

By: White

H.B. No. 4606

A BILL TO BE ENTITLED

AN ACT

relating to youth diversion programs for children accused of certain fine-only offenses and related criminal justice matters; authorizing and imposing fees.

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

SECTION 1. 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

1 organization, or other entity that provides services to children or
2 families.

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

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

8 Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED.

9 Nothing in this subchapter precludes:

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

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

15 Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as
16 provided by Subsection (b), a child shall be diverted from formal
17 criminal prosecution as provided by this subchapter.

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

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

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

27 (A) a court-approved teen court program operated

- 1 by a service provider;
- 2 (B) a school-related program;
- 3 (C) an educational program, including an alcohol
4 awareness program approved by the Texas Department of Licensing and
5 Regulation or a tobacco awareness program or a drug education
6 program approved by the Department of State Health Services;
- 7 (D) a rehabilitation program; or
- 8 (E) a self-improvement program, including a
9 program relating to self-esteem, leadership, self-responsibility,
10 empathy, parenting, parental responsibility, manners, violence
11 avoidance, anger management, life skills, wellness, or dispute
12 resolution;
- 13 (2) referring the child to a service provider for
14 services, including:
- 15 (A) at-risk youth services under Subchapter D,
16 Chapter 264, Family Code;
- 17 (B) juvenile case manager services under Article
18 45.056;
- 19 (C) work and job skills training, including job
20 interviewing and work preparation;
- 21 (D) academic monitoring or tutoring, including
22 preparation for a high school equivalency examination administered
23 under Section 7.111, Education Code;
- 24 (E) community-based services;
- 25 (F) mental health screening and clinical
26 assessment;
- 27 (G) counseling, including private or in-school

1 counseling; or

2 (H) mentoring services;

3 (3) requiring a child to:

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

6 (B) submit to alcohol or drug testing; or

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

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

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

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

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

17 (b) A diversion strategy may be imposed under:

18 (1) a diversion by law enforcement under Article
19 45.309 or 45.310;

20 (2) an intermediate diversion from court under Article
21 45.313;

22 (3) a diversion by a justice or judge under Article
23 45.314; or

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

26 Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion
27 plan is a written plan that describes the types of strategies that

1 will be used to implement youth diversion. A youth diversion plan
2 does not limit the types of diversion strategies that may be imposed
3 under a diversion agreement under Article 45.312.

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

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

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

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

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

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

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

27 (i) A court or local government may adopt rules necessary to

1 coordinate services under a youth diversion plan or to implement
2 this subchapter.

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

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

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

9 (3) presenting and maintaining diversion agreements;

10 (4) monitoring diversions;

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

13 (6) coordinating referrals to court.

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

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

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

21 (3) a court-related services office;

22 (4) a community supervision and corrections
23 department;

24 (5) a county or municipal employee;

25 (6) a community volunteer;

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

1 (8) a qualified nonprofit organization.

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

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

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

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

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

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

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

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

27 (7) to increase collaboration between governmental,

1 educational, and nonprofit organizations in devising local and
2 regional diversion strategies.

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

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

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

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

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

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

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

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

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

27 (b) A warning notice filed under this article is not a

1 diversion but may be used as the basis of further action under the
2 terms of a diversion agreement.

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

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

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

10 (3) the peace officer makes a written report of the
11 officer's disposition to the law enforcement agency employing the
12 officer, identifying the child and specifying the grounds for
13 believing that the child committed an offense.

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

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

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

18 (c) A disposition under this article may include:

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

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

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

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

1 established under this article.

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

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

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

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

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

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

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

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

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

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

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

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

8 (h) Diversion strategies in a program may include:

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

11 (2) voluntary community service by the child;

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

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

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

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

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

24 (1) the child fails to complete the program;

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

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

3 (k) A statement made by a child to a person while
4 participating in a program may not be used against the child in any
5 subsequent court proceeding.

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

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

15 (c) A diversion agreement must include:

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

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

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

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

27 (5) the period of the diversion;

1 (6) a verification that:

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

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

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

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

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

15 (1) does not contest the charge;

16 (2) is eligible for diversion under Article 45.304;

17 and

18 (3) accepts the terms of the agreement.

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

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

25 Art. 45.313. INTERMEDIATE DIVERSION FROM COURT. (a) If
26 provided by a youth diversion plan and subject to the direction of
27 the court, a youth diversion coordinator, juvenile case manager, or

1 other designated officer of the court shall advise the child and the
2 child's parent before a case is filed that the case may be diverted
3 under this article for a reasonable period not to exceed 180 days
4 if:

5 (1) the child is eligible for diversion under Article
6 45.304;

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

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

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

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

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

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

23 (e) A statement made by a child or parent during a
24 discussion related to a diversion under this article may not be used
25 against a declarant in any subsequent court proceeding.

