

1-1 By: Leach, Garcia (Senate Sponsor - Zaffirini) H.B. No. 3186  
1-2 (In the Senate - Received from the House May 10, 2023;  
1-3 May 11, 2023, read first time and referred to Committee on Criminal  
1-4 Justice; May 17, 2023, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	X		
1-9	<u>Flores</u>	X		
1-10	<u>Bettencourt</u>	X		
1-11	<u>Hinojosa</u>	X		
1-12	<u>Huffman</u>	X		
1-13	<u>King</u>	X		
1-14	<u>Miles</u>	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to youth diversion strategies and procedures for children  
1-18 accused of certain fine-only offenses in municipal and justice  
1-19 courts and related criminal justice matters; authorizing fees.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. This Act may be cited as the Texas Youth  
1-22 Diversion and Early Intervention Act.

1-23 SECTION 2. Chapter 45, Code of Criminal Procedure, is  
1-24 amended by adding Subchapter E to read as follows:

1-25 SUBCHAPTER E. YOUTH DIVERSION

1-26 Art. 45.301. DEFINITIONS. In this subchapter:

1-27 (1) "Charge" means a formal or informal allegation of  
1-28 an offense, including a citation, written promise to appear,  
1-29 complaint, or pending complaint.

1-30 (2) "Child" has the meaning assigned by Article  
1-31 45.058(h).

1-32 (3) "Court" means a justice court, municipal court, or  
1-33 other court subject to this chapter.

1-34 (4) "Diversion" means an intervention strategy that  
1-35 redirects a child from formal criminal prosecution and holds the  
1-36 child accountable for the child's actions. The term includes  
1-37 diversion under Article 45.309 or 45.310.

1-38 (5) "Offense" means a misdemeanor punishable by fine  
1-39 only, other than a traffic offense.

1-40 (6) "Parent" has the meaning assigned by Article  
1-41 45.057(a).

1-42 (7) "Service provider" means a governmental agency,  
1-43 political subdivision, open-enrollment charter school, nonprofit  
1-44 organization, or other entity that provides services to children or  
1-45 families.

1-46 (8) "Youth diversion plan" means a plan adopted under  
1-47 Article 45.306.

1-48 Art. 45.302. APPLICABILITY. This subchapter applies only  
1-49 to a child who is alleged to have engaged in conduct that  
1-50 constitutes a misdemeanor punishable by fine only, other than a  
1-51 traffic offense.

1-52 Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED.  
1-53 Nothing in this subchapter precludes:

1-54 (1) a case involving a child from being referred,  
1-55 adjudicated, or disposed of as conduct indicating a need for  
1-56 supervision under Title 3, Family Code; or

1-57 (2) a waiver of criminal jurisdiction and transfer of  
1-58 a child's case as provided by Section 51.08, Family Code.

1-59 Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as  
1-60 otherwise provided by this subchapter, a child shall be diverted  
1-61 from formal criminal prosecution as provided by this subchapter.

2-1 (b) A child is eligible to enter into a diversion agreement  
2-2 under this subchapter only once every 365 days.

2-3 (c) A child is not eligible for diversion if the child has  
2-4 previously had an unsuccessful diversion under this subchapter.

2-5 (d) A child is not eligible for diversion if a diversion is  
2-6 objected to by the attorney representing the state.

2-7 (e) A court may not divert a child from criminal prosecution  
2-8 as provided by this subchapter without the written consent of the  
2-9 child and the child's parent.

2-10 Art. 45.305. DIVERSION STRATEGIES. (a) Diversion  
2-11 strategies include:

2-12 (1) requiring a child to participate in a program,  
2-13 including:

2-14 (A) a court-approved teen court program operated  
2-15 by a service provider;

2-16 (B) a school-related program;

2-17 (C) an educational program, including an alcohol  
2-18 awareness program, a tobacco awareness program, or a drug education  
2-19 program;

2-20 (D) a rehabilitation program; or

2-21 (E) a self-improvement program, including a  
2-22 program relating to self-esteem, leadership, self-responsibility,  
2-23 empathy, parenting, parental responsibility, manners, violence  
2-24 avoidance, anger management, life skills, wellness, or dispute  
2-25 resolution;

2-26 (2) referring a child to a service provider for  
2-27 services, including:

2-28 (A) at-risk youth services under Subchapter D,  
2-29 Chapter 264, Family Code;

2-30 (B) juvenile case manager services under Article  
2-31 45.056;

2-32 (C) work and job skills training, including job  
2-33 interviewing and work preparation;

2-34 (D) academic monitoring or tutoring, including  
2-35 preparation for a high school equivalency examination administered  
2-36 under Section 7.111, Education Code;

2-37 (E) community-based services;

2-38 (F) mental health screening and clinical  
2-39 assessment;

2-40 (G) counseling, including private or in-school  
2-41 counseling; or

2-42 (H) mentoring services;

2-43 (3) requiring a child to:

2-44 (A) participate in mediation or other dispute  
2-45 resolution processes;

2-46 (B) submit to alcohol or drug testing; or

2-47 (C) substantially comply with a course of  
2-48 treatment prescribed by a physician or other licensed medical or  
2-49 mental health professional; and

2-50 (4) requiring a child, by court order, to:

2-51 (A) pay restitution not to exceed \$100 for an  
2-52 offense against property under Title 7, Penal Code;

2-53 (B) perform not more than 20 hours of community  
2-54 service; or

2-55 (C) perform any other reasonable action  
2-56 determined by the court.

