

AN ACT

relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

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

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

(a) On approval of the commissioners court, 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 may:

(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; [or]

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

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

(B) may provide:

1 (i) prevention services to a child
2 considered at risk of entering the juvenile justice system; and

3 (ii) intervention services to juveniles
4 engaged in misconduct before cases are filed, excluding traffic
5 offenses; or

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

9 (c) An entity that jointly employs a case manager under
10 Subsection (a)(3) employs a juvenile case manager for purposes of
11 Chapter 102 of this code and Chapter 102, Government Code [~~A county~~
12 ~~or justice court on approval of the commissioners court or a~~
13 ~~municipality or municipal court on approval of the city council may~~
14 ~~employ one or more juvenile case managers to assist the court in~~
15 ~~administering the court's juvenile docket and in supervising its~~
16 ~~court orders in juvenile cases].~~

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

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

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

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

1 (1) a sentence is imposed; or

2 (2) the defendant receives deferred disposition in the
3 case.

4 (d) Court costs under this article are collected in the same
5 manner as other fines or costs. An officer collecting the costs
6 shall keep separate records of the funds collected as costs under
7 this article and shall deposit the funds in the county treasury or
8 municipal treasury, as applicable.

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

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

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

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

25 (g) The comptroller shall deposit the funds received under
26 this article to the credit of a dedicated account in the general
27 revenue fund to be known as the truancy prevention and diversion

1 fund. The legislature may appropriate money from the account only
2 to the criminal justice division of the governor's office for
3 distribution to local governmental entities for truancy prevention
4 and intervention services.

5 (h) A local governmental entity may request funds from the
6 criminal justice division of the governor's office for providing
7 truancy prevention and intervention services. The division may
8 award the requested funds based on the availability of appropriated
9 funds and subject to the application procedure and eligibility
10 requirements specified by division rule.

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

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

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

19 SECTION 4. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 covered by the law in effect when the offense was committed, and the
23 former law is continued in effect for that purpose. For purposes of
24 this section, an offense is committed before the effective date of
25 this Act if any element of the offense was committed before that
26 date.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1419 passed the Senate on April 23, 2013, by the following vote: Yeas 21, Nays 10; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 26, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 1419 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 139, Nays 9, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor