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 84\textsuperscript{th} Session of the Texas Legislature in 2015.
A Look Back at 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.
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 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]
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]
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
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.
Family Code Workgroups
TJJD 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.
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?

**Examples - Not intended as an endorsement**
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

Examples - Not intended as an endorsement
The Redeem Act
Proposed Congressional Bill
S. 2567 and Companion H.R. 5158

- **Record Expungement** Designed to **Enhance Employment** 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
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

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

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