

By: Zaffirini, Perry

S.B. No. 1505

A BILL TO BE ENTITLED

AN ACT

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

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) "Court" means a justice court, municipal court, or
other court subject to this chapter.

(4) "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 45.309 or 45.310.

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

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

1 (7) "Service provider" means a governmental agency,
2 political subdivision, school district, open-enrollment charter
3 school, nonprofit organization, or other entity that provides
4 services to children or families.

5 (8) "Youth diversion plan" means a plan adopted under
6 Article 45.306.

7 Art. 45.302. APPLICABILITY. This subchapter applies only
8 to a child who is alleged to have engaged in conduct that
9 constitutes a misdemeanor punishable by fine only, other than a
10 traffic offense.

11 Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED.
12 Nothing in this subchapter precludes:

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

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

18 Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as
19 otherwise provided by this subchapter, a child shall be diverted
20 from formal criminal prosecution as provided by this subchapter.

21 (b) A child is not eligible for diversion if the child has
22 previously had two unsuccessful diversions under this subchapter
23 for offenses that were not part of a single criminal episode, as
24 defined by Section 3.01, Penal Code.

25 (c) Notwithstanding Subsection (b), a court may find a child
26 eligible for diversion if they have two or more prior unsuccessful
27 diversions.

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

3 (e) A court may not divert a child from criminal prosecution
4 as provided by this subchapter without the written consent of the
5 child and the child's parent.

6 Art. 45.305. DIVERSION STRATEGIES. (a) Diversion
7 strategies include:

8 (1) requiring a child to participate in a program,
9 including:

10 (A) a court-approved teen court program operated
11 by a service provider;

12 (B) a school-related program;

13 (C) an educational program, including an alcohol
14 awareness program, a tobacco awareness program, or a drug education
15 program;

16 (D) a rehabilitation program; or

17 (E) a self-improvement program, including a
18 program relating to self-esteem, leadership, self-responsibility,
19 empathy, parenting, parental responsibility, manners, violence
20 avoidance, anger management, life skills, wellness, or dispute
21 resolution;

22 (2) referring a child to a service provider for
23 services, including:

24 (A) at-risk youth services under Subchapter D,
25 Chapter 264, Family Code;

26 (B) juvenile case manager services under Article
27 45.056;

1 (C) work and job skills training, including job
2 interviewing and work preparation;

3 (D) academic monitoring or tutoring, including
4 preparation for a high school equivalency examination administered
5 under Section 7.111, Education Code;

6 (E) community-based services;

7 (F) mental health screening and clinical
8 assessment;

9 (G) counseling, including private or in-school
10 counseling; or

11 (H) mentoring services;

12 (3) requiring a child to:

13 (A) participate in mediation or other dispute
14 resolution processes;

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

16 (C) substantially comply with a course of
17 treatment prescribed by a physician or other licensed medical or
18 mental health professional; and

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

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

22 (B) perform not more than 20 hours of community
23 service; or

24 (C) perform any other reasonable action
25 determined by the court.

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

27 (1) an intermediate diversion under Article 45.309;

1 (2) a diversion by a justice or judge under Article
2 45.310; or

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

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

8 (1) attend an elementary or secondary school; or

9 (2) use an educational curriculum other than the
10 curriculum selected by the parent.

11 Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion
12 plan is a written plan that describes the types of strategies that
13 will be used to implement youth diversion. A youth diversion plan
14 does not limit the types of diversion strategies that may be imposed
15 under a diversion agreement under Article 45.308.

16 (b) Each justice and municipal court shall adopt a youth
17 diversion plan.

18 (c) A youth diversion plan may be devised for a county or
19 municipality or an individual court within a county or
20 municipality.

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

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

27 (f) A youth diversion plan may contain guidelines for

1 disposition or diversion of a child's case by law enforcement. The
2 guidelines are not mandatory.

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

7 (h) A court or local government may adopt rules necessary to
8 coordinate services under a youth diversion plan or to implement
9 this subchapter.

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

12 (1) determining whether a child is eligible for
13 diversion;

14 (2) employing a diversion strategy authorized by this
15 subchapter;

16 (3) presenting and maintaining diversion agreements;

17 (4) monitoring diversions;

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

20 (6) coordinating referrals to court.

21 (b) The responsibilities of the youth diversion coordinator
22 may be performed by:

23 (1) a court administrator or court clerk, or a person
24 who regularly performs the duties of court administrator or court
25 clerk;

26 (2) an individual or entity that provides juvenile
27 case manager services under Article [45.056](#);

1 (3) a court-related services office;

2 (4) a community supervision and corrections
3 department, including a juvenile probation department;

4 (5) a county or municipal employee, including a peace
5 officer;

6 (6) a community volunteer;

7 (7) an institution of higher education, including a
8 public, private, or independent institution of higher education; or

9 (8) a qualified nonprofit organization as determined
10 by the court.

