

## **BILL ANALYSIS**

H.B. 3316  
By: McClendon  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Statutory authorization is needed to ensure prosecution of an offense committed against a juvenile in the Texas Youth Commission (TYC) by TYC personnel or by a person providing contractual services for TYC, even if prosecution of the offense is not pursued locally.

In most instances, local law enforcement authorities and district attorney offices prosecute such cases, but there has been documented reluctance to investigate or prosecute such cases by a local sheriff's department, local police department, grand jury, district attorney, or court. In 2007, S.B. 103, 80th Legislature, Regular Session, established the Special Prosecution Unit (SPU) to augment TYC's ability to investigate and prosecute offenses against juveniles in its care. The SPU is an independent unit that cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct in the county in which the offense occurred.

H.B. 3316 establishes concurrent venue for criminal offenses against juveniles committed by TYC personnel or contractual service providers in the county where any element of the offense occurred or Travis County. The bill authorizes the district attorney, criminal district attorney, or county attorney representing the state to request prosecutorial assistance from the SPU.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3316 amends the Code of Criminal Procedure to authorize the prosecution of a criminal offense or delinquent conduct committed by an employee or officer of the Texas Youth Commission (TYC), or a person providing services under a contract with TYC, against a child committed to TYC to be conducted in any county in which an element of the offense occurred or in Travis County.

H.B. 3316 amends the Human Resources Code to authorize the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct committed on TYC property or committed by or against a person in custody of TYC while the person is performing a duty away from TYC property to request that the special prosecution unit assist in the prosecution of the offense or delinquent conduct in addition to the option to request that the unit prosecute the offense or delinquent conduct.

### **EFFECTIVE DATE**

September 1, 2009.