

Amend SB 562 on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Chapter 45, Code of Criminal Procedure, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. YOUTH DIVERSION

Art. 45.301. DEFINITIONS. In this subchapter:

(1) "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint.

(2) "Child" has the meaning assigned by Article 45.058(h).

(3) "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. The term includes diversion under Article 45.310, 45.311, 45.313, or 45.314.

(4) "Offense" means a Class C misdemeanor other than a traffic offense.

(5) "Parent" has the meaning assigned by Article 45.057(a).

(6) "Service provider" means a governmental agency, political subdivision, open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families.

(7) "Youth diversion plan" means a plan adopted under Article 45.306.

Art. 45.302. APPLICABILITY. This subchapter applies only to a child who is alleged to have engaged in conduct that constitutes a Class C misdemeanor other than a traffic offense.

Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED. Nothing in this subchapter precludes:

(1) a case involving a child from being referred, adjudicated, or disposed of as conduct indicating a need for supervision under Title 3, Family Code; or

(2) a waiver of criminal jurisdiction and transfer of a child's case as provided by Section 51.08, Family Code.

Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as

provided by Subsection (b), a child shall be diverted from formal criminal prosecution as provided by this subchapter.

(b) A child who is 15 years of age or older at the time the child is alleged to have engaged in conduct that constitutes an offense is not eligible for diversion if the child has previously had two unsuccessful diversions under this subchapter for unrelated offenses.

Art. 45.305. DIVERSION STRATEGIES. (a) Diversion strategies include:

(1) requiring a child to participate in a program, including:

(A) a court-approved teen court program operated by a service provider;

(B) a school-related program;

(C) an educational program, including an alcohol awareness program approved by the Texas Department of Licensing and Regulation or a tobacco awareness program or a drug education program approved by the Department of State Health Services;

(D) a rehabilitation program; or

(E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;

(2) referring the child to a service provider for services, including:

(A) at-risk youth services under Subchapter D, Chapter 264, Family Code;

(B) juvenile case manager services under Article 45.056;

(C) work and job skills training, including job interviewing and work preparation;

(D) academic monitoring or tutoring, including preparation for a high school equivalency examination administered under Section 7.111, Education Code;

(E) community-based services;

(F) mental health screening and clinical

assessment;

(G) counseling, including private or in-school counseling; or

(H) mentoring services;

(3) requiring a child to:

(A) participate in mediation or other dispute resolution processes;

(B) submit to alcohol or drug testing; or

(C) substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and

(4) requiring a child, by court order, to:

(A) pay restitution not to exceed \$100 for an offense against property under Title 7, Penal Code;

(B) perform not more than 20 hours of community service; or

(C) perform any other reasonable action determined by the court.

(b) A diversion strategy may be imposed under:

(1) a diversion by law enforcement under Article 45.310 or 45.311;

(2) an intermediate diversion from court under Article 45.313;

(3) a diversion by a justice or judge under Article 45.314; or

(4) a system of graduated sanctions for certain school offenses under Section 37.144, Education Code.

Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. A youth diversion plan does not limit the types of diversion strategies that may be imposed under a diversion agreement under Article 45.312.

(b) Each justice and municipal court shall adopt a youth diversion plan.

(c) A youth diversion plan may be devised for a county or municipality or an individual court within a county or municipality.

(d) In accordance with Chapter 791, Government Code, a local government may enter into an agreement with one or more local governments to create a regional youth diversion plan and collaborate in the implementation of this subchapter.

(e) A youth diversion plan may include an agreement with a service provider to provide services for a diversion strategy.

(f) A youth diversion plan may contain guidelines for disposition or diversion of a child's case by law enforcement under Article 45.310 or 45.311. The guidelines are not mandatory.

(g) The guidelines adopted under Subsection (f) may not allow for the disposition or diversion of a child's case under Article 45.310 or 45.311 if there is probable cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code (trafficking of persons).

(h) A current youth diversion plan must be maintained on file for public inspection in each justice and municipal court, including courts that collaborate with one or more counties or municipalities.

(i) A court or local government may adopt rules necessary to coordinate services under a youth diversion plan or to implement this subchapter.

Art. 45.307. YOUTH DIVERSION COORDINATOR. (a) A court may designate a youth diversion coordinator to assist the court in:

(1) determining whether a youth is eligible for diversion;

(2) employing a diversion strategy authorized by this subchapter;

(3) presenting and maintaining diversion agreements;

(4) monitoring diversions;

(5) maintaining records regarding whether one or more diversions were successful or unsuccessful; and

(6) coordinating referrals to court.

(b) The responsibilities of the youth diversion coordinator may be performed by:

(1) a court administrator or court clerk, or a person who regularly performs the duties of court administrator or court clerk;

(2) an individual or entity that provides juvenile case manager services under Article 45.056;

(3) a court-related services office;

(4) a community supervision and corrections department;

(5) a county or municipal employee;

(6) a community volunteer;

(7) an institution of higher learning, including a private or independent institution; or

(8) a qualified nonprofit organization.