26 Art. 45.314. DIVERSION BY JUSTICE OR JUDGE. (a) If a
27 charge involving a child who is eligible for diversion is filed with

1 a court, a justice or judge shall divert the case under this
2 article.

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

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

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

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

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

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

20 Art. 45.315. REFERRAL TO COURT. (a) A court shall conduct
21 a non-adversarial hearing for a child who does not successfully
22 complete the terms of a diversion under Article 45.311, 45.313, or
23 45.314 and is referred to court.

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

1 or the court in determining what is in the best interest of the
2 child and the community.

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

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

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

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

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

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

18 (6) finding the diversion unsuccessful.

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

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

26 Art. 45.316. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.

27 (a) The clerk of a justice or municipal court may collect from a

1 child's parent a \$30 administrative fee to defray the costs of the
2 diversion of the child's case under this subchapter.

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

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

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

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

17 (f) The fee collected under this article shall be deposited
18 in a special account that can be used only to offset the cost of the
19 operations of youth diversion programs under this subchapter.

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

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

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

27 (b) Statistics indicating the number of warning notices

1 under Article 45.309 and types of dispositions or diversions made
2 by a law enforcement agency under Article 45.310 or 45.311 shall be
3 reported at least annually to the justice or municipal court or
4 youth diversion coordinator as specified by a youth diversion plan.
5 Statistics shall include the age, gender, and ethnicity of the
6 child and the offense alleged by law enforcement to have been
7 committed by the child.

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

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

14 SECTION 2. Article 42.15(a-1), Code of Criminal Procedure,
15 as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature,
16 Regular Session, 2017, is amended to read as follows:

17 (a-1) Notwithstanding any other provision of this article,
18 during or immediately after imposing a sentence in a case in which
19 the defendant entered a plea in open court as provided by Article
20 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the
21 defendant has sufficient resources or income to immediately pay all
22 or part of the fine and costs. If the court determines that the
23 defendant does not have sufficient resources or income to
24 immediately pay all or part of the fine and costs, the court shall
25 determine whether the fine and costs should be:

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

1 (2) discharged by performing community service
2 under~~[, as applicable,]~~ Article 43.09(f) or [~~, Article]~~ 45.049~~[,~~
3 ~~Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the~~
4 ~~82nd Legislature, Regular Session, 2011, or Article 45.0492, as~~
5 ~~added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,~~
6 ~~Regular Session, 2011]~~;

7 (3) waived in full or in part under Article 43.091 or
8 45.0491; or

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

11 SECTION 3. Article 42.15(d), Code of Criminal Procedure, is
12 amended to read as follows:

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

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

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

23 SECTION 4. Article 44.2811, Code of Criminal Procedure, as
24 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.
25 393), Acts of the 83rd Legislature, Regular Session, 2013, is
26 reenacted and amended to read as follows:

27 Art. 44.2811. RECORDS RELATING TO CERTAIN [~~OR RECEIVING~~

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

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

17 SECTION 5. Article 45.0215(a), Code of Criminal Procedure,
18 is amended to read as follows:

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

22 (1) charged with an offense other than an offense
23 under Section 43.261, Penal Code, if the defendant is younger than
24 17 years of age; or

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

27 SECTION 6. Article 45.0217, Code of Criminal Procedure, as

1 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.
2 393), Acts of the 83rd Legislature, Regular Session, 2013, is
3 reenacted and amended to read as follows:

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

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

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

20 (1) judges, prosecutors, and the staff of the judges
21 or prosecutors ~~[or court staff];~~

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

25 (3) the Department of Public Safety;

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

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

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

3 (7) a governmental agency if the disclosure is:

4 (A) required or authorized by law; or

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

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

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

15 SECTION 7. Article [45.041](#)(a-1), Code of Criminal Procedure,
16 as added by Chapter 1127 (S.B. 1913), Acts of the 85th Legislature,
17 Regular Session, 2017, is amended to read as follows:

18 (a-1) Notwithstanding any other provision of this article,
19 during or immediately after imposing a sentence in a case in which
20 the defendant entered a plea in open court as provided by Article
21 [27.14](#)(a) or [27.16](#)(a), the justice or judge shall inquire whether
22 the defendant has sufficient resources or income to immediately pay
23 all or part of the fine and costs. If the justice or judge
24 determines that the defendant does not have sufficient resources or
25 income to immediately pay all or part of the fine and costs, the
26 justice or judge shall determine whether the fine and costs should
27 be:

