

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 22, 2003

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2319 by Dutton (Relating to juvenile delinquency; providing a criminal penalty.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend a number of codes as they apply to proceedings regarding juveniles. The Family Code would be amended as it relates to traffic offenses committed by juveniles; court jurisdiction over juvenile offenders; requirements pertaining to a county juvenile board such as providing a list of attorneys eligible to represent children; requiring a parent or other person responsible for supporting the juvenile to reimburse the county for payments made to counsel appointed to represent the child in certain circumstances as well as pay for all or part of reasonable costs for court-ordered treatment programs for the child; and various requirements of the juvenile courts. Some responsibilities of the juvenile court would be shifted to the juvenile board. Other changes to the Family Code would affect the circumstances under which a juvenile may be taken into custody. Additionally, provisions of the bill would authorize the court to extend a period of probation.

Procedures related to a juvenile sex offender and transferring jurisdictions are addressed, as are other probation and detention issues, including when jurisdiction is transferred and when a juvenile would be held in a certified juvenile detention facility or a county facility.

A new section would be added that would delineate the appeals procedure in cases of a violent or habitual juvenile offender. A new section would also be added to the Family Code relating to orders requiring a parent or other eligible person to act or refrain from actions related to a juvenile. Further, additions to the Family Code would prohibit detaining in a secure facility for any period a nonoffender, including one taken into custody solely for deportation; violating the provision would be a Class B misdemeanor.

Provisions of the bill would amend the Code of Criminal Procedure to prohibit a *capias pro fine* from being issued to an individual convicted for an offense committed before the individual's 17th birthday, with certain exceptions. The bill would authorize a justice or municipal court to hold a person in contempt and impose a remedy even if the person was convicted of an offense prior to their 17th birthday.

If a juvenile reaches the age of majority and still has not appeared in court as ordered, the bill would amend the Code of Criminal Procedure to authorize the court to send a notice of continuing obligation to inform the individual that they are still obligated to appear in court and that failure to do so is a Class C misdemeanor. The notice must also order the individual to appear at a designated time, place, and date to respond to the allegations detailed in the notice.

The Code of Criminal Procedure would also be amended to excuse a juvenile sex offender from registration if the offender successfully completes treatment unless a hearing is held on a motion of the state and the court determines the interests of the public require registration. If the court grants a motion to excuse registration as a sex offender, the court clerk would be required to notify by certified mail, return receipt requested, the Department of Public Safety (DPS), each local law enforcement department, each public or private agency or organization that the offender has proven to the court has

information about the person that is available to the public, and any other agency or organization designated by the offender. The offender would be required to pay \$20 to the court for each agency or organization designated to be notified.

When the person is no longer required to register as a sex offender for an adjudication of delinquent conduct, the DPS would be required to remove all information about the person from the sex offender registry upon notice from a local law enforcement authority, the juvenile court, or the person or their representative requests removal. Each local law enforcement authority and the DPS would be responsible for determining when a sex offender appears to renew registration information whether the registration has expired or if the registration is the final annual renewal. Once the DPS removes information, it would be required to notify all local law enforcement authorities that have provided registration information to the department about the person. The DPS would also be required to notify all public and private agencies or organizations that maintain a registry that is accessible to the public and that contains information about the person. The Education Code would be amended to authorize a Texas Youth Commission educational program to issue a certificate of course-work completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Section 28.025(a) but who fails to comply with Section 39.025(a).

The Government Code would be amended to require that justice and municipal courts include in their monthly report to the Office of Court Administration the number of cases filed for various juvenile offenses. The Human Resources Code would be amended regarding disclosure of records concerning a child and regarding reporting to the Texas Juvenile Probation Commission.

The bill would take effect September 1, 2003 and with the exception of Sections 20, 34, and 51 of the bill, the provisions apply only to conduct and appeals that occur on or after that date. The amendment to Section 29.087, Education Code would take effect only if that section of the Education Code does not expire September 1, 2003.

The Department of Public Safety indicates costs for removing juvenile sex offenders' information from the registry and notifying all applicable law enforcement authorities and other agencies and organizations would cost approximately \$60,447 in fiscal year 2004; \$47,503 in fiscal year 2005; and \$51,203 each year in fiscal years 2006 through 2008.

Other applicable state agencies indicated that the costs associated with implementation could be absorbed using existing resources.

Local Government Impact

The Justices of the Peace and Constables Association identified administrative costs for the courts for issuing notices regarding continuation of obligation and also estimated software set-up costs to meet the additional requirements related to reports submitted to the Office of Court Administration.

Juvenile boards and local law enforcement authorities would also incur administrative costs related to responsibilities outlined within the bill.

Various portions of the bill would result in increased costs for local juvenile authorities, while other provisions would provide savings that would generally offset most costs, according to analysis by the Harris County Juvenile Probation Department, the assistant county attorney's office, and the assistant district attorney's office.

The fiscal impact would vary by local entity, but generally is expected to be insignificant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 665 Juvenile Probation Commission, 694 Youth Commission, 696 Department of Criminal Justice

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