

1-1 By: White, Collier (Senate Sponsor - Perry, Miles) H.B. No. 3660  
1-2 (In the Senate - Received from the House May 12, 2021;  
1-3 May 13, 2021, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2021, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 2;  
1-6 May 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 3660 By: Whitmire

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to youth diversion programs for children accused of  
1-20 certain fine-only offenses and related criminal justice matters;  
1-21 authorizing and imposing fees and fines.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 45, Code of Criminal Procedure, is  
1-24 amended by adding Subchapter E to read as follows:

1-25 SUBCHAPTER E. YOUTH DIVERSION

1-26 Art. 45.301. DEFINITIONS. In this subchapter:

1-27 (1) "Charge" means a formal or informal allegation of  
1-28 an offense, including a citation, written promise to appear,  
1-29 complaint, or pending complaint.

1-30 (2) "Child" has the meaning assigned by Article  
1-31 45.058(h).

1-32 (3) "Diversion" means an intervention strategy that  
1-33 redirects a child from formal criminal prosecution and holds the  
1-34 child accountable for the child's actions. The term includes  
1-35 diversion under Article 45.310, 45.311, 45.313, or 45.314.

1-36 (4) "Offense" means a misdemeanor punishable by fine  
1-37 only, other than a traffic offense.

1-38 (5) "Parent" has the meaning assigned by Article  
1-39 45.057(a).

1-40 (6) "Service provider" means a governmental agency,  
1-41 political subdivision, open-enrollment charter school, nonprofit  
1-42 organization, or other entity that provides services to children or  
1-43 families.

1-44 (7) "Youth diversion plan" means a plan adopted under  
1-45 Article 45.306.

1-46 Art. 45.302. APPLICABILITY. This subchapter applies only  
1-47 to a child who is alleged to have engaged in conduct that  
1-48 constitutes a misdemeanor punishable by fine only, other than a  
1-49 traffic offense.

1-50 Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED.  
1-51 Nothing in this subchapter precludes:

1-52 (1) a case involving a child from being referred,  
1-53 adjudicated, or disposed of as conduct indicating a need for  
1-54 supervision under Title 3, Family Code; or

1-55 (2) a waiver of criminal jurisdiction and transfer of  
1-56 a child's case as provided by Section 51.08, Family Code.

1-57 Art. 45.304. DIVERSION ELIGIBILITY. (a) Except as  
1-58 otherwise provided by this subchapter, a child shall be diverted  
1-59 from formal criminal prosecution as provided by this subchapter.

1-60 (b) A child is not eligible for diversion if the child has

2-1 previously had two unsuccessful diversions under this subchapter  
2-2 for offenses that were not part of a single criminal episode, as  
2-3 defined by Section 3.01, Penal Code.

2-4 Art. 45.305. DIVERSION STRATEGIES. (a) Diversion  
2-5 strategies include:

2-6 (1) requiring a child to participate in a program,  
2-7 including:

2-8 (A) a court-approved teen court program operated  
2-9 by a service provider;

2-10 (B) a school-related program;

2-11 (C) an educational program, including an alcohol  
2-12 awareness program, a tobacco awareness program, or a drug education  
2-13 program;

2-14 (D) a rehabilitation program; or

2-15 (E) a self-improvement program, including a  
2-16 program relating to self-esteem, leadership, self-responsibility,  
2-17 empathy, parenting, parental responsibility, manners, violence  
2-18 avoidance, anger management, life skills, wellness, or dispute  
2-19 resolution;

2-20 (2) referring the child to a service provider for  
2-21 services, including:

2-22 (A) at-risk youth services under Subchapter D,  
2-23 Chapter 264, Family Code;

2-24 (B) juvenile case manager services under Article  
2-25 45.056;

2-26 (C) work and job skills training, including job  
2-27 interviewing and work preparation;

2-28 (D) academic monitoring or tutoring, including  
2-29 preparation for a high school equivalency examination administered  
2-30 under Section 7.111, Education Code;

2-31 (E) community-based services;

2-32 (F) mental health screening and clinical  
2-33 assessment;

2-34 (G) counseling, including private or in-school  
2-35 counseling; or

2-36 (H) mentoring services;

2-37 (3) requiring a child to:

2-38 (A) participate in mediation or other dispute  
2-39 resolution processes;

2-40 (B) submit to alcohol or drug testing; or

2-41 (C) substantially comply with a course of  
2-42 treatment prescribed by a physician or other licensed medical or  
2-43 mental health professional; and

2-44 (4) requiring a child, by court order, to:

2-45 (A) pay restitution not to exceed \$100 for an  
2-46 offense against property under Title 7, Penal Code;

2-47 (B) perform not more than 20 hours of community  
2-48 service; or

2-49 (C) perform any other reasonable action  
2-50 determined by the court.

2-51 (b) A diversion strategy may be imposed under:

2-52 (1) a disposition or diversion by law enforcement  
2-53 under Article 45.310 or 45.311;

2-54 (2) an intermediate diversion from court under Article  
2-55 45.313;

2-56 (3) a diversion by a justice or judge under Article  
2-57 45.314; or

2-58 (4) a system of graduated sanctions for certain school  
2-59 offenses under Section 37.144, Education Code.

2-60 (c) A diversion strategy under this subchapter may not  
2-61 require a child who is a home-schooled student, as defined by  
2-62 Section 29.916, Education Code, to:

2-63 (1) attend an elementary or secondary school; or

2-64 (2) use an educational curriculum other than the  
2-65 curriculum selected by the parent.