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

4 (2) discharged by performing community service
5 under~~[, as applicable,]~~ Article 45.049~~[, Article 45.0492, as added~~
6 ~~by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular~~
7 ~~Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B.~~
8 ~~1964), Acts of the 82nd Legislature, Regular Session, 2011]~~;

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

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

12 SECTION 8. Articles 45.041(b-3) and (b-5), Code of Criminal
13 Procedure, are amended to read as follows:

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

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

22 or

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

25 (b-5) If a case involving a child who is eligible for
26 diversion under Article 45.304 results in a trial, on a finding of
27 guilt, without entering a judgment, sentence, or conviction, the

1 justice or judge shall order a diversion under Article 45.314 [~~The~~
2 ~~requirement under Article 45.0492(a), as added by Chapter 227 (H.B.~~
3 ~~350), Acts of the 82nd Legislature, Regular Session, 2011, that an~~
4 ~~offense occur in a building or on the grounds of the primary or~~
5 ~~secondary school at which the defendant was enrolled at the time of~~
6 ~~the offense does not apply to the performance of community service~~
7 ~~or the receipt of tutoring to discharge a fine or costs under~~
8 ~~Subsection (b-3)(1)].~~

9 SECTION 9. Articles 45.049(a) and (b), Code of Criminal
10 Procedure, are amended to read as follows:

11 (a) A justice or judge may require a defendant who fails to
12 pay a previously assessed fine or costs, [~~or~~] who is determined by
13 the court to have insufficient resources or income to pay a fine or
14 costs, or who is a child and assessed a fine or costs to discharge
15 all or part of the fine or costs by performing community service. A
16 defendant may discharge an obligation to perform community service
17 under this article by paying at any time the fine and costs
18 assessed.

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

22 (1) the number of hours of community service the
23 defendant is required to perform, not to exceed 20 hours if the
24 defendant is a child; and

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

1 SECTION 10. Article 45.049(c), Code of Criminal Procedure,
2 as amended by Chapters 977 (H.B. 351) and 1127 (S.B. 1913), Acts of
3 the 85th Legislature, Regular Session, 2017, is reenacted and
4 amended to read as follows:

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

7 (1) by attending:

8 (A) a work and job skills training program;

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

12 (C) an alcohol or drug abuse program;

13 (D) a rehabilitation program;

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

16 (F) a mentoring program;

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

19 (H) [~~(G)~~] any similar activity; or

20 (2) for:

21 (A) a governmental entity;

22 (B) a nonprofit organization or another
23 organization that provides services to the general public that
24 enhance social welfare and the general well-being of the community,
25 as determined by the justice or judge; or

26 (C) an educational institution.

27 SECTION 11. Articles 45.049(d), (f), and (i), Code of

1 Criminal Procedure, are amended to read as follows:

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

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

- 18 (1) was performed pursuant to court order; and
19 (2) was not intentional, wilfully or wantonly
20 negligent, or performed with conscious indifference or reckless
21 disregard for the safety of others.

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

27 SECTION 12. Article 45.051(a-1), Code of Criminal

1 Procedure, as amended by Chapters 227 (H.B. 350) and 777 (H.B.
2 1964), Acts of the 82nd Legislature, Regular Session, 2011, is
3 reenacted and amended to read as follows:

4 (a-1) Notwithstanding any other provision of law, as an
5 alternative to requiring a defendant charged with one or more
6 offenses to make payment of all court costs as required by
7 Subsection (a), the judge may:

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

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

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

16 SECTION 13. Articles 45.056(a), (b), (d), (e), and (g),
17 Code of Criminal Procedure, are amended to read as follows:

18 (a) On approval of the commissioners court, city council,
19 school district board of trustees, juvenile board, or other
20 appropriate authority, a county court, justice court, municipal
21 court, school district, juvenile probation department, or other
22 appropriate governmental entity may:

23 (1) employ a juvenile case manager or contract for a
24 juvenile case manager to provide services in cases involving:

25 (A) youth diversion under Subchapter E;

26 (B) children [~~juvenile offenders~~] who are before

27 a court consistent with the court's statutory powers; or

1 (C) children who are referred to a court by a
2 school administrator or designee for misconduct that would
3 otherwise be within the court's statutory powers prior to a case
4 being filed, with the consent of the juvenile and the juvenile's
5 parents or guardians;

