

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 1, 2009

**TO:** Honorable Jim McReynolds, Chair, House Committee on Corrections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3689** by McClendon (Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman for the Texas Youth Commission.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The Youth Commission (TYC) and Juvenile Probation Commission (JPC) are subject to the Sunset Act and would be abolished on September 1, 2009, unless continued by the Legislature. The Office of Independent Ombudsman (OIO) is subject to review, but not abolishment. The bill contains the following Sunset Advisory Commission (Sunset) recommendations regarding TYC, JPC, and OIO, among others.

- Consolidates the functions of TYC and JPC into a new Texas Juvenile Justice Department (TJJD) effective September 1, 2010 and subject to Sunset in 2015; provides funding incentives for counties to keep more youth in their home communities; and requires a comprehensive five-year plan to better integrate juvenile justice functions and ensure implementation of state-level reforms.
- The plan would require TJJD to develop processes and procedures for sharing information with juvenile probation departments and other state agencies that serve youth. JPC, TYC, the Texas Education Agency, and the Department of State Health Services estimate costs for development of a data sharing system. However, Sunset did not anticipate significant costs to implement the data sharing component of the bill. It is likely that the agency estimates include overlap of costs that could be accomplished with existing resources if all agencies involved worked together to develop a data sharing system. No specific system of data sharing is endorsed or required by the bill.
- The bill would establish juvenile pilot programs through local juvenile boards for the purpose of reducing commitments and providing community-based programming to delinquent youth. Costs for the pilot programs would be offset by savings from a reduction in the number of youth committed.
- Requires OIO and the new TJJD to develop formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility.
- Requires the TJJD to regulate, and local juvenile boards to inspect and certify, all non-secure correctional facilities that accept only youth on probation.
- Conforms key elements of JPC's officer certification program to commonly applied licensing practices. Shifts officer certification related hearings to the Office of Administrative Hearings.
- Applies standard Sunset Advisory Commission across-the-board recommendations or updates language already in statute.

During the one-year phase-in period before TJJD's creation on September 1, 2010, TYC and JPC would be responsible for various duties assigned in these recommendations to TJJD. The bill would be effective September 1, 2009.

The Facilities Commission, the Department of Public Safety, the State Auditor's Office, the Office of Court Administration, the Department of Aging and Disability Services, the Department of Family and Protective Services, the Health and Human Services Commission, the Department of Information Resources and the Office of Administrative Hearings anticipate no significant fiscal impact. The Department of Criminal Justice cannot determine the fiscal impact of the increased use of services for juvenile offenders provided by the Texas Correctional Office on Offenders with Medical or Mental Impairments. This analysis assumes that cost estimates provided by the Sunset Advisory Commission, the Youth Commission, the Juvenile Probation Commission, and the Office of Attorney General could be met with existing resources. This analysis assumes

no significant fiscal impact to the State.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 302 Office of the Attorney General, 303 Facilities Commission, 304 Comptroller of Public Accounts, 308 State Auditor's Office, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 405 Department of Public Safety, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of, 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice, 701 Central Education Agency

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