

Update on Legislatively Mandated Studies

Texas Judicial Council
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Summary

Overview of study focus, study process, and preliminary observations for studies required by:

- HB 1204 (White/West, 12/1/18)
- SB 47 (Zaffirini/Wu, 1/1/19)
- SB 1326 (Zaffirini/Price, 12/1/18)



HB 1204 – Study Focus and Process

Study focus

- Examine use of terms – “juvenile,” “child,” and “minor”
- Offer observations relating to whether the process of adjudicating juvenile cases is “just and efficient”

Study process

- Review of statutes
- Consider justification for and impact of recent juvenile justice reforms
- Incorporate information gathered during the work of the Juvenile Justice Committee



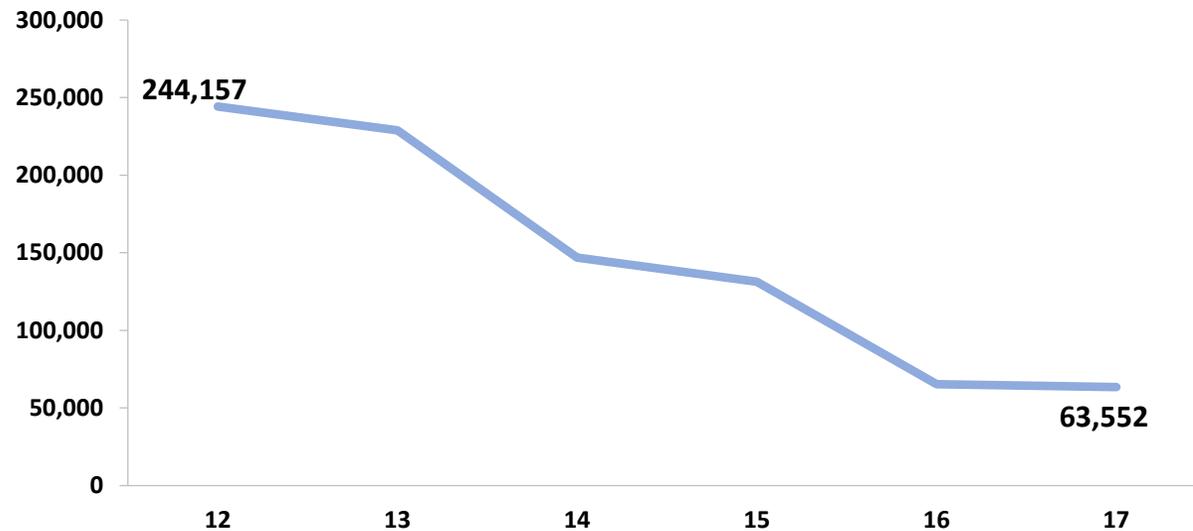
HB 1204 – Preliminary Observations

- Unitary definition of terms does not exist; consistent use of terms is not the norm
- There is significant cross-reference to the examined terms in the Family Code and Code of Criminal Procedure by other codes.
- The Code of Criminal Procedure alone contains multiple references to the term “child.”
- The interplay between terms in the same code can create definitional wrinkles. For example:
 - In the Alcoholic Beverage Code, a person can be a “minor” but not a “child;”
 - In the Health and Safety Code, separate provisions define the terms “minor” and “child” but give them the same meaning;
 - In one section of the Family Code, the terms “minor” and “child” mean the same thing;
 - In the Human Resources Code, separate definitions of “juvenile” and “child” largely overlap but the terms are not synonymous for all purposes.
- Some terms show up in a code without definition. For example, the term “juvenile” surfaces multiple times in the Health and Safety Code without a definition.
- Terms appear in the same provisions, sometimes side-by-side.

