

By: Pena

H.B. No. 2023

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of a municipal or justice court in certain proceedings involving juveniles.

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

SECTION 1. Article 4.14, Code of Criminal Procedure, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of law, in a proceeding involving a child in which a municipal court has jurisdiction, the court may enter an order confining the child to a facility that meets the requirements of Section 51.12, Family Code, for not more than 30 days if:

(1) the court finds that the child has committed an offense that constitutes a misdemeanor; and

(2) the child has previously been convicted of two or more misdemeanors.

SECTION 2. Article 45.057, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (i) to read as follows:

(b) On a finding by a justice or municipal court that a child committed an offense that the court has jurisdiction of under Article 4.11 or 4.14, other than a traffic offense, the court has jurisdiction to enter an order:

(1) referring the child or the child's parent, managing conservator, or guardian for services under Section

264.302, Family Code;

(2) requiring that the child attend a special program that the court determines to be in the best interest of the child and, if the program involves the expenditure of county funds, that is approved by the county commissioners court, including a rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy, or mentoring program; or

(3) if the court finds the parent, managing conservator, or guardian, by act or omission, contributed to, caused, or encouraged the child's conduct, requiring that the child's parent, managing conservator, or guardian do any act or refrain from doing any act that the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of the child, including:

(A) attend a parenting class or parental responsibility program; ~~and~~

(B) attend the child's school classes or functions; and

(C) attend a family counseling session.

(i) Notwithstanding any other provision of law, and in addition to the jurisdiction authorized by Subsection (b), in a proceeding in which a municipal court has jurisdiction under Article 4.14, the court may enter an order confining a child to a

1 facility that meets the requirements of Section 51.12, Family Code,  
2 for not more than 30 days if:

3 (1) the court finds that the child has committed an  
4 offense that constitutes a misdemeanor; and

5 (2) the child has previously been convicted of two or  
6 more misdemeanors.

7 SECTION 3. Article 45.058, Code of Criminal Procedure, is  
8 amended by adding Subsections (i) and (j) to read as follows:

9 (i) Notwithstanding any other provision of law, in a  
10 proceeding in which a municipal court has jurisdiction under  
11 Article 4.14, the court may enter an order confining a child to a  
12 facility that meets the requirements of Section 51.12, Family Code,  
13 for not more than 30 days if:

14 (1) the court finds that the child has committed an  
15 offense that constitutes a misdemeanor; and

16 (2) the child has previously been convicted of two or  
17 more misdemeanors.

18 (j) A municipal judge that enters an order confining a child  
19 to a facility under Subsection (i) shall review the confinement of  
20 the child at least once every 10 days.

21 SECTION 4. (a) This Act takes effect September 1, 2003.

22 (b) This Act applies only to conduct that occurs on or after  
23 the effective date of this Act. Conduct occurs on or after the  
24 effective date of this Act if any element of the conduct occurs on  
25 or after that date.

26 (c) Conduct that occurs before the effective date of this  
27 Act is governed by the law in effect at the time the conduct

1     occurred, and that law is continued in effect for that purpose.