2-57 (b) A diversion strategy may be imposed under:

2-58 (1) an intermediate diversion under Article 45.309;

2-59 (2) a diversion by a justice or judge under Article  
2-60 45.310; or

2-61 (3) a system of graduated sanctions for certain school  
2-62 offenses under Section 37.144, Education Code.

2-63 (c) A diversion strategy under this subchapter may not  
2-64 require a child who is a home-schooled student, as defined by  
2-65 Section 29.916, Education Code, to:

2-66 (1) attend an elementary or secondary school; or

2-67 (2) use an educational curriculum other than the  
2-68 curriculum selected by the parent.

2-69 Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion

3-1 plan is a written plan that describes the types of strategies that  
3-2 will be used to implement youth diversion. A youth diversion plan  
3-3 does not limit the types of diversion strategies that may be imposed  
3-4 under a diversion agreement under Article 45.308.

3-5 (b) Each justice and municipal court shall adopt a youth  
3-6 diversion plan.

3-7 (c) A youth diversion plan may be devised for a county or  
3-8 municipality or an individual court within a county or  
3-9 municipality.

3-10 (d) In accordance with Chapter 791, Government Code, a local  
3-11 government may enter into an agreement with one or more local  
3-12 governments to create a regional youth diversion plan and  
3-13 collaborate in the implementation of this subchapter.

3-14 (e) A youth diversion plan may include an agreement with a  
3-15 service provider to provide services for a diversion strategy.

3-16 (f) A youth diversion plan may contain guidelines for  
3-17 disposition or diversion of a child's case by law enforcement. The  
3-18 guidelines are not mandatory.

3-19 (g) A current youth diversion plan must be maintained on  
3-20 file for public inspection in each justice and municipal court,  
3-21 including courts that collaborate with one or more counties or  
3-22 municipalities.

3-23 (h) A court or local government may adopt rules necessary to  
3-24 coordinate services under a youth diversion plan or to implement  
3-25 this subchapter.

3-26 Art. 45.307. YOUTH DIVERSION COORDINATOR. (a) A court may  
3-27 designate a youth diversion coordinator to assist the court in:

3-28 (1) determining whether a child is eligible for  
3-29 diversion;

3-30 (2) employing a diversion strategy authorized by this  
3-31 subchapter;

3-32 (3) presenting and maintaining diversion agreements;

3-33 (4) monitoring diversions;

3-34 (5) maintaining records regarding whether one or more  
3-35 diversions were successful or unsuccessful; and

3-36 (6) coordinating referrals to court.

3-37 (b) The responsibilities of the youth diversion coordinator  
3-38 may be performed by:

3-39 (1) a court administrator or court clerk, or a person  
3-40 who regularly performs the duties of court administrator or court  
3-41 clerk;

3-42 (2) an individual or entity that provides juvenile  
3-43 case manager services under Article 45.056;

3-44 (3) a court-related services office;

3-45 (4) a community supervision and corrections  
3-46 department, including a juvenile probation department;

3-47 (5) a county or municipal employee, including a peace  
3-48 officer;

3-49 (6) a community volunteer;

3-50 (7) an institution of higher education, including a  
3-51 public, private, or independent institution of higher education; or

3-52 (8) a qualified nonprofit organization as determined  
3-53 by the court.

3-54 Art. 45.308. DIVERSION AGREEMENT. (a) A diversion  
3-55 agreement must identify the parties to the agreement and the  
3-56 responsibilities of the child and the child's parent to ensure  
3-57 their meaningful participation in a diversion under Article 45.309  
3-58 or 45.310.

3-59 (b) Stated objectives in a diversion agreement must be  
3-60 measurable, realistic, and reasonable and consider the  
3-61 circumstances of the child, the best interests of the child, and the  
3-62 long-term safety of the community.

