

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 24, 2009

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

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

IN RE: HB3689 by McClendon (relating to the functions and continuation of the Texas Youth Commission and the Texas Juvenile Probation Commission and to the functions of the Office of Independent Ombudsman for the Texas Youth Commission.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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

- Maintain TYC and JPC as separate agencies. TYC would be governed by a seven-member board. JPC would be governed by a nine-member commission composed of judges, chief juvenile probation officers, and public members.
- Continue TYC and the JPC until 2011, and require the Sunset Commission to evaluate both agencies' compliance with the provisions of S.B. 103 (Eightieth Legislative Session); requirements placed on the agencies by legislation enacted by the Eighty-first Legislature; initiatives of TYC and JPC in coordinating activities and services including joint strategic planning, sharing of youth data across youth agencies, assessments and classification of youth, and the collection of data on probation outcomes.
- Require TYC to provide information regarding a youth's progress to the committing court upon request. TYC would be required to provide the committing court with notice of a youth's release no later than the 30th day before the release date. TYC would also be required to provide the committing court or the county or state to which the youth is being released with the youth's reentry and reintegration plan and a report on the youth's progress.
- Continue the Office of Independent Ombudsman until 2010, and require the Sunset Commission to evaluate the OIO's compliance with requirements of legislation enacted by the Eighty-first legislature.
- Require OIO and TYC to enter into a memorandum of understanding concerning the development of formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility. Authorize the OIO to withhold information concerning matters under active investigation from TYC and to report the information to the Governor.
- Require JPC to regulate, and local juvenile boards to inspect and certify, all non-secure correctional facilities that accept only youth on probation.
- Creates the Coordinated Strategic Planning Committee with members appointed by the directors of TYC and JPC for the purpose of agency collaboration on a variety of initiatives, including implementation of a common data source and data sharing among TYC, JPC, and various other state agencies that serve youth in the juvenile justice system.
- Require TYC, JPC, and various other state agencies to adopt a memorandum of understanding with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TOOMMI) for continuity of care for juvenile offenders with mental impairments. Require TCOOMMI, in coordination with TYC, JPC, and other participating state and local agencies, to collect data and report on the outcomes of the MOU.

- Conform key elements of JPC's officer certification program to commonly applied licensing practices.

The bill takes effect immediately if it receives a two-thirds vote of all members. Otherwise, the effective date of this bill is September 1, 2009.

This analysis assumes that cost/savings estimates provided by the Sunset Advisory Commission, TYC, and JPC could be met with existing resources. Any costs estimated by JPC could be offset by savings from TYC. This analysis assumes no significant fiscal impact to the State.

Local Government Impact

The bill would require local juvenile boards to annually inspect any non-secure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the JPC. Local juvenile boards are already required to inspect over 80 secure facilities throughout the state. The six non-secure facilities impacted by this provision are located in five jurisdictions, requiring each local juvenile board to inspect one or two additional facilities only. The Sunset Commission estimates that additional inspections could be accomplished within existing resources.

Source Agencies: 116 Sunset Advisory Commission, 665 Juvenile Probation Commission, 694 Youth Commission

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