Art. 45.308. YOUTH DIVERSION ADVISORY COUNCIL. (a) A commissioners court of a county or the governing body of a municipality may establish a youth diversion advisory council.

(b) The purpose of a youth diversion advisory council is to facilitate community input, suggest improvements to a youth diversion plan, and make recommendations to accomplish the following objectives:

(1) to provide children the option of an alternative, non-adversarial procedure to resolve certain charges while ensuring that the child's legal rights are protected;

(2) to authorize diversions from criminal prosecution under this subchapter that emphasize accountability and responsibility of the parent and the child for the child's conduct;

(3) to reduce recidivism and the occurrence of problem behaviors without criminal prosecution in justice and municipal courts;

(4) to identify at-risk youth and, where appropriate, refer at-risk youth to services under Subchapter D, Chapter 264, Family Code;

(5) to remove, where appropriate, the taint of criminality and collateral consequences of criminal convictions from children charged with certain unlawful acts;

(6) to encourage problem-solving approaches and the use of evidence-based practices in focusing on outcomes that are in the best interest of the child and the community; and

(7) to increase collaboration between governmental, educational, and nonprofit organizations in devising local and

regional diversion strategies.

(c) The commissioners court of the county or governing body of the municipality appoints the members of the youth diversion advisory council. The members serve terms specified by the commissioners court or governing body without compensation.

(d) County and municipal youth diversion advisory councils may collaborate to identify best practices, share information and resources, and coordinate diversion efforts under this subchapter.

(e) One or more counties or municipalities by agreement may create a regional youth diversion advisory council.

Art. 45.309. WARNING NOTICE BY PEACE OFFICER. (a) In lieu of taking a child into custody, issuing a citation, or filing a complaint for an offense, a peace officer may issue a warning notice to the child if:

(1) guidelines for issuing a warning notice have been issued by the law enforcement agency employing the peace officer;

(2) the warning notice is authorized by the guidelines;

(3) the warning notice identifies the child and describes the child's alleged offense;

(4) a copy of the warning notice is sent to the child's parent as soon as practicable; and

(5) a copy of the warning notice is filed with a service provider, youth diversion coordinator, or other person designated in the youth diversion plan.

(b) A warning notice filed under this article is not a diversion but may be used as the basis of further action under the terms of a diversion agreement.

Art. 45.310. PEACE OFFICER DISPOSITION. (a) In lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer may dispose of a case if:

(1) guidelines for a disposition under this article have been adopted and are included in a youth diversion plan;

(2) the disposition is authorized by the guidelines; and

(3) the peace officer makes a written report of the officer's disposition to the law enforcement agency employing the

officer, identifying the child and specifying the grounds for believing that the child committed an offense.

(b) A disposition under this article may not include:

(1) keeping the child in law enforcement custody; or

(2) requiring the child to report periodically to a peace officer, law enforcement agency, or other service provider.

(c) A disposition under this article may include:

(1) referral of the child to a service provider or other diversion strategy specified in a youth diversion plan;

(2) a brief conference with the child and the child's parent; or

(3) referral of the child and the child's parent for at-risk youth services under Subchapter D, Chapter 264, Family Code.

Art. 45.311. FIRST OFFENSE DIVERSION PROGRAM. (a) In this article, "program" means a first offense diversion program established under this article.

(b) As part of a youth diversion plan, a commissioners court of a county or the governing body of a municipality may establish a first offense diversion program for the referral and disposition of a case before the filing of a charge for a first offense.

(c) A county or municipality in which a program has been established shall designate one or more peace officers, law enforcement agencies, or service providers to process children in the program.

(d) In lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer who has a child in custody may refer the child to the peace officer, law enforcement agency, or service provider designated under Subsection (c) if:

(1) the child has not previously been referred to a program under this article; and

(2) the officer reports the referral in writing to the agency, identifying the child and specifying the grounds for taking the child into custody or for accusing the child of the offense.

(e) A child's parent shall be notified that the child is eligible to be referred to a first offense diversion program. The

notice must:

(1) state the grounds for believing that the child has committed an offense;

(2) identify the peace officer, law enforcement agency, or service provider to which the child may be referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to court unless stated otherwise in a youth diversion plan.

(f) Before a child is referred to a program, the child and the child's parent must consent to the referral.

(g) A referral to a program under this article may be for a period of not more than 180 days.

(h) Diversion strategies in a program may include:

(1) voluntary restitution by the child or the child's parent to the victim of the child's conduct;

(2) voluntary community service by the child;

(3) educational or vocational training, counseling, or other rehabilitative services;

(4) referral of the child to a service provider or other diversion strategy specified in a youth diversion plan; and

(5) periodic reporting by the child to the peace officer, law enforcement agency, or service provider to which the child is referred.

(i) The case of a child who successfully completes a program is closed and may not be referred to court.

