

Progressive Sanctions Model

Key Rules and Principles



Initial Offense (IO) Calculation

Step 1: Determine the penal code classification of the disposition offense (DO).

Step 2: Determine the Guideline Level (i.e., Level 1-7) corresponding to the penal offense classification.

Subsequent Offense (SQO) Calculation

Step 1: Determine the penal classification of the disposition offense. Determine if the offense is <, >, or = to the previous DO.

Step 2: Determine the previous Assigned Level (AL) and apply the applicable rule for <, >, or = penal offenses.

Rule A: Less Severe Offense

If the SQO is < the initial or prior offense, the GL will be the greater of the current AL or the current DO level.

Exception 1: If the child's AL = 4 or 5 and the child's current DO is a felony, then the GL = AL + 1.

Exception 2: If the child is found to have engaged in delinquent conduct on 2 occasions that were each < the original or prior offense, then the GL = highest AL + 1.

Rule B: Same or Equal Severity Offense

If the SQO = the initial or prior offense, then the GL will be the AL+1.

Exception 1: If the child's AL = 5 and the child is not eligible for TYC commitment, then the GL = Current AL.

Exception 2: If the child's AL = 6 and the child's current DO is not a covered determinate sentence offense, the GL = Current AL.

Exception 3: If the child's AL = 6 and the child's age or current offense prohibit certification as an adult, the GL = Current AL.

Rule C: Greater Severity Offense

If the SQO > the initial or prior offense, then the GL will be the greater of:

- 1) the current DO level; or
- 2) the current AL + 1 unless prohibited by law in which case the GL = current AL

Prohibited Level Progressions

- **Rules A, B, or C:** If a child's AL = 5 and TYC commitment is prohibited for the current DO level or is otherwise prohibited by law, then the GL = AL.

Modification of Disposition

- Motion to modify based on violation of juvenile court-ordered probation is a Level 2 offense.
- GL calculated using current AL and new Level 2 offense of violation of reasonable & lawful order of juvenile court.

Plea Bargains/Lesser Included Offenses

- GL is based on most serious offense adjudicated

New Dispositions While Still Under Supervision

- If the disposition results in the following:
 - Supervisory Caution:
AL = current AL
Length of supervision = original time ordered
 - Modified/Extended:
AL = based on disposition
Length of supervision = new time ordered

NOTE: If the new disposition is modified/extended and GL=AL then no departure occurred even if the length of supervision does not fall within the specified guideline.

Dropped Offense Rule

- GL is only based upon the most serious offense adjudicated. A dropped offense has a GL=0 and an AL=0
- When determining whether Rule A, B, or C applies to a subsequent offense, previous dropped offenses are not counted in child's history.

General Reporting Rules

- Progressive Sanctions is assessed once per child per disposition event.
- The GL = 0 and the AL = 0 in the following circumstances:
 - When the child is found not guilty
 - When the case is dropped, non-suited or dismissed
 - When no probable cause is found
 - When a paper referral is disposed with no intake (i.e., no face-to-face meeting occurred)
 - When the child is transferred to another county for disposition
 - When a TYC parolee is revoked administratively by TYC
- If AL = 2 through 5, length of supervision must be indicated at the time of disposition
- If AL = 4, ISP must be shown on the program screen
- If AL = 5, the placement screen must contain a placement entry using a TJPC-created code for the secure registered facility
- If non-compliance with deferred prosecution terms result in an adjudication to probation (entered on the subsequent disposition screen), then the GL = GL of original deferred offense.

TYC Commitment Rule - Repealed

In 2007, the Legislature repealed the statutory provisions known as the "misdemeanor commitment rule". Pursuant to Family Code Section 54.04(d) (2), misdemeanor offenders can no longer be committed to the Texas Youth Commission. A child may be committed to TYC only if adjudicated for a felony or violation of felony probation.

The Progressive Sanctions Model is a recommended set of disposition guidelines contained in Chapter 59, Texas Family Code. Compliance with the guidelines is discretionary and is not mandated by law. Effective Date: Offenses committed on or after January 1, 1996 may be assigned a Progressive Sanctions Guideline Level.

