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**TESTIMONY 2013**  
**H.B. 1388**

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony on H.B. 1388, relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles. In the past year and a half, I have had the opportunity to speak with youth and staff in secure facilities in ten Texas counties, as well as hundreds of youths at three state juvenile facilities. From those conversations, I hope to bring three issues to the committee's attention as it considers this bill.

**1. YOUTH COMMITTED TO OUR STATE JUVENILE FACILITIES HAVE ESPECIALLY HIGH NEEDS.**

Eighty-three percent of the 17- and 18-year-olds in Texas' state juvenile facilities currently receive specialized treatment. Of the 613 youth age 17 or older, 84 receive high intensity mental health services, 104 are in high intensity sex offender programs, 130 are in the Capital and Serious Violent Offender Program, and 263 are in high intensity substance abuse programs.<sup>1</sup> **Because county juvenile departments would have to provide treatment for these high-needs youth under H.B. 1388, this committee should ensure that county departments are prepared with sufficient resources to fully address the specialized needs of these youths.**

**2. YOUTH COMMITTED TO JUVENILE PROBATION FACILITIES UNDER H.B. 1388 WILL HAVE FEWER PROTECTIONS AND OBLIGATIONS THAN YOUTH IN OUR STATE JUVENILE FACILITIES.**

Youth committed to a state juvenile facility have significant legal protections and obligations, including access to the Office of the Independent Ombudsman, an evaluation at age 18 for additional services before release, specialized parole obligations, and the right to a comprehensive reentry and reintegration plan.<sup>2</sup> These provisions protect both youth in custody and the community after a child is released. **This committee should ensure that H.B. 1388 will provide youth and the public with the same protections currently provided by statute and administrative rules for youth committed to the state juvenile facilities.**

**3. H.B. 1388 MAY HAVE THE UNINTENDED CONSEQUENCE OF TRANSFERRING MORE YOUTH TO ADULT PRISONS.**

Adult prisons are a dangerous place for youth, where they face an increased risk of sexual victimization and the development of negative social behaviors, which can increase recidivism.<sup>3</sup> **H.B. 1388 allows counties to transfer youth to the adult system without sufficient guidance.** If a county determines it cannot handle a youth it has locally committed under H.B. 1388, it will not be able to transfer the youth to the Juvenile Justice Department, leaving few options except transfer to the adult system. As a result, many youth may be transferred to the adult system who would not have been transferred under the rules of the Juvenile Justice Department. **Because adult prisons in Texas do not have the expertise to meet the specialized needs of these youth, this committee should consider the negative potential that this bill will send more youth into the adult system.**

**CONCLUSION**

Thank you again for allowing me the opportunity to testify on this bill. The Texas Criminal Justice Coalition urges this committee to consider the highly specialized needs of youth committed to state facilities and to ensure the youth and communities affected by H.B. 1388 have sufficient protections and treatment resources.

*References on reverse*

## References

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- <sup>1</sup> Open Records Request to the Texas Juvenile Justice Department, received February 6, 2013.
- <sup>2</sup> Texas Human Resources Code chapters 244, 245, and 261.
- <sup>3</sup> M. Deitch "Juveniles in the Adult Criminal Justice System in Texas" (2011).