2-66 Art. 45.306. YOUTH DIVERSION PLAN. (a) A youth diversion  
2-67 plan is a written plan that describes the types of strategies that  
2-68 will be used to implement youth diversion. A youth diversion plan  
2-69 does not limit the types of diversion strategies that may be imposed

3-1 under a diversion agreement under Article 45.312.  
3-2 (b) Each justice and municipal court shall adopt a youth  
3-3 diversion plan.  
3-4 (c) A youth diversion plan may be devised for a county or  
3-5 municipality or an individual court within a county or  
3-6 municipality.  
3-7 (d) In accordance with Chapter 791, Government Code, a local  
3-8 government may enter into an agreement with one or more local  
3-9 governments to create a regional youth diversion plan and  
3-10 collaborate in the implementation of this subchapter.  
3-11 (e) A youth diversion plan may include an agreement with a  
3-12 service provider to provide services for a diversion strategy.  
3-13 (f) A youth diversion plan may contain guidelines for  
3-14 disposition or diversion of a child's case by law enforcement under  
3-15 Article 45.310 or 45.311. The guidelines are not mandatory.  
3-16 (g) The guidelines adopted under Subsection (f) may not  
3-17 allow for the disposition or diversion of a child's case under  
3-18 Article 45.310 or 45.311 if there is probable cause to believe that  
3-19 the child may be the victim of conduct that constitutes an offense  
3-20 under Section 20A.02, Penal Code (trafficking of persons).  
3-21 (h) A current youth diversion plan must be maintained on  
3-22 file for public inspection in each justice and municipal court,  
3-23 including courts that collaborate with one or more counties or  
3-24 municipalities.  
3-25 (i) A court or local government may adopt rules necessary to  
3-26 coordinate services under a youth diversion plan or to implement  
3-27 this subchapter.  
3-28 Art. 45.307. YOUTH DIVERSION COORDINATOR. (a) A court may  
3-29 designate a youth diversion coordinator to assist the court in:  
3-30 (1) determining whether a youth is eligible for  
3-31 diversion;  
3-32 (2) employing a diversion strategy authorized by this  
3-33 subchapter;  
3-34 (3) presenting and maintaining diversion agreements;  
3-35 (4) monitoring diversions;  
3-36 (5) maintaining records regarding whether one or more  
3-37 diversions were successful or unsuccessful; and  
3-38 (6) coordinating referrals to court.  
3-39 (b) The responsibilities of the youth diversion coordinator  
3-40 may be performed by:  
3-41 (1) a court administrator or court clerk, or a person  
3-42 who regularly performs the duties of court administrator or court  
3-43 clerk;  
3-44 (2) an individual or entity that provides juvenile  
3-45 case manager services under Article 45.056;  
3-46 (3) a court-related services office;  
3-47 (4) a community supervision and corrections  
3-48 department;  
3-49 (5) a county or municipal employee;  
3-50 (6) a community volunteer;  
3-51 (7) an institution of higher learning, including a  
3-52 private or independent institution; or  
3-53 (8) a qualified nonprofit organization.  
3-54 Art. 45.308. YOUTH DIVERSION ADVISORY COUNCIL. (a) A  
3-55 commissioners court of a county or the governing body of a  
3-56 municipality may establish a youth diversion advisory council.  
3-57 (b) The purpose of a youth diversion advisory council is to  
3-58 facilitate community input, suggest improvements to a youth  
3-59 diversion plan, and make recommendations to accomplish the  
3-60 following objectives:  
3-61 (1) to provide children the option of an alternative,  
3-62 non-adversarial procedure to resolve certain charges while  
3-63 ensuring that the child's legal rights are protected;  
3-64 (2) to authorize diversions from criminal prosecution  
3-65 under this subchapter that emphasize accountability and  
3-66 responsibility of the parent and the child for the child's conduct;  
3-67 (3) to reduce recidivism and the occurrence of problem  
3-68 behaviors without criminal prosecution in justice and municipal  
3-69 courts;

4-1 (4) to identify at-risk youth and, where appropriate,  
4-2 refer at-risk youth to services under Subchapter D, Chapter 264,  
4-3 Family Code;  
4-4 (5) to remove, where appropriate, the taint of  
4-5 criminality and collateral consequences of criminal convictions  
4-6 from children charged with certain unlawful acts;  
4-7 (6) to encourage problem-solving approaches and the  
4-8 use of evidence-based practices in focusing on outcomes that are in  
4-9 the best interests of the child and the community; and  
4-10 (7) to increase collaboration between governmental,  
4-11 educational, and nonprofit organizations in devising local and  
4-12 regional diversion strategies.  
4-13 (c) The commissioners court of the county or governing body  
4-14 of the municipality appoints the members of the youth diversion  
4-15 advisory council. The members serve terms specified by the  
4-16 commissioners court or governing body without compensation.  
4-17 (d) County and municipal youth diversion advisory councils  
4-18 may collaborate to identify best practices, share information and  
4-19 resources, and coordinate diversion efforts under this subchapter.  
4-20 (e) One or more counties or municipalities by agreement may  
4-21 create a regional youth diversion advisory council.  
4-22 Art. 45.309. WARNING NOTICE BY PEACE OFFICER. (a) In lieu  
4-23 of taking a child into custody, issuing a citation, or filing a  
4-24 complaint for an offense, a peace officer may issue a warning notice  
4-25 to the child if:  
4-26 (1) guidelines for issuing a warning notice have been  
4-27 issued by the law enforcement agency employing the peace officer;  
4-28 (2) the warning notice is authorized by the  
4-29 guidelines;  
4-30 (3) the warning notice identifies the child and  
4-31 describes the child's alleged offense;  
4-32 (4) a copy of the warning notice is sent to the child's  
4-33 parent as soon as practicable; and  
4-34 (5) a copy of the warning notice is filed with a  
4-35 service provider, youth diversion coordinator, or other person  
4-36 designated in the youth diversion plan.  
4-37 (b) A warning notice filed under this article is not a  
4-38 diversion but may be used as the basis of further action under the  
4-39 terms of a diversion agreement.  
4-40 Art. 45.310. PEACE OFFICER DISPOSITION. (a) In lieu of  
4-41 issuing a citation to a child or filing a complaint in a justice or  
4-42 municipal court, a peace officer may dispose of a case if:  
4-43 (1) guidelines for a disposition under this article  
4-44 have been adopted and are included in a youth diversion plan;  
4-45 (2) the disposition is authorized by the guidelines;  
4-46 and  
4-47 (3) the peace officer makes a written report of the  
4-48 officer's disposition to the law enforcement agency employing the  
4-49 officer identifying the child and specifying the grounds for  
4-50 believing that the child committed an offense.  
4-51 (b) A disposition under this article may not include:  
4-52 (1) keeping the child in law enforcement custody; or  
4-53 (2) requiring the child to report periodically to a  
4-54 peace officer, law enforcement agency, or other service provider.  
4-55 (c) A disposition under this article may include:  
4-56 (1) referral of the child to a service provider or  
4-57 other diversion strategy specified in a youth diversion plan;  
4-58 (2) a brief conference with the child and the child's  
4-59 parent; or  
4-60 (3) referral of the child and the child's parent for  
4-61 at-risk youth services under Subchapter D, Chapter 264, Family  
4-62 Code.  
4-63 Art. 45.311. FIRST OFFENSE DIVERSION PROGRAM. (a) In this  
4-64 article, "program" means a first offense diversion program  
4-65 established under this article.  
4-66 (b) As part of a youth diversion plan, a commissioners court  
4-67 of a county or the governing body of a municipality may establish a  
4-68 first offense diversion program for the referral and disposition of  
4-69 a case before the filing of a charge for a first offense.