(j) The case of a child referred to a program shall be referred to a prosecutor or to court, or as specified in a youth diversion plan, if:

(1) the child fails to complete the program;

(2) the child or the child's parent terminates the child's participation in the program before the child completes the program; or

(3) the child is alleged to have committed another offense during the child's participation in the program.

(k) A statement made by a child to a person while participating in a program may not be used against the child in any



subsequent court proceeding.

Art. 45.312. DIVERSION AGREEMENT. (a) A diversion agreement must identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under Article 45.313 or 45.314.

(b) Stated objectives in a diversion agreement must be measurable, realistic, and reasonable considering the circumstances of the child and the best interests of the child and the community.

(c) A diversion agreement must include:

(1) the terms of the agreement, including any diversion strategy, written in a clear and concise manner and identifying any offense or charge being diverted;

(2) possible consequences of a successful diversion and an unsuccessful diversion;

(3) an explanation that participation in a diversion is not an admission of guilt and a guilty plea is not required to participate in a diversion;

(4) an explanation of the process that will be used for reviewing and monitoring compliance with the terms of the agreement;

(5) the period of the diversion;

(6) a verification that:

(A) the child and the child's parent were notified of the child's rights, including the right to refuse diversion; and

(B) the child knowingly and voluntarily consents to participate in the diversion; and

(7) written acknowledgment and acceptance of the agreement by the child and the child's parent.

(d) The terms of an agreement may vary depending on the circumstances of the child, including the child's age and ability, the charge being diverted, the diversion program, or the diversion strategy.

(e) A charge may not be filed against a child or, if filed, shall be dismissed if the child:

(1) does not contest the charge;

(2) is eligible for diversion under Article 45.304;

and

(3) accepts the terms of the agreement.

(f) Entering into a diversion agreement under this article extends the court's jurisdiction for the term of the agreement.

(g) On entering into a diversion agreement, a copy of the agreement shall be provided to the child and the child's parent, the clerk of the court, a youth diversion coordinator, and any person specified by the youth diversion plan.

Art. 45.313. INTERMEDIATE DIVERSION FROM COURT. (a) If provided by a youth diversion plan and subject to the direction of the court, a youth diversion coordinator, juvenile case manager, or other designated officer of the court shall advise the child and the child's parent before a case is filed that the case may be diverted under this article for a reasonable period not to exceed 180 days if:

(1) the child is eligible for diversion under Article 45.304;

(2) diversion is in the best interest of the child and the community;

(3) the child and the child's parent consent to diversion with the knowledge that diversion is optional; and

(4) the child and the child's parent are informed that they may terminate the diversion at any time and, if terminated, the case will be referred to court.

(b) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies under Article 45.305.

(c) The case of a child who successfully complies with the terms of a diversion agreement under this article shall be closed and reported as successful to the court.

(d) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court under Article 45.315.

(e) A statement made by a child or parent during a discussion related to a diversion under this article may not be used

against a declarant in any subsequent court proceeding.

Art. 45.314. DIVERSION BY JUSTICE OR JUDGE. (a) If a charge involving a child who is eligible for diversion is filed with a court, a justice or judge shall divert the case under this article.

(b) If the child does not contest the charge, a justice or judge shall divert the case under this article without the child having to enter a plea.

(c) If the child contests the charge, a justice or judge shall divert the case under this article at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041.

(d) A diversion under this article may not exceed 180 days.

(e) The terms of a diversion agreement under this article must be in writing and may include any of the diversion strategies described by Article 45.305.

(f) The case of a child who successfully complies with the terms of a diversion agreement under this article shall be closed and reported as successful to the court.

(g) A child who does not comply with the terms of a diversion agreement under this article shall be referred to court for a hearing under Article 45.315.

Art. 45.315. REFERRAL TO COURT. (a) A court shall conduct a non-adversarial hearing for a child who does not successfully complete the terms of a diversion under Article 45.311, 45.313, or 45.314 and is referred to court.

(b) The hearing is an opportunity for a justice or judge to confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interest of the child and the community.

(c) After the hearing, a court may enter an order:

(1) amending or setting aside terms in a diversion agreement;

(2) extending the diversion for a period not to exceed one year;

(3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of a diversion;

(4) requiring the child's parent to do or refrain from doing any act if the court determines that will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child;

(5) finding the diversion successful on the basis of substantial compliance; or

(6) finding the diversion unsuccessful.

(d) If the court enters an order under Subsection (c)(6), the court may transfer the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08, Family Code, if the child has previously had two unsuccessful diversions.

(e) An order under Subsection (c)(4) is enforceable by contempt.

Art. 45.316. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

(a) The clerk of a justice or municipal court may collect from a child's parent a \$30 administrative fee to defray the costs of the diversion of the child's case under this subchapter.

(b) The fee under this article may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. If the fee is not paid after giving the child's parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk of the court.

(c) A court shall waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee.

