

By: Dutton

H.B. No. 807

A BILL TO BE ENTITLED

AN ACT

relating to the payment and use of a juvenile delinquency prevention fund.

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

SECTION 1. Articles 102.0171(a), (c), and (d), Code of Criminal Procedure, are amended to read as follows:

(a) The governing body of a municipality by ordinance or the commissioners court of a county by order may create a juvenile delinquency prevention fund and may require a [A] defendant who is a child, as defined by Section 51.02, Family Code, and who is convicted of an offense to [under Section 28.08, Penal Code, in a county court, county court at law, or district court shall] pay a \$5 juvenile delinquency prevention [graffiti eradication] fee as a cost of court.

(c) The clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as applicable, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer for deposit in the juvenile delinquency prevention [a] fund [to be known as the county juvenile delinquency prevention fund]. The juvenile delinquency prevention [A] fund [designated by this subsection] may be used only to:

(1) ~~[repair damage caused by the commission of offenses under Section 28.08, Penal Code,~~

1 ~~[(2)]~~ provide educational and intervention programs
2 designed to prevent juveniles ~~[individuals]~~ from committing
3 offenses ~~[under Section 28.08, Penal Code];~~

4 (2) ~~[(3)]~~ provide to the public rewards for
5 identifying and aiding in the apprehension and prosecution of
6 juvenile offenders ~~[who commit offenses under Section 28.08, Penal~~
7 ~~Code];~~

8 (3) ~~[(4)]~~ provide funding for teen recognition and
9 teen recreation programs;

10 (4) ~~[(5)]~~ provide funding for local teen court
11 programs;

12 (5) ~~[(6)]~~ provide funding for the local juvenile
13 probation department; and

14 (6) ~~[(7)]~~ provide educational and intervention
15 programs designed to prevent juveniles from engaging in delinquent
16 conduct.

17 (d) The ~~[county]~~ juvenile delinquency prevention fund shall
18 be administered by or under the direction of the commissioners
19 court or under the direction of the governing body of the
20 municipality.

21 SECTION 2. Section 54.0461, Family Code, is amended by
22 amending Subsections (a) and (b) and adding Subsection (d) to read
23 as follows:

24 (a) If a child is adjudicated as having engaged in
25 delinquent conduct ~~[that violates Section 28.08, Penal Code]~~, the
26 juvenile court shall order the child, parent, or other person
27 responsible for the child's support to pay to the court a \$5

1 juvenile delinquency prevention fee as a cost of court.

2 (b) The court shall deposit fees received under this section
3 to the credit of the [~~county~~] juvenile delinquency prevention fund
4 provided for under Article 102.0171, Code of Criminal Procedure.

5 (d) This section applies only if the commissioners court of
6 the county in which the juvenile court is located has created a
7 juvenile delinquency prevention fund as provided by Article
8 102.0171, Code of Criminal Procedure.

9 SECTION 3. Section 61.002(a), Family Code, is amended to
10 read as follows:

11 (a) Except as provided by Subsection (b), this chapter
12 applies to a proceeding to enter a juvenile court order:

13 (1) for payment of probation fees under Section
14 54.061;

15 (2) for restitution under Sections 54.041(b) and
16 54.048;

17 (3) for payment of juvenile delinquency prevention
18 [~~graffiti eradication~~] fees under Section 54.0461;

19 (4) for community service under Section 54.044(b);

20 (5) for payment of costs of court under Section
21 54.0411 or other provisions of law;

22 (6) requiring the person to refrain from doing any act
23 injurious to the welfare of the child under Section 54.041(a)(1);

24 (7) enjoining contact between the person and the child
25 who is the subject of a proceeding under Section 54.041(a)(2);

26 (8) ordering a person living in the same household
27 with the child to participate in counseling under Section

1 54.041(a)(3);

2 (9) requiring a parent or guardian of a child found to
3 be truant to participate in an available program addressing truancy
4 under Section 54.041(f);

5 (10) requiring a parent or other eligible person to
6 pay reasonable attorney's fees for representing the child under
7 Section 51.10(e);

8 (11) requiring the parent or other eligible person to
9 reimburse the county for payments the county has made to an attorney
10 appointed to represent the child under Section 51.10(j);

11 (12) requiring payment of deferred prosecution
12 supervision fees under Section 53.03(d);

13 (13) requiring a parent or other eligible person to
14 attend a court hearing under Section 51.115;

15 (14) requiring a parent or other eligible person to
16 act or refrain from acting to aid the child in complying with
17 conditions of release from detention under Section 54.01(r); or

18 (15) requiring a parent or other eligible person to
19 act or refrain from acting under any law imposing an obligation of
20 action or omission on a parent or other eligible person because of
21 the parent's or person's relation to the child who is the subject of
22 a proceeding under this title.