5-1 (c) A county or municipality in which a program has been  
5-2 established shall designate one or more peace officers, law  
5-3 enforcement agencies, or service providers to process children in  
5-4 the program.

5-5 (d) In lieu of issuing a citation to a child or filing a  
5-6 complaint in a justice or municipal court, a peace officer who has a  
5-7 child in custody may refer the child to the peace officer, law  
5-8 enforcement agency, or service provider designated under  
5-9 Subsection (c) if:

5-10 (1) the child has not previously been referred to a  
5-11 program under this article; and

5-12 (2) the officer reports the referral in writing to the  
5-13 agency, identifying the child and specifying the grounds for taking  
5-14 the child into custody or for accusing the child of the offense.

5-15 (e) A child's parent shall be notified that the child is  
5-16 eligible to be referred to a first offense diversion program. The  
5-17 notice must:

5-18 (1) state the grounds for believing that the child has  
5-19 committed an offense;

5-20 (2) identify the peace officer, law enforcement  
5-21 agency, or service provider to which the child may be referred;

5-22 (3) briefly describe the nature of the program; and

5-23 (4) state that the child's failure to complete the  
5-24 program will result in the child being referred to court unless  
5-25 stated otherwise in a youth diversion plan.

5-26 (f) Before a child is referred to a program, the child and  
5-27 the child's parent must consent to the referral.

5-28 (g) A referral to a program under this article may be for a  
5-29 period of not more than 180 days.

5-30 (h) Diversion strategies in a program may include:

5-31 (1) voluntary restitution by the child or the child's  
5-32 parent to the victim of the child's conduct;

5-33 (2) voluntary community service by the child;

5-34 (3) educational or vocational training, counseling,  
5-35 or other rehabilitative services;

5-36 (4) referral of the child to a service provider or  
5-37 other diversion strategy specified in a youth diversion plan; and

5-38 (5) periodic reporting by the child to the peace  
5-39 officer, law enforcement agency, or service provider to which the  
5-40 child is referred.

5-41 (i) The case of a child who successfully completes a program  
5-42 is closed and may not be referred to court.

5-43 (j) The case of a child referred to a program shall be  
5-44 referred to a prosecutor or to court, or as specified in a youth  
5-45 diversion plan, if:

5-46 (1) the child fails to complete the program;

5-47 (2) the child or the child's parent terminates the  
5-48 child's participation in the program before the child completes the  
5-49 program; or

5-50 (3) the child is alleged to have committed another  
5-51 offense during the child's participation in the program.

5-52 (k) A statement made by a child to a person while  
5-53 participating in a program may not be used against the child in any  
5-54 subsequent court proceeding.

5-55 Art. 45.312. DIVERSION AGREEMENT. (a) A diversion  
5-56 agreement must identify the parties to the agreement and the  
5-57 responsibilities of the child and the child's parent to ensure  
5-58 their meaningful participation in a diversion under Article 45.313  
5-59 or 45.314.

5-60 (b) Stated objectives in a diversion agreement must be  
5-61 measurable, realistic, and reasonable considering the  
5-62 circumstances of the child and the best interests of the child and  
5-63 the community.

5-64 (c) A diversion agreement must include:

5-65 (1) the terms of the agreement, including any  
5-66 diversion strategy, written in a clear and concise manner and  
5-67 identifying any offense or charge being diverted;

5-68 (2) possible consequences of a successful diversion  
5-69 and an unsuccessful diversion;

