

BILL ANALYSIS

Senate Research Center

S.B. 1419
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Jurisprudence
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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.

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

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

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 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.

(c) Authorizes 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 who are required to assist the court in administering the court's juvenile docket, in supervising its court orders in juvenile cases, and is authorized to provide prevention services to a child considered at-risk under Subchapter D (Services to At-Risk Youth), Chapter 264, Family Code, and intervention services to juveniles engaged in misconduct prior to cases being filed, excluding traffic offenses. Makes a nonsubstantive change.

SECTION 2. Amends Article 102.014(d), Code of Criminal Procedure, to require a person convicted of an offense under Section 25.093 (Parent Contributing to Nonattendance), Education

Code, rather than Section 25.093 or 25.094 (Failure to Attend School), Education Code, to pay as taxable court costs \$20 in addition to other table court costs.

SECTION 3. 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 of an offense under Section 25.094, Education Code, to pay as a court cost \$20 in addition to other court costs. Requires that the additional court cost under this subsection be collected in the same manner that other fines and court costs in the case are collected.

(c) Requires that any court cost payable by a person convicted of an offense under Section 25.094, Education Code, notwithstanding any other law, be deposited to the credit of the truancy prevention and diversion fund.

(d) Provides that, for purposes of this article, a person is considered to have been convicted if a sentence is imposed; the defendant receives community supervision or deferred adjudication; or the court defers final disposition of the case.

(e) 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.

(f) Requires the custodian of a county treasury 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.

(g) Requires the custodian of the treasury, if no funds due as costs under this article are deposited in a county 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.

(h) 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 attorney general's office for distribution to fund programs that use juvenile case managers to provide services for juveniles who are truants. Requires the attorney general's office to ensure that money distributed under this subsection is used for a public purpose.

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

SECTION 4. Amends Chapter 54, Family Code, by adding Section 54.0412, as follows:

Sec. 54.0412. TRUANCY PREVENTION AND DIVERSION FUND. (a) Requires the juvenile court, after giving the child, parent, or other person responsible for the child's support a reasonable opportunity to be heard, if a disposition hearing is held under Section 54.04 (Disposition Hearing) of this code for a child found to have engaged in conduct indicating a need for supervision based on a violation of Section 25.094, Education Code, to order the child, parent, or other person, if financially able to do so, to pay a fee as costs of court of \$20.

(b) Authorizes orders for the payment of fees under this section to be enforced as provided by Section 54.07 (Enforcement of Order) of this code.

(c) Requires an officer collecting costs under this section to keep separate records of the funds collected as costs under this section and to deposit the funds in the county treasury.

(d) Requires each officer collecting court costs under this section to file the reports required under Article 103.005 (Report Required), Code of Criminal Procedure. Requires that the report required for each quarter, if no funds due as costs under this section have been collected in any quarter, be filed in the regular manner, and state that no funds due under this section were collected.

(e) Requires the custodian of the county treasury to keep records of the amount of funds on deposit collected under this section and not later than the last day of the month following each calendar quarter to send to the comptroller the funds collected under this section during the preceding quarter.

(f) Provides that funds collected are subject to audit by the comptroller and funds expended are subject to audit by the State Auditor.

(g) Requires the comptroller to deposit the funds in the truancy prevention and diversion fund, as created by Article 102.015, Code of Criminal Procedure.

SECTION 5. Amends Subchapter B, Chapter 103, Government Code, by adding Section 103.034, as follows:

Sec. 103.034. MISCELLANEOUS FEES AND COSTS: TRUANCY PREVENTION AND DIVERSION FUND. Requires that a fee for the truancy prevention and diversion fund established under Article 102.015, Code of Criminal Procedure, be collected under Section 54.0412, Family Code.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2013.