

By: White

H.B. No. 3660

A BILL TO BE ENTITLED

AN ACT

relating to youth diversion programs for children accused of certain fine-only offenses and related criminal justice matters; authorizing and imposing fees and fines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 45, Code of Criminal Procedure, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. YOUTH DIVERSION

Art. 45.301. DEFINITIONS. In this subchapter:

(1) "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint.

(2) "Child" has the meaning assigned by Article 45.058(h).

(3) "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. The term includes diversion under Article 45.310, 45.311, 45.313, or 45.314.

(4) "Offense" means a Class C misdemeanor other than a traffic offense.

(5) "Parent" has the meaning assigned by Article 45.057(a).

(6) "Service provider" means a governmental agency, political subdivision, open-enrollment charter school, nonprofit

1 organization, or other entity that provides services to children or
2 families.

3 (7) "Youth diversion plan" means a plan adopted under
4 Article 45.306.

5 Art. 45.302. APPLICABILITY. This subchapter applies only
6 to a child who is alleged to have engaged in conduct that
7 constitutes a Class C misdemeanor other than a traffic offense.

8 Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED.
9 Nothing in this subchapter precludes:

10 (1) a case involving a child from being referred,
11 adjudicated, or disposed of as conduct indicating a need for
12 supervision under Title 3, Family Code; or

13 (2) a waiver of criminal jurisdiction and transfer of
14 a child's case as provided by Section 51.08, Family Code.

15 Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as
16 provided by Subsection (b), a child shall be diverted from formal
17 criminal prosecution as provided by this subchapter.

18 (b) A child who is 15 years of age or older at the time the
19 child is alleged to have engaged in conduct that constitutes an
20 offense is not eligible for diversion if the child has previously
21 had two unsuccessful diversions under this subchapter for unrelated
22 offenses.

23 Art. 45.305. DIVERSION STRATEGIES. (a) Diversion
24 strategies include:

25 (1) requiring a child to participate in a program,
26 including:

27 (A) a court-approved teen court program operated

- 1 by a service provider;
- 2 (B) a school-related program;
- 3 (C) an educational program, including an alcohol
4 awareness program, a tobacco awareness program, or a drug education
5 program;
- 6 (D) a rehabilitation program; or
- 7 (E) a self-improvement program, including a
8 program relating to self-esteem, leadership, self-responsibility,
9 empathy, parenting, parental responsibility, manners, violence
10 avoidance, anger management, life skills, wellness, or dispute
11 resolution;
- 12 (2) referring the child to a service provider for
13 services, including:
- 14 (A) at-risk youth services under Subchapter D,
15 Chapter 264, Family Code;
- 16 (B) juvenile case manager services under Article
17 45.056;
- 18 (C) work and job skills training, including job
19 interviewing and work preparation;
- 20 (D) academic monitoring or tutoring, including
21 preparation for a high school equivalency examination administered
22 under Section 7.111, Education Code;
- 23 (E) community-based services;
- 24 (F) mental health screening and clinical
25 assessment;
- 26 (G) counseling, including private or in-school
27 counseling; or

1 (H) mentoring services;

2 (3) requiring a child to:

3 (A) participate in mediation or other dispute
4 resolution processes;

5 (B) submit to alcohol or drug testing; or

6 (C) substantially comply with a course of
7 treatment prescribed by a physician or other licensed medical or
8 mental health professional; and

9 (4) requiring a child, by court order, to:

10 (A) pay restitution not to exceed \$100 for an
11 offense against property under Title 7, Penal Code;

12 (B) perform not more than 20 hours of community
13 service; or

14 (C) perform any other reasonable action
15 determined by the court.

16 (b) A diversion strategy may be imposed under:

17 (1) a disposition or diversion by law enforcement
18 under Article 45.310 or 45.311;

19 (2) an intermediate diversion from court under Article
20 45.313;

21 (3) a diversion by a justice or judge under Article
22 45.314; or

23 (4) a system of graduated sanctions for certain school
24 offenses under Section 37.144, Education Code.

25 Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion
26 plan is a written plan that describes the types of strategies that
27 will be used to implement youth diversion. A youth diversion plan

1 does not limit the types of diversion strategies that may be imposed
2 under a diversion agreement under Article 45.312.

3 (b) Each justice and municipal court shall adopt a youth
4 diversion plan.

5 (c) A youth diversion plan may be devised for a county or
6 municipality or an individual court within a county or
7 municipality.

8 (d) In accordance with Chapter 791, Government Code, a local
9 government may enter into an agreement with one or more local
10 governments to create a regional youth diversion plan and
11 collaborate in the implementation of this subchapter.

12 (e) A youth diversion plan may include an agreement with a
13 service provider to provide services for a diversion strategy.

14 (f) A youth diversion plan may contain guidelines for
15 disposition or diversion of a child's case by law enforcement under
16 Article 45.310 or 45.311. The guidelines are not mandatory.

17 (g) The guidelines adopted under Subsection (f) may not
18 allow for the disposition or diversion of a child's case under
19 Article 45.310 or 45.311 if there is probable cause to believe that
20 the child may be the victim of conduct that constitutes an offense
21 under Section 20A.02, Penal Code (trafficking of persons).

22 (h) A current youth diversion plan must be maintained on
23 file for public inspection in each justice and municipal court,
24 including courts that collaborate with one or more counties or
25 municipalities.

26 (i) A court or local government may adopt rules necessary to
27 coordinate services under a youth diversion plan or to implement

1 this subchapter.

2 Art. 45.307. YOUTH DIVERSION COORDINATOR. (a) A court may
3 designate a youth diversion coordinator to assist the court in:

4 (1) determining whether a youth is eligible for
5 diversion;

6 (2) employing a diversion strategy authorized by this
7 subchapter;

8 (3) presenting and maintaining diversion agreements;

9 (4) monitoring diversions;

10 (5) maintaining records regarding whether one or more
11 diversions were successful or unsuccessful; and

12 (6) coordinating referrals to court.

13 (b) The responsibilities of the youth diversion coordinator
14 may be performed by:

15 (1) a court administrator or court clerk, or a person
16 who regularly performs the duties of court administrator or court
17 clerk;

18 (2) an individual or entity that provides juvenile
19 case manager services under Article 45.056;

20 (3) a court-related services office;

21 (4) a community supervision and corrections
22 department;

23 (5) a county or municipal employee;

24 (6) a community volunteer;

25 (7) an institution of higher learning, including a
26 private or independent institution; or

27 (8) a qualified nonprofit organization.