6 (2) employ or contract for the services of one or more
7 juvenile case managers who:

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

11 (B) may provide:

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

14 (ii) youth diversion [~~intervention~~]
15 services to juveniles engaged in misconduct before cases are filed,
16 excluding traffic offenses; or

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

23 (b) A local entity may apply or more than one local entity
24 may jointly apply to the criminal justice division of the
25 governor's office for reimbursement of all or part of the costs of
26 employing one or more juvenile case managers or contracting for
27 juvenile case manager services from funds appropriated to the

1 governor's office or otherwise available for purposes of youth
2 diversion [~~that purpose~~]. To be eligible for reimbursement, the
3 entity applying must present to the governor's office a
4 comprehensive plan to reduce juvenile crimes in the entity's
5 jurisdiction and a youth diversion plan under Article 45.306 that
6 addresses the role of the juvenile case manager in that effort.

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

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

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

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

17 (e) A juvenile case manager [~~employed under Subsection (c)~~]
18 shall give priority to cases brought under Section [~~Sections~~]
19 25.093 [~~and 25.094~~], Education Code, Chapter 65, Family Code, and
20 youth diversion under Subchapter E.

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

24 SECTION 14. Article 45.056(c), Code of Criminal Procedure,
25 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of
26 the 83rd Legislature, Regular Session, 2013, is reenacted and
27 amended to read as follows:

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

7 SECTION 15. The heading to Article 102.014, Code of
8 Criminal Procedure, is amended to read as follows:

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

11 SECTION 16. Articles 102.014(g) and (h), Code of Criminal
12 Procedure, are amended to read as follows:

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

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

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

27 (3) expend the additional money for programs designed

1 to enhance public safety and security.

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

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

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

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

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

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

19 SECTION 17. The heading to Article 102.015, Code of
20 Criminal Procedure, is amended to read as follows:

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

23 SECTION 18. Articles 102.015(a), (e), (g), and (h), Code of
24 Criminal Procedure, are amended to read as follows:

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

27 (e) The custodian of a county treasury or municipal

1 treasury, as applicable, shall:

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

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

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

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

26 SECTION 19. Article 102.0171, Code of Criminal Procedure,
27 is amended by amending Subsections (a) and (c) and adding

1 Subsection (e) to read as follows:

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

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

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

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

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

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

26 (5) provide funding for local teen court programs;

27 (6) provide funding for the local juvenile probation

1 department; [~~and~~]

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

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

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

10 SECTION 20. Articles 102.0174(b), (c), and (g), Code of
11 Criminal Procedure, are amended to read as follows:

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

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

1 services may not collect a fee under this subsection.

2 (g) A fund created under this section may be used to finance
3 the salary and [7] benefits of a juvenile case manager employed
4 under Article 45.056, costs of contracting for juvenile case
5 manager services under Article 45.056, and training, travel
6 expenses, office supplies, and other necessary expenses relating to
7 the position of a juvenile case manager and juvenile case manager
8 services [employed] under Article 45.056. If there is money in the
9 fund after those costs are paid, on approval by the employing court,
10 a juvenile case manager may direct the remaining money to be used to
11 implement programs directly related to the duties of the juvenile
12 case manager, including juvenile alcohol and substance abuse
13 programs, educational and leadership programs, and any other
14 projects designed to prevent or reduce the number of juvenile
15 referrals to the court under Subchapter E, Chapter 45. The fund may
16 not be used to supplement the income of an employee whose primary
17 role is not that of a juvenile case manager.

18 SECTION 21. Section 52.03(a), Family Code, is amended to
19 read as follows:

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

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

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

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

7 SECTION 22. Section 52.031(a), Family Code, is amended to
8 read as follows:

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

13 (1) conduct indicating a need for supervision; or

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

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

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

21 (B) a state jail felony or misdemeanor involving
22 violence to a person or the use or possession of a firearm,
23 location-restricted knife, or club, as those terms are defined by
24 Section 46.01, Penal Code, or a prohibited weapon, as described by
25 Section 46.05, Penal Code.

26 SECTION 23. Sections 52.031(d), (f), (i), and (j), Family
27 Code, as amended by Chapters 1407 (S.B. 393) and 1409 (S.B. 1114),

1 Acts of the 83rd Legislature, Regular Session, 2013, are reenacted
2 and amended to read as follows:

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

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

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

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

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

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

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

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

26 (4) state that the child's failure to complete the
27 program will result in the child being referred to the juvenile

1 court [~~or a court of competent criminal jurisdiction~~].