11 Art. 45.308. DIVERSION AGREEMENT. (a) A diversion
12 agreement must identify the parties to the agreement and the
13 responsibilities of the child and the child's parent to ensure
14 their meaningful participation in a diversion under Article 45.309
15 or 45.310.

16 (b) Stated objectives in a diversion agreement must be
17 measurable, realistic, and reasonable and consider the
18 circumstances of the child, the best interests of the child, and the
19 long-term safety of the community.

20 (c) A diversion agreement must include:

21 (1) the terms of the agreement, including one or more
22 diversions required to be completed by the child, written in a clear
23 and concise manner and identifying any offense or charge being
24 diverted;

25 (2) possible outcomes or consequences of a successful
26 diversion and an unsuccessful diversion;

27 (3) an explanation that participation in a diversion

1 is not an admission of guilt and a guilty plea is not required to
2 participate in a diversion;

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

6 (5) the period of the diversion;

7 (6) a verification that:

8 (A) the child and the child's parent were
9 notified of the child's rights, including the right to refuse
10 diversion; and

11 (B) the child knowingly and voluntarily consents
12 to participate in the diversion; and

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

15 (d) The terms of an agreement may vary depending on the
16 circumstances of the child, including the child's age and ability,
17 the charge being diverted, or the diversion strategy utilized.

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

20 (1) does not contest the charge;

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

22 and

23 (3) accepts the terms of the agreement.

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

26 (g) On entering into a diversion agreement, a copy of the
27 agreement shall be provided to the child and the child's parent, the

1 clerk of the court, a youth diversion coordinator, and any person
2 specified by the youth diversion plan.

3 Art. 45.309. INTERMEDIATE DIVERSION. (a) If provided by a
4 youth diversion plan, a youth diversion coordinator or juvenile
5 case manager shall advise the child and the child's parent before a
6 case is filed that the case may be diverted under this article for a
7 reasonable period not to exceed 180 days if:

8 (1) the child is eligible for diversion under Article
9 45.304;

10 (2) diversion is in the best interests of the child and
11 promotes the long-term safety of the community;

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

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

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

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

23 (d) A child who does not comply with the terms of a diversion
24 agreement under this article shall be referred to court under
25 Article 45.311.

26 Art. 45.310. DIVERSION BY JUSTICE OR JUDGE. (a) If a
27 charge involving a child who is eligible for diversion is filed with

1 a court, a justice or judge shall divert the case under this article
2 as follows:

3 (1) if the child does not contest the charge, a justice
4 or judge shall divert the case under this article without the child
5 having to enter a plea; or

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

10 (b) A diversion under this article may not exceed 180 days.

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

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

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

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

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

1 or the court in determining what is in the best interests of the
2 child and the long-term safety of the community.

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

4 (1) amending or setting aside terms in the diversion
5 agreement;

6 (2) extending the diversion for a period not to exceed
7 one year from the initial start date of the diversion;

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

11 (4) subject to Subsection (d), requiring the child's
12 parent to perform any act or refrain from performing any act as the
13 court determines will increase the likelihood the child will
14 successfully complete the diversion and comply with any other order
15 of the court that is reasonable and necessary for the welfare of the
16 child;

17 (5) finding the diversion successful on the basis of
18 substantial compliance; or

19 (6) finding the diversion unsuccessful and:

20 (A) transferring the child to juvenile court for
21 alleged conduct indicating a need for supervision under Section
22 51.08, Family Code; or

23 (B) referring the charge to the prosecutor for
24 consideration of re-filing.

25 (d) An order under Subsection (c)(4) may not have the
26 substantive effect of interfering with a parent's fundamental right
27 to determine how to raise the parent's child, unless the court finds

1 that the interference is necessary to prevent significant
2 impairment of the child's physical, mental, or emotional health.

3 (e) An order under Subsection (c)(4) is enforceable against
4 the parent by contempt.

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

7 Art. 45.312. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

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

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

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

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

21 (e) An order under Subsection (b) is enforceable against the
22 parent by contempt.

23 (f) The clerk of the court shall keep a record of the fees
24 collected under this article and shall forward the funds to the
25 county treasurer, municipal treasurer, or person fulfilling the
26 role of a county treasurer or municipal treasurer, as appropriate.

27 (g) The fee collected under this article shall be deposited

1 in a special account that can be used only to offset the cost of the
2 operations of youth diversion programs under this subchapter.

3 (h) Except for the fee authorized under Subsection (a), a
4 fee may not be assessed for a child diverted under this subchapter.

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

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

10 (b) Other than statistical records, all records generated
11 under this subchapter are confidential under Article 45.0217.