(d) A court may adopt rules for the waiver of a fee for financial hardship under this article.

(e) The clerk of the court shall keep a record of the fees collected under this article and shall forward the funds to the county treasurer, municipal treasurer, or person fulfilling the role of a county treasurer or municipal treasurer, as appropriate.

(f) The fee collected under this article shall be deposited

in a special account that can be used only to offset the cost of the operations of youth diversion programs under this subchapter.

(g) Except for the fee authorized under Subsection (a), a fee may not be assessed for a child diverted under this subchapter.

(h) The diversion of a child may not be contingent on payment of a fee under this article.

Art. 45.317. DIVERSION RECORDS. (a) A justice or municipal court shall maintain statistics for each diversion strategy authorized by this subchapter.

(b) Statistics indicating the number of warning notices under Article 45.309 and types of dispositions or diversions made by a law enforcement agency under Article 45.310 or 45.311 shall be reported at least annually to the justice or municipal court or youth diversion coordinator as specified by a youth diversion plan. Statistics shall include the age, gender, and ethnicity of the child and the offense alleged by law enforcement to have been committed by the child.

(c) Other than statistical records, all records generated under this subchapter are confidential under Article 45.0217

(d) All records of a diversion pertaining to a child under this subchapter may be expunged after the child's 17th birthday and shall, without requirement for a motion or request, be expunged before the child's 18th birthday.

(b) Article 42.15(a-1), Code of Criminal Procedure, as added by Chapter 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the court determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the court shall determine whether the fine and costs should be:

(1) subject to Subsection (c), required to be paid at some later date or in a specified portion at designated intervals;

(2) discharged by performing community service under ~~[, as applicable,]~~ Article 43.09(f) or ~~[, Article]~~ 45.049~~[, Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011];~~

(3) waived in full or in part under Article 43.091 or 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(c) Article 42.15(d), Code of Criminal Procedure, is amended to read as follows:

(d) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011];~~ or

(2) paying the fine and costs in a manner described by Subsection (b).

(d) Article 44.2811, Code of Criminal Procedure, as amended by Chapters 1257 (HB 528), 1319 (SB 394), and 1407 (SB 393), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Art. 44.2811. RECORDS RELATING TO CERTAIN ~~[OR RECEIVING DEFERRED DISPOSITION FOR]~~ FINE-ONLY MISDEMEANORS COMMITTED BY A CHILD. All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor, other than a traffic offense, that is committed by a child and that is appealed are confidential and may not be disclosed to the public except as provided under Article 45.0217(b). ~~[(a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.~~

~~[(b) All records and files and information stored by~~

~~electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an offense described by Subsection (a) are confidential and may not be disclosed to the public except as provided under Article 45.0217(b).]~~

(e) Article 45.0215(a), Code of Criminal Procedure, is amended to read as follows:

(a) Subject to the requirements of Subchapter E, this ~~[This]~~ article applies to a defendant who has not had the disabilities of minority removed and has been:

(1) charged with an offense other than an offense under Section 43.261, Penal Code, if the defendant is younger than 17 years of age; or

(2) charged with an offense under Section 43.261, Penal Code, if the defendant is younger than 18 years of age.

(f) Article 45.0217, Code of Criminal Procedure, as amended by Chapters 1257 (**HB 528**), 1319 (**SB 394**), and 1407 (**SB 393**), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES AGAINST OR ~~[THE]~~ CONVICTION OF ~~[OR DEFERRAL OF DISPOSITION FOR]~~ A CHILD. (a) ~~[This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.]~~

~~[(a-1)]~~ Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor ~~[for or who has received a dismissal after deferral of disposition for an]~~ offense other than a traffic offense ~~[described by Subsection (a)]~~ are confidential and may not be disclosed to the public.

(b) Information subject to Subsection (a) ~~[(a-1)]~~ may be open to inspection only by:

(1) judges, prosecutors, and the staff of the judges

or prosecutors [~~or court staff~~];

(2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3) the Department of Public Safety;

(4) an attorney for a party to the proceeding;

(5) the child defendant; ~~[or]~~

(6) the defendant's parent, guardian, or managing conservator;

(7) a governmental agency if the disclosure is:

(A) required or authorized by law; or

(B) for the purpose of maintaining statistical records of recidivism and for diagnosis and classification;

(8) an individual or entity to whom the child is referred for treatment or services if the agency or institution disclosing the information has entered into a written confidentiality agreement with the individual or entity regarding the protection of the disclosed information; or

(9) with leave of the justice or municipal court, any other person having a legitimate interest in the proceeding or in the work of the court.

(g) Article 45.041(a-1), Code of Criminal Procedure, as added by Chapter 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:

(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;



(2) discharged by performing community service under [~~as applicable,~~] Article 45.049 [~~Article 45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011]~~];

(3) waived in full or in part under Article 45.0491; or

(4) satisfied through any combination of methods under Subdivisions (1)-(3).