6-1                   (3) an explanation that participation in a diversion  
6-2 is not an admission of guilt and a guilty plea is not required to  
6-3 participate in a diversion;  
6-4                   (4) an explanation of the process that will be used for  
6-5 reviewing and monitoring compliance with the terms of the  
6-6 agreement;  
6-7                   (5) the period of the diversion;  
6-8                   (6) a verification that:  
6-9                    (A) the child and the child's parent were  
6-10 notified of the child's rights, including the right to refuse  
6-11 diversion; and  
6-12                    (B) the child knowingly and voluntarily consents  
6-13 to participate in the diversion; and  
6-14                   (7) written acknowledgment and acceptance of the  
6-15 agreement by the child and the child's parent.  
6-16                   (d) The terms of an agreement may vary depending on the  
6-17 circumstances of the child, including the child's age and ability,  
6-18 the charge being diverted, the diversion program, or the diversion  
6-19 strategy.  
6-20                   (e) A charge may not be filed against a child or, if filed,  
6-21 shall be dismissed if the child:  
6-22                    (1) does not contest the charge;  
6-23                    (2) is eligible for diversion under Article 45.304;  
6-24 and  
6-25                    (3) accepts the terms of the agreement.  
6-26                   (f) Entering into a diversion agreement under this article  
6-27 extends the court's jurisdiction for the term of the agreement.  
6-28                   (g) On entering into a diversion agreement, a copy of the  
6-29 agreement shall be provided to the child and the child's parent, the  
6-30 clerk of the court, a youth diversion coordinator, and any person  
6-31 specified by the youth diversion plan.  
6-32                   Art. 45.313. INTERMEDIATE DIVERSION FROM COURT. (a) If  
6-33 provided by a youth diversion plan and subject to the direction of  
6-34 the court, a youth diversion coordinator, juvenile case manager, or  
6-35 other designated officer of the court shall advise the child and the  
6-36 child's parent before a case is filed that the case may be diverted  
6-37 under this article for a reasonable period not to exceed 180 days  
6-38 if:  
6-39                    (1) the child is eligible for diversion under Article  
6-40 45.304;  
6-41                    (2) diversion is in the best interests of the child and  
6-42 the community;  
6-43                    (3) the child and the child's parent consent to  
6-44 diversion with the knowledge that diversion is optional; and  
6-45                    (4) the child and the child's parent are informed that  
6-46 they may terminate the diversion at any time and, if terminated, the  
6-47 case will be referred to court.  
6-48                   (b) The terms of a diversion agreement under this article  
6-49 must be in writing and may include any of the diversion strategies  
6-50 under Article 45.305.  
6-51                   (c) The case of a child who successfully complies with the  
6-52 terms of a diversion agreement under this article shall be closed  
6-53 and reported as successful to the court.  
6-54                   (d) A child who does not comply with the terms of a diversion  
6-55 agreement under this article shall be referred to court under  
6-56 Article 45.315.  
6-57                   (e) A statement made by a child or parent during a  
6-58 discussion related to a diversion under this article may not be used  
6-59 against a declarant in any subsequent court proceeding.  
6-60                   Art. 45.314. DIVERSION BY JUSTICE OR JUDGE. (a) If a  
6-61 charge involving a child who is eligible for diversion is filed with  
6-62 a court, a justice or judge shall divert the case under this  
6-63 article.  
6-64                   (b) If the child does not contest the charge, a justice or  
6-65 judge shall divert the case under this article without the child  
6-66 having to enter a plea.  
6-67                   (c) If the child contests the charge, a justice or judge  
6-68 shall divert the case under this article at the conclusion of trial  
6-69 on a finding of guilt without entering a judgment of conviction as

7-1 provided by Article 45.041.  
7-2 (d) A diversion under this article may not exceed 180 days.  
7-3 (e) The terms of a diversion agreement under this article  
7-4 must be in writing and may include any of the diversion strategies  
7-5 described by Article 45.305.  
7-6 (f) The case of a child who successfully complies with the  
7-7 terms of a diversion agreement under this article shall be closed  
7-8 and reported as successful to the court.  
7-9 (g) A child who does not comply with the terms of a diversion  
7-10 agreement under this article shall be referred to court for a  
7-11 hearing under Article 45.315.  
7-12 Art. 45.315. REFERRAL TO COURT. (a) A court shall conduct  
7-13 a non-adversarial hearing for a child who does not successfully  
7-14 complete the terms of a diversion under Article 45.311, 45.313, or  
7-15 45.314 and is referred to court.  
7-16 (b) The hearing is an opportunity for a justice or judge to  
7-17 confer with the child and the child's parent to determine whether a  
7-18 diversion should be declared unsuccessful by the court. The court  
7-19 may also hear from any person who may be of assistance to the child  
7-20 or the court in determining what is in the best interests of the  
7-21 child and the community.  
7-22 (c) After the hearing, a court may enter an order:  
7-23 (1) amending or setting aside terms in a diversion  
7-24 agreement;  
7-25 (2) extending the diversion for a period not to exceed  
7-26 one year;  
7-27 (3) issuing a continuance for the hearing for a period  
7-28 not to exceed 60 days to allow an opportunity for compliance with  
7-29 the terms of a diversion;  
7-30 (4) subject to Subsection (d), requiring the child's  
7-31 parent to do or refrain from doing any act if the court determines  
7-32 that will increase the likelihood the child will successfully  
7-33 complete the diversion and comply with any other order of the court  
7-34 that is reasonable and necessary for the welfare of the child;  
7-35 (5) finding the diversion successful on the basis of  
7-36 substantial compliance; or  
7-37 (6) finding the diversion unsuccessful.  
7-38 (d) An order under Subsection (c)(4) may not have the  
7-39 substantive effect of interfering with a parent's fundamental right  
7-40 to determine how to raise the parent's child, unless the court finds  
7-41 that the interference is necessary to prevent significant  
7-42 impairment of the child's physical, mental, or emotional health.  
7-43 (e) An order under Subsection (c)(4) is enforceable by  
7-44 contempt.  
7-45 (f) If the court enters an order under Subsection (c)(6),  
7-46 the court may transfer the child to juvenile court for alleged  
7-47 conduct indicating a need for supervision under Section 51.08,  
7-48 Family Code.  
7-49 Art. 45.316. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE.  
7-50 (a) The clerk of a justice or municipal court may collect from a  
7-51 child's parent a \$30 administrative fee to defray the costs of the  
7-52 diversion of the child's case under this subchapter.  
7-53 (b) The fee under this article may not be collected unless  
7-54 specified as a term of the diversion agreement accepted by the  
7-55 child's parent. If the fee is not paid after giving the child's  
7-56 parent an opportunity to be heard, the court shall order the parent,  
7-57 if financially able, to pay the fee to the clerk of the court.  
7-58 (c) A court shall waive the fee if the child's parent is  
7-59 indigent or does not have sufficient resources or income to pay the  
7-60 fee.  
7-61 (d) A court may adopt rules for the waiver of a fee for  
7-62 financial hardship under this article.  
7-63 (e) The clerk of the court shall keep a record of the fees  
7-64 collected under this article and shall forward the funds to the  
7-65 county treasurer, municipal treasurer, or person fulfilling the  
7-66 role of a county treasurer or municipal treasurer, as appropriate.  
7-67 (f) The fee collected under this article shall be deposited  
7-68 in a special account that can be used only to offset the cost of the  
7-69 operations of youth diversion programs under this subchapter.

8-1 (g) Except for the fee authorized under Subsection (a), a  
8-2 fee may not be assessed for a child diverted under this subchapter.

8-3 (h) The diversion of a child may not be contingent on  
8-4 payment of a fee under this article.

8-5 Art. 45.317. DIVERSION RECORDS. (a) A justice or  
8-6 municipal court shall maintain statistics for each diversion  
8-7 strategy authorized by this subchapter.