1 Art. 45.308. YOUTH DIVERSION ADVISORY COUNCIL. (a) A
2 commissioners court of a county or the governing body of a
3 municipality may establish a youth diversion advisory council.

4 (b) The purpose of a youth diversion advisory council is to
5 facilitate community input, suggest improvements to a youth
6 diversion plan, and make recommendations to accomplish the
7 following objectives:

8 (1) to provide children the option of an alternative,
9 non-adversarial procedure to resolve certain charges while
10 ensuring that the child's legal rights are protected;

11 (2) to authorize diversions from criminal prosecution
12 under this subchapter that emphasize accountability and
13 responsibility of the parent and the child for the child's conduct;

14 (3) to reduce recidivism and the occurrence of problem
15 behaviors without criminal prosecution in justice and municipal
16 courts;

17 (4) to identify at-risk youth and, where appropriate,
18 refer at-risk youth to services under Subchapter D, Chapter 264,
19 Family Code;

20 (5) to remove, where appropriate, the taint of
21 criminality and collateral consequences of criminal convictions
22 from children charged with certain unlawful acts;

23 (6) to encourage problem-solving approaches and the
24 use of evidence-based practices in focusing on outcomes that are in
25 the best interests of the child and the community; and

26 (7) to increase collaboration between governmental,
27 educational, and nonprofit organizations in devising local and

1 regional diversion strategies.

2 (c) The commissioners court of the county or governing body
3 of the municipality appoints the members of the youth diversion
4 advisory council. The members serve terms specified by the
5 commissioners court or governing body without compensation.

6 (d) County and municipal youth diversion advisory councils
7 may collaborate to identify best practices, share information and
8 resources, and coordinate diversion efforts under this subchapter.

9 (e) One or more counties or municipalities by agreement may
10 create a regional youth diversion advisory council.

11 Art. 45.309. WARNING NOTICE BY PEACE OFFICER. (a) In lieu
12 of taking a child into custody, issuing a citation, or filing a
13 complaint for an offense, a peace officer may issue a warning notice
14 to the child if:

15 (1) guidelines for issuing a warning notice have been
16 issued by the law enforcement agency employing the peace officer;

17 (2) the warning notice is authorized by the
18 guidelines;

19 (3) the warning notice identifies the child and
20 describes the child's alleged offense;

21 (4) a copy of the warning notice is sent to the child's
22 parent as soon as practicable; and

23 (5) a copy of the warning notice is filed with a
24 service provider, youth diversion coordinator, or other person
25 designated in the youth diversion plan.

26 (b) A warning notice filed under this article is not a
27 diversion but may be used as the basis of further action under the

1 terms of a diversion agreement.

2 Art. 45.310. PEACE OFFICER DISPOSITION. (a) In lieu of
3 issuing a citation to a child or filing a complaint in a justice or
4 municipal court, a peace officer may dispose of a case if:

5 (1) guidelines for a disposition under this article
6 have been adopted and are included in a youth diversion plan;

7 (2) the disposition is authorized by the guidelines;
8 and

9 (3) the peace officer makes a written report of the
10 officer's disposition to the law enforcement agency employing the
11 officer identifying the child and specifying the grounds for
12 believing that the child committed an offense.

13 (b) A disposition under this article may not include:

14 (1) keeping the child in law enforcement custody; or

15 (2) requiring the child to report periodically to a
16 peace officer, law enforcement agency, or other service provider.

17 (c) A disposition under this article may include:

18 (1) referral of the child to a service provider or
19 other diversion strategy specified in a youth diversion plan;

20 (2) a brief conference with the child and the child's
21 parent; or

22 (3) referral of the child and the child's parent for
23 at-risk youth services under Subchapter D, Chapter 264, Family
24 Code.

25 Art. 45.311. FIRST OFFENSE DIVERSION PROGRAM. (a) In this
26 article, "program" means a first offense diversion program
27 established under this article.

1 (b) As part of a youth diversion plan, a commissioners court
2 of a county or the governing body of a municipality may establish a
3 first offense diversion program for the referral and disposition of
4 a case before the filing of a charge for a first offense.

5 (c) A county or municipality in which a program has been
6 established shall designate one or more peace officers, law
7 enforcement agencies, or service providers to process children in
8 the program.

9 (d) In lieu of issuing a citation to a child or filing a
10 complaint in a justice or municipal court, a peace officer who has a
11 child in custody may refer the child to the peace officer, law
12 enforcement agency, or service provider designated under
13 Subsection (c) if:

14 (1) the child has not previously been referred to a
15 program under this article; and

16 (2) the officer reports the referral in writing to the
17 agency, identifying the child and specifying the grounds for taking
18 the child into custody or for accusing the child of the offense.

19 (e) A child's parent shall be notified that the child is
20 eligible to be referred to a first offense diversion program. The
21 notice must:

22 (1) state the grounds for believing that the child has
23 committed an offense;

24 (2) identify the peace officer, law enforcement
25 agency, or service provider to which the child may be referred;

26 (3) briefly describe the nature of the program; and

27 (4) state that the child's failure to complete the

1 program will result in the child being referred to court unless
2 stated otherwise in a youth diversion plan.

3 (f) Before a child is referred to a program, the child and
4 the child's parent must consent to the referral.

5 (g) A referral to a program under this article may be for a
6 period of not more than 180 days.

7 (h) Diversion strategies in a program may include:

8 (1) voluntary restitution by the child or the child's
9 parent to the victim of the child's conduct;

10 (2) voluntary community service by the child;

11 (3) educational or vocational training, counseling,
12 or other rehabilitative services;

13 (4) referral of the child to a service provider or
14 other diversion strategy specified in a youth diversion plan; and

15 (5) periodic reporting by the child to the peace
16 officer, law enforcement agency, or service provider to which the
17 child is referred.

18 (i) The case of a child who successfully completes a program
19 is closed and may not be referred to court.

20 (j) The case of a child referred to a program shall be
21 referred to a prosecutor or to court, or as specified in a youth
22 diversion plan, if:

23 (1) the child fails to complete the program;

24 (2) the child or the child's parent terminates the
25 child's participation in the program before the child completes the
26 program; or

27 (3) the child is alleged to have committed another

1 offense during the child's participation in the program.

