

## **BILL ANALYSIS**

C.S.H.B. 1909

By: Bolton

Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The main purpose of the bill is to expand the juvenile board in each county to include a justice of the peace and a municipal court judge to improve communication among all levels of the judiciary with regard to the juvenile justice system.

Juvenile boards exist in every county of the state and are primarily charged with overseeing the local juvenile probation department and designating which courts will serve as juvenile courts. They are created statutorily in Chapter 152 of the Human Resources Code, and are usually composed of the constitutional county judge, district judges in the county, and the judges of any statutory courts designated as a juvenile court in the county.

C.S.H.B.1909 would require that each juvenile board include a justice of the peace from the county served by the juvenile board, selected by majority vote of all the justices of the peace of the county and a judge of a municipal court of a municipality located in the county served by the juvenile board, selected by majority vote of all the municipal judges of the municipalities located in the county.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Subchapter A, Chapter 152 of the Human Resources Code by adding Section 152.0015 to require that each juvenile board include a justice of the peace from the county served by the juvenile board, selected by majority vote of all the justices of the peace of the county and a judge of a municipal court of a municipality located in the county served by the juvenile board, selected by majority vote of all the municipal judges of the municipalities located in the county.

A justice of the peace and judge of a municipal court serving on a juvenile board solely because of this provision, must serve as nonvoting members and may not receive any compensation for their service on the board. To the extent of a conflict between this section and a law applicable to a specific juvenile board, this section prevails.

Amends Section 152.0032 of the Human Resources Code by providing that a juvenile board is composed of the county judge of the county served by the juvenile board, a justice of the peace of the county, selected by majority vote of all the justices of the peace of the county and a judge of a municipal court of a municipality located in the county, selected by majority vote of all the municipal judges of the municipalities located in the county.

Additionally provides that a justice of the peace and judge of a municipal court serving on a juvenile board solely because of Subsection (a)(3) or (4) also serve as nonvoting members and may not receive any compensation for their service on the board, notwithstanding Section 152.0034.

Moreover, C.S.H.B.1909 amends Section 152.0051 of the Human Resources Code, to provide that the juvenile board of a county that has a family district court is composed the county judge of the county served by the juvenile board, the judge of each family district court in the county, a justice of the peace of the county, selected by majority vote of all the justices of the peace of the

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county and a judge of a municipal court of a municipality located in the county, selected by majority vote of all the municipal judges of the municipalities located in the county.

Lastly, C.S.H.B.1909 provides that a justice of the peace and judge of a municipal court serving on a juvenile board solely because of Subsection (a)(4) or (5) also serve as nonvoting members and may not receive any compensation for their service on the board, notwithstanding Section 152.0053.

The changes in law made by this Act apply to each juvenile board created under Chapter 152, Human Resources Code, regardless of whether the juvenile board is created before, on, or after the effective date of this Act. As soon as possible after the effective date of this Act, the commissioners court of each county in this state that is served by a juvenile board on that date shall ensure that the composition of the juvenile board conforms to the requirements of Section 152.0015, Human Resources Code, as added by this Act, or Section 152.0032 or 152.0051, Human Resources Code, as amended by this Act, as applicable.

### **EFFECTIVE DATE**

October 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.1909 modifies the original H.B.1909 by prohibiting the justices of the peace and judges of a municipal court serving on a juvenile board from voting and receiving compensation for their services on the board. Additionally, the composition of the board includes county judges of the county served by the juvenile board.