

By: Villarreal

H.B. No. 1962

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the programs that a justice or municipal court may
3 require a juvenile offender to attend and to the payment of related
4 program costs.

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

6 SECTION 1. Articles 45.057(b) and (c), Code of Criminal
7 Procedure, are amended to read as follows:

8 (b) On a finding by a justice or municipal court that a child
9 committed an offense that the court has jurisdiction of under
10 Article 4.11 or 4.14, the court has jurisdiction to enter an order:

11 (1) referring the child or the child's parent for
12 services under Section 264.302, Family Code;

13 (2) requiring that the child attend a special program
14 that the court determines to be in the best interest of the child
15 and, if the program involves the expenditure of municipal or county
16 funds, that is approved by the governing body of the municipality or
17 county commissioners court, as applicable, including a
18 rehabilitation, counseling, self-esteem and leadership, work and
19 job skills training, job interviewing and work preparation,
20 self-improvement, parenting, manners, violence avoidance,
21 tutoring, sensitivity training, parental responsibility, community
22 service, restitution, advocacy, or mentoring program; or

23 (3) requiring that the child's parent do any act or
24 refrain from doing any act that the court determines will increase

1 the likelihood that the child will comply with the orders of the
2 court and that is reasonable and necessary for the welfare of the
3 child, including:

4 (A) attend a parenting class or parental
5 responsibility program; and

6 (B) attend the child's school classes or
7 functions.

8 (c) The justice or municipal court may order the parent,
9 managing conservator, or guardian of a child required to attend a
10 special program under Subsection (b) to pay an amount not greater
11 than \$250 [~~\$100~~] to pay for the costs of the program.

12 SECTION 2. Section 101.141(b), Government Code, is amended
13 to read as follows:

14 (b) A clerk of a justice court shall collect fees and costs
15 under other laws as follows:

16 (1) the cost of a special program that a court may
17 order a child to attend after a finding that the child committed an
18 offense, if ordered by the court (Art. 45.057, Code of Criminal
19 Procedure) . . . costs of the program not to exceed \$250 [~~\$100~~];

20 (2) additional filing fees:

21 (A) to fund Dallas County civil court facilities
22 (Sec. 51.705, Government Code) . . . not more than \$15;

23 (B) for filing any civil action or proceeding
24 requiring a filing fee, including an appeal, and on the filing of
25 any counterclaim, cross-action, intervention, interpleader, or
26 third-party action requiring a filing fee, to fund civil legal
27 services for the indigent (Sec. 133.153, Local Government Code)

1 . . . \$6; and

2 (C) to fund the improvement of Hays County court
3 facilities, if authorized by the county commissioners court (Sec.
4 51.707, Government Code) . . . not more than \$15;

5 (3) for filing a suit in Comal County (Sec. 152.0522,
6 Human Resources Code) . . . \$1.50; and

7 (4) fee for hearing on probable cause for removal of a
8 vehicle and placement in a storage facility if assessed by the court
9 (Sec. 2308.457, Occupations Code) . . . \$20.

10 SECTION 3. Section 101.161, Government Code, is amended to
11 read as follows:

12 Sec. 101.161. MUNICIPAL COURT FEES AND COSTS. The clerk of
13 a municipal court shall collect:

14 (1) a fee for a hearing on probable cause for removal
15 of a vehicle and placement in a storage facility if assessed by the
16 court (Sec. 2308.457, Occupations Code) . . . \$20; and

17 (2) the cost of a special program that a court may
18 order a child to attend after finding that the child committed an
19 offense, if ordered by the court (Art. 45.057, Code of Criminal
20 Procedure) . . . costs of the program not to exceed \$250 [~~\$100~~].

21 SECTION 4. Section 101.181, Government Code, is amended to
22 read as follows:

23 Sec. 101.181. MUNICIPAL COURTS OF RECORD FEES AND COSTS.
24 The clerk of a municipal court of record shall collect the following
25 fees and costs:

26 (1) from an appellant, a fee for preparation of the
27 clerk's record (Sec. 30.00014, Government Code) . . . \$25;

1 (2) from an appellant in the City of El Paso, an
2 appellate court docket fee (Sec. 30.00147, Government Code) . . .
3 \$25; and

4 (3) the cost of a special program that a court may
5 order a child to attend after finding that the child committed an
6 offense, if ordered by the court (Art. 45.057, Code of Criminal
7 Procedure) . . . costs of the program, not to exceed \$250 [~~\$100~~].

8 SECTION 5. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before the effective date of
14 this Act if any element of the offense was committed before that
15 date.

16 SECTION 6. This Act takes effect September 1, 2011.