2 (k) A statement made by a child to a person while
3 participating in a program may not be used against the child in any
4 subsequent court proceeding.

5 Art. 45.312. DIVERSION AGREEMENT. (a) A diversion
6 agreement must identify the parties to the agreement and the
7 responsibilities of the child and the child's parent to ensure
8 their meaningful participation in a diversion under Article 45.313
9 or 45.314.

10 (b) Stated objectives in a diversion agreement must be
11 measurable, realistic, and reasonable considering the
12 circumstances of the child and the best interests of the child and
13 the community.

14 (c) A diversion agreement must include:

15 (1) the terms of the agreement, including any
16 diversion strategy, written in a clear and concise manner and
17 identifying any offense or charge being diverted;

18 (2) possible consequences of a successful diversion
19 and an unsuccessful diversion;

20 (3) an explanation that participation in a diversion
21 is not an admission of guilt and a guilty plea is not required to
22 participate in a diversion;

23 (4) an explanation of the process that will be used for
24 reviewing and monitoring compliance with the terms of the
25 agreement;

26 (5) the period of the diversion;

27 (6) a verification that:

1 (A) the child and the child's parent were
2 notified of the child's rights, including the right to refuse
3 diversion; and

4 (B) the child knowingly and voluntarily consents
5 to participate in the diversion; and

6 (7) written acknowledgment and acceptance of the
7 agreement by the child and the child's parent.

8 (d) The terms of an agreement may vary depending on the
9 circumstances of the child, including the child's age and ability,
10 the charge being diverted, the diversion program, or the diversion
11 strategy.

12 (e) A charge may not be filed against a child or, if filed,
13 shall be dismissed if the child:

14 (1) does not contest the charge;

15 (2) is eligible for diversion under Article 45.304;

16 and

17 (3) accepts the terms of the agreement.

18 (f) Entering into a diversion agreement under this article
19 extends the court's jurisdiction for the term of the agreement.

20 (g) On entering into a diversion agreement, a copy of the
21 agreement shall be provided to the child and the child's parent, the
22 clerk of the court, a youth diversion coordinator, and any person
23 specified by the youth diversion plan.

24 Art. 45.313. INTERMEDIATE DIVERSION FROM COURT. (a) If
25 provided by a youth diversion plan and subject to the direction of
26 the court, a youth diversion coordinator, juvenile case manager, or
27 other designated officer of the court shall advise the child and the

1 child's parent before a case is filed that the case may be diverted
2 under this article for a reasonable period not to exceed 180 days
3 if:

4 (1) the child is eligible for diversion under Article
5 45.304;

6 (2) diversion is in the best interests of the child and
7 the community;

8 (3) the child and the child's parent consent to
9 diversion with the knowledge that diversion is optional; and

10 (4) the child and the child's parent are informed that
11 they may terminate the diversion at any time and, if terminated, the
12 case will be referred to court.

13 (b) The terms of a diversion agreement under this article
14 must be in writing and may include any of the diversion strategies
15 under Article 45.305.

16 (c) The case of a child who successfully complies with the
17 terms of a diversion agreement under this article shall be closed
18 and reported as successful to the court.

19 (d) A child who does not comply with the terms of a diversion
20 agreement under this article shall be referred to court under
21 Article 45.315.

22 (e) A statement made by a child or parent during a
23 discussion related to a diversion under this article may not be used
24 against a declarant in any subsequent court proceeding.

25 Art. 45.314. DIVERSION BY JUSTICE OR JUDGE. (a) If a
26 charge involving a child who is eligible for diversion is filed with
27 a court, a justice or judge shall divert the case under this

1 article.

2 (b) If the child does not contest the charge, a justice or
3 judge shall divert the case under this article without the child
4 having to enter a plea.

5 (c) If the child contests the charge, a justice or judge
6 shall divert the case under this article at the conclusion of trial
7 on a finding of guilt without entering a judgment of conviction as
8 provided by Article 45.041.

9 (d) A diversion under this article may not exceed 180 days.

10 (e) The terms of a diversion agreement under this article
11 must be in writing and may include any of the diversion strategies
12 described by Article 45.305.

13 (f) The case of a child who successfully complies with the
14 terms of a diversion agreement under this article shall be closed
15 and reported as successful to the court.

16 (g) A child who does not comply with the terms of a diversion
17 agreement under this article shall be referred to court for a
18 hearing under Article 45.315.

19 Art. 45.315. REFERRAL TO COURT. (a) A court shall conduct
20 a non-adversarial hearing for a child who does not successfully
21 complete the terms of a diversion under Article 45.311, 45.313, or
22 45.314 and is referred to court.

23 (b) The hearing is an opportunity for a justice or judge to
24 confer with the child and the child's parent to determine whether a
25 diversion should be declared unsuccessful by the court. The court
26 may also hear from any person who may be of assistance to the child
27 or the court in determining what is in the best interests of the

1 child and the community.

2 (c) After the hearing, a court may enter an order:

3 (1) amending or setting aside terms in a diversion
4 agreement;

5 (2) extending the diversion for a period not to exceed
6 one year;

7 (3) issuing a continuance for the hearing for a period
8 not to exceed 60 days to allow an opportunity for compliance with
9 the terms of a diversion;

10 (4) requiring the child's parent to do or refrain from
11 doing any act if the court determines that will increase the
12 likelihood the child will successfully complete the diversion and
13 comply with any other order of the court that is reasonable and
14 necessary for the welfare of the child;

15 (5) finding the diversion successful on the basis of
16 substantial compliance; or

17 (6) finding the diversion unsuccessful.

18 (d) If the court enters an order under Subsection (c)(6),
19 the court may transfer the child to juvenile court for alleged
20 conduct indicating a need for supervision under Section 51.08,
21 Family Code, if the child has previously had two unsuccessful
22 diversions.

23 (e) An order under Subsection (c)(4) is enforceable by
24 contempt.

25 Art. 45.316. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

26 (a) The clerk of a justice or municipal court may collect from a
27 child's parent a \$30 administrative fee to defray the costs of the

1 diversion of the child's case under this subchapter.

2 (b) The fee under this article may not be collected unless
3 specified as a term of the diversion agreement accepted by the
4 child's parent. If the fee is not paid after giving the child's
5 parent an opportunity to be heard, the court shall order the parent,
6 if financially able, to pay the fee to the clerk of the court.