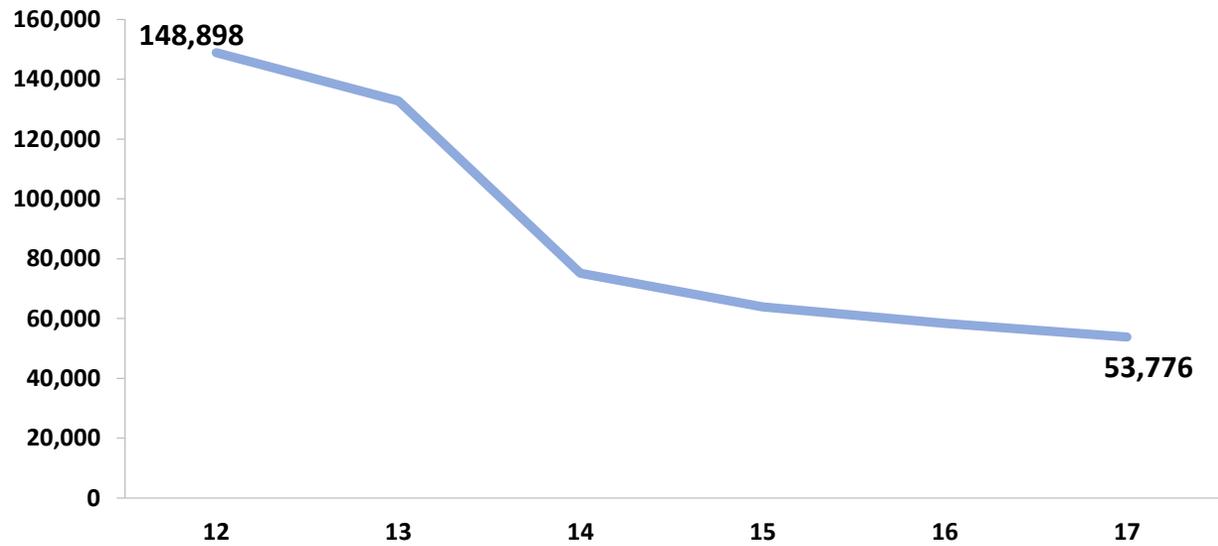
| CODE | | “CHILD” | “JUVENILE” | “MINOR” |
|----------------------------|---|--|-----------------------------------|--------------|
| ALCOHOLIC BEVERAGE CODE |  | Between ages 10 – 17 Between ages 17 – 18, if alleged / found to be engaged in delinquent conduct before age 17 | No Reference | Under age 21 |
| EDUCATION CODE |  | Student between ages 10 – 18 Non-married person under 18 Between ages 6 – 19 (for school attendance) | No Reference | Under age 18 |
| FAMILY CODE |  | Between ages 10 – 17 Between ages 17 – 18, if alleged / found to be engaged in delinquent conduct before age 17 Up to age 19, if on determinate sentence probation Between ages 12 – 19 Non-married person under age 18 Between ages 7 – 17 | No Reference | Under age 18 |
| GOVERNMENT CODE |  | | No Reference | Under age 18 |
| HEALTH AND SAFETY CODE |  | Under age 18 | Used Without Statutory Definition | Under age 18 |
| HUMAN RESOURCES CODE |  | Between ages 10 – 18, if under juvenile court jurisdiction Between ages 10 – 19, if committed to TJJD Under age 18 | Between ages 10 – 18 | No Reference |
| PENAL CODE |  | 10 – 18 if under juvenile court jurisdiction Between ages 10 – 19 if committed to TJJD Between ages 10 – 17 | No Reference | No Reference |
| TRANSPORTATION CODE |  | Between ages 10 – 17 Between ages 17 – 18, if alleged / found to be engaged in delinquent conduct before age 17 | No Reference | Under age 21 |
| CODE OF CRIMINAL PROCEDURE |  | Between ages 10 – 17 Between ages 17 – 18, if alleged / found to be engaged in delinquent conduct before age 17 Younger than age 17 Between ages 10 – 17 Non-married person under age 18 | No Reference | No Reference |

HB 1204 – Preliminary Observations

Non-Traffic Class C Cases Filed Against Juveniles in Justice and Municipal Courts by Fiscal Year, *includes* truancy and Education Code violations



Non-Traffic Class C Cases Filed Against Juveniles in Justice and Municipal Courts by Fiscal Year, *excludes* truancy and Education Code violations



NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests that the Legislature amend current law to allow for the handling of youth charged with Class C/fine-only offenses as a civil matter in the state's justice and municipal courts.



SB 47 – Study Focus and Process

Study focus

- How records regarding fine-only misdemeanors, other than traffic offenses, are held in different Texas counties, specifically with regard to records availability, access, and retention

Study process

- Survey district clerks, county clerks, sheriffs, justice courts, and municipal courts (n=2,565)
- 24% response rate; majority (67%) of respondents were from justice and municipal courts
- Data analysis ongoing



SB 47 – Preliminary Observations

- Generally, adult records are available to the public (76%); child (<18) records are not (79%)
- Many (61%) respondents indicate that access to adult records has *expanded* over time based on local policy decisions
- Most (81%) respondents indicate that access to juvenile records has *been restricted* over time based on local policy decisions
- Retention schedules exist in most (71%) jurisdictions, and most (63%) of these schedules provide for the destruction of fine-only records
- Education may be needed on:
 - Records retention
 - Method(s) of destruction of electronic records
 - Existence of and how to comply with requirements of HB 681 (Wu)



SB 1326 – Study Focus and Process

Study focus

- Focus on outcomes, including recidivism, of participants in specialty courts who have a mental illness

Study process

- Criminal Justice Division (CJD) of Governor's Office is providing data for the period 9/1/16 through 9/1/18; initial data set (9/1/16 – 8/31/17) has already been received and is being cleaned and assessed
- Data set includes wide range of participant-level data for 6,460 participants from 93 programs
- This data may be supplemented by outreach to programs registered with CJD (appr. 95) but not funded by CJD (appr. 95)



SB 1326 – Preliminary Observations

- All CJD funded programs must use the Texas Risk Assessment System (TRAS), and some use specialized “trailers,” which address drug and alcohol use and mental/behavioral health history and status.
- The Mental Health Trailer was used with 87% of participants across court types.
- Of the 6,460 participants in the current data set, 46% have an “end date.”
 - 61% of *all individuals* with an “end date” graduated, though only 21% of those with an “end date” *and a mental health issue identified* graduated.
- Among participants with an identified mental health issue and an “end date,” the data reveals a self-reported:
 - 16% increase in full employment
 - 79% decrease in unemployment
 - 21% decrease in permanent housing
 - 42% decrease in transitional housing
 - 66% decrease in emergency housing
 - 89% decrease in homelessness
 - Increases in possessing associate’s or bachelor’s degree
- Additional in-program activities and post-program outcomes may be compiled, including in-program recidivism, inpatient treatment stays, and post-program recidivism.

