interim Charges



- **NON-TRADITIONAL CRIMINAL OFFENSES** Evaluate non-traditional criminal offenses that are outside the Penal Code and the feasibility of streamlining the offenses. [House Criminal Jurisprudence]
- **GRAFFITI**— Examine the pecuniary loss thresholds associated with graffiti offenses and the cost of enhancing graffiti penalties. [House Criminal Jurisprudence]
- **THEFT VALUE LADDER** — Study the value ladder of charges for theft and related offenses and recommend updates or reforms. [Senate Criminal Justice]

Juvenile Justice

Interim Charges



- **JUVENILE SPECIALTY COURTS** - Compile an inventory of all juvenile specialty courts in the state, the juvenile population served, and the courts' program guidelines and practices. [Senate Criminal Justice]
- **ELECTRONIC FILING**— Monitor the implementation of statewide electronic filing mandated by the Texas Sup. Court to determine if additional training and resources are needed. [Senate Criminal Justice]

Age Jurisdiction



Juvenile Justice

Interim Charges



- **CLASSIFICATION OF 17-YEAR OLDS AS ADULTS**
 - Study the classification of 17-year-olds as adults in the criminal justice system of Texas.
[House Criminal Jurisprudence]
- **YOUTH SENTENCING** - Study and make recommendations regarding the sentencing of youth under 18 accused of serious crimes.
[House Criminal Justice]

Interim Charge 1

House Committee on Criminal Jurisprudence

House Committee
on Criminal Jurisprudence

TUESDAY, MARCH 25, 2014

INTERIM CHARGE 1:

Classification of 17-year-olds as
Adults in the Criminal Justice System



- A **TJJD Information Packet** provided an overview of stakeholder input, examined research data and outlined key considerations, such as:
 - System-Readiness Planning
 - Simple Statutory Framework
 - Phased Implementation
 - Adequate Funding for Indigent Defense & Prosecution
 - Best Practices for Supervision, Programming & Education Services
 - State-County Resource Allocation
 - Practitioner Preparation & Training



Related Policy Study

Article

Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas

Michele Deitch, Rebecca Breeden, and Ross Weingarten*

Abstract

The age of juvenile jurisdiction in Texas, unlike the majority of states, is seventeen, meaning that any seventeen-year-old arrested is treated as an adult, regardless of the severity of the crime. Recent research shows that young people face physical and psychological risks when placed in adult prisons, and that a young person adjudicated in the juvenile justice system experiences far better outcomes. Additionally, developments in neuroscience confirm the original rationale for separate justice systems for juveniles: the human brain is still developing into a person's mid-twenties, and as a result adolescent offenders are more malleable, and less culpable, than their adult counterparts. In response to these findings, four states have raised their relevant age of juvenile jurisdiction in the past five years, with



*owers, Travis County District Judge Karen Oge; Amy Owe, Assistant District Attorney in Tarrant County; Jill Mata, Assistant District Attorney in Bexar County; Kameron Johnson, Juvenile Public Defender in Tarrant County; Mary Robinson, Co. Texas Department of Criminal Justice, Inc.