7 (c) A court shall waive the fee if the child's parent is
8 indigent or does not have sufficient resources or income to pay the
9 fee.

10 (d) A court may adopt rules for the waiver of a fee for
11 financial hardship under this article.

12 (e) The clerk of the court shall keep a record of the fees
13 collected under this article and shall forward the funds to the
14 county treasurer, municipal treasurer, or person fulfilling the
15 role of a county treasurer or municipal treasurer, as appropriate.

16 (f) The fee collected under this article shall be deposited
17 in a special account that can be used only to offset the cost of the
18 operations of youth diversion programs under this subchapter.

19 (g) Except for the fee authorized under Subsection (a), a
20 fee may not be assessed for a child diverted under this subchapter.

21 (h) The diversion of a child may not be contingent on
22 payment of a fee under this article.

23 Art. 45.317. DIVERSION RECORDS. (a) A justice or
24 municipal court shall maintain statistics for each diversion
25 strategy authorized by this subchapter.

26 (b) Statistics indicating the number of warning notices
27 under Article 45.309 and types of dispositions or diversions made

1 by a law enforcement agency under Article 45.310 or 45.311 shall be
2 reported at least annually to the justice or municipal court or
3 youth diversion coordinator as specified by a youth diversion plan.
4 Statistics shall include the age, gender, and ethnicity of the
5 child and the offense alleged by law enforcement to have been
6 committed by the child.

7 (c) Other than statistical records, all records generated
8 under this subchapter are confidential under Article 45.0217.

9 (d) All records of a diversion pertaining to a child under
10 this subchapter may be expunged after the child's 17th birthday and
11 shall, without requirement for a motion or request, be expunged
12 before the child's 18th birthday.

13 SECTION 2. Articles 42.15(a-1) and (d), Code of Criminal
14 Procedure, are amended to read as follows:

15 (a-1) Notwithstanding any other provision of this article,
16 during or immediately after imposing a sentence in a case in which
17 the defendant entered a plea in open court as provided by Article
18 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the
19 defendant has sufficient resources or income to immediately pay all
20 or part of the fine and costs. If the court determines that the
21 defendant does not have sufficient resources or income to
22 immediately pay all or part of the fine and costs, the court shall
23 determine whether the fine and costs should be:

24 (1) subject to Subsection (c), required to be paid at
25 some later date or in a specified portion at designated intervals;

26 (2) discharged by performing community service
27 under ~~[, as applicable,]~~ Article 43.09(f) or ~~[, Article]~~ 45.049~~[,]~~

1 ~~Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the~~
2 ~~82nd Legislature, Regular Session, 2011, or Article 45.0492, as~~
3 ~~added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,~~
4 ~~Regular Session, 2011];~~

5 (3) waived in full or in part under Article 43.091 or
6 45.0491; or

7 (4) satisfied through any combination of methods under
8 Subdivisions (1)-(3).

9 (d) A judge may allow a defendant who is a child, as defined
10 by Article 45.058(h), to elect at the time of conviction, as defined
11 by Section 133.101, Local Government Code, to discharge the fine
12 and costs by:

13 (1) performing community service or receiving
14 tutoring under Article 45.049 [~~45.0492, as added by Chapter 227~~
15 ~~(H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];~~
16 or

17 (2) paying the fine and costs in a manner described by
18 Subsection (b).

19 SECTION 3. Article 44.2811, Code of Criminal Procedure, as
20 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.
21 393), Acts of the 83rd Legislature, Regular Session, 2013, is
22 reenacted and amended to read as follows:

23 Art. 44.2811. RECORDS RELATING TO CERTAIN [~~OR RECEIVING~~
24 ~~DEFERRED DISPOSITION FOR]~~ FINE-ONLY MISDEMEANORS COMMITTED BY A
25 CHILD. All records and files and information stored by electronic
26 means or otherwise, from which a record or file could be generated,
27 relating to a criminal case for a fine-only misdemeanor, other than

1 a traffic offense, that is committed by a child and that is appealed
2 are confidential and may not be disclosed to the public except as
3 provided under Article 45.0217(b). [~~(a) This article applies only~~
4 ~~to a misdemeanor offense punishable by fine only, other than a~~
5 ~~traffic offense.~~

6 [~~(b) All records and files and information stored by~~
7 ~~electronic means or otherwise, from which a record or file could be~~
8 ~~generated, relating to a child who is convicted of and has satisfied~~
9 ~~the judgment for or who has received a dismissal after deferral of~~
10 ~~disposition for an offense described by Subsection (a) are~~
11 ~~confidential and may not be disclosed to the public except as~~
12 ~~provided under Article 45.0217(b).]~~

13 SECTION 4. Article 45.0215(a), Code of Criminal Procedure,
14 is amended to read as follows:

15 (a) Subject to the requirements of Subchapter E, this [~~This~~
16 article applies to a defendant who has not had the disabilities of
17 minority removed and has been:

18 (1) charged with an offense other than an offense
19 under Section 43.261, Penal Code, if the defendant is younger than
20 17 years of age; or

21 (2) charged with an offense under Section 43.261,
22 Penal Code, if the defendant is younger than 18 years of age.

23 SECTION 5. Article 45.0217, Code of Criminal Procedure, as
24 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.
25 393), Acts of the 83rd Legislature, Regular Session, 2013, is
26 reenacted and amended to read as follows:

27 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES

1 AGAINST OR ~~[THE]~~ CONVICTION OF ~~[OR DEFERRAL OF DISPOSITION FOR]~~ A
2 CHILD. (a) ~~[This article applies only to a misdemeanor offense~~
3 ~~punishable by fine only, other than a traffic offense.]~~

4 ~~[(a-1)]~~ Except as provided by Article 15.27 and Subsection
5 (b), all records and files, including those held by law
6 enforcement, and information stored by electronic means or
7 otherwise, from which a record or file could be generated, relating
8 to a child who is charged with, is convicted of, is found not guilty
9 of, had a charge dismissed for, or is granted deferred disposition
10 for a fine-only misdemeanor ~~[for or who has received a dismissal~~
11 ~~after deferral of disposition for an]~~ offense other than a traffic
12 offense ~~[described by Subsection (a)]~~ are confidential and may not
13 be disclosed to the public.