8-8 (b) Statistics indicating the number of warning notices  
8-9 under Article 45.309 and types of dispositions or diversions made  
8-10 by a law enforcement agency under Article 45.310 or 45.311 shall be  
8-11 reported at least annually to the justice or municipal court or  
8-12 youth diversion coordinator as specified by a youth diversion plan.  
8-13 Statistics shall include the age, gender, and ethnicity of the  
8-14 child and the offense alleged by law enforcement to have been  
8-15 committed by the child.

8-16 (c) Other than statistical records, all records generated  
8-17 under this subchapter are confidential under Article 45.0217.

8-18 (d) All records of a diversion pertaining to a child under  
8-19 this subchapter may be expunged after the child's 17th birthday and  
8-20 shall, without requirement for a motion or request, be expunged  
8-21 before the child's 18th birthday.

8-22 SECTION 2. Articles 42.15(a-1) and (d), Code of Criminal  
8-23 Procedure, are amended to read as follows:

8-24 (a-1) Notwithstanding any other provision of this article,  
8-25 during or immediately after imposing a sentence in a case in which  
8-26 the defendant entered a plea in open court as provided by Article  
8-27 27.13, 27.14(a), or 27.16(a), a court shall inquire whether the  
8-28 defendant has sufficient resources or income to immediately pay all  
8-29 or part of the fine and costs. If the court determines that the  
8-30 defendant does not have sufficient resources or income to  
8-31 immediately pay all or part of the fine and costs, the court shall  
8-32 determine whether the fine and costs should be:

8-33 (1) subject to Subsection (c), required to be paid at  
8-34 some later date or in a specified portion at designated intervals;

8-35 (2) discharged by performing community service  
8-36 under ~~[, as applicable,] Article 43.09(f) or [, Article] 45.049~~  
8-37 ~~[, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the~~  
8-38 ~~82nd Legislature, Regular Session, 2011, or Article 45.0492, as~~  
8-39 ~~added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,~~  
8-40 ~~Regular Session, 2011];~~

8-41 (3) waived in full or in part under Article 43.091 or  
8-42 45.0491; or

8-43 (4) satisfied through any combination of methods under  
8-44 Subdivisions (1)-(3).

8-45 (d) A judge may allow a defendant who is a child, as defined  
8-46 by Article 45.058(h), to elect at the time of conviction, as defined  
8-47 by Section 133.101, Local Government Code, to discharge the fine  
8-48 and costs by:

8-49 (1) performing community service or receiving  
8-50 tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227~~  
8-51 ~~(H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];~~  
8-52 or

8-53 (2) paying the fine and costs in a manner described by  
8-54 Subsection (b).

8-55 SECTION 3. Article 44.2811, Code of Criminal Procedure, as  
8-56 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.  
8-57 393), Acts of the 83rd Legislature, Regular Session, 2013, is  
8-58 reenacted and amended to read as follows:

8-59 Art. 44.2811. RECORDS RELATING TO CERTAIN ~~[OR RECEIVING~~  
8-60 ~~DEFERRED DISPOSITION FOR] FINE-ONLY MISDEMEANORS COMMITTED BY A~~  
8-61 ~~CHILD. All records and files and information stored by electronic~~  
8-62 ~~means or otherwise, from which a record or file could be generated,~~  
8-63 ~~relating to a criminal case for a misdemeanor punishable by fine~~  
8-64 ~~only, other than a traffic offense, that is committed by a child and~~  
8-65 ~~that is appealed are confidential and may not be disclosed to the~~  
8-66 ~~public except as provided under Article 45.0217(b). [(a) This~~  
8-67 ~~article applies only to a misdemeanor offense punishable by fine~~  
8-68 ~~only, other than a traffic offense.~~

8-69 ~~[(b) All records and files and information stored by~~



9-1 ~~electronic means or otherwise, from which a record or file could be~~  
9-2 ~~generated, relating to a child who is convicted of and has satisfied~~  
9-3 ~~the judgment for or who has received a dismissal after deferral of~~  
9-4 ~~disposition for an offense described by Subsection (a) are~~  
9-5 ~~confidential and may not be disclosed to the public except as~~  
9-6 ~~provided under Article 45.0217(b).]~~

9-7 SECTION 4. Article 45.0215(a), Code of Criminal Procedure,  
9-8 is amended to read as follows:

9-9 (a) Subject to the requirements of Subchapter E, this [This]  
9-10 article applies to a defendant who has not had the disabilities of  
9-11 minority removed and has been:

9-12 (1) charged with an offense other than an offense  
9-13 under Section 43.261, Penal Code, if the defendant is younger than  
9-14 17 years of age; or

9-15 (2) charged with an offense under Section 43.261,  
9-16 Penal Code, if the defendant is younger than 18 years of age.

9-17 SECTION 5. Article 45.0217, Code of Criminal Procedure, as  
9-18 amended by Chapters 1257 (H.B. 528), 1319 (S.B. 394), and 1407 (S.B.  
9-19 393), Acts of the 83rd Legislature, Regular Session, 2013, is  
9-20 reenacted and amended to read as follows:

9-21 Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES  
9-22 AGAINST OR [THE] CONVICTION OF [OR DEFERRAL OF DISPOSITION FOR] A  
9-23 CHILD. (a) ~~[This article applies only to a misdemeanor offense~~  
9-24 ~~punishable by fine only, other than a traffic offense.~~

9-25 ~~[(a-1)]~~ Except as provided by Article 15.27 and Subsection  
9-26 (b), all records and files, including those held by law  
9-27 enforcement, and information stored by electronic means or  
9-28 otherwise, from which a record or file could be generated, relating  
9-29 to a child who is charged with, is convicted of, is found not guilty  
9-30 of, had a charge dismissed for, or is granted deferred disposition  
9-31 for a misdemeanor punishable by fine only, other than a traffic ~~[for~~  
9-32 ~~or who has received a dismissal after deferral of disposition for~~  
9-33 ~~an] offense, [described by Subsection (a)] are confidential and may~~  
9-34 ~~not be disclosed to the public.~~