3-63 (c) A diversion agreement must include:

3-64 (1) the terms of the agreement, including one or more  
3-65 diversions required to be completed by the child, written in a clear  
3-66 and concise manner and identifying any offense or charge being  
3-67 diverted;

3-68 (2) possible outcomes or consequences of a successful  
3-69 diversion and an unsuccessful diversion;

4-1                   (3) an explanation that participation in a diversion  
4-2 is not an admission of guilt and a guilty plea is not required to  
4-3 participate in a diversion;  
4-4                   (4) an explanation of the process that will be used for  
4-5 reviewing and monitoring compliance with the terms of the  
4-6 agreement;  
4-7                   (5) the period of the diversion;  
4-8                   (6) a verification that:  
4-9                   (A) the child and the child's parent were  
4-10 notified of the child's rights, including the right to refuse  
4-11 diversion; and  
4-12                   (B) the child knowingly and voluntarily consents  
4-13 to participate in the diversion; and  
4-14                   (7) written acknowledgment and acceptance of the  
4-15 agreement by the child and the child's parent.  
4-16                   (d) The terms of an agreement may vary depending on the  
4-17 circumstances of the child, including the child's age and ability,  
4-18 the charge being diverted, or the diversion strategy used.  
4-19                   (e) A charge may not be filed against a child or, if filed,  
4-20 shall be dismissed by the court if the child:  
4-21                   (1) does not contest the charge;  
4-22                   (2) is eligible for diversion under Article 45.304;  
4-23 and  
4-24                   (3) accepts the terms of the agreement.  
4-25                   (f) Entering into a diversion agreement under this article  
4-26 extends the court's jurisdiction for the term of the agreement.  
4-27                   (g) On entering into a diversion agreement, a copy of the  
4-28 agreement shall be provided to the child and the child's parent, the  
4-29 clerk of the court, a youth diversion coordinator, and any person  
4-30 specified by the youth diversion plan.  
4-31                   Art. 45.309. INTERMEDIATE DIVERSION. (a) If provided by a  
4-32 youth diversion plan, a youth diversion coordinator or juvenile  
4-33 case manager shall advise the child and the child's parent before a  
4-34 case is filed that the case may be diverted under this article for a  
4-35 reasonable period not to exceed 180 days if:  
4-36                   (1) the child is eligible for diversion under Article  
4-37 45.304;  
4-38                   (2) diversion is in the best interests of the child and  
4-39 promotes the long-term safety of the community;  
4-40                   (3) the child and the child's parent consent to  
4-41 diversion with the knowledge that diversion is optional; and  
4-42                   (4) the child and the child's parent are informed that  
4-43 they may terminate the diversion at any time and, if terminated, the  
4-44 case will be referred to court.  
4-45                   (b) The terms of a diversion agreement under this article  
4-46 must be in writing and may include any of the diversion strategies  
4-47 under Article 45.305.  
4-48                   (c) The case of a child who successfully complies with the  
4-49 terms of a diversion agreement under this article shall be closed  
4-50 and reported as successful to the court.  
4-51                   (d) A child who does not comply with the terms of a diversion  
4-52 agreement under this article shall be referred to court under  
4-53 Article 45.311.  
4-54                   Art. 45.310. DIVERSION BY JUSTICE OR JUDGE. (a) If a  
4-55 charge involving a child who is eligible for diversion is filed with  
4-56 a court, a justice or judge shall divert the case under this article  
4-57 as follows:  
4-58                   (1) if the child does not contest the charge, a justice  
4-59 or judge shall divert the case under this article without the child  
4-60 having to enter a plea; or  
4-61                   (2) if the child contests the charge, a justice or  
4-62 judge shall divert the case under this article at the conclusion of  
4-63 trial on a finding of guilt without entering a judgment of  
4-64 conviction as provided by Article 45.041.  
4-65                   (b) A diversion under this article may not exceed 180 days.  
4-66                   (c) The terms of a diversion agreement under this article  
4-67 must be in writing and may include any of the diversion strategies  
4-68 described by Article 45.305.  
4-69                   (d) The case of a child who successfully complies with the

5-1 terms of a diversion agreement under this article shall be closed  
 5-2 and reported as successful to the court.

5-3 (e) A child who does not comply with the terms of a diversion  
 5-4 agreement under this article shall be referred to court for a  
 5-5 hearing under Article 45.311.

5-6 Art. 45.311. REFERRAL TO COURT. (a) A court shall conduct  
 5-7 a non-adversarial hearing for a child who does not successfully  
 5-8 complete the terms of a diversion under Article 45.309 or 45.310 and  
 5-9 is referred to the court.

5-10 (b) The hearing is an opportunity for a justice or judge to  
 5-11 confer with the child and the child's parent to determine whether a  
 5-12 diversion should be declared unsuccessful by the court. The court  
 5-13 may also hear from any person who may be of assistance to the child  
 5-14 or the court in determining what is in the best interests of the  
 5-15 child and the long-term safety of the community.

5-16 (c) After the hearing, a court may enter an order:

5-17 (1) amending or setting aside terms in the diversion  
 5-18 agreement;

5-19 (2) extending the diversion for a period not to exceed  
 5-20 one year from the initial start date of the diversion;

5-21 (3) issuing a continuance for the hearing for a period  
 5-22 not to exceed 60 days to allow an opportunity for compliance with  
 5-23 the terms of the diversion;

5-24 (4) subject to Subsection (d), requiring the child's  
 5-25 parent to perform any act or refrain from performing any act as the  
 5-26 court determines will increase the likelihood the child will  
 5-27 successfully complete the diversion and comply with any other order  
 5-28 of the court that is reasonable and necessary for the welfare of the  
 5-29 child;

5-30 (5) finding the diversion successful on the basis of  
 5-31 substantial compliance; or

5-32 (6) finding the diversion unsuccessful and:

5-33 (A) transferring the child to juvenile court for  
 5-34 alleged conduct indicating a need for supervision under Section  
 5-35 51.08, Family Code; or

5-36 (B) referring the charge to the prosecutor for  
 5-37 consideration of re-filing.