14 (b) Information subject to Subsection (a) ~~[(a-1)]~~ may be
15 open to inspection only by:

16 (1) judges, prosecutors, and the staff of the judges
17 or prosecutors ~~[or court staff];~~

18 (2) a criminal justice agency for a criminal justice
19 purpose, as those terms are defined by Section 411.082, Government
20 Code;

21 (3) the Department of Public Safety;

22 (4) an attorney for a party to the proceeding;

23 (5) the child defendant; ~~[or]~~

24 (6) the defendant's parent, guardian, or managing
25 conservator;

26 (7) a governmental agency if the disclosure is:

27 (A) required or authorized by law; or

1 (B) for the purpose of maintaining statistical
2 records of recidivism and for diagnosis and classification;

3 (8) an individual or entity to whom the child is
4 referred for treatment or services if the agency or institution
5 disclosing the information has entered into a written
6 confidentiality agreement with the individual or entity regarding
7 the protection of the disclosed information; or

8 (9) with leave of the justice or municipal court, any
9 other person having a legitimate interest in the proceeding or in
10 the work of the court.

11 SECTION 6. Articles 45.041(a-1), (b-3), and (b-5), Code of
12 Criminal Procedure, are amended to read as follows:

13 (a-1) Notwithstanding any other provision of this article,
14 during or immediately after imposing a sentence in a case in which
15 the defendant entered a plea in open court as provided by Article
16 27.14(a) or 27.16(a), the justice or judge shall inquire whether
17 the defendant has sufficient resources or income to immediately pay
18 all or part of the fine and costs. If the justice or judge
19 determines that the defendant does not have sufficient resources or
20 income to immediately pay all or part of the fine and costs, the
21 justice or judge shall determine whether the fine and costs should
22 be:

23 (1) subject to Subsection (b-2), required to be paid
24 at some later date or in a specified portion at designated
25 intervals;

26 (2) discharged by performing community service
27 under [~~as applicable,~~] Article 45.049 [~~Article 45.0492, as added~~

1 ~~by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular~~
2 ~~Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B.~~
3 ~~1964), Acts of the 82nd Legislature, Regular Session, 2011];~~

4 (3) waived in full or in part under Article 45.0491; or

5 (4) satisfied through any combination of methods under
6 Subdivisions (1)-(3).

7 (b-3) If a diversion is not required under Subchapter E or
8 Subsection (b-5), a [A] judge shall [may] allow a defendant who is a
9 child, as defined by Article 45.058(h), to elect at the time of
10 conviction, as defined by Section 133.101, Local Government Code,
11 to discharge the fine and costs by:

12 (1) performing community service or receiving
13 tutoring under Article 45.049 [~~45.0492, as added by Chapter 227~~
14 ~~(H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];~~
15 or

16 (2) paying the fine and costs in a manner described by
17 Subsection (b).

18 (b-5) If a case involving a child who is eligible for
19 diversion under Article 45.304 results in a trial, on a finding of
20 guilt, without entering a judgment, sentence, or conviction, the
21 justice or judge shall order a diversion under Article 45.314 [The
22 requirement under Article 45.0492(a), as added by Chapter 227 (H.B.
23 350), Acts of the 82nd Legislature, Regular Session, 2011, that an
24 offense occur in a building or on the grounds of the primary or
25 secondary school at which the defendant was enrolled at the time of
26 the offense does not apply to the performance of community service
27 or the receipt of tutoring to discharge a fine or costs under

1 ~~Subsection (b-3)(1)]~~.

2 SECTION 7. Articles 45.049(a), (b), (c), (d), (f), and (i),
3 Code of Criminal Procedure, are amended to read as follows:

4 (a) A justice or judge may require a defendant who fails to
5 pay a previously assessed fine or costs, ~~[or]~~ who is determined by
6 the court to have insufficient resources or income to pay a fine or
7 costs, or who is a child and assessed a fine or costs to discharge
8 all or part of the fine or costs by performing community service. A
9 defendant may discharge an obligation to perform community service
10 under this article by paying at any time the fine and costs
11 assessed.

12 (b) In the justice's or judge's order requiring a defendant
13 to perform community service under this article, the justice or
14 judge must specify:

15 (1) the number of hours of community service the
16 defendant is required to perform, not to exceed 20 hours if the
17 defendant is a child; and

18 (2) the date by which the defendant must submit to the
19 court documentation verifying the defendant's completion of the
20 community service.

21 (c) The justice or judge may order the defendant to perform
22 community service under this article:

23 (1) by attending:

24 (A) a work and job skills training program;

25 (B) a preparatory class for the high school
26 equivalency examination administered under Section 7.111,
27 Education Code;

- 1 (C) an alcohol or drug abuse program;
- 2 (D) a rehabilitation program;
- 3 (E) a counseling program, including a
- 4 self-improvement program;
- 5 (F) a mentoring program;
- 6 (G) a tutoring program if the defendant is a
- 7 child; or

8 (H) [~~(G)~~] any similar activity; or

9 (2) for:

- 10 (A) a governmental entity;
- 11 (B) a nonprofit organization or another
- 12 organization that provides services to the general public that
- 13 enhance social welfare and the general well-being of the community,
- 14 as determined by the justice or judge; or
- 15 (C) an educational institution.

16 (d) A justice or judge may not order a defendant to perform

17 more than 16 hours per week of community service under this article

18 unless the justice or judge determines that requiring the defendant

19 to perform additional hours does not impose an undue hardship on the

20 defendant or the defendant's dependents, or if the defendant is a

21 child, on the defendant or the defendant's family. In this

22 subsection, "family" has the meaning assigned by Section 71.003,

23 Family Code.

24 (f) A sheriff, employee of a sheriff's department, county

25 commissioner, county employee, county judge, justice of the peace,

26 municipal court judge, or officer or employee of a political

27 subdivision other than a county or an entity that accepts a

1 defendant under this article or Subchapter E to perform community
2 service is not liable for damages arising from an act or failure to
3 act in connection with community service performed by a defendant
4 under this article or Subchapter E if the act or failure to act:

5 (1) was performed pursuant to court order; and

6 (2) was not intentional, wilfully or wantonly
7 negligent, or performed with conscious indifference or reckless
8 disregard for the safety of others.

9 (i) A community supervision and corrections department, a
10 local juvenile probation department, or a court-related services
11 office may provide the administrative and other services necessary
12 for supervision of a defendant required to perform community
13 service under this article.

