

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Placement Planning Rule: Minimum Length of Stay/Minimum Period of Confinement ACA: 4-JCF-3A-24, 3A-25, 5B-01 Statute(s): HR Code §243.002 , §245.051(c)	Effective Date: 4/1/14 Page: 1 of 3 Replaces: GAP.380.8525, 11/1/11
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RULE

(a) **Purpose.**

This rule establishes a minimum period of time youth will spend in high or medium restriction facilities.

(b) **Applicability.**

(1) This policy applies only to:

- (A) youth committed to the Texas Juvenile Justice Department (TJJD) or Texas Youth Commission (a predecessor agency to TJJD) on or after February 1, 2009; and
- (B) youth whose parole is revoked on or after February 1, 2009, regardless of the commitment date.

(2) Youth who were committed to the Texas Youth Commission and/or whose parole was revoked prior to February 1, 2009, remain subject to provisions of this rule in effect at the time of the commitment or revocation.

(c) **Minimum Length of Stay.**

(1) **Minimum Length of Stay Assigned upon Commitment.**

The initial minimum length of stay applies only to non-sentenced offenders. The initial minimum length of stay is calculated based on the severity of the committing offense and an assessment of the danger the youth poses to the community.

- (A) Youth whose committing offense is of high severity are assigned the following minimum length of stay:
 - (i) 24 months, for youth with a high assessment rating;
 - (ii) 18 months, for youth with a medium assessment rating; or
 - (iii) 15 months, for youth with a low assessment rating.
- (B) Youth whose committing offense is of moderate severity are assigned the following minimum length of stay:
 - (i) 15 months, for youth with a high assessment rating;
 - (ii) 12 months, for youth with a medium assessment rating; or
 - (iii) 12 months, for youth with a low assessment rating.
- (C) Youth whose committing offense is of low severity are assigned the following minimum length of stay:
 - (i) 12 months, for youth with a high assessment rating;
 - (ii) 9 months, for youth with a medium assessment rating; or
 - (iii) 9 months, for youth with a low assessment rating.

(2) **Minimum Length of Stay Assigned upon Parole Revocation.**

- (A) Sentenced and non-sentenced offender youth whose parole is revoked are assigned the following minimum length of stay:
 - (i) 9 months, for youth found to have engaged in felony level conduct;
 - (ii) 6 months, for youth found to have broken a federal, state, or other law that is not a felony grade offense; or
 - (iii) 3 months, for youth found to have violated a condition of parole that is not also a violation of law.
- (B) At the parole revocation hearing, the designated minimum length of stay may be reduced by the presiding staff attorney if extenuating circumstances to the offense are found.

(d) **Minimum Period of Confinement.**

The minimum period of confinement applies only to sentenced offenders. The minimum period of confinement is:

- (1) ten years for youth sentenced for capital murder;
- (2) three years for youth sentenced for an aggravated controlled substance felony or a felony of the first degree;
- (3) two years for a felony of the second degree; or
- (4) one year for a felony of the third degree.

(e) **Creditable Time for Non-Sentenced Offenders.**

- (1) When a youth is admitted, the minimum length of stay is counted from the first day the youth reaches any TJJJ-operated or assigned facility.
- (2) When a youth is recommitted, the minimum length of stay is counted from the first day the youth reaches any TJJJ-operated or assigned facility and runs concurrently with any incomplete minimum length-of-stay requirements.
 - (A) A youth who is recommitted for the same conduct following an appeal of the original commitment is given credit toward completion of the new minimum length of stay for any time spent in TJJJ custody as a result of the original commitment.
 - (B) A youth who is recommitted for the same conduct for which a Level I hearing has already been held is given credit toward completion of the new minimum length of stay for the time already served as a result of that hearing.
- (3) After the count begins, all time spent in program, on furlough as defined in [§380.8707](#) of this title, on a conditional placement, or in detention or jail (except as a disposition in a criminal case) is counted toward meeting a minimum length of stay requirement.
- (4) Time spent as an escapee from a TJJJ placement, in jail, or in a court-ordered placement in an adult correctional residential program as disposition in a criminal case is not counted toward meeting the minimum length-of-stay requirement.

(f) **Creditable Time for Sentenced Offenders.**

- (1) For sentenced offenders committed prior to June 9, 2007, the minimum period of confinement is counted from the first day a youth reaches any TJJJ residential facility.
- (2) For sentenced offenders committed on or after June 9, 2007, TJJJ applies any credit granted in the

commitment order toward completion of the minimum period of confinement. This type of credit is for time spent in a secure detention facility in connection with the committing case prior to admission to TJJD.

- (3) Regardless of the date of commitment:
- (A) once a youth reaches a TJJD facility and is credited with any applicable time in detention, only time spent in a TJJD residential facility is credited toward completion of the minimum period of confinement; and
 - (B) credit is granted toward completion of the sentence for time spent in a secure detention facility in connection with the committing case prior to admission to TJJD.

(g) **Multiple Commitments.**

(1) **Multiple Indeterminate Commitments.**

If a youth is committed to TJJD under more than one indeterminate commitment, a minimum length of stay is assigned for each commitment. The minimum lengths of stay will run concurrently.

(2) **Concurrent Indeterminate and Determinate Commitments.**

If a youth is committed to TJJD under determinate and indeterminate commitment orders, the minimum period of confinement and minimum length of stay will run concurrently.

- (A) The youth is managed as a sentenced offender until he/she is discharged from the determinate commitment.
- (B) If a youth completes the determinate sentence before he/she meets discharge criteria for the indeterminate commitment, the youth:
 - (i) is discharged from the determinate commitment; and
 - (ii) is:
 - (I) required to serve any remaining minimum length of stay associated with the indeterminate commitment; or
 - (II) referred to the Release Review Panel under [§380.8557](#) of this title if the minimum length of stay associated with the indeterminate commitment has already been completed.

(h) **Reductions to Minimum Length of Stay.**

- (1) The minimum length of stay requirement may be reduced by the TJJD executive director or his/her designee when it is determined that the minimum length of stay is not justified because of the nature of the offense and offense history or when it is determined that the youth has made sufficient progress in treatment programs.
- (2) Upon a recommendation by the facility administrator, the division director over residential services or his/her designee may reduce a youth's minimum length of stay up to three months due to positive progress in treatment programs so long as the youth serves at least nine months in a residential placement.