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

15 SECTION 2. Article 45.0215(a), Code of Criminal Procedure,
16 is amended to read as follows:

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

20 (1) charged with an offense other than an offense
21 under Section 43.261, Penal Code, if the defendant is younger than
22 17 years of age; or

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

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

1 (a-2) In a case involving a child who is eligible for
2 diversion under Article 45.304 that results in a trial, if the court
3 determines that the evidence presented would support a finding of
4 guilt, the court shall provide the child and the child's parents the
5 opportunity to accept placement in diversion, under Article 45.310,
6 instead of entering a finding of guilt. If the child and the
7 child's parents accept the opportunity for placement in diversion
8 under Article 45.310, the court shall place the child in diversion.
9 If the child and the child's parents decline the opportunity for
10 placement in diversion under Article 45.310, the court shall find
11 the child guilty and proceed to sentencing.

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

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

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

23 SECTION 4. Articles 45.049(f) and (i), Code of Criminal
24 Procedure, are amended to read as follows:

25 (f) A sheriff, employee of a sheriff's department, county
26 commissioner, county employee, county judge, justice of the peace,
27 municipal court judge, or officer or employee of a political

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

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

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

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

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

17 (a) On approval of the commissioners court, city council,
18 school district board of trustees, juvenile board, or other
19 appropriate authority, a county court, justice court, municipal
20 court, school district, juvenile probation department, or other
21 appropriate governmental entity may:

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

24 (A) youth diversion under Subchapter E;

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

27 (C) children who are referred to a court by a

1 school administrator or designee for misconduct that would
2 otherwise be within the court's statutory powers prior to a case
3 being filed, with the consent of the juvenile and the juvenile's
4 parents or guardians;

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

7 (A) shall assist the court in administering the
8 court's juvenile docket and in supervising the court's orders in
9 juvenile cases; and

10 (B) may provide:

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

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

16 (3) agree in accordance with Chapter 791, Government
17 Code, with any appropriate governmental entity to jointly employ a
18 juvenile case manager, jointly contract for juvenile case manager
19 services, or [~~to~~] jointly contribute to the costs of a juvenile case
20 manager or juvenile case manager [~~employed by one governmental~~
21 ~~entity to provide~~] services described by Subdivisions (1) and (2).

22 (b) A local entity may apply or more than one local entity
23 may jointly apply to the criminal justice division of the
24 governor's office for reimbursement of all or part of the costs of
25 employing one or more juvenile case managers or contracting for
26 juvenile case manager services from funds appropriated to the
27 governor's office or otherwise available for purposes of youth

1 diversion [~~that purpose~~]. To be eligible for reimbursement, the
2 entity applying must present to the governor's office a
3 comprehensive plan to reduce juvenile crimes in the entity's
4 jurisdiction and a youth diversion plan under Article 45.306 that
5 addresses the role of the juvenile case manager in that effort.

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

9 (1) the salary and benefits of a juvenile case
10 manager;

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

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

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

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

26 SECTION 6. Article 45.056(c), Code of Criminal Procedure,
27 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of

1 the 83rd Legislature, Regular Session, 2013, is reenacted and
2 amended to read as follows:

3 (c) An entity that jointly employs a juvenile case manager,
4 jointly contracts for juvenile case manager services, or jointly
5 contributes to the costs of a juvenile case manager or juvenile case
6 manager services under Subsection (a)(3) employs a juvenile case
7 manager for purposes of Chapter 102 of this code and Chapter 102,
8 Government Code.

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

14 (e) A juvenile case manager [~~employed under Subsection (c)~~]
15 shall give priority to cases brought under Section [~~Sections~~]
16 25.093 [and 25.094], Education Code, Chapter 65, Family Code, and
17 youth diversion under Subchapter E of this chapter.

18 SECTION 8. The heading to Article 102.014, Code of Criminal
19 Procedure, is amended to read as follows:

20 Art. 102.014. FINES FOR CHILD SAFETY FUND [~~IN~~
21 ~~MUNICIPALITIES~~].

22 SECTION 9. Articles 102.014(g) and (h), Code of Criminal
23 Procedure, are amended to read as follows:

24 (g) In a municipality with a population less than 850,000
25 according to the most recent federal decennial census, the money
26 collected under this article in a municipal court case must be used
27 for a school crossing guard program if the municipality operates

1 one. If the municipality does not operate a school crossing guard
2 program or if the money received from fines from municipal court
3 cases exceeds the amount necessary to fund the school crossing
4 guard program, the municipality may:

5 (1) deposit the additional money in an
6 interest-bearing account;

7 (2) expend the additional money for programs designed
8 to enhance child safety, health, or nutrition, including child
9 abuse prevention and intervention, youth diversion, and drug and
10 alcohol abuse prevention; or

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

13 (h) Money collected under this article in a justice, county,
14 or district court shall be used to fund school crossing guard
15 programs in the county where they are collected. If the county does
16 not operate a school crossing guard program, the county may:

17 (1) remit fine revenues to school districts in its
18 jurisdiction for the purpose of providing school crossing guard
19 services;

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

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

26 (4) provide funding to the county juvenile probation
27 department; or

1 (5) deposit the money in the general fund of the
2 county.