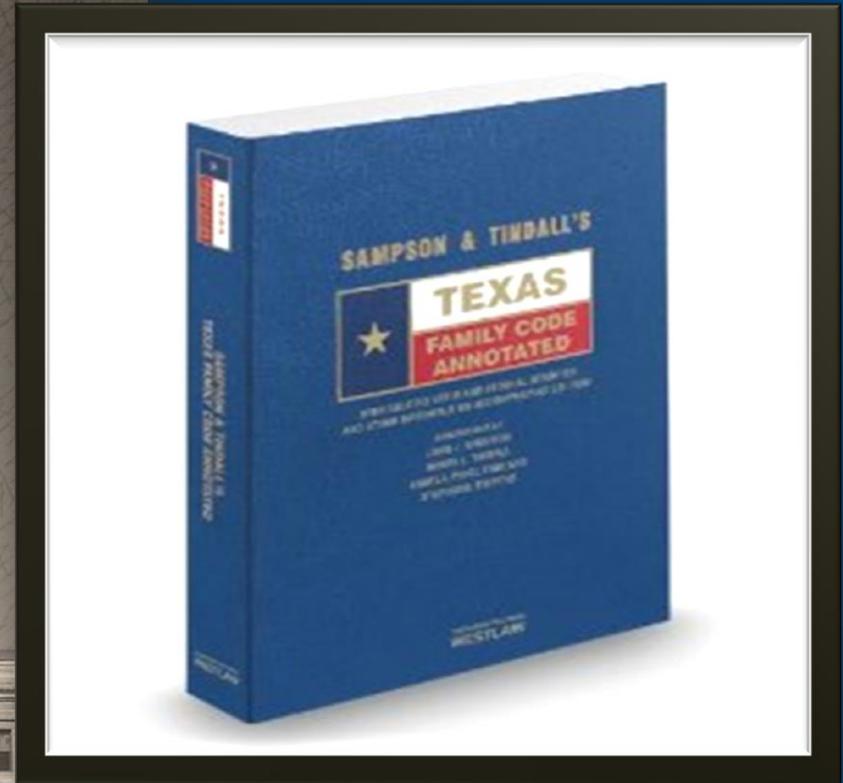
17 Going on 18

- The LBJ School article examined the operational & fiscal impact of raising the age of juvenile jurisdiction in Texas.
- Contained stakeholder interviews, cost-benefit analysis and review of other state proposals.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Family Code Workgroups



Legislative Advisory Group

SB 1769 Fingerprint Advisory Committee

- TJJJ board appointed a **Fingerprint Advisory Committee**.
 - Comprised of a cross-section of **juvenile stakeholders**; *[1 Presiding Chair, 13 members]*
 - Required to **develop a plan** by December 1, 2014 to end the practice of fingerprinting low level misdemeanor offenses.
 - Responsibilities will expire on January 1, 2015.



FAC Findings & Recommendations

Report - May, 2014

S.B. 1769 REPORT
Fingerprint Advisory Committee

A REPORT ON JUVENILE FINGERPRINTING PRACTICES IN TEXAS
MAY 1, 2014



- The practice of fingerprinting should CONTINUE. It is essential to:
- Public safety, evidence of adjudication, case tracking and **comprehensive statistical** data.
- The FAC proposed changes to **58.106, FC** to permit disclosure of misdemeanor information to only criminal justice agencies, TJJD, and DFPS.
- No impact to juvenile service provider record exchanges.



Modernization of Juvenile Records

Practitioner Workgroup

Practitioners have urged amendments that will:

- Bring statutory authority in line with **technological advances**;
- Facilitate the **seamless information exchanges** between authorized record holders and protect confidentiality;
- **Streamline** protective mechanisms such as **sealing and restricted access**; and
- Uphold the statutory goal of **removing the taint of criminality**.



*Projected for **85th R.S. in 2017***

Juvenile Justice Legislative Workgroup

The Workgroup's Charge

- Identify viable substantive and cleanup proposals;
- Procedurally complex, controversial or costly changes (fiscal notes) may not be considered.

- Comprised of experienced juvenile justice stakeholders.
- Present any cleanup proposals for consideration.

****Meetings not yet convened.**

Advocacy & Association Initiatives

What Drives the Process?



Texas
APPLESEED



TEXAS
PROBATION
ASSOCIATION



TEXANS CARE
for CHILDREN



TEXAS CRIMINAL JUSTICE COALITION

Restorative Justice Community
Working Together / Resources for Reentry



***Examples - Not intended as an endorsement*



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Juvenile Justice Litigation & Rulings

Appellate Decisions & AG Opinions



- Texas Appellate Decisions
- 5th Circuit Appeals - Federal
- U.S. Supreme Court
- AG Opinions



National Trends & Media Reports

TEXAS PUBLIC POLICY FOUNDATION
PolicyPerspective
March 2014
Center for Effective Justice

Kids Doing Time for What's Not a Crime: The Over-Incarceration of Status Offenders

by Marc Levin & Derek Cohen

Introduction
Purpose and Objectives of the Report
This report was developed in order to produce an up-to-date understanding of the nation's progress in reducing confinement of status offenders, utilizing newly available data on youth confined in the U.S., in combination with pre-

the juvenile justice system has come, and how much additional work can be done to reduce the system's reliance on incarceration and other types of confinement for status offenders.