5-38 (d) An order under Subsection (c)(4) may not have the  
 5-39 substantive effect of interfering with a parent's fundamental right  
 5-40 to determine how to raise the parent's child, unless the court finds  
 5-41 that the interference is necessary to prevent significant  
 5-42 impairment of the child's physical, mental, or emotional health.

5-43 (e) An order under Subsection (c)(4) is enforceable against  
 5-44 the parent by contempt.

5-45 (f) The statute of limitations in Article 12.02(b) is tolled  
 5-46 during the diversion period for purposes of Subsection (c)(6)(B).

5-47 Art. 45.312. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

5-48 (a) The clerk of a justice or municipal court may collect from a  
 5-49 child's parent a \$50 administrative fee to defray the costs of the  
 5-50 diversion of the child's case under this subchapter.

5-51 (b) The fee under this article may not be collected unless  
 5-52 specified as a term of the diversion agreement accepted by the  
 5-53 child's parent. If the fee is not paid after giving the child's  
 5-54 parent an opportunity to be heard, the court shall order the parent,  
 5-55 if financially able, to pay the fee to the clerk of the court.

5-56 (c) A court shall waive the fee if the child's parent is  
 5-57 indigent or does not have sufficient resources or income to pay the  
 5-58 fee.

5-59 (d) A court may adopt rules for the waiver of a fee for  
 5-60 financial hardship under this article.

5-61 (e) An order under Subsection (b) is enforceable against the  
 5-62 parent by contempt.

5-63 (f) The clerk of the court shall keep a record of the fees  
 5-64 collected under this article and shall forward the funds to the  
 5-65 county treasurer, municipal treasurer, or person fulfilling the  
 5-66 role of a county treasurer or municipal treasurer, as appropriate.

5-67 (g) The fee collected under this article shall be deposited  
 5-68 in a special account that can be used only to offset the cost of the  
 5-69 operations of youth diversion programs under this subchapter.

6-1 (h) Except for the fee authorized under Subsection (a), a  
 6-2 fee may not be assessed for a child diverted under this subchapter.

6-3 (i) The diversion of a child may not be contingent on  
 6-4 payment of a fee under this article.

6-5 Art. 45.313. DIVERSION RECORDS. (a) A justice or  
 6-6 municipal court shall maintain statistics for each diversion  
 6-7 strategy authorized by this subchapter.

6-8 (b) Other than statistical records, all records generated  
 6-9 under this subchapter are confidential under Article 45.0217.

6-10 (c) All records of a diversion pertaining to a child under  
 6-11 this subchapter shall be expunged without the requirement of a  
 6-12 motion or request, on the child's 18th birthday.

6-13 SECTION 3. Article 45.0215(a), Code of Criminal Procedure,  
 6-14 is amended to read as follows:

6-15 (a) Subject to the requirements of Subchapter E, this [This]  
 6-16 article applies to a defendant who has not had the disabilities of  
 6-17 minority removed and has been:

6-18 (1) charged with an offense other than an offense  
 6-19 under Section 43.261, Penal Code, if the defendant is younger than  
 6-20 17 years of age; or

6-21 (2) charged with an offense under Section 43.261,  
 6-22 Penal Code, if the defendant is younger than 18 years of age.

6-23 SECTION 4. Article 45.041, Code of Criminal Procedure, is  
 6-24 amended by adding Subsection (a-2) and amending Subsection (b-3) to  
 6-25 read as follows:

6-26 (a-2) In a case involving a child who is eligible for  
 6-27 diversion under Article 45.304 that results in a trial, if the court  
 6-28 determines that the evidence presented in a bench trial would  
 6-29 support a finding of guilt, or if a jury returns a verdict of  
 6-30 guilty, the court shall provide the child and the child's parents  
 6-31 the opportunity to accept placement in diversion, under Article  
 6-32 45.310, instead of entering an adjudication of guilt. If the child  
 6-33 and the child's parents accept the opportunity for placement in  
 6-34 diversion under Article 45.310, the court shall place the child in  
 6-35 diversion. If the child and the child's parents decline the  
 6-36 opportunity for placement in diversion under Article 45.310, the  
 6-37 court shall find the child guilty and proceed to sentencing.