23 SECTION 4. Subchapter C, Chapter 102, Government Code, is
24 amended by amending Section 102.041 and adding Section 102.042 to
25 read as follows:

26 Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN
27 DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district

1 court shall collect fees and costs under the Code of Criminal
2 Procedure on conviction of a defendant as follows:

3 (1) a jury fee (Art. 102.004, Code of Criminal
4 Procedure) . . . \$20;

5 (2) a fee for clerk of the court services (Art.
6 102.005, Code of Criminal Procedure) . . . \$40;

7 (3) a records management and preservation services fee
8 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

9 (4) a security fee on a felony offense (Art. 102.017,
10 Code of Criminal Procedure) . . . \$5;

11 (5) a security fee on a misdemeanor offense (Art.
12 102.017, Code of Criminal Procedure) . . . \$3; and

13 (6) a juvenile delinquency prevention [~~graffiti~~
14 ~~eradication~~] fee (Art. 102.0171, Code of Criminal Procedure) . . .
15 \$5. [~~and~~]

16 Sec. 102.042. ADDITIONAL COURT COSTS ON CONVICTION IN
17 DISTRICT COURT: HUMAN RESOURCES CODE. The clerk of a district court
18 shall collect from a defendant [~~(7)~~] a court cost of \$4 under
19 Section 152.0522, Human Resources Code, on conviction in Comal
20 County [~~(Sec. 152.0522, Human Resources Code) . . . \$4~~].

21 SECTION 5. Subchapter D, Chapter 102, Government Code, is
22 amended by reenacting and amending Section 102.061, as amended by
23 Chapters 804 and 949, Acts of the 79th Legislature, Regular
24 Session, 2005, and adding Section 102.062 to read as follows:

25 Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN
26 STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a
27 statutory county court shall collect fees and costs under the Code

1 of Criminal Procedure on conviction of a defendant as follows:

2 (1) a jury fee (Art. 102.004, Code of Criminal
3 Procedure) . . . \$20;

4 (2) a fee for services of the clerk of the court (Art.
5 102.005, Code of Criminal Procedure) . . . \$40;

6 (3) a records management and preservation services fee
7 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

8 (4) a security fee on a misdemeanor offense (Art.
9 102.017, Code of Criminal Procedure) . . . \$3;

10 (5) a juvenile delinquency prevention [~~graffiti~~
11 ~~eradication~~] fee (Art. 102.0171, Code of Criminal
12 Procedure) . . . \$5; and

13 (6) [~~a court cost on conviction in Comal County (Sec.~~
14 ~~152.0522, Human Resources Code) . . . \$4.~~

15 [~~(7)~~] a juvenile case manager fee (Art. 102.0174, Code
16 of Criminal Procedure) . . . not to exceed \$5.

17 Sec. 102.062. ADDITIONAL COURT COSTS ON CONVICTION IN
18 STATUTORY COUNTY COURT: HUMAN RESOURCES CODE. The clerk of a
19 statutory county court shall collect from a defendant a court cost
20 of \$4 under Section 152.0522, Human Resources Code, on conviction
21 in Comal County.

22 SECTION 6. Section 102.081, Government Code, is amended to
23 read as follows:

24 Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN
25 COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county
26 court shall collect fees and costs under the Code of Criminal
27 Procedure on conviction of a defendant as follows:

1 (1) a jury fee (Art. 102.004, Code of Criminal
2 Procedure) . . . \$20;

3 (2) a fee for clerk of the court services (Art.
4 102.005, Code of Criminal Procedure) . . . \$40;

5 (3) a records management and preservation services fee
6 (Art. 102.005, Code of Criminal Procedure) . . . \$25;

7 (4) a security fee on a misdemeanor offense (Art.
8 102.017, Code of Criminal Procedure) . . . \$3;

9 (5) a juvenile delinquency prevention [~~graffiti~~
10 ~~eradication~~] fee (Art. 102.0171, Code of Criminal
11 Procedure) . . . \$5; and

12 (6) a juvenile case manager fee (Art. 102.0174, Code
13 of Criminal Procedure) . . . not to exceed \$5.

14 SECTION 7. The change in law made by this Act applies only
15 to conduct that occurs on or after the effective date of this Act.
16 Conduct violating the penal law of this state occurs on or after the
17 effective date of this Act if any element of the violation occurs on
18 or after that date. Conduct that occurs before the effective date
19 of this Act is governed by the law in effect at the time the conduct
20 occurred, and that law is continued in effect for that purpose.

21 SECTION 8. This Act takes effect September 1, 2007.