PROGRESSIVE SANCTIONS MODEL

| Offense | | Recommended Sanctions |
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| Conduct Indicating a Need For Supervision, <i>excluding</i> expulsion from DAEP for serious or persistent misbehavior or a Class A or Class B Misdemeanor | 1 | <p>Require counseling; Inform child of progressive sanctions for future offenses; Inform parent(s) of responsibility to impose restrictions on child; Provide information to child & family on needed social services; Require child or parent(s) to participate in services from STAR (if program is available); Refer child to citizen intervention program; Release child to parent(s) or guardian(s).</p> |
| Expulsion from DAEP for serious or persistent misbehavior under 37.007(c), Education Code Contempt of JP, Municipal, or Fine Only County Court Violation of Court Ordered Probation Class A or B Misdemeanor, <i>excluding</i> a misdemeanor involving the use or possession of a firearm | 2 | <p>Deferred Prosecution for 3-6 months*; Inform child of progressive sanctions for future offenses; Inform parent(s) of responsibility to impose restrictions on child; Require restitution to victim or community service restitution (CSR); Require parent(s) or guardian(s) to identify restrictions to be imposed on child; Provide information to child & family on needed social services; Require child or parent(s) to participate in services from STAR (if program is available); Refer child to citizen intervention program; Additional conditions of probation as appropriate.</p> <p><i>*As of 9/1/2003, Section 53.03(j) authorizes two consecutive terms of deferred prosecution not to exceed one (1) year.</i></p> |
| Misdemeanor involving use or possession of a firearm State Jail Felony Third Degree Felony | 3 | <p>Court ordered probation for not less than 6 months; Require restitution to victim or community service restitution (CSR); Impose specific restrictions and requirements for child's behavior; Require probation officer to closely monitor child's activities and behavior; Require child or parent(s) to participate in programs or services as appropriate; Additional conditions of probation as appropriate (including placement in a non-secure residential treatment facilities).</p> |
| Second Degree Felony | 4 | <p>3-12 months intensive and regimented program PLUS Court ordered probation; Require restitution to victim or community service restitution (CSR); Impose highly structured restrictions and requirements on child's behavior; Require probation officer to closely monitor child; Require child or parent(s) to participate in programs or services, as appropriate; Additional sanctions, if appropriate.</p> |
| First Degree Felony, <i>excluding</i> a felony involving the use of a deadly weapon or causing serious bodily injury | 5 | <p>6-12 months court ordered placement in a post-adjudication secure correctional facility PLUS Court ordered probation; Require restitution to victim or community service restitution (CSR); Impose highly structured restrictions and requirements on child's behavior; Require probation officer to closely monitor child; Require child or parent(s) to participate in programs or services as appropriate; Additional sanctions, if appropriate.</p> |
| First Degree Felony involving the use of a deadly weapon or causing serious bodily injury Aggravated Controlled Substance Felony Capital Felony | 6 | <p>Commitment to Texas Youth Commission where Commission may impose the following: 9-24 months highly structured residential program; Require restitution to victim or community service restitution (CSR); Require child or parent(s) to participate in programs or services as appropriate; Additional sanctions, if appropriate; Parole with highly structured restrictions and requirements on child; Parole supervision for not less than 6 months; Other parole supervision conditions, as appropriate.</p> |
| First Degree Felony involving the use of a deadly weapon or causing serious bodily injury Aggravated Controlled Substance Felony Capital Felony | 7 | <p>Discretionary Certification and Transfer to Criminal Court or Determinate Sentence to the Texas Youth Commission where Commission may impose the following: 12 months to 10 years highly structured residential program; Require restitution to victim or community service restitution (CSR); Require child or parent(s) to participate in programs or services as appropriate; Additional sanctions, if appropriate; Parole with highly structured restrictions and requirements on child; Parole supervision for not less than 12 months; Other parole supervision conditions, as appropriate.</p> |

* Primary sanction shown in red.