3 SECTION 10. Article 102.0171, Code of Criminal Procedure,
4 is amended by amending Subsections (a) and (c) and adding
5 Subsection (e) to read as follows:

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

10 (c) The clerks of the respective courts shall collect the
11 fines and pay the fines to the county treasurer, municipal
12 treasurer, or to any other official who discharges the duties
13 commonly delegated to the county or municipal treasurer for deposit
14 in a fund to be known as the county juvenile delinquency prevention
15 fund or municipal juvenile delinquency prevention fund. A fund
16 designated by this subsection may be used only to:

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

19 (2) provide educational and intervention programs and
20 materials, including printed educational materials for
21 distribution to primary and secondary school students, designed to
22 prevent individuals from committing offenses under Section 28.08,
23 Penal Code;

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

27 (4) provide funding for teen recognition and teen

1 recreation programs;

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

3 (6) provide funding for the local juvenile probation
4 department; ~~and~~

5 (7) provide educational and intervention programs
6 designed to prevent juveniles from engaging in delinquent conduct;
7 and

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

10 (e) The municipal juvenile delinquency prevention fund
11 shall be administered by or under the direction of the governing
12 body of a municipality.

13 SECTION 11. Section 264.302(e), Family Code, is amended to
14 read as follows:

15 (e) The department shall provide services for a child and
16 the child's family if a contract to provide services under this
17 section is available in the county and the child is referred to the
18 department as an at-risk child by:

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

21 (2) a law enforcement officer or agency under Section
22 52.03; or

23 (3) a justice or municipal court under Article 45.057,
24 45.309, or 45.310, Code of Criminal Procedure.

25 SECTION 12. Section 22.1105(a), Government Code, is amended
26 to read as follows:

27 (a) Each judge of a court with jurisdiction to hear a

1 complaint against a child alleging a violation of a misdemeanor
2 offense punishable by fine only, other than a traffic offense or
3 public intoxication or a violation of a penal ordinance of a
4 political subdivision other than a traffic offense, shall complete
5 a course of instruction related to youth diversion and
6 understanding relevant issues of child welfare, including issues
7 related to mental health and children with disabilities, [~~and the~~
8 ~~Individuals with Disabilities Education Act (20 U.S.C. Section 1400~~
9 ~~et seq.)]~~ every judicial academic year that ends in a 0 or a 5.

10 SECTION 13. Section 133.102(e), Local Government Code, is
11 amended to read as follows:

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

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

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

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

26 (4) Texas Commission on Law Enforcement account
27 3.4418 percent;

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

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

10 SECTION 14. Section [133.125](#), Local Government Code, is

11 amended to read as follows:

12 Sec. 133.125. ALLOCATION OF FEES TO YOUTH [~~TRUANCY~~

13 ~~PREVENTION AND~~] DIVERSION ACCOUNT. (a) The youth [~~truancy~~

14 ~~prevention and~~] diversion account is a dedicated account in the

15 general revenue fund. The account consists of money allocated to

16 the account under Section [133.102](#)(e).

17 (b) The legislature may appropriate money from the youth

18 [~~truancy prevention and~~] diversion account only to the criminal

19 justice division of the governor's office for distribution to local

20 governmental entities for youth diversion [~~truancy prevention and~~

21 ~~intervention~~] services.

22 (c) A local governmental entity may request funds from the

23 criminal justice division of the governor's office for providing

24 youth diversion [~~truancy prevention and intervention~~] services.

25 The division may award the requested funds based on the

26 availability of appropriated funds and subject to the application

27 procedure and eligibility requirements specified by division rule.

1 SECTION 15. Section 134.103(b), Local Government Code, is
2 amended to read as follows:

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

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

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

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

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

21 SECTION 16. The heading to Section 134.156, Local
22 Government Code, is amended to read as follows:

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

25 SECTION 17. Section 134.156, Local Government Code, is
26 amended by amending Subsection (a) and adding Subsection (a-1) to
27 read as follows:

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

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

27 SECTION 18. Not later than January 1, 2025, each justice and

1 municipal court shall implement a youth diversion plan under
2 Subchapter E, Chapter 45, Code of Criminal Procedure, as added by
3 this Act.

4 SECTION 19. The changes in law made by this Act apply only
5 to an offense committed on or after January 1, 2025. An offense
6 committed before January 1, 2025, is governed by the law in effect
7 on the date the offense was committed, and the former law is
8 continued in effect for that purpose. For purposes of this section,
9 an offense was committed before January 1, 2025, if any element of
10 the offense occurred before that date.

11 SECTION 20. This Act takes effect January 1, 2024.