

BILL ANALYSIS

H.B. 4357
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Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, municipal and justice of the peace courts have jurisdiction over a child who is charged with a Class C misdemeanor offense and punished by a small fine. These courts have no means to address the underlying problem of a child who repeatedly commits such an offense under the Penal Code or the Alcoholic Beverage Code. Current law authorizes these courts to order a child who violates the mandatory school attendance law under the Education Code to attend a specific program designed to correct errant behavior and reduce the risk of the child dropping out of school, but they do not have similar authority to address a child's repeat violations of the Penal Code and the Alcoholic Beverage Code. This authority would give courts the opportunity to deter a juvenile offender from engaging in a subsequent violation.

H.B. 4357 authorizes a municipal or justice court to order a juvenile defendant who engages in conduct that violates a penal law of Texas and who has previously been found to be in violation of the Penal Code or the Alcoholic Beverage Code to attend or complete certain programs including substance abuse programs, rehabilitation training, sensitivity training, tutoring, community service, and parenting skills. The bill authorizes the courts to order a child and the child's parents to attend a class for students at risk of dropping out of school. The bill prohibits the court order requiring attendance in a program or service from exceeding 180 days or the length of the school year, whichever is longer.

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

H.B. 4357 amends the Code of Criminal Procedure to authorize a justice or municipal court, on a finding by the respective court that a child who has been found to have engaged in conduct that violates a penal law of Texas has previously been found to have engaged in conduct that violates the Penal Code or the Alcoholic Beverage Code, to enter a final order requiring: the child to attend a certain special program that the court determines to be in the best interest of the child; the child and the child's parent or parents to attend a class for students at risk of dropping out of school designed for both students and their parents; the child to complete a reasonable number of hours of community service; the child to participate in a specified number of hours of a tutorial program covering the subjects of the academic courses in which the child is enrolled in school; or the Department of Public Safety to suspend the child's driver's license or permit or deny the issuance of a license or permit to the child for a period not to exceed one year.

H.B. 4357 prohibits such an order from requiring attendance in a course or program or a period of community service for a period of more than 180 days or the length of the school year, whichever is longer. The bill specifies that the order is enforceable by the justice, municipal, or juvenile court by contempt.

EFFECTIVE DATE

September 1, 2009.