9-35 (b) Information subject to Subsection (a) ~~[(a-1)]~~ may be  
9-36 open to inspection only by:

9-37 (1) judges, prosecutors, and the staff of the judges  
9-38 or prosecutors [or court staff];

9-39 (2) a criminal justice agency for a criminal justice  
9-40 purpose, as those terms are defined by Section 411.082, Government  
9-41 Code;

9-42 (3) the Department of Public Safety;

9-43 (4) an attorney for a party to the proceeding;

9-44 (5) the child defendant; ~~or~~

9-45 (6) the defendant's parent, guardian, or managing  
9-46 conservator;

9-47 (7) a governmental agency if the disclosure is:

9-48 (A) required or authorized by law; or

9-49 (B) for the purpose of maintaining statistical  
9-50 records of recidivism and for diagnosis and classification;

9-51 (8) an individual or entity to whom the child is  
9-52 referred for treatment or services if the agency or institution  
9-53 disclosing the information has entered into a written  
9-54 confidentiality agreement with the individual or entity regarding  
9-55 the protection of the disclosed information; or

9-56 (9) with leave of the justice or municipal court, any  
9-57 other person having a legitimate interest in the proceeding or in  
9-58 the work of the court.

9-59 SECTION 6. Articles 45.041(a-1), (b-3), and (b-5), Code of  
9-60 Criminal Procedure, are amended to read as follows:

9-61 (a-1) Notwithstanding any other provision of this article,  
9-62 during or immediately after imposing a sentence in a case in which  
9-63 the defendant entered a plea in open court as provided by Article  
9-64 27.14(a) or 27.16(a), the justice or judge shall inquire whether  
9-65 the defendant has sufficient resources or income to immediately pay  
9-66 all or part of the fine and costs. If the justice or judge  
9-67 determines that the defendant does not have sufficient resources or  
9-68 income to immediately pay all or part of the fine and costs, the  
9-69 justice or judge shall determine whether the fine and costs should

10-1 be:

10-2 (1) subject to Subsection (b-2), required to be paid  
10-3 at some later date or in a specified portion at designated  
10-4 intervals;

10-5 (2) discharged by performing community service  
10-6 under~~[, as applicable,]~~ Article 45.049~~[, Article 45.0492, as added~~  
10-7 ~~by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular~~  
10-8 ~~Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B.~~  
10-9 ~~1964), Acts of the 82nd Legislature, Regular Session, 2011];~~

10-10 (3) waived in full or in part under Article 45.0491; or

10-11 (4) satisfied through any combination of methods under  
10-12 Subdivisions (1)-(3).

10-13 (b-3) If a diversion is not required under Subchapter E or  
10-14 Subsection (b-5), a [A] judge shall [may] allow a defendant who is a  
10-15 child, as defined by Article 45.058(h), to elect at the time of  
10-16 conviction, as defined by Section 133.101, Local Government Code,  
10-17 to discharge the fine and costs by:

10-18 (1) performing community service or receiving  
10-19 tutoring under Article 45.049 ~~[45.0492, as added by Chapter 227~~  
10-20 ~~(H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];~~  
10-21 or

10-22 (2) paying the fine and costs in a manner described by  
10-23 Subsection (b).

10-24 (b-5) If a case involving a child who is eligible for  
10-25 diversion under Article 45.304 results in a trial, on a finding of  
10-26 guilt, without entering a judgment, sentence, or conviction, the  
10-27 justice or judge shall order a diversion under Article 45.314 [The  
10-28 requirement under Article 45.0492(a), as added by Chapter 227 (H.B.  
10-29 350), Acts of the 82nd Legislature, Regular Session, 2011, that an  
10-30 offense occur in a building or on the grounds of the primary or  
10-31 secondary school at which the defendant was enrolled at the time of  
10-32 the offense does not apply to the performance of community service  
10-33 or the receipt of tutoring to discharge a fine or costs under  
10-34 Subsection (b-3)(1)].

10-35 SECTION 7. Articles 45.049(a), (b), (c), (d), (f), and (i),  
10-36 Code of Criminal Procedure, are amended to read as follows:

10-37 (a) A justice or judge may require a defendant who fails to  
10-38 pay a previously assessed fine or costs, ~~[or]~~ who is determined by  
10-39 the court to have insufficient resources or income to pay a fine or  
10-40 costs, or who is a child and assessed a fine or costs to discharge  
10-41 all or part of the fine or costs by performing community service. A  
10-42 defendant may discharge an obligation to perform community service  
10-43 under this article by paying at any time the fine and costs  
10-44 assessed.

10-45 (b) In the justice's or judge's order requiring a defendant  
10-46 to perform community service under this article, the justice or  
10-47 judge must specify:

10-48 (1) the number of hours of community service the  
10-49 defendant is required to perform, not to exceed 20 hours if the  
10-50 defendant is a child; and

10-51 (2) the date by which the defendant must submit to the  
10-52 court documentation verifying the defendant's completion of the  
10-53 community service.

10-54 (c) The justice or judge may order the defendant to perform  
10-55 community service under this article:

10-56 (1) by attending:

10-57 (A) a work and job skills training program;

10-58 (B) a preparatory class for the high school  
10-59 equivalency examination administered under Section 7.111,  
10-60 Education Code;

10-61 (C) an alcohol or drug abuse program;

10-62 (D) a rehabilitation program;

10-63 (E) a counseling program, including a  
10-64 self-improvement program;

10-65 (F) a mentoring program;

10-66 (G) a tutoring program if the defendant is a  
10-67 child; or

10-68 (H) ~~[(C)]~~ any similar activity; or

10-69 (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.

(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.

