

PROFILE OF JUVENILES ADMITTED TO STATE-OPERATED CORRECTIONAL FACILITIES, FISCAL YEAR 2011

AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

ID: 490

JANUARY 2013

OBJECTIVE

This brief provides a profile of juveniles admitted to state-operated correctional facilities in fiscal year 2011. In fiscal year 2011 these facilities were operated by the Texas Youth Commission (TYC). That agency was abolished and merged along with the Texas Juvenile Probation Commission into the newly created Texas Juvenile Justice Department (TJJD) by SB 653, which was passed by the 82nd Texas Legislature and signed by the Governor. TJJD was created on December 1, 2011.

KEY FACTS

- ◆ 76.1 percent of juveniles admitted to TJJD in fiscal year 2011 were new commitments (i.e., juveniles committed to TJJD for the first time).
- ◆ 7.6 percent of juveniles were committed for a determinate sentence.
- ◆ Of the 96 juveniles committed for a determinate sentence, 61 were admitted for either assault or robbery.

STATUTORY REFERENCES

TYC was authorized by Human Resources Code, Chapter 61. TJJD was authorized by Human Resources Code, Chapter 201.

The Human Resources Code indicates one of the purposes of the Texas Youth Commission (TYC, now Texas Juvenile Justice Department (TJJD)) was to provide for administration of the state's correctional facilities for children and provide a program of constructive training aimed at rehabilitation of juveniles committed to TYC. Juveniles are subject to six main commitment types and two sentencing arrangements. The type of offense is a significant factor in the sentencing arrangement.

COMMITMENT TYPE

Fig. 1 shows that the vast majority of juveniles (76.1 percent, 960 juveniles) admitted to state-operated correctional facilities in fiscal year 2011 were new commitments. This table also indicates that parole violators accounted for 18.3 percent (231 juveniles) of all admissions in fiscal year 2011.

**FIG. 1
COMMITMENT TYPE FOR JUVENILES ADMITTED TO STATE OPERATED CORRECTIONAL FACILITIES,
FISCAL YEAR 2011**

| COMMITMENT TYPE | NUMBER | PERCENTAGE |
|---|--------------|---------------|
| New Commitment | 960 | 76.1% |
| Recommitment | 28 | 2.2 |
| Parole Revocation – New Felony Offense | 32 | 2.5 |
| Parole Revocation – New Misdemeanor Offense | 75 | 6.0 |
| Parole Revocation – Technical Violation | 124 | 9.8 |
| Other* | 43 | 3.4 |
| Total | 1,262 | 100.0% |

* Represents juveniles returned to residential care from parole but not due to revocation or recommitment (e.g., to participate in a hearing or for medical care).
SOURCE: Texas Juvenile Justice Department.

SENTENCE TYPE

A determinate sentence is a commitment for a specified period of time that is set by the juvenile court and can last up to 40 years in length. Juveniles who have not completed their sentence length by their 19th birthday are transferred to the adult criminal justice system to complete the sentence unless the juvenile was committed to TYC prior to June 8, 2007. In those cases TYC could retain the youth until his or her 21st birthday.

An indeterminate sentence is a commitment for an unspecified length of time up to the juvenile's 19th birthday. TJJD has sole discretion over the commitment length.

Of the juveniles admitted to TYC in fiscal year 2011, a very small percentage (7.6 percent) was committed for a determinate sentence. Fig. 2 shows that the most common determinate sentence offense was robbery, while the most common indeterminate sentence offenses were burglary and assault.

**FIG. 2
OFFENSES OF JUVENILES ADMITTED TO STATE OPERATED CORRECTIONAL FACILITIES,
BY SENTENCE TYPE, FISCAL YEAR 2011**

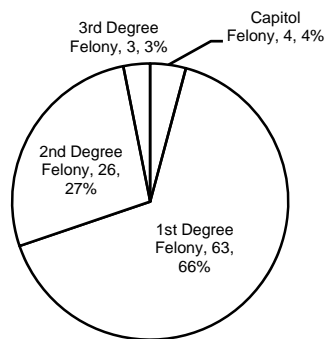
| OFFENSE | DETERMINATE | | INDETERMINATE | |
|--------------------------|-------------|---------------|---------------|---------------|
| | NUMBER | PERCENTAGE | NUMBER | PERCENTAGE |
| Assault | 21 | 21.9% | 203 | 17.4% |
| Burglary | 0 | 0.0 | 221 | 18.9 |
| Drug Offenses | 2 | 2.1 | 84 | 7.2 |
| Homicide | 8 | 8.3 | 3 | 0.3 |
| Robbery | 40 | 41.7 | 103 | 8.8 |
| Sex Offenses | 18 | 18.7 | 101 | 8.7 |
| Theft | 0 | 0.0 | 110 | 9.4 |
| Violation Of Supervision | 3 | 3.1 | 121 | 10.4 |
| All Other Offenses | 4 | 4.2 | 220 | 18.9 |
| Total | 96 | 100.0% | 1,166 | 100.0% |

SOURCE: Texas Juvenile Justice Department.

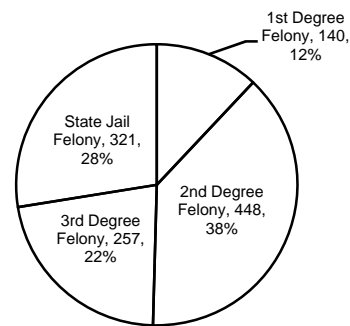
Fig. 3 shows that the majority of juveniles (66 percent) admitted for a determinate sentence were committed for a first-degree felony. Second-degree felonies accounted for the highest percentage (38 percent) of juveniles committed for an indeterminate sentence.

**FIG. 3
OFFENSE LEVEL OF DETERMINATE AND INDETERMINATE SENTENCE JUVENILES ADMITTED TO STATE OPERATED
CORRECTIONAL FACILITIES, FISCAL YEAR 2011**

DETERMINATE



INDETERMINATE



SOURCE: Texas Juvenile Justice Department.

CONTACT

John Posey Email: Issuebrief@lbb.state.tx.us