14 SECTION 8. Article 45.051(a-1), Code of Criminal Procedure,
15 is amended to read as follows:

16 (a-1) Notwithstanding any other provision of law, as an
17 alternative to requiring a defendant charged with one or more
18 offenses to make payment of all fines and court costs as required by
19 Subsection (a), the judge may:

20 (1) allow the defendant to enter into an agreement for
21 payment of those fines and costs in installments during the
22 defendant's period of probation;

23 (2) require an eligible defendant to discharge all or
24 part of those fines and costs by performing community service or
25 attending a tutoring program under Article 45.049 [~~or under Article~~
26 ~~45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd~~
27 ~~Legislature, Regular Session, 2011]~~];

1 (3) waive all or part of those fines and costs under
2 Article 45.0491; or

3 (4) take any combination of actions authorized by
4 Subdivision (1), (2), or (3).

5 SECTION 9. Articles 45.056(a), (b), (d), (e), (g), and (h),
6 Code of Criminal Procedure, are amended to read as follows:

7 (a) On approval of the commissioners court, city council,
8 school district board of trustees, juvenile board, or other
9 appropriate authority, a county court, justice court, municipal
10 court, school district, juvenile probation department, or other
11 appropriate governmental entity may:

12 (1) employ a juvenile case manager or contract for a
13 juvenile case manager to provide services in cases involving:

14 (A) youth diversion under Subchapter E;

15 (B) children [~~juvenile offenders~~] who are before
16 a court consistent with the court's statutory powers; or

17 (C) children who are referred to a court by a
18 school administrator or designee for misconduct that would
19 otherwise be within the court's statutory powers prior to a case
20 being filed, with the consent of the juvenile and the juvenile's
21 parents or guardians;

22 (2) employ or contract for the services of one or more
23 juvenile case managers who:

24 (A) shall assist the court in administering the
25 court's juvenile docket and in supervising the court's orders in
26 juvenile cases; and

27 (B) may provide:

1 (i) prevention services to a child
2 considered at risk of entering the juvenile justice system; and

3 (ii) youth diversion [~~intervention~~]
4 services to juveniles engaged in misconduct before cases are filed,
5 excluding traffic offenses; or

6 (3) agree in accordance with Chapter 791, Government
7 Code, with any appropriate governmental entity to jointly employ a
8 juvenile case manager, jointly contract for juvenile case manager
9 services, or [~~to~~] jointly contribute to the costs of a juvenile case
10 manager or juvenile case manager [~~employed by one governmental~~
11 ~~entity to provide~~] services described by Subdivisions (1) and (2).

12 (b) A local entity may apply or more than one local entity
13 may jointly apply to the criminal justice division of the
14 governor's office for reimbursement of all or part of the costs of
15 employing one or more juvenile case managers or contracting for
16 juvenile case manager services from funds appropriated to the
17 governor's office or otherwise available for purposes of youth
18 diversion [~~that purpose~~]. To be eligible for reimbursement, the
19 entity applying must present to the governor's office a
20 comprehensive plan to reduce juvenile crimes in the entity's
21 jurisdiction and a youth diversion plan under Article 45.306 that
22 addresses the role of the juvenile case manager in that effort.

23 (d) The court or governing body may pay from the local youth
24 diversion fund established under Section 134.156, Local Government
25 Code:

26 (1) the salary and benefits of a juvenile case
27 manager;

1 (2) the costs of contracting for juvenile case manager
2 services; and

3 (3) the costs of training, travel, office supplies,
4 and other necessary expenses relating to the position of the
5 juvenile case manager and juvenile case manager services [~~from the~~
6 ~~local truancy prevention and diversion fund established under~~
7 ~~Section 134.156, Local Government Code~~].

8 (e) A juvenile case manager [~~employed under Subsection (c)~~]
9 shall give priority to cases brought under Section [~~Sections~~]
10 25.093 [~~and 25.094~~], Education Code, Chapter 65, Family Code, and
11 youth diversion under Subchapter E.

12 (g) A [~~The employing~~] court or governmental entity under
13 this article shall implement the rules adopted under Subsection
14 (f).

15 (h) The commissioners court or governing body of the
16 municipality that administers a local youth [~~truancy prevention~~
17 ~~and~~] diversion fund under Section 134.156, Local Government Code,
18 shall require periodic review of juvenile case managers to ensure
19 the implementation of the rules adopted under Subsection (f).

20 SECTION 10. Article 45.056(c), Code of Criminal Procedure,
21 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of
22 the 83rd Legislature, Regular Session, 2013, is reenacted and
23 amended to read as follows:

24 (c) An entity that jointly employs a juvenile case manager,
25 jointly contracts for juvenile case manager services, or jointly
26 contributes to the costs of a juvenile case manager or juvenile case
27 manager services under Subsection (a)(3) employs a juvenile case

1 manager for purposes of Chapter 102 of this code and Chapter 102,
2 Government Code.

3 SECTION 11. The heading to Article 102.014, Code of
4 Criminal Procedure, is amended to read as follows:

5 Art. 102.014. FINES FOR CHILD SAFETY FUND [~~IN~~
6 ~~MUNICIPALITIES~~].

7 SECTION 12. Articles 102.014(g) and (h), Code of Criminal
8 Procedure, are amended to read as follows:

9 (g) In a municipality with a population less than 850,000
10 according to the most recent federal decennial census, the money
11 collected under this article in a municipal court case must be used
12 for a school crossing guard program if the municipality operates
13 one. If the municipality does not operate a school crossing guard
14 program or if the money received from fines from municipal court
15 cases exceeds the amount necessary to fund the school crossing
16 guard program, the municipality may:

17 (1) deposit the additional money in an
18 interest-bearing account;

19 (2) expend the additional money for programs designed
20 to enhance child safety, health, or nutrition, including child
21 abuse prevention and intervention, youth diversion, and drug and
22 alcohol abuse prevention; or

23 (3) expend the additional money for programs designed
24 to enhance public safety and security.

25 (h) Money collected under this article in a justice, county,
26 or district court shall be used to fund school crossing guard
27 programs in the county where they are collected. If the county does

1 not operate a school crossing guard program, the county may:

2 (1) remit fine revenues to school districts in its
3 jurisdiction for the purpose of providing school crossing guard
4 services;

5 (2) fund programs the county is authorized by law to
6 provide which are designed to enhance child safety, health, or
7 nutrition, including child abuse prevention and intervention,
8 youth diversion, and drug and alcohol abuse prevention;

9 (3) provide funding to the sheriff's department for
10 school-related activities;

11 (4) provide funding to the county juvenile probation
12 department; or

13 (5) deposit the money in the general fund of the
14 county.

