

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.