6-38 (b-3) If a diversion is not required under Subchapter E or  
 6-39 Subsection (a-2), a [A] judge shall [may] allow a defendant who is a  
 6-40 child, as defined by Article 45.058(h), to elect at the time of  
 6-41 conviction, as defined by Section 133.101, Local Government Code,  
 6-42 to discharge the fine and costs by:

6-43 (1) performing community service or receiving  
 6-44 tutoring under Article 45.049 [~~45.0492, as added by Chapter 227~~  
 6-45 ~~(H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011]~~;  
 6-46 or

6-47 (2) paying the fine and costs in a manner described by  
 6-48 Subsection (b).

6-49 SECTION 5. Articles 45.049(f) and (i), Code of Criminal  
 6-50 Procedure, are amended to read as follows:

6-51 (f) A sheriff, employee of a sheriff's department, county  
 6-52 commissioner, county employee, county judge, justice of the peace,  
 6-53 municipal court judge, or officer or employee of a political  
 6-54 subdivision other than a county or an entity that accepts a  
 6-55 defendant under this article or Subchapter E to perform community  
 6-56 service is not liable for damages arising from an act or failure to  
 6-57 act in connection with community service performed by a defendant  
 6-58 under this article or Subchapter E if the act or failure to act:

6-59 (1) was performed pursuant to court order; and

6-60 (2) was not intentional, wilfully or wantonly  
 6-61 negligent, or performed with conscious indifference or reckless  
 6-62 disregard for the safety of others.

6-63 (i) A community supervision and corrections department, a  
 6-64 local juvenile probation department, or a court-related services  
 6-65 office may provide the administrative and other services necessary  
 6-66 for supervision of a defendant required to perform community  
 6-67 service under this article.

6-68 SECTION 6. Articles 45.056(a), (b), (d), (g), and (h), Code  
 6-69 of Criminal Procedure, are amended to read as follows:

7-1 (a) On approval of the commissioners court, city council,  
 7-2 school district board of trustees, juvenile board, or other  
 7-3 appropriate authority, a county court, justice court, municipal  
 7-4 court, school district, juvenile probation department, or other  
 7-5 appropriate governmental entity may:

7-6 (1) employ a juvenile case manager or contract for a  
 7-7 juvenile case manager to provide services in cases involving:

7-8 (A) youth diversion under Subchapter E;

7-9 (B) children [~~juvenile offenders~~] who are before  
 7-10 a court consistent with the court's statutory powers; or

7-11 (C) children who are referred to a court by a  
 7-12 school administrator or designee for misconduct that would  
 7-13 otherwise be within the court's statutory powers prior to a case  
 7-14 being filed, with the consent of the juvenile and the juvenile's  
 7-15 parents or guardians;

7-16 (2) employ or contract for the services of one or more  
 7-17 juvenile case managers who:

7-18 (A) shall assist the court in administering the  
 7-19 court's juvenile docket and in supervising the court's orders in  
 7-20 juvenile cases; and

7-21 (B) may provide:  
 7-22 (i) prevention services to a child  
 7-23 considered at risk of entering the juvenile justice system; and

7-24 (ii) youth diversion [~~intervention~~]  
 7-25 services to juveniles engaged in misconduct before cases are filed,  
 7-26 excluding traffic offenses; or

7-27 (3) agree in accordance with Chapter 791, Government  
 7-28 Code, with any appropriate governmental entity to jointly employ a  
 7-29 juvenile case manager, jointly contract for juvenile case manager  
 7-30 services, or [~~to~~] jointly contribute to the costs of a juvenile case  
 7-31 manager or juvenile case manager [~~employed by one governmental~~  
 7-32 entity to provide] services described by Subdivisions (1) and (2).

7-33 (b) A local entity may apply or more than one local entity  
 7-34 may jointly apply to the criminal justice division of the  
 7-35 governor's office for reimbursement of all or part of the costs of  
 7-36 employing one or more juvenile case managers or contracting for  
 7-37 juvenile case manager services from funds appropriated to the  
 7-38 governor's office or otherwise available for purposes of youth  
 7-39 diversion [~~that purpose]~~. To be eligible for reimbursement, the  
 7-40 entity applying must present to the governor's office a  
 7-41 comprehensive plan to reduce juvenile crimes in the entity's  
 7-42 jurisdiction and a youth diversion plan under Article 45.306 that  
 7-43 addresses the role of the juvenile case manager in that effort.

7-44 (d) The court or governing body may pay from the local youth  
 7-45 diversion fund established under Section 134.156, Local Government  
 7-46 Code:

7-47 (1) the salary and benefits of a juvenile case  
 7-48 manager;

7-49 (2) the costs of contracting for juvenile case manager  
 7-50 services; and

7-51 (3) the costs of training, travel, office supplies,  
 7-52 and other necessary expenses relating to the position of the  
 7-53 juvenile case manager and juvenile case manager services [~~from the~~  
 7-54 local truancy prevention and diversion fund established under  
 7-55 Section 134.156, Local Government Code].

7-56 (g) A [~~The employing]~~ court or governmental entity under  
 7-57 this article shall implement the rules adopted under Subsection  
 7-58 (f).