15 SECTION 13. Article [102.0171](#), Code of Criminal Procedure,
16 is amended by amending Subsections (a) and (c) and adding
17 Subsection (e) to read as follows:

18 (a) A defendant convicted of an offense under Section [28.08](#),
19 Penal Code, in a municipal court, justice court, county court,
20 county court at law, or district court shall pay a fine of \$50 for
21 juvenile delinquency prevention and graffiti eradication.

22 (c) The clerks of the respective courts shall collect the
23 fines and pay the fines to the county treasurer, municipal
24 treasurer, or to any other official who discharges the duties
25 commonly delegated to the county or municipal treasurer for deposit
26 in a fund to be known as the county juvenile delinquency prevention
27 fund or municipal juvenile delinquency prevention fund. A fund

1 designated by this subsection may be used only to:

2 (1) repair damage caused by the commission of offenses
3 under Section 28.08, Penal Code;

4 (2) provide educational and intervention programs and
5 materials, including printed educational materials for
6 distribution to primary and secondary school students, designed to
7 prevent individuals from committing offenses under Section 28.08,
8 Penal Code;

9 (3) provide to the public rewards for identifying and
10 aiding in the apprehension and prosecution of offenders who commit
11 offenses under Section 28.08, Penal Code;

12 (4) provide funding for teen recognition and teen
13 recreation programs;

14 (5) provide funding for local teen court programs;

15 (6) provide funding for the local juvenile probation
16 department; ~~and~~

17 (7) provide educational and intervention programs
18 designed to prevent juveniles from engaging in delinquent conduct;
19 and

20 (8) provide funding for youth diversion under
21 Subchapter E, Chapter 45.

22 (e) The municipal juvenile delinquency prevention fund
23 shall be administered by or under the direction of the governing
24 body of a municipality.

25 SECTION 14. Section 52.03(a), Family Code, is amended to
26 read as follows:

27 (a) A law-enforcement officer authorized by this title to

1 take a child into custody may dispose of the case of a child taken
2 into custody [~~or accused of a Class C misdemeanor, other than a~~
3 ~~traffic offense,~~] without referral to juvenile court [~~or charging a~~
4 ~~child in a court of competent criminal jurisdiction,~~] if:

5 (1) guidelines for such disposition have been adopted
6 by the juvenile board of the county in which the disposition is made
7 as required by Section 52.032;

8 (2) the disposition is authorized by the guidelines;
9 and

10 (3) the officer makes a written report of the officer's
11 disposition to the law-enforcement agency, identifying the child
12 and specifying the grounds for believing that the taking into
13 custody [~~or accusation of criminal conduct~~] was authorized.

14 SECTION 15. Section 52.031(a), Family Code, is amended to
15 read as follows:

16 (a) A juvenile board may establish a first offender program
17 under this section for the referral and disposition of children
18 taken into custody for [~~, or accused prior to the filing of a~~
19 ~~criminal charge, of~~]:

20 (1) conduct indicating a need for supervision; or

21 (2) [~~a Class C misdemeanor, other than a traffic~~
22 ~~offense, or~~

23 [~~(3)~~] delinquent conduct other than conduct that
24 constitutes:

25 (A) a felony of the first, second, or third
26 degree, an aggravated controlled substance felony, or a capital
27 felony; or

1 (B) a state jail felony or misdemeanor involving
2 violence to a person or the use or possession of a firearm,
3 location-restricted knife, or club, as those terms are defined by
4 Section 46.01, Penal Code, or a prohibited weapon, as described by
5 Section 46.05, Penal Code.

6 SECTION 16. Sections 52.031(d), (f), (i), and (j), Family
7 Code, as amended by Chapters 1407 (S.B. 393) and 1409 (S.B. 1114),
8 Acts of the 83rd Legislature, Regular Session, 2013, are reenacted
9 and amended to read as follows:

10 (d) A law enforcement officer taking a child into custody
11 ~~[or accusing a child of an offense described in Subsection (a)(2)]~~
12 may refer the child to the law enforcement officer or agency
13 designated under Subsection (b) for disposition under the first
14 offender program and not refer the child to juvenile court ~~[or a~~
15 ~~court of competent criminal jurisdiction]~~ only if:

16 (1) the child has not previously been adjudicated as
17 having engaged in delinquent conduct;

18 (2) the referral complies with guidelines for
19 disposition under Subsection (c); and

20 (3) the officer reports in writing the referral to the
21 agency, identifying the child and specifying the grounds for taking
22 the child into custody ~~[or accusing a child of an offense described~~
23 ~~in Subsection (a)(2)]~~.

24 (f) The parent, guardian, or other custodian of the child
25 must receive notice that the child has been referred for
26 disposition under the first offender program. The notice must:

27 (1) state the grounds for taking the child into

1 custody [~~or accusing a child of an offense described in Subsection~~
2 ~~(a)(2)~~];

3 (2) identify the law enforcement officer or agency to
4 which the child was referred;

5 (3) briefly describe the nature of the program; and

6 (4) state that the child's failure to complete the
7 program will result in the child being referred to the juvenile
8 court [~~or a court of competent criminal jurisdiction~~].

9 (i) The case of a child who successfully completes the first
10 offender program is closed and may not be referred to juvenile court
11 [~~or a court of competent criminal jurisdiction~~], unless the child
12 is taken into custody under circumstances described by Subsection
13 (j)(3).

14 (j) The case of a child referred for disposition under the
15 first offender program shall be referred to juvenile court [~~or a~~
16 ~~court of competent criminal jurisdiction~~] if:

17 (1) the child fails to complete the program;

18 (2) the child or the parent, guardian, or other
19 custodian of the child terminates the child's participation in the
20 program before the child completes it; or

21 (3) the child completes the program but is taken into
22 custody under Section 52.01 before the 90th day after the date the
23 child completes the program for conduct other than the conduct for
24 which the child was referred to the first offender program.