(h) Articles 45.041(b-3) and (b-5), Code of Criminal Procedure, are amended to read as follows:

(b-3) If a diversion is not required under Subchapter E or Subsection (b-5), a [A] judge shall [may] allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 [~~45.0492, as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011]~~];  
or

(2) paying the fine and costs in a manner described by Subsection (b).

(b-5) If a case involving a child who is eligible for diversion under Article 45.304 results in a trial, on a finding of guilt, without entering a judgment, sentence, or conviction, the justice or judge shall order a diversion under Article 45.314 [~~The requirement under Article 45.0492(a), as added by Chapter 227 (HB 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (b-3)(1)].~~

(i) Articles 45.049(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) A justice or judge may require a defendant who fails to pay a previously assessed fine or costs, [~~or~~] who is determined by

the court to have insufficient resources or income to pay a fine or costs, or who is a child and assessed a fine or costs to discharge all or part of the fine or costs by performing community service. A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.

(b) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge must specify:

(1) the number of hours of community service the defendant is required to perform, not to exceed 200 hours if the defendant is a child; and

(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.

(j) Article 45.049(c), Code of Criminal Procedure, as amended by Chapters 977 (**HB 351**) and 1127 (**SB 1913**), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(c) The justice or judge may order the defendant to perform community service under this article:

(1) by attending:

(A) a work and job skills training program;

(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;

(C) an alcohol or drug abuse program;

(D) a rehabilitation program;

(E) a counseling program, including a self-improvement program;

(F) a mentoring program;

(G) a tutoring program if the defendant is a child; or

(H) [~~C~~] any similar activity; or

(2) for:

(A) a governmental entity;

(B) a nonprofit organization or another

organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or

(C) an educational institution.

(k) Articles 45.049(d), (f), and (i), Code of Criminal Procedure, are amended to read as follows:

(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents, or if the defendant is a child, on the defendant or the defendant's family. In this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(f) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, or officer or employee of a political subdivision other than a county or an entity that accepts a defendant under this article or Subchapter E to perform community service is not liable for damages arising from an act or failure to act in connection with community service performed by a defendant under this article or Subchapter E if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(i) A community supervision and corrections department, a local juvenile probation department, or a court-related services office may provide the administrative and other services necessary for supervision of a defendant required to perform community service under this article.

(l) Article 45.051(a-1), Code of Criminal Procedure, as amended by Chapters 227 (HB 350) and 777 (HB 1964), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more

offenses to make payment of all court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those costs by performing community service or attending a tutoring program under Article 45.049 [~~or 45.0492~~]; or

(3) take any combination of actions authorized by Subdivision (1) or (2).

(m) Articles 45.056(a), (b), (d), (e), and (g), 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 juvenile case manager or contract for a juvenile case manager to provide services in cases involving:

(A) youth diversion under Subchapter E;

(B) children [~~juvenile offenders~~] who are before a court consistent with the court's statutory powers; or

(C) children who are 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;

(2) employ or contract for the services of 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:

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

(ii) youth diversion [~~intervention~~] services to juveniles engaged in misconduct before cases are filed,

excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, with any appropriate governmental entity to jointly employ a juvenile case manager, jointly contract for juvenile case manager services, or ~~to~~ jointly contribute to the costs of a juvenile case manager or juvenile case manager ~~[employed by one governmental entity to provide]~~ services described by Subdivisions (1) and (2).

(b) A local entity may apply or more than one local entity may jointly apply to the criminal justice division of the governor's office for reimbursement of all or part of the costs of employing one or more juvenile case managers or contracting for juvenile case manager services from funds appropriated to the governor's office or otherwise available for purposes of youth diversion ~~[that purpose]~~. To be eligible for reimbursement, the entity applying must present to the governor's office a comprehensive plan to reduce juvenile crimes in the entity's jurisdiction and a youth diversion plan under Article 45.306 that addresses the role of the juvenile case manager in that effort.

(d) Pursuant to Article 102.0174, the court or governing body may pay:

(1) the salary and benefits of a juvenile case manager;

(2) the costs of contracting for juvenile case manager services; and

(3) the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager and juvenile case manager services from the juvenile case manager fund.

(e) A juvenile case manager ~~[employed under Subsection (c)]~~ shall give priority to cases brought under Section ~~[Sections]~~ 25.093 ~~[and 25.094]~~, Education Code, Chapter 65, Family Code, and youth diversion under Subchapter E.

(g) A ~~[The employing]~~ court or governmental entity under this article shall implement the rules adopted under Subsection (f).

(n) Article 45.056(c), Code of Criminal Procedure, as amended by Chapters 1213 (SB 1419) and 1407 (SB 393), Acts of the

83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(c) An entity that jointly employs a juvenile case manager, jointly contracts for juvenile case manager services, or jointly contributes to the costs of a juvenile case manager or juvenile case manager services under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code.