7-59 (h) The commissioners court or governing body of the  
 7-60 municipality that administers a local youth [~~truancy prevention~~  
 7-61 and] diversion fund under Section 134.156, Local Government Code,  
 7-62 shall require periodic review of juvenile case managers to ensure  
 7-63 the implementation of the rules adopted under Subsection (f).

7-64 SECTION 7. Article 45.056(c), Code of Criminal Procedure,  
 7-65 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of  
 7-66 the 83rd Legislature, Regular Session, 2013, is reenacted and  
 7-67 amended to read as follows:

7-68 (c) An entity that jointly employs a juvenile case manager,  
 7-69 jointly contracts for juvenile case manager services, or jointly

8-1 contributes to the costs of a juvenile case manager or juvenile case  
 8-2 manager services under Subsection (a)(3) employs a juvenile case  
 8-3 manager for purposes of Chapter 102 of this code and Chapter 102,  
 8-4 Government Code.

8-5 SECTION 8. Article 45.056(e), Code of Criminal Procedure,  
 8-6 as amended by Chapter 1055 (S.B. 209), Acts of the 82nd Legislature,  
 8-7 Regular Session, 2011, and repealed by Chapter 1098 (S.B. 1489),  
 8-8 Acts of the 82nd Legislature, Regular Session, 2011, is reenacted  
 8-9 and amended to read as follows:

8-10 (e) A juvenile case manager [~~employed under Subsection (c)~~]  
 8-11 shall give priority to cases brought under Section [~~Sections~~]  
 8-12 25.093 [and 25.094], Education Code, Chapter 65, Family Code, and  
 8-13 youth diversion under Subchapter E of this chapter.

8-14 SECTION 9. The heading to Article 102.014, Code of Criminal  
 8-15 Procedure, is amended to read as follows:

8-16 Art. 102.014. FINES FOR CHILD SAFETY FUND [~~IN~~  
 8-17 ~~MUNICIPALITIES~~].

8-18 SECTION 10. Articles 102.014(g) and (h), Code of Criminal  
 8-19 Procedure, are amended to read as follows:

8-20 (g) In a municipality with a population less than 850,000  
 8-21 according to the most recent federal decennial census, the money  
 8-22 collected under this article in a municipal court case must be used  
 8-23 for a school crossing guard program if the municipality operates  
 8-24 one. If the municipality does not operate a school crossing guard  
 8-25 program or if the money received from fines from municipal court  
 8-26 cases exceeds the amount necessary to fund the school crossing  
 8-27 guard program, the municipality may:

8-28 (1) deposit the additional money in an  
 8-29 interest-bearing account;

8-30 (2) expend the additional money for programs designed  
 8-31 to enhance child safety, health, or nutrition, including child  
 8-32 abuse prevention and intervention, youth diversion, and drug and  
 8-33 alcohol abuse prevention; or

8-34 (3) expend the additional money for programs designed  
 8-35 to enhance public safety and security.

8-36 (h) Money collected under this article in a justice, county,  
 8-37 or district court shall be used to fund school crossing guard  
 8-38 programs in the county where they are collected. If the county does  
 8-39 not operate a school crossing guard program, the county may:

8-40 (1) remit fine revenues to school districts in its  
 8-41 jurisdiction for the purpose of providing school crossing guard  
 8-42 services;

8-43 (2) fund programs the county is authorized by law to  
 8-44 provide which are designed to enhance child safety, health, or  
 8-45 nutrition, including child abuse prevention and intervention,  
 8-46 youth diversion, and drug and alcohol abuse prevention;

8-47 (3) provide funding to the sheriff's department for  
 8-48 school-related activities;

8-49 (4) provide funding to the county juvenile probation  
 8-50 department; or

8-51 (5) deposit the money in the general fund of the  
 8-52 county.

8-53 SECTION 11. Article 102.0171, Code of Criminal Procedure,  
 8-54 is amended by amending Subsections (a) and (c) and adding  
 8-55 Subsection (e) to read as follows:

8-56 (a) A defendant convicted of an offense under Section 28.08,  
 8-57 Penal Code, in a municipal court, justice court, county court,  
 8-58 county court at law, or district court shall pay a fine of \$50 for  
 8-59 juvenile delinquency prevention and graffiti eradication.

8-60 (c) The clerks of the respective courts shall collect the  
 8-61 fines and pay the fines to the county treasurer, municipal  
 8-62 treasurer, or to any other official who discharges the duties  
 8-63 commonly delegated to the county or municipal treasurer for deposit  
 8-64 in a fund to be known as the county juvenile delinquency prevention  
 8-65 fund or municipal juvenile delinquency prevention fund. A fund  
 8-66 designated by this subsection may be used only to:

8-67 (1) repair damage caused by the commission of offenses  
 8-68 under Section 28.08, Penal Code;