25 SECTION 17. Section 264.302(e), Family Code, is amended to
26 read as follows:

27 (e) The department shall provide services for a child and

1 the child's family if a contract to provide services under this
2 section is available in the county and the child is referred to the
3 department as an at-risk child by:

4 (1) a juvenile court or probation department as part
5 of a progressive sanctions program under Chapter 59;

6 (2) a law enforcement officer or agency under Article
7 45.310 or 45.311, Code of Criminal Procedure, or Section 52.03 of
8 this code; or

9 (3) a justice or municipal court under Article 45.057,
10 45.313, or 45.314, Code of Criminal Procedure.

11 SECTION 18. Section 133.102(e), Local Government Code, is
12 amended to read as follows:

13 (e) The comptroller shall allocate the court costs received
14 under this section to the following accounts and funds so that each
15 receives to the extent practicable, utilizing historical data as
16 applicable, the same amount of money the account or fund would have
17 received if the court costs for the accounts and funds had been
18 collected and reported separately, except that the account or fund
19 may not receive less than the following percentages:

20 (1) crime stoppers assistance account
21 0.2427 percent;

22 (2) breath alcohol testing account
23 0.3900 percent;

24 (3) Bill Blackwood Law Enforcement Management
25 Institute account
26 1.4741 percent;

27 (4) Texas Commission on Law Enforcement account

1 3.4418 percent;
2 (5) law enforcement and custodial officer supplement
3 retirement trust fund
4 7.2674 percent;
5 (6) criminal justice planning account
6 8.5748 percent;
7 (7) an account in the state treasury to be used only
8 for the establishment and operation of the Center for the Study and
9 Prevention of Juvenile Crime and Delinquency at Prairie View A&M
10 University
11 0.8540 percent;
12 (8) compensation to victims of crime account
13 24.6704 percent;
14 (9) emergency radio infrastructure account
15 3.6913 percent;
16 (10) judicial and court personnel training account
17 3.3224 percent;
18 (11) an account in the state treasury to be used for
19 the establishment and operation of the Correctional Management
20 Institute of Texas and Criminal Justice Center account [~~Account~~]
21 0.8522 percent;
22 (12) fair defense account
23 17.8857 percent;
24 (13) judicial fund
25 12.2667 percent;
26 (14) DNA testing account
27 0.1394 percent;

- 1 (15) specialty court account
2 1.0377 percent;
3 (16) statewide electronic filing system account
4 0.5485 percent;
5 (17) jury service fund
6 6.4090 percent;
7 (18) youth [~~truancy prevention and~~] diversion account
8 2.5956 percent; and
9 (19) transportation administrative fee account
10 4.3363 percent.

11 SECTION 19. Section [133.125](#), Local Government Code, is
12 amended to read as follows:

13 Sec. 133.125. ALLOCATION OF FEES TO YOUTH [~~TRUANCY~~
14 ~~PREVENTION AND~~] DIVERSION ACCOUNT. (a) The youth [~~truancy~~
15 ~~prevention and~~] diversion account is a dedicated account in the
16 general revenue fund. The account consists of money allocated to
17 the account under Section [133.102](#)(e).

18 (b) The legislature may appropriate money from the youth
19 [~~truancy prevention and~~] diversion account only to the criminal
20 justice division of the governor's office for distribution to local
21 governmental entities for youth diversion [~~truancy prevention and~~
22 ~~intervention~~] services.

23 (c) A local governmental entity may request funds from the
24 criminal justice division of the governor's office for providing
25 youth diversion [~~truancy prevention and intervention~~] services.
26 The division may award the requested funds based on the
27 availability of appropriated funds and subject to the application

1 procedure and eligibility requirements specified by division rule.

2 SECTION 20. Section 134.103(b), Local Government Code, is
3 amended to read as follows:

4 (b) The treasurer shall allocate the court costs received
5 under this section to the following accounts and funds so that each
6 receives to the extent practicable, utilizing historical data as
7 applicable, the same amount of money the account or fund would have
8 received if the court costs for the accounts and funds had been
9 collected and reported separately, except that the account or fund
10 may not receive less than the following percentages:

11 (1) the courthouse security fund or municipal court
12 building security fund, as appropriate
13 35 percent;

14 (2) the local youth [~~truancy prevention and~~] diversion
15 fund
16 35.7143 percent;

17 (3) the justice court technology fund or municipal
18 court technology fund, as appropriate
19 28.5714 percent; and

20 (4) the county or municipal jury fund, as appropriate
21 0.7143 percent.

22 SECTION 21. The heading to Section 134.156, Local
23 Government Code, is amended to read as follows:

24 Sec. 134.156. LOCAL YOUTH [~~TRUANCY PREVENTION AND~~]
25 DIVERSION FUND.

26 SECTION 22. Section 134.156(a), Local Government Code, is
27 amended to read as follows:

1 (a) Money allocated under Section [134.103](#) to the local youth
2 ~~[truancy prevention and]~~ diversion fund maintained in the county or
3 municipal treasury as required by Section [134.151](#) may be used by a
4 county or municipality to finance the salary, benefits, training,
5 travel expenses, office supplies, and other necessary expenses
6 relating to the position of a juvenile case manager employed or
7 contracted under Article [45.056](#), Code of Criminal Procedure. If
8 there is money in the fund after those costs are paid, subject to
9 the direction of the governing body of the county or municipality
10 and on approval by the employing court, a juvenile case manager may
11 direct the remaining money to be used to implement programs
12 directly related to the duties of the juvenile case manager,
13 including juvenile alcohol and substance abuse programs,
14 educational and leadership programs, and any other projects
15 designed to prevent or reduce the number of juvenile referrals to
16 the court.

17 SECTION 23. The following laws are repealed:

18 (1) Article [45.0492](#), Code of Criminal Procedure, as
19 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
20 Regular Session, 2011;

21 (2) Article [45.0492](#), Code of Criminal Procedure, as
22 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,
23 Regular Session, 2011;

24 (3) Article [42.15](#)(f), Code of Criminal Procedure; and

25 (4) Section [52.031](#)(a-1), Family Code.

26 SECTION 24. Not later than September 1, 2022, each justice
27 and municipal court shall implement a youth diversion plan under

1 Subchapter E, Chapter 45, Code of Criminal Procedure, as added by
2 this Act.

3 SECTION 25. The changes in law made by this Act apply only
4 to an offense committed on or after September 1, 2022. An offense
5 committed before September 1, 2022, is governed by the law in effect
6 on the date the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before September 1, 2022, if any element of
9 the offense occurred before that date.

10 SECTION 26. This Act takes effect September 1, 2021.