

## **BILL ANALYSIS**

Senate Research Center

S.B. 1419  
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Jurisprudence  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Too many juveniles are entering the criminal justice system due to the fact that the offense of failure to attend school, or truancy, is a Class C misdemeanor. Alternatives to adjudicating juveniles for this offense should be pursued. Currently, juvenile case managers can be employed to assist a court with administering the juvenile docket but the use of juvenile case managers for prevention and intervention measures, prior to involvement with the criminal justice system, would be a better alternative. However, additional funds are needed at the local level to adequately support this function.

S.B. 1419 seeks to address this problem by diverting an existing court cost, currently collected on truancy offenses, to a dedicated general revenue fund to truancy prevention and intervention. In addition, it expands the use of juvenile case managers by allowing for their use without a formal court order and prior to cases being filed against juveniles for truancy offenses.

S.B. 1419 amends current law relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the criminal justice division of the governor's office in SECTION 2 (Section 102.015, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Articles 45.056(a) and (c), Code of Criminal Procedure, as follows:

(a) Authorizes a city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity, on approval of a commissioners court, to:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians;

(2) employ one or more juvenile case managers who:

(A) are required to assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) are authorized to provide prevention services to a child considered at risk of entering the juvenile justice system and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791 (Interlocal Cooperation Contracts), Government Code, to jointly employ a case manager to provide services described by Subdivisions (1) and (2).

(c) Provides that an entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 (Costs Paid by Defendants) of this code and Chapter 102 (Court Costs in Criminal Proceedings), Government Code. Deletes existing text authorizing a county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council to employ one or more juvenile case managers to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases.

SECTION 2. Amends Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.015, as follows:

Art. 102.015. COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND.

(a) Provides that the truancy prevention and diversion fund is a dedicated account in the general revenue fund.

(b) Requires a person convicted in municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay as a court cost \$2 in addition to other court costs.

(c) Provides that for the purposes of this article, a person is considered to have been convicted if a sentence is imposed or if the defendant receives deferred disposition in the case.

(d) Provides that court costs under this article are collected in the same manner as other fines or costs. Requires an officer collecting the costs to keep separate records of the funds collected as costs under this article and to deposit the funds in the county treasury or municipal treasury, as applicable.

(e) Requires the custodian of a county treasury or municipal treasury, as applicable, to keep records of the amount of funds on deposit collected under this article and send to the comptroller of public accounts of the State of Texas (comptroller) before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian is authorized to retain 50 percent of funds collected under this article for the purpose of operating or establishing a juvenile case manager program, if the county or municipality has established or is attempting to establish a juvenile case manager program.

(f) Requires the custodian of the treasury, if no funds due as costs under this article are deposited in a county treasury or municipal treasury in a calendar quarter, to file the report required for the quarter in the regular manner and to state that no funds were collected.

(g) Requires the comptroller to deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the truancy prevention and diversion fund. Authorizes the legislature to appropriate money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services.

(h) Authorizes a local governmental entity to request funds from the criminal justice division of the governor's office for providing truancy prevention and intervention services. Authorizes the division to award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

(i) Provides that funds collected under this article are subject to audit by the comptroller.

SECTION 3. Amends Subchapter B, Chapter 103, Government Code, by adding Section 103.034, as follows:

Sec. 103.034. MISCELLANEOUS COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND. Requires court costs for \$2 for the truancy prevention and diversion fund established under Article 102.015, Code of Criminal Procedure, to be collected under that article.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2013.