8-69 (2) provide educational and intervention programs and



9-1 materials, including printed educational materials for  
 9-2 distribution to primary and secondary school students, designed to  
 9-3 prevent individuals from committing offenses under Section 28.08,  
 9-4 Penal Code;  
 9-5 (3) provide to the public rewards for identifying and  
 9-6 aiding in the apprehension and prosecution of offenders who commit  
 9-7 offenses under Section 28.08, Penal Code;  
 9-8 (4) provide funding for teen recognition and teen  
 9-9 recreation programs;  
 9-10 (5) provide funding for local teen court programs;  
 9-11 (6) provide funding for the local juvenile probation  
 9-12 department; ~~and~~  
 9-13 (7) provide educational and intervention programs  
 9-14 designed to prevent juveniles from engaging in delinquent conduct;  
 9-15 and  
 9-16 (8) provide funding for youth diversion under  
 9-17 Subchapter E, Chapter 45.  
 9-18 (e) The municipal juvenile delinquency prevention fund  
 9-19 shall be administered by or under the direction of the governing  
 9-20 body of a municipality.  
 9-21 SECTION 12. Section 264.302(e), Family Code, is amended to  
 9-22 read as follows:  
 9-23 (e) The department shall provide services for a child and  
 9-24 the child's family if a contract to provide services under this  
 9-25 section is available in the county and the child is referred to the  
 9-26 department as an at-risk child by:  
 9-27 (1) a juvenile court or probation department as part  
 9-28 of a progressive sanctions program under Chapter 59;  
 9-29 (2) a law enforcement officer or agency under Section  
 9-30 52.03; or  
 9-31 (3) a justice or municipal court under Article 45.057,  
 9-32 45.309, or 45.310, Code of Criminal Procedure.  
 9-33 SECTION 13. Section 22.1105(a), Government Code, is amended  
 9-34 to read as follows:  
 9-35 (a) Each judge of a court with jurisdiction to hear a  
 9-36 complaint against a child alleging a violation of a misdemeanor  
 9-37 offense punishable by fine only, other than a traffic offense or  
 9-38 public intoxication or a violation of a penal ordinance of a  
 9-39 political subdivision other than a traffic offense, shall complete  
 9-40 a course of instruction related to youth diversion and  
 9-41 understanding relevant issues of child welfare, including issues  
 9-42 related to mental health and children with disabilities, ~~and the~~  
 9-43 ~~Individuals with Disabilities Education Act (20 U.S.C. Section 1400~~  
 9-44 ~~et seq.)~~ every judicial academic year that ends in a 0 or a 5.  
 9-45 SECTION 14. Section 133.102(e), Local Government Code, is  
 9-46 amended to read as follows:  
 9-47 (e) The comptroller shall allocate the court costs received  
 9-48 under this section to the following accounts and funds so that each  
 9-49 receives to the extent practicable, utilizing historical data as  
 9-50 applicable, the same amount of money the account or fund would have  
 9-51 received if the court costs for the accounts and funds had been  
 9-52 collected and reported separately, except that the account or fund  
 9-53 may not receive less than the following percentages:  
 9-54 (1) crime stoppers assistance account  
 9-55 0.2427 percent;  
 9-56 (2) breath alcohol testing account  
 9-57 0.3900 percent;  
 9-58 (3) Bill Blackwood Law Enforcement Management  
 9-59 Institute account  
 9-60 1.4741 percent;  
 9-61 (4) Texas Commission on Law Enforcement account  
 9-62 3.4418 percent;  
 9-63 (5) law enforcement and custodial officer supplement  
 9-64 retirement trust fund  
 9-65 7.2674 percent;  
 9-66 (6) criminal justice planning account  
 9-67 8.5748 percent;  
 9-68 (7) an account in the state treasury to be used only  
 9-69 for the establishment and operation of the Center for the Study and

