By: Gonzalez, Gonzales of Hidalgo, Lucio III, Madden, Dukes, et al. H.B. No. 2496

A BILL TO BE ENTITLED

AN ACT

relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases.

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

SECTION 1. Chapter 54, Family Code, is amended by adding Section 54.0325 to read as follows:

Sec. 54.0325. DEFERRAL OF ADJUDICATION AND DISMISSAL OF CERTAIN CASES ON COMPLETION OF TEEN DATING VIOLENCE COURT PROGRAM. (a) In this section:

(1) "Dating violence" has the meaning assigned by Section 71.0021.

(2) "Family violence" has the meaning assigned by Section 71.004.

(3) "Teen dating violence court program" means a program that includes:

(A) a 12-week program designed to educate children who engage in dating violence and encourage them to refrain from engaging in that conduct;

(B) a dedicated teen victim advocate who assists teen victims by offering referrals to additional services, providing counseling and safety planning, and explaining the juvenile justice system;

(C) a court-employed resource coordinator to

monitor children's compliance with the 12-week program;

(D) one judge who presides over all of the cases in the jurisdiction that qualify for the program; and

(E) an attorney in the district attorney's office or the county attorney's office who is assigned to the program.

(b) On the recommendation of the prosecuting attorney, the juvenile court may defer adjudication proceedings under Section 54.03 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) 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) Before implementation, the teen dating violence court program must be approved by:

(1) the court; and

(2) the commissioners court of the county.

(e) A child for whom adjudication proceedings are deferred under Subsection (b) shall:

(1) complete the teen dating violence court program not later than the last day of the deferral period; and

(2) appear in court once a month for monitoring purposes.

(f) The court shall 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) The court may 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. The court shall deposit the fee in the county treasury of the county in which the court is located.

(h) In addition to the fee authorized by Subsection (g), the court may 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. The court shall pay the fee to the teen dating violence court program, and the teen dating violence court program must account to the court for the receipt and disbursal of the fee.

(i) The court shall 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. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0210 to read as follows:

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

SECTION 3. 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. 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. 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. This Act takes effect September 1, 2011.