(o) The heading to Article 102.014, Code of Criminal Procedure, is amended to read as follows:

Art. 102.014. COURT COSTS FOR CHILD SAFETY FUND [~~IN MUNICIPALITIES~~].

(p) Articles 102.014(g) and (h), Code of Criminal Procedure, are amended to read as follows:

(g) In a municipality with a population less than 850,000 according to the most recent federal decennial census, the money collected under this article in a municipal court case must be used for a school crossing guard program if the municipality operates one. If the municipality does not operate a school crossing guard program or if the money received from court costs from municipal court cases exceeds the amount necessary to fund the school crossing guard program, the municipality may:

(1) deposit the additional money in an interest-bearing account;

(2) expend the additional money for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, youth diversion, and drug and alcohol abuse prevention; or

(3) expend the additional money for programs designed to enhance public safety and security.

(h) Money collected under this article in a justice, county, or district court shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may:

(1) remit fee revenues to school districts in its jurisdiction for the purpose of providing school crossing guard services;

(2) fund programs the county is authorized by law to provide which are designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, youth diversion, and drug and alcohol abuse prevention;

(3) provide funding to the sheriff's department for school-related activities;

(4) provide funding to the county juvenile probation department; or

(5) deposit the money in the general fund of the county.

(q) The heading to Article 102.015, Code of Criminal Procedure, is amended to read as follows:

Art. 102.015. COURT COSTS: YOUTH [~~TRUANCY PREVENTION AND~~] DIVERSION FUND.

(r) Articles 102.015(a), (e), (g), and (h), Code of Criminal Procedure, are amended to read as follows:

(a) The youth [~~truancy prevention and~~] diversion fund is a dedicated account in the general revenue fund.

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

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

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article to defray the costs of youth diversion under Subchapter E, Chapter 45 [~~for the purpose of operating or establishing a juvenile case manager program~~], if the county or municipality has a youth diversion plan under Article 45.306 [~~established or is attempting to establish a juvenile case manager program~~].

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the youth [~~truancy prevention and~~] diversion fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for youth

diversion [~~truancy prevention and intervention~~] services.

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

(s) Article 102.0171, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) A defendant convicted of an offense under Section 28.08, Penal Code, in a municipal court, justice court, county court, county court at law, or district court shall pay a \$50 juvenile delinquency prevention and graffiti eradication fee as a cost of court.

(c) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, municipal treasurer, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer for deposit in a fund to be known as the county juvenile delinquency prevention fund or municipal juvenile delinquency prevention fund. A fund designated by this subsection may be used only to:

(1) repair damage caused by the commission of offenses under Section 28.08, Penal Code;

(2) provide educational and intervention programs and materials, including printed educational materials for distribution to primary and secondary school students, designed to prevent individuals from committing offenses under Section 28.08, Penal Code;

(3) provide to the public rewards for identifying and aiding in the apprehension and prosecution of offenders who commit offenses under Section 28.08, Penal Code;

(4) provide funding for teen recognition and teen recreation programs;

(5) provide funding for local teen court programs;

(6) provide funding for the local juvenile probation department; [~~and~~]



(7) provide educational and intervention programs designed to prevent juveniles from engaging in delinquent conduct; and

(8) provide funding for youth diversion under Subchapter E, Chapter 45.

(e) The municipal juvenile delinquency prevention fund shall be administered by or under the direction of the governing body of a municipality.

(t) Articles 102.0174(b), (c), and (g), Code of Criminal Procedure, are amended to read as follows:

(b) The governing body of a municipality by ordinance may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a municipal court to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the municipality employs a juvenile case manager or contracts for juvenile case manager services. A municipality that does not employ a juvenile case manager or contract for juvenile case manager services may not collect a fee under this subsection.

(c) The commissioners court of a county by order may create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense in a justice court, county court, or county court at law to pay a juvenile case manager fee not to exceed \$5 as a cost of court if the court employs a juvenile case manager or contracts for juvenile case manager services. A justice court, county court, or county court at law that does not employ a juvenile case manager or contract for juvenile case manager services may not collect a fee under this subsection.

(g) A fund created under this article [~~section~~] may be used to finance the salary and [~~7~~] benefits of a juvenile case manager employed under Article 45.056, costs of contracting for juvenile case manager services under Article 45.056, and training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager and juvenile case manager services [~~employed~~] under Article 45.056. If there is money in the fund after those costs are paid, on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile

case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court under Subchapter E, Chapter 45. The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

(u) Section 52.03(a), Family Code, is amended to read as follows:

(a) A law-enforcement officer authorized by this title to take a child into custody may dispose of the case of a child taken into custody [~~or accused of a Class C misdemeanor, other than a traffic offense,~~] without referral to juvenile court [~~or charging a child in a court of competent criminal jurisdiction,~~] if:

(1) guidelines for such disposition have been adopted by the juvenile board of the county in which the disposition is made as required by Section 52.032;

(2) the disposition is authorized by the guidelines; and

(3) the officer makes a written report of the officer's disposition to the law-enforcement agency, identifying the child and specifying the grounds for believing that the taking into custody [~~or accusation of criminal conduct~~] was authorized.