10-1 Prevention of Juvenile Crime and Delinquency at Prairie View A&M  
 10-2 University  
 10-3 0.8540 percent;  
 10-4 (8) compensation to victims of crime account  
 10-5 24.6704 percent;  
 10-6 (9) emergency radio infrastructure account  
 10-7 3.6913 percent;  
 10-8 (10) judicial and court personnel training account  
 10-9 3.3224 percent;  
 10-10 (11) an account in the state treasury to be used for  
 10-11 the establishment and operation of the Correctional Management  
 10-12 Institute of Texas and Criminal Justice Center account [~~Account~~]  
 10-13 0.8522 percent;  
 10-14 (12) fair defense account  
 10-15 17.8857 percent;  
 10-16 (13) judicial fund  
 10-17 12.2667 percent;  
 10-18 (14) DNA testing account  
 10-19 0.1394 percent;  
 10-20 (15) specialty court account  
 10-21 1.0377 percent;  
 10-22 (16) statewide electronic filing system account  
 10-23 0.5485 percent;  
 10-24 (17) jury service fund  
 10-25 6.4090 percent;  
 10-26 (18) youth [~~truancy prevention and~~] diversion account  
 10-27 2.5956 percent; and  
 10-28 (19) transportation administrative fee account  
 10-29 4.3363 percent.  
 10-30 SECTION 15. Section 133.125, Local Government Code, is  
 10-31 amended to read as follows:  
 10-32 Sec. 133.125. ALLOCATION OF FEES TO YOUTH [~~TRUANCY~~  
 10-33 ~~PREVENTION AND~~] DIVERSION ACCOUNT. (a) The youth [~~truancy~~  
 10-34 ~~prevention and~~] diversion account is a dedicated account in the  
 10-35 general revenue fund. The account consists of money allocated to  
 10-36 the account under Section 133.102(e).  
 10-37 (b) The legislature may appropriate money from the youth  
 10-38 [~~truancy prevention and~~] diversion account only to the criminal  
 10-39 justice division of the governor's office for distribution to local  
 10-40 governmental entities for youth diversion [~~truancy prevention and~~  
 10-41 ~~intervention~~] services.  
 10-42 (c) A local governmental entity may request funds from the  
 10-43 criminal justice division of the governor's office for providing  
 10-44 youth diversion [~~truancy prevention and intervention~~] services.  
 10-45 The division may award the requested funds based on the  
 10-46 availability of appropriated funds and subject to the application  
 10-47 procedure and eligibility requirements specified by division rule.  
 10-48 SECTION 16. Section 134.103(b), Local Government Code, is  
 10-49 amended to read as follows:  
 10-50 (b) The treasurer shall allocate the court costs received  
 10-51 under this section to the following accounts and funds so that each  
 10-52 receives to the extent practicable, utilizing historical data as  
 10-53 applicable, the same amount of money the account or fund would have  
 10-54 received if the court costs for the accounts and funds had been  
 10-55 collected and reported separately, except that the account or fund  
 10-56 may not receive less than the following percentages:  
 10-57 (1) the courthouse security fund or municipal court  
 10-58 building security fund, as appropriate  
 10-59 35 percent;  
 10-60 (2) the local youth [~~truancy prevention and~~] diversion  
 10-61 fund  
 10-62 35.7143 percent;  
 10-63 (3) the justice court technology fund or municipal  
 10-64 court technology fund, as appropriate  
 10-65 28.5714 percent; and  
 10-66 (4) the county or municipal jury fund, as appropriate  
 10-67 0.7143 percent.  
 10-68 SECTION 17. The heading to Section 134.156, Local  
 10-69 Government Code, is amended to read as follows:

11-1 Sec. 134.156. LOCAL YOUTH [~~TRUANCY PREVENTION AND~~  
11-2 DIVERSION FUND.

11-3 SECTION 18. Section 134.156, Local Government Code, is  
11-4 amended by amending Subsection (a) and adding Subsection (a-1) to  
11-5 read as follows:

11-6 (a) In a county or municipality that employs or contracts  
11-7 with a juvenile case manager under Article 45.056, Code of Criminal  
11-8 Procedure, money [Money] allocated under Section 134.103 to the  
11-9 local youth [~~truancy prevention and~~] diversion fund maintained in  
11-10 the county or municipal treasury as required by Section 134.151 may  
11-11 be used by a county or municipality to finance the salary, benefits,  
11-12 training, travel expenses, office supplies, and other necessary  
11-13 expenses relating to the position of a juvenile case manager  
11-14 [~~employed under Article 45.056, Code of Criminal Procedure~~]. If  
11-15 there is money in the fund after those costs are paid, subject to  
11-16 the direction of the governing body of the county or municipality  
11-17 and on approval by the employing court, a juvenile case manager may  
11-18 direct the remaining money to be used to implement programs  
11-19 directly related to the duties of the juvenile case manager,  
11-20 including juvenile alcohol and substance abuse programs,  
11-21 educational and leadership programs, and any other projects  
11-22 designed to prevent or reduce the number of juvenile referrals to  
11-23 the court.

11-24 (a-1) In a county or municipality that does not employ or  
11-25 contract with a juvenile case manager, the governing body of the  
11-26 county or municipality, in consultation with the court, may direct  
11-27 money described by Subsection (a) to be used for the support of a  
11-28 local mental health authority, juvenile alcohol and substance abuse  
11-29 programs, educational and leadership programs, teen court  
11-30 programs, and any other project designed to prevent or reduce the  
11-31 number of juvenile referrals to the court.

11-32 SECTION 19. Not later than January 1, 2025, each justice and  
11-33 municipal court shall implement a youth diversion plan under  
11-34 Subchapter E, Chapter 45, Code of Criminal Procedure, as added by  
11-35 this Act.

11-36 SECTION 20. The changes in law made by this Act apply only  
11-37 to an offense committed on or after January 1, 2025. An offense  
11-38 committed before January 1, 2025, is governed by the law in effect  
11-39 on the date the offense was committed, and the former law is  
11-40 continued in effect for that purpose. For purposes of this section,  
11-41 an offense was committed before January 1, 2025, if any element of  
11-42 the offense occurred before that date.

11-43 SECTION 21. This Act takes effect January 1, 2024.

11-44 \* \* \* \* \*