

BILL ANALYSIS

S.B. 1419
By: West
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern that too many juveniles are entering the criminal justice system for the offense of truancy, or failure to attend school, which is a Class C misdemeanor. Interested parties assert that alternatives to adjudicating juveniles for this offense should be pursued, noting that juvenile case managers, who can currently be employed to assist a court with administering the juvenile docket, could provide certain prevention and intervention measures to juveniles prior to their involvement with the criminal justice system. However, the parties contend that additional funds would be needed at the local level to adequately support this function. S.B. 1419 seeks to address this problem by expanding the uses of juvenile case managers and providing for a dedicated account in the general revenue fund for truancy prevention and intervention.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the criminal justice division of the governor's office in SECTION 2 of this bill.

ANALYSIS

S.B. 1419 amends the Code of Criminal Procedure to expand the types of cases for which a juvenile case manager may be employed by a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity to include cases involving juvenile offenders 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, and conditions the employment of such a juvenile case manager on the consent of the juvenile and the juvenile's parents or guardians. The bill authorizes a juvenile case manager employed by a county court, justice court, municipality, or municipal court to provide prevention services to a child considered at risk of entering the juvenile justice system and intervention services to juveniles engaged in misconduct prior to cases being filed, excluding traffic offenses.

S.B. 1419 establishes the truancy prevention and diversion fund as a dedicated account in the general revenue fund. The bill 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, and establishes that, for purposes of the bill's provisions, a person is considered to have been convicted if a sentence is imposed or the defendant receives deferred disposition in the case. The bill establishes that such court costs are collected in the same manner as other fines or costs. The bill requires an officer collecting the costs to keep separate records of the funds collected as costs under the bill's provisions and to deposit the funds in the county treasury or municipal treasury, as applicable.

S.B. 1419 requires the custodian of a county treasury or municipal treasury, as applicable, to keep records of the amount of funds on deposit collected under the bill's provisions. The bill requires such a custodian to send to the comptroller of public accounts before the last day of the first month following each calendar quarter the funds collected during the preceding quarter, except that the custodian may retain 50 percent of the collected funds 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. The bill requires the custodian of the treasury, if no funds due as costs under the bill's provisions 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.

S.B. 1419 requires the comptroller to deposit the funds received under the bill's provisions to the credit of the truancy prevention and diversion fund and 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. The bill 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 and 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. The bill establishes that funds collected under the bill's provisions are subject to audit by the comptroller.

S.B. 1419 amends the Government Code to make a conforming change.

EFFECTIVE DATE

September 1, 2013.