(v) Section 52.031(a), Family Code, is amended to read as follows:

(a) A juvenile board may establish a first offender program under this section for the referral and disposition of children taken into custody for [~~, or accused prior to the filing of a criminal charge, of~~]:

(1) conduct indicating a need for supervision; or

(2) [~~a Class C misdemeanor, other than a traffic offense, or~~

~~(3)] delinquent conduct other than conduct that constitutes:~~

(A) a felony of the first, second, or third degree, an aggravated controlled substance felony, or a capital felony; or

(B) a state jail felony or misdemeanor involving

violence to a person or the use or possession of a firearm, location-restricted knife, or club, as those terms are defined by Section 46.01, Penal Code, or a prohibited weapon, as described by Section 46.05, Penal Code.

(w) Sections 52.031(d), (f), (i), and (j), Family Code, as amended by Chapters 1407 (**SB 393**) and 1409 (**SB 1114**), Acts of the 83rd Legislature, Regular Session, 2013, are reenacted and amended to read as follows:

(d) A law enforcement officer taking a child into custody ~~[or accusing a child of an offense described in Subsection (a)(2)]~~ may refer the child to the law enforcement officer or agency designated under Subsection (b) for disposition under the first offender program and not refer the child to juvenile court ~~[or a court of competent criminal jurisdiction]~~ only if:

(1) the child has not previously been adjudicated as having engaged in delinquent conduct;

(2) the referral complies with guidelines for disposition under Subsection (c); and

(3) the officer reports in writing the referral to the agency, identifying the child and specifying the grounds for taking the child into custody ~~[or accusing a child of an offense described in Subsection (a)(2)]~~.

(f) The parent, guardian, or other custodian of the child must receive notice that the child has been referred for disposition under the first offender program. The notice must:

(1) state the grounds for taking the child into custody ~~[or accusing a child of an offense described in Subsection (a)(2)]~~;

(2) identify the law enforcement officer or agency to which the child was referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to the juvenile court ~~[or a court of competent criminal jurisdiction]~~.

(i) The case of a child who successfully completes the first offender program is closed and may not be referred to juvenile court ~~[or a court of competent criminal jurisdiction]~~, unless the child

is taken into custody under circumstances described by Subsection (j)(3).

(j) The case of a child referred for disposition under the first offender program shall be referred to juvenile court [~~or a court of competent criminal jurisdiction~~] if:

(1) the child fails to complete the program;

(2) the child or the parent, guardian, or other custodian of the child terminates the child's participation in the program before the child completes it; or

(3) the child completes the program but is taken into custody under Section 52.01 before the 90th day after the date the child completes the program for conduct other than the conduct for which the child was referred to the first offender program.

(x) Section 264.302(e), Family Code, is amended to read as follows:

(e) The department shall provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to the department as an at-risk child by:

(1) a juvenile court or probation department as part of a progressive sanctions program under Chapter 59;

(2) a law enforcement officer or agency under Article 45.310 or 45.311, Code of Criminal Procedure, or Section 52.03 of this code; or

(3) a justice or municipal court under Article 45.057, 45.313, or 45.314, Code of Criminal Procedure.

(y) Section 22.1105(a), Government Code, is amended to read as follows:

(a) Each judge of a court with jurisdiction to hear a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only, other than a traffic offense or public intoxication or a violation of a penal ordinance of a political subdivision other than a traffic offense, shall complete a course of instruction related to understanding relevant issues of child welfare and youth diversion [~~the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)~~] every judicial academic year that ends in a 0 or a 5.

(z) Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1011 to read as follows:

Sec. 102.1011. JUVENILE DELINQUENCY PREVENTION AND GRAFFITI ERADICATION FEE ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a justice court shall collect from a defendant a juvenile delinquency prevention and graffiti eradication fee of \$50 under Article 102.0171, Code of Criminal Procedure, on conviction of an offense under Section 28.08, Penal Code.

(aa) Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1211 to read as follows:

Sec. 102.1211. JUVENILE DELINQUENCY PREVENTION AND GRAFFITI ERADICATION FEE ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect from a defendant a juvenile delinquency prevention and graffiti eradication fee of \$50 under Article 102.0171, Code of Criminal Procedure, on conviction of an offense under Section 28.08, Penal Code.

