

By: West

S.B. No. 1419

A BILL TO BE ENTITLED

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

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

6 SECTION 1. Articles 45.056(a) and (c), Code of Criminal
7 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 shall [~~to~~] assist the court in administering the
2 court's juvenile docket, [~~and~~] in supervising its court orders in
3 juvenile cases, and may provide prevention services to a child
4 considered at-risk under Subchapter D, Chapter 264, Family Code,
5 and intervention services to juveniles engaged in misconduct prior
6 to cases being filed, excluding traffic offenses.

7 SECTION 2. Article 102.014(d), Code of Criminal Procedure,
8 is amended to read as follows:

9 (d) A person convicted of an offense under Section 25.093
10 [~~or 25.094~~], Education Code, shall pay as taxable court costs \$20 in
11 addition to other taxable court costs. The additional court costs
12 under this subsection shall be collected in the same manner that
13 other fines and taxable court costs in the case are collected.

14 SECTION 3. Subchapter A, Chapter 102, Code of Criminal
15 Procedure, is amended by adding Article 102.015 to read as follows:

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

19 (b) A person convicted of an offense under Section 25.094,
20 Education Code, shall pay as a court cost \$20 in addition to other
21 court costs. The additional court cost under this subsection shall
22 be collected in the same manner that other fines and court costs in
23 the case are collected.

24 (c) Notwithstanding any other law, any court cost payable by
25 a person convicted of an offense under Section 25.094, Education
26 Code, shall be deposited to the credit of the truancy prevention and
27 diversion fund.

1 (d) For purposes of this article, a person is considered to
2 have been convicted if:

3 (1) a sentence is imposed;

4 (2) the defendant receives community supervision or
5 deferred adjudication; or

6 (3) the court defers final disposition of the case.

7 (e) Court costs under this article are collected in the same
8 manner as other fines or costs. An officer collecting the costs
9 shall keep separate records of the funds collected as costs under
10 this article and shall deposit the funds in the county treasury.

11 (f) The custodian of a county treasury shall:

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

14 (2) send to the comptroller before the last day of the
15 first month following each calendar quarter the funds collected
16 under this article during the preceding quarter.

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

21 (h) The comptroller shall deposit the funds received under
22 this article to the credit of a dedicated account in the general
23 revenue fund to be known as the truancy prevention and diversion
24 fund. The legislature may appropriate money from the account only
25 to the attorney general's office for distribution to fund programs
26 that use juvenile case managers to provide services for juveniles
27 who are truants. The attorney general's office shall ensure that

1 money distributed under this subsection is used for a public
2 purpose.

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

5 SECTION 4. Chapter 54, Family Code, is amended by adding
6 Section 54.0412 to read as follows:

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

15 (b) Orders for the payment of fees under this section may be
16 enforced as provided by Section 54.07 of this code.

17 (c) An officer collecting costs under this section shall
18 keep separate records of the funds collected as costs under this
19 section and shall deposit the funds in the county treasury.

20 (d) Each officer collecting court costs under this section
21 shall file the reports required under Article 103.005, Code of
22 Criminal Procedure. If no funds due as costs under this section
23 have been collected in any quarter, the report required for each
24 quarter shall be filed in the regular manner, and the report must
25 state that no funds due under this section were collected.

26 (e) The custodian of the county treasury shall keep records
27 of the amount of funds on deposit collected under this section and

1 not later than the last day of the month following each calendar
2 quarter shall send to the comptroller of public accounts the funds
3 collected under this section during the preceding quarter.

4 (f) Funds collected are subject to audit by the comptroller
5 and funds expended are subject to audit by the State Auditor.

6 (g) The comptroller shall deposit the funds in the truancy
7 prevention and diversion fund, as created by Article 102.015, Code
8 of Criminal Procedure.

9 SECTION 5. Subchapter B, Chapter 103, Government Code, is
10 amended by adding Section 103.034 to read as follows:

11 Sec. 103.034. MISCELLANEOUS FEES AND COSTS: TRUANCY
12 PREVENTION AND DIVERSION FUND. A fee for the truancy prevention and
13 diversion fund established under Article 102.015, Code of Criminal
14 Procedure, shall be collected under Section 54.0412, Family Code.

15 SECTION 6. The change in law made by this Act applies only
16 to a fee collected on or after the effective date of this Act. A fee
17 collected before the effective date of this Act is covered by the
18 law in effect when the fee was collected, and the former law is
19 continued in effect for that purpose.

20 SECTION 7. This Act takes effect September 1, 2013.