

By: West

S.B. No. 1419

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to funding for juvenile case managers through certain  
3 court costs and to the establishment of the truancy prevention and  
4 diversion fund.

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

6 SECTION 1. Subsections (a) and (c), Article 45.056, Code of  
7 Criminal Procedure, are amended to read as follows:

8 (a) On approval of the commissioners court, city council,  
9 school district board of trustees, juvenile board, or other  
10 appropriate authority, a county court, justice court, municipal  
11 court, school district, juvenile probation department, or other  
12 appropriate governmental entity may:

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

20 (2) agree in accordance with Chapter 791, Government  
21 Code, to jointly employ a case manager.

22 (c) A county or justice court on approval of the  
23 commissioners court or a municipality or municipal court on  
24 approval of the city council may employ one or more juvenile case

1 managers who:

2 (1) shall [~~to~~] assist the court in administering the  
3 court's juvenile docket and in supervising its court orders in  
4 juvenile cases; and

5 (2) may provide:

6 (A) prevention services to a child considered at  
7 risk of entering the juvenile justice system; and

8 (B) intervention services to juveniles engaged  
9 in misconduct prior to cases being filed, excluding traffic  
10 offenses.

11 SECTION 2. Subchapter A, Chapter 102, Code of Criminal  
12 Procedure, is amended by adding Article 102.015 to read as follows:

13 Art. 102.015. COURT COSTS: TRUANCY PREVENTION AND  
14 DIVERSION FUND. (a) The truancy prevention and diversion fund is  
15 a dedicated account in the general revenue fund.

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

20 (c) For purposes of this article, a person is considered to  
21 have been convicted if:

22 (1) a sentence is imposed; or

23 (2) the defendant receives deferred disposition in the  
24 case.

25 (d) Court costs under this article are collected in the same  
26 manner as other fines or costs. An officer collecting the costs  
27 shall keep separate records of the funds collected as costs under

1 this article and shall deposit the funds in the county treasury or  
2 municipal treasury, as applicable.

3 (e) The custodian of a county treasury or municipal  
4 treasury, as applicable, shall:

5 (1) keep records of the amount of funds on deposit  
6 collected under this article; and

7 (2) send to the comptroller before the last day of the  
8 first month following each calendar quarter the funds collected  
9 under this article during the preceding quarter, except that the  
10 custodian may retain 50 percent of funds collected under this  
11 article for the purpose of operating or establishing a juvenile  
12 case manager program, if the county or municipality has established  
13 or is attempting to establish a juvenile case manager program.

14 (f) If no funds due as costs under this article are  
15 deposited in a county treasury or municipal treasury in a calendar  
16 quarter, the custodian of the treasury shall file the report  
17 required for the quarter in the regular manner and must state that  
18 no funds were collected.

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

26 (h) A local governmental entity may request funds from the  
27 criminal justice division of the governor's office for providing

1 truancy prevention and intervention services. The division may  
2 award the requested funds based on the availability of appropriated  
3 funds and subject to the application procedure and eligibility  
4 requirements specified by division rule.

5 (i) Funds collected under this article are subject to audit  
6 by the comptroller.

7 SECTION 3. Subchapter B, Chapter 103, Government Code, is  
8 amended by adding Section 103.034 to read as follows:

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

13 SECTION 4. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 An offense committed before the effective date of this Act is  
16 covered by the law in effect when the offense was committed, and the  
17 former law is continued in effect for that purpose. For purposes of  
18 this section, an offense is committed before the effective date of  
19 this Act if any element of the offense was committed before that  
20 date.

21 SECTION 5. This Act takes effect September 1, 2013.