(bb) Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Code of Criminal Procedure if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(3-a) costs associated with operating a global positioning monitoring system as a condition of release on bond (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,

subject to a determination of indigency;

(3-b) costs associated with providing a defendant's victim with an electronic receptor device as a condition of the defendant's release on bond (Art. 17.49(b)(3), Code of Criminal Procedure) . . . actual costs, subject to a determination of indigency;

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

(5) reimbursement to general revenue fund for payments made to victim of an offense as condition of community supervision (Art. 42A.301(b)(17) [~~42A.301(17)~~], Code of Criminal Procedure) . . . not to exceed \$50 for a misdemeanor offense or \$100 for a felony offense;

(6) payment to a crime stoppers organization as condition of community supervision (Art. 42A.301(b)(20) [~~42A.301(20)~~], Code of Criminal Procedure) . . . not to exceed \$50;

(7) children's advocacy center fee (Art. 42A.455, Code of Criminal Procedure) . . . not to exceed \$50;

(8) family violence center fee (Art. 42A.504(b), Code of Criminal Procedure) . . . \$100;

(9) community supervision fee (Art. 42A.652(a), Code of Criminal Procedure) . . . not less than \$25 or more than \$60 per month;

(10) additional community supervision fee for certain offenses (Art. 42A.653(a), Code of Criminal Procedure) . . . \$5 per month;

(11) for certain financially able sex offenders as a condition of community supervision, the costs of treatment, specialized supervision, or rehabilitation (Art. 42A.452, Code of Criminal Procedure) . . . all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation as determined by the judge;

(12) fee for failure to appear for trial in a justice or municipal court if a jury trial is not waived (Art. 45.026, Code of Criminal Procedure) . . . costs incurred for impaneling the jury;

(13) costs of certain testing, assessments, or programs during a deferral period (Art. 45.051, Code of Criminal Procedure) . . . amount ordered;

(14) special expense on dismissal of certain misdemeanor complaints (Art. 45.051, Code of Criminal Procedure) . . . not to exceed amount of fine assessed;

(15) an additional fee:

(A) for a copy of the defendant's driving record to be requested from the Department of Public Safety by the judge (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal to the sum of the fee established by Section 521.048, Transportation Code, and the state electronic Internet portal fee;

(B) as an administrative fee for requesting a driving safety course or a course under the motorcycle operator training and safety program for certain traffic offenses to cover the cost of administering the article (Art. 45.0511(f)(1), Code of Criminal Procedure) . . . not to exceed \$10; or

(C) for requesting a driving safety course or a course under the motorcycle operator training and safety program before the final disposition of the case (Art. 45.0511(f)(2), Code of Criminal Procedure) . . . not to exceed the maximum amount of the fine for the offense committed by the defendant;

(16) a request fee for teen court program (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise not to exceed \$10;

(17) a fee to cover costs of required duties of teen court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the court ordering the fee is located in the Texas-Louisiana border region, but otherwise \$10;

(18) a mileage fee for officer performing certain services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per mile;

(19) certified mailing of notice of hearing date (Art. 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

(20) certified mailing of certified copies of an order of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,

plus postage;

(20-a) a fee to defray the cost of notifying state agencies of orders of expungement (Art. 45.0216, Code of Criminal Procedure) . . . \$30 per application;

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) fees for a pretrial intervention program:

(A) a supervision fee (Art. 102.012(a), Code of Criminal Procedure) . . . \$60 a month plus expenses; and

(B) a district attorney, criminal district attorney, or county attorney administrative fee (Art. 102.0121, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction;

(25) a collection fee, if authorized by the



commissioners court of a county or the governing body of a municipality, for certain debts and accounts receivable, including unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30 percent of an amount more than 60 days past due; and

(26) a cost on conviction for the youth [~~truancy prevention and~~] diversion fund (Art. 102.015, Code of Criminal Procedure) . . . \$2.

(cc) Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.02102 to read as follows:

Sec. 103.02102. ADDITIONAL FEE FOR YOUTH DIVERSION: CODE OF CRIMINAL PROCEDURE. A parent of a child participating in a diversion program shall, if ordered by the court under Article 45.316, Code of Criminal Procedure, pay a fee of \$30 to defray the costs of youth diversion programs under Subchapter E, Chapter 45, Code of Criminal Procedure.

(dd) The following laws are repealed:

(1) Article 42.15(a-1), Code of Criminal Procedure, as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017;

(2) Article 42.15(f), Code of Criminal Procedure;

(3) Article 45.041(a-1), Code of Criminal Procedure, as added by Chapter 977 (**HB 351**), Acts of the 85th Legislature, Regular Session, 2017;

(4) Article 45.0492, Code of Criminal Procedure, as added by Chapter 227 (**HB 350**), Acts of the 82nd Legislature, Regular Session, 2011;

(5) Article 45.0492, Code of Criminal Procedure, as added by Chapter 777 (**HB 1964**), Acts of the 82nd Legislature, Regular Session, 2011; and

(6) Section 52.031(a-1), Family Code.

(ee) Not later than September 1, 2020, each justice and municipal court shall implement a youth diversion plan under Subchapter E, Chapter 45, Code of Criminal Procedure, as added by this section.

(ff) The changes in law made by this section apply only to an offense committed on or after September 1, 2020. An offense

committed before September 1, 2020, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before September 1, 2020, if any element of the offense occurred before that date.