2 (i) The case of a child who successfully completes the first
3 offender program is closed and may not be referred to juvenile court
4 [~~or a court of competent criminal jurisdiction~~], unless the child
5 is taken into custody under circumstances described by Subsection
6 (j)(3).

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

10 (1) the child fails to complete the program;

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

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

18 SECTION 24. Section 264.302(e), Family Code, is amended to
19 read as follows:

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

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

26 (2) a law enforcement officer or agency under Article
27 45.310 or 45.311, Code of Criminal Procedure, or Section 52.03 of

1 this code; or

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

4 SECTION 25. Subchapter F, Chapter 102, Government Code, is
5 amended by adding Section 102.1011 to read as follows:

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

13 SECTION 26. Subchapter G, Chapter 102, Government Code, is
14 amended by adding Section 102.1211 to read as follows:

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

22 SECTION 27. Section 103.021, Government Code, is amended to
23 read as follows:

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

1 the court or otherwise required:

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

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

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

11 (3-a) costs associated with operating a global
12 positioning monitoring system as a condition of release on bond
13 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
14 subject to a determination of indigency;

15 (3-b) costs associated with providing a defendant's
16 victim with an electronic receptor device as a condition of the
17 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
18 Procedure) . . . actual costs, subject to a determination of
19 indigency;

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

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

1 (6) payment to a crime stoppers organization as
2 condition of community supervision (Art. [42A.301\(b\)\(20\)](#)
3 [~~[42A.301\(20\)](#)~~], Code of Criminal Procedure) . . . not to exceed \$50;

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

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

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

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

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

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

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

27 (14) special expense on dismissal of certain

1 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
2 . . . not to exceed amount of fine assessed;

3 (15) an additional fee:

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

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

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

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

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

27 (18) a mileage fee for officer performing certain

1 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
2 mile;

3 (19) certified mailing of notice of hearing date (Art.
4 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

5 (20) certified mailing of certified copies of an order
6 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
7 plus postage;

8 (20-a) a fee to defray the cost of notifying state
9 agencies of orders of expungement (Art. 45.0216, Code of Criminal
10 Procedure) . . . \$30 per application;

11 (21) sight orders:

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

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

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

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

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

27 (22) fees for a pretrial intervention program:

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

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

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

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

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

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

15 (25) a collection fee, if authorized by the
16 commissioners court of a county or the governing body of a
17 municipality, for certain debts and accounts receivable, including
18 unpaid fines, fees, court costs, forfeited bonds, and restitution
19 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
20 percent of an amount more than 60 days past due; and

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

24 SECTION 28. Subchapter B, Chapter 103, Government Code, is
25 amended by adding Section 103.02102 to read as follows:

26 Sec. 103.02102. ADDITIONAL FEE FOR YOUTH DIVERSION: CODE OF
27 CRIMINAL PROCEDURE. A parent of a child participating in a

1 diversion program shall, if ordered by the court under Article
2 45.316, Code of Criminal Procedure, pay a fee of \$30 to defray the
3 costs of youth diversion programs under Subchapter E, Chapter 45,
4 Code of Criminal Procedure.

5 SECTION 29. The following laws are repealed:

6 (1) Article 42.15(a-1), Code of Criminal Procedure, as
7 added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,
8 Regular Session, 2017;

9 (2) Article 45.041(a-1), Code of Criminal Procedure,
10 as added by Chapter 977 (H.B. 351), Acts of the 85th Legislature,
11 Regular Session, 2017;

12 (3) Article 45.0492, Code of Criminal Procedure, as
13 added by Chapter 277 (H.B. 350), Acts of the 82nd Legislature,
14 Regular Session, 2011;

15 (4) Article 45.0492, Code of Criminal Procedure, as
16 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,
17 Regular Session, 2011;

18 (5) Article 42.15(f), Code of Criminal Procedure; and

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

20 SECTION 30. Not later than September 1, 2020, each justice
21 and municipal court shall implement a youth diversion plan under
22 Subchapter E, Chapter 45, Code of Criminal Procedure, as added by
23 this Act.

24 SECTION 31. The changes in law made by this Act apply only
25 to an offense committed on or after September 1, 2020. An offense
26 committed before September 1, 2020, is governed by the law in effect
27 on the date the offense was committed, and the former law is

1 continued in effect for that purpose. For purposes of this section,
2 an offense was committed before September 1, 2020, if any element of
3 the offense occurred before that date.

4 SECTION 32. This Act takes effect September 1, 2019.