

TEXAS COMMISSION ON JAIL STANDARDS

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MEMORANDUM

To: All Sheriffs
From: Adan Muñoz, Executive Director
RE: SB 1209-Certified Juveniles
DATE: August 23, 2012

In 2011, the 82nd Texas Legislature passed Senate Bill 1209, which created a major change in the laws regulating the pre-trial detention of persons under the age of 17 who have been certified to stand trial as adults. The changes made by Senate Bill 1209 impact both juvenile detention facilities and county jails in the state of Texas. As such, employees of the Texas Juvenile Justice Department and Texas Commission on Jail Standards have met and jointly developed a brief overview of the changes to ensure uniform interpretation and application throughout the state.

The changes in law require every juvenile board in Texas to adopt a policy stating whether or not persons certified to stand trial as adults who are not yet 17 may be detained in a juvenile pre-adjudication detention facility pending trial. If the juvenile board policy allows such detention, the juvenile court judge is required to, on a case by case basis, decide if the person should be detained in juvenile detention or should be detained in the county jail. If the juvenile board policy does not allow such detention, the person may only be detained in the county jail. Even if the person is detained in a juvenile detention facility, the court with jurisdiction over the transferred case should follow the rules related to setting bail as it would for a person held in county jail.

If the person is held in juvenile detention pending trial, the person is not required to be "sight and sound separated" from other juveniles as per Texas Family Code Section 51.12. If the person is held in the county jail pending trial, the person must be "sight and sound separated" as required by Texas Family Code Section 51.12, until the person turns 17 years of age.

Upon conviction of the offense, the person may no longer be held in juvenile detention. Additionally, upon conviction, the sight and sound separation requirements of Texas Family Code Section 51.12 are no longer applicable to a person held in county jail.

If you have any questions, please do not hesitate to contact us.

Judge Donna S. Klaeger, Burnet, Chair
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Mission Statement

To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas. The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview.