

BILL ANALYSIS

Senate Research Center

H.B. 2496
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When dating violence occurs between teenagers, often the only means of legal remediation is through punitive actions against the offender that can involve community service, probation, or incarceration. This path, however, does not address the issues causing the teenager to engage in acts of violence.

H.B. 2496 creates a 12-week teen dating violence court program designed to educate teens and encourage them to refrain from dating violence. The program would provide counseling and referrals and explain the juvenile justice system to teen dating violence victims. Before implementation, the program would have to be approved by the court and county commissioners court.

H.B. 2496 allows a court to defer adjudication proceedings for a first-time offender who violated a misdemeanor level dating violence offense. That child would be required to complete the teen dating violence court program and make a court appearance once a month. If the child successfully completes that program, the court would dismiss the case with prejudice, which means the plaintiff cannot bring forth the same claim.

H.B. 2496 allows a court to charge a child participating in a teen dating violence court program a fee up to \$10 for administrative costs. The court could charge an additional \$10 for programmatic costs.

H.B. 2496 amends current law relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54, Family Code, by adding Section 54.0325, as follows:

Sec. 54.0325. DEFERRAL OF ADJUDICATION AND DISMISSAL OF CERTAIN CASES ON COMPLETION OF TEEN DATING VIOLENCE COURT PROGRAM. (a) Defines, in this section, "dating violence," "family violence," and "teen dating violence court program."

(b) Authorizes the juvenile court, on the recommendation of the prosecuting attorney, to defer adjudication proceedings under Section 54.03 (Adjudication Hearing) for not more than 180 days if the child is a first offender who is alleged to have engaged in conduct:

- (1) that violated a penal law of this state of the grade of misdemeanor; and
- (2) involving dating violence.

(c) Provides that, for the purposes of Subsection (b), a first offender is a child who has not previously been referred to juvenile court for allegedly engaging in conduct constituting dating violence, family violence, or an assault.

(d) Requires that the teen dating violence court program, before implementation, be approved by the court, and the commissioners court of the county.

(e) Requires a child for whom adjudication proceedings are deferred under Subsection (b) to complete the teen dating violence court program not later than the last day of the deferral period, and appear in court once a month for monitoring purposes.

(f) Requires the court to dismiss the case with prejudice at the time the child presents satisfactory evidence that the child has successfully completed the teen dating violence court program.

(g) Authorizes the court to require a child who participates in a teen dating violence court program to pay a fee not to exceed \$10 that is set by the court to cover the costs of administering this section. Requires the court to deposit the fee in the county treasury of the county in which the court is located.

(h) Authorizes the court, in addition to the fee authorized by Subsection (g), to require a child who participates in a teen dating violence court program to pay a fee of \$10 to cover the cost to the teen dating violence court program for performing its duties under this section. Requires the court to pay the fee to the teen dating violence court program, and the teen dating violence court program is required to account to the court for the receipt and disbursement of the fee.

(i) Requires the court to track the number of children ordered to participate in the teen dating violence court program, the percentage of victims meeting with the teen victim advocate, and the compliance rate of the children ordered to participate in the program.

SECTION 2. Amends Subchapter B, Chapter 103, Government Code, by adding Section 103.0210, as follows:

Sec. 103.0210. **ADDITIONAL FEES IN CERTAIN JUVENILE CASES: FAMILY CODE.** Requires a child for whom adjudication proceedings are deferred under Section 54.0325, Family Code, to pay a fee not to exceed \$20 to the court for the administration of the teen dating violence court program.

SECTION 3. Provides that the change in law made by this Act applies only to conduct violating a penal law that occurs on or after the effective date of this Act. Provides that conduct violating a penal law that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, conduct violating a penal law occurred before the effective date of this Act if any element of the violation occurred before that date.

SECTION 4. Effective date: September 1, 2011.