SECTION 8. Article 45.051(a-1), Code of Criminal Procedure, is 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 fines and court costs as required by Subsection (a), the judge may:

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

(2) require an eligible defendant to discharge all or part of those fines and costs by performing community service or attending a tutoring program under Article 45.049 [or under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011];

(3) waive all or part of those fines and costs under Article 45.0491; or

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

SECTION 9. Articles 45.056(a), (b), (d), (e), (g), and (h), 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

12-1 court's juvenile docket and in supervising the court's orders in  
 12-2 juvenile cases; and

12-3 (B) may provide:  
 12-4 (i) prevention services to a child  
 12-5 considered at risk of entering the juvenile justice system; and  
 12-6 (ii) youth diversion [~~intervention~~]  
 12-7 services to juveniles engaged in misconduct before cases are filed,  
 12-8 excluding traffic offenses; or

12-9 (3) agree in accordance with Chapter 791, Government  
 12-10 Code, with any appropriate governmental entity to jointly employ a  
 12-11 juvenile case manager, jointly contract for juvenile case manager  
 12-12 services, or ~~to~~ jointly contribute to the costs of a juvenile case  
 12-13 manager or juvenile case manager ~~employed by one governmental~~  
 12-14 entity to provide services described by Subdivisions (1) and (2).

12-15 (b) A local entity may apply or more than one local entity  
 12-16 may jointly apply to the criminal justice division of the  
 12-17 governor's office for reimbursement of all or part of the costs of  
 12-18 employing one or more juvenile case managers or contracting for  
 12-19 juvenile case manager services from funds appropriated to the  
 12-20 governor's office or otherwise available for purposes of youth  
 12-21 diversion [~~that purpose~~]. To be eligible for reimbursement, the  
 12-22 entity applying must present to the governor's office a  
 12-23 comprehensive plan to reduce juvenile crimes in the entity's  
 12-24 jurisdiction and a youth diversion plan under Article 45.306 that  
 12-25 addresses the role of the juvenile case manager in that effort.

12-26 (d) The court or governing body may pay from the local youth  
 12-27 diversion fund established under Section 134.156, Local Government  
 12-28 Code:

12-29 (1) the salary and benefits of a juvenile case  
 12-30 manager;

12-31 (2) the costs of contracting for juvenile case manager  
 12-32 services; and

12-33 (3) the costs of training, travel, office supplies,  
 12-34 and other necessary expenses relating to the position of the  
 12-35 juvenile case manager and juvenile case manager services [~~from the~~  
 12-36 ~~local truancy prevention and diversion fund established under~~  
 12-37 ~~Section 134.156, Local Government Code~~].

12-38 (e) A juvenile case manager [~~employed under Subsection (c)~~]  
 12-39 shall give priority to cases brought under Section [~~Sections~~]  
 12-40 25.093 [~~and 25.094~~], Education Code, Chapter 65, Family Code, and  
 12-41 youth diversion under Subchapter E.

12-42 (g) A [~~The employing~~] court or governmental entity under  
 12-43 this article shall implement the rules adopted under Subsection  
 12-44 (f).

12-45 (h) The commissioners court or governing body of the  
 12-46 municipality that administers a local youth [~~truancy prevention~~  
 12-47 ~~and~~] diversion fund under Section 134.156, Local Government Code,  
 12-48 shall require periodic review of juvenile case managers to ensure  
 12-49 the implementation of the rules adopted under Subsection (f).

12-50 SECTION 10. Article 45.056(c), Code of Criminal Procedure,  
 12-51 as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of  
 12-52 the 83rd Legislature, Regular Session, 2013, is reenacted and  
 12-53 amended to read as follows:

12-54 (c) An entity that jointly employs a juvenile case manager,  
 12-55 jointly contracts for juvenile case manager services, or jointly  
 12-56 contributes to the costs of a juvenile case manager or juvenile case  
 12-57 manager services under Subsection (a)(3) employs a juvenile case  
 12-58 manager for purposes of Chapter 102 of this code and Chapter 102,  
 12-59 Government Code.

12-60 SECTION 11. The heading to Article 102.014, Code of  
 12-61 Criminal Procedure, is amended to read as follows:

12-62 Art. 102.014. FINES FOR CHILD SAFETY FUND [~~IN~~  
 12-63 ~~MUNICIPALITIES~~].

12-64 SECTION 12. Articles 102.014(g) and (h), Code of Criminal  
 12-65 Procedure, are amended to read as follows:

12-66 (g) In a municipality with a population less than 850,000  
 12-67 according to the most recent federal decennial census, the money  
 12-68 collected under this article in a municipal court case must be used  
 12-69 for a school crossing guard program if the municipality operates

13-1 one. If the municipality does not operate a school crossing guard  
13-2 program or if the money received from fines from municipal court  
13-3 cases exceeds the amount necessary to fund the school crossing  
13-4 guard program, the municipality may:

13-5 (1) deposit the additional money in an  
13-6 interest-bearing account;

13-7 (2) expend the additional money for programs designed  
13-8 to enhance child safety, health, or nutrition, including child  
13-9 abuse prevention and intervention, youth diversion, and drug and  
13-10 alcohol abuse prevention; or

13-11 (3) expend the additional money for programs designed  
13-12 to enhance public safety and security.

13-13 (h) Money collected under this article in a justice, county,  
13-14 or district court shall be used to fund school crossing guard  
13-15 programs in the county where they are collected. If the county does  
13-16 not operate a school crossing guard program, the county may:

13-17 (1) remit fine revenues to school districts in its  
13-18 jurisdiction for the purpose of providing school crossing guard  
13-19 services;

13-20 (2) fund programs the county is authorized by law to  
13-21 provide which are designed to enhance child safety, health, or  
13-22 nutrition, including child abuse prevention and intervention,  
13-23 youth diversion, and drug and alcohol abuse prevention;

13-24 (3) provide funding to the sheriff's department for  
13-25 school-related activities;

13-26 (4) provide funding to the county juvenile probation  
13-27 department; or

13-28 (5) deposit the money in the general fund of the  
13-29 county.

13-30 SECTION 13. Article 102.0171, Code of Criminal Procedure,  
13-31 is amended by amending Subsections (a) and (c) and adding  
13-32 Subsection (e) to read as follows:

13-33 (a) A defendant convicted of an offense under Section 28.08,  
13-34 Penal Code, in a municipal court, justice court, county court,  
13-35 county court at law, or district court shall pay a fine of \$50 for  
13-36 juvenile delinquency prevention and graffiti eradication.