In this report, confinement refers to the act of being placed by a juvenile court in a residential facility.

Key Points

- Status offenses are actions that would not be illegal if committed by an adult, such as running away.
- By charging youth with violations of a valid court order (VCO), they can be confined for these actions.

FRONT PAGE NEWSLETTERS DATA DIRECTORY 2014 ELECTIONS EVENTS MULTIMEDIA TRIBUNA

THE TEXAS TRIBUNE

Report: Many Youths Still Detained for Minor Infractions

by Aamena Ahmed | March 20, 2014 | 4 Comments

While the number of youths in confinement for noncriminal offenses has dropped by 52 percent nationally in the past decade, thousands, including many young Texans, remain in detention for minor misbehavior like truancy and curfew violations, according to a report released this week by the Texas Public Policy Foundation, a conservative think tank.

"Though we've seen progress in reducing reliance on incarceration for these behaviors, far too many youth are placed in secure detention for crimes that pose no threat to public safety," Marc Levin, director of the Center for Effective Justice at the foundation and co-author of the report, said in a statement.

The report suggests that a greater focus on intervention by the community — where families, schools and churches can act as sources of support and strengthen social ties — is a better way to handle youths who have committed minor offenses. That could be addressed in part by Senate Bill 1114, passed last year by the Legislature, which allows for more intervention and corrective measures from a school in certain cases rather than having to use the criminal justice system.



Examples - Not intended as an endorsement



The Redeem Act

Proposed Congressional Bill

S. 2567 and Companion H.R. 5158



- **R**ecord **E**xpungement **D**esigned to **E**nhance **EM**ployment Act of 2014
- Legislation that provides a process for sealing or expunging records relating to nonviolent or juvenile offenses.
- **Authors:** Sens. Cory Booker and Rand Paul
- **Introduced:** July 2014
- **Status:** Referred to Judiciary Committee



Welcome to the Texas Senate
Lieutenant Governor David Dewhurst
and Members of the Texas Senate



Resource Information

Keeping Up with Juvenile Justice

Texas Legislature Online

www.legis.state.tx.us

Information available --

- Bill Status
- Member Information
- Press Releases
- Live Internet Committee Hearings
- Agendas and Witness Lists
- Fiscal Notes
- Alerts

The screenshot shows the Texas Legislature Online website for the 83rd Regular Session. The header includes navigation links for Home, My TLO, House, Senate, Legislation, Search, Committees, and Calendars. A search bar is prominently displayed with options to search by Word/Phrase or Bill Number. The main content area is divided into several sections: Texas House and Texas Senate navigation menus, Search Legislation (with a search box and Go button), Additional Searches (links to Text Search, Statutes, Bill Lookup, Constitution, Bill Search, Reports, Amendments, View Votes, Sections Affected, Administrative Code, and Legislative Archive System), How Do I... (links to Find list of filed bills?, Follow the status of a bill?, Contact my legislator?, Find how a legislator voted?, Find when hearings are scheduled?, View the text of a bill?, and Testify at a House committee hearing? with a more>> link), My TLO (links to Track Legislation With Bill Lists, Receive Bill and Meeting Alerts, Subscribe to RSS Feeds, View Content on Mobile Device, and Saved Bill, Text, Amendment Searches), and Related Links (Legislative Reference Library, County, State, Federal, Awards). On the right side, there are sections for Access Mobile Version of TLO, Legislative Activity (Video Broadcasts, Today's Calendars, Today's Meetings, Today's Filed Bills, Today's Votes), Legislative Process (How a Bill Becomes Law, How to Follow A Bill, Dates of Interest, End of Session Deadlines), Who Represents Me? (address and city input fields, ZIP Code, Submit button, Redistricting, Privacy Policy), and Capitol Complex Information (Events and Visitor Information, Wireless Access, Images, State Symbols).

Always follow your department's policies about accessing the web and legislative activities.

Where to Get More Information

Juvenile Law Section, State Bar of Texas

www.juvenilelaw.org

Texas Juvenile Justice Department

www.tjjd.texas.gov

TJJD Legal Help Desk

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