13-37 (c) The clerks of the respective courts shall collect the  
13-38 fines and pay the fines to the county treasurer, municipal  
13-39 treasurer, or to any other official who discharges the duties  
13-40 commonly delegated to the county or municipal treasurer for deposit  
13-41 in a fund to be known as the county juvenile delinquency prevention  
13-42 fund or municipal juvenile delinquency prevention fund. A fund  
13-43 designated by this subsection may be used only to:

13-44 (1) repair damage caused by the commission of offenses  
13-45 under Section 28.08, Penal Code;

13-46 (2) provide educational and intervention programs and  
13-47 materials, including printed educational materials for  
13-48 distribution to primary and secondary school students, designed to  
13-49 prevent individuals from committing offenses under Section 28.08,  
13-50 Penal Code;

13-51 (3) provide to the public rewards for identifying and  
13-52 aiding in the apprehension and prosecution of offenders who commit  
13-53 offenses under Section 28.08, Penal Code;

13-54 (4) provide funding for teen recognition and teen  
13-55 recreation programs;

13-56 (5) provide funding for local teen court programs;

13-57 (6) provide funding for the local juvenile probation  
13-58 department; ~~and~~

13-59 (7) provide educational and intervention programs  
13-60 designed to prevent juveniles from engaging in delinquent conduct;  
13-61 and

13-62 (8) provide funding for youth diversion under  
13-63 Subchapter E, Chapter 45.

13-64 (e) The municipal juvenile delinquency prevention fund  
13-65 shall be administered by or under the direction of the governing  
13-66 body of a municipality.

13-67 SECTION 14. Section 52.03(a), Family Code, is amended to  
13-68 read as follows:

13-69 (a) A law-enforcement officer authorized by this title to

14-1 take a child into custody may dispose of the case of a child taken  
14-2 into custody [~~or accused of a Class C misdemeanor, other than a~~  
14-3 ~~traffic offense,~~] without referral to juvenile court [~~or charging a~~  
14-4 ~~child in a court of competent criminal jurisdiction,~~] if:

14-5 (1) guidelines for such disposition have been adopted  
14-6 by the juvenile board of the county in which the disposition is made  
14-7 as required by Section 52.032;

14-8 (2) the disposition is authorized by the guidelines;  
14-9 and

14-10 (3) the officer makes a written report of the officer's  
14-11 disposition to the law-enforcement agency, identifying the child  
14-12 and specifying the grounds for believing that the taking into  
14-13 custody [~~or accusation of criminal conduct~~] was authorized.

14-14 SECTION 15. Section 52.031(a), Family Code, is amended to  
14-15 read as follows:

14-16 (a) A juvenile board may establish a first offender program  
14-17 under this section for the referral and disposition of children  
14-18 taken into custody for [~~, or accused prior to the filing of a~~  
14-19 ~~criminal charge, of~~]:

14-20 (1) conduct indicating a need for supervision; or

14-21 (2) [~~a Class C misdemeanor, other than a traffic~~  
14-22 ~~offense, or~~

14-23 [~~3~~] delinquent conduct other than conduct that  
14-24 constitutes:

14-25 (A) a felony of the first, second, or third  
14-26 degree, an aggravated controlled substance felony, or a capital  
14-27 felony; or

14-28 (B) a state jail felony or misdemeanor involving  
14-29 violence to a person or the use or possession of a firearm,  
14-30 location-restricted knife, or club, as those terms are defined by  
14-31 Section 46.01, Penal Code, or a prohibited weapon, as described by  
14-32 Section 46.05, Penal Code.

14-33 SECTION 16. Sections 52.031(d), (f), (i), and (j), Family  
14-34 Code, as amended by Chapters 1407 (S.B. 393) and 1409 (S.B. 1114),  
14-35 Acts of the 83rd Legislature, Regular Session, 2013, are reenacted  
14-36 and amended to read as follows:

14-37 (d) A law enforcement officer taking a child into custody  
14-38 [~~or accusing a child of an offense described in Subsection (a)(2)~~]  
14-39 may refer the child to the law enforcement officer or agency  
14-40 designated under Subsection (b) for disposition under the first  
14-41 offender program and not refer the child to juvenile court [~~or a~~  
14-42 ~~court of competent criminal jurisdiction~~] only if:

14-43 (1) the child has not previously been adjudicated as  
14-44 having engaged in delinquent conduct;

14-45 (2) the referral complies with guidelines for  
14-46 disposition under Subsection (c); and

14-47 (3) the officer reports in writing the referral to the  
14-48 agency, identifying the child and specifying the grounds for taking  
14-49 the child into custody [~~or accusing a child of an offense described~~  
14-50 ~~in Subsection (a)(2)~~].

14-51 (f) The parent, guardian, or other custodian of the child  
14-52 must receive notice that the child has been referred for  
14-53 disposition under the first offender program. The notice must:

14-54 (1) state the grounds for taking the child into  
14-55 custody [~~or accusing a child of an offense described in Subsection~~  
14-56 ~~(a)(2)~~];

14-57 (2) identify the law enforcement officer or agency to  
14-58 which the child was referred;

14-59 (3) briefly describe the nature of the program; and

14-60 (4) state that the child's failure to complete the  
14-61 program will result in the child being referred to the juvenile  
14-62 court [~~or a court of competent criminal jurisdiction~~].

14-63 (i) The case of a child who successfully completes the first  
14-64 offender program is closed and may not be referred to juvenile court  
14-65 [~~or a court of competent criminal jurisdiction~~], unless the child  
14-66 is taken into custody under circumstances described by Subsection  
14-67 (j)(3).

14-68 (j) The case of a child referred for disposition under the  
14-69 first offender program shall be referred to juvenile court [~~or a~~

15-1 ~~court of competent criminal jurisdiction] if:~~  
 15-2 (1) the child fails to complete the program;  
 15-3 (2) the child or the parent, guardian, or other  
 15-4 custodian of the child terminates the child's participation in the  
 15-5 program before the child completes it; or  
 15-6 (3) the child completes the program but is taken into  
 15-7 custody under Section 52.01 before the 90th day after the date the  
 15-8 child completes the program for conduct other than the conduct for  
 15-9 which the child was referred to the first offender program.

15-10 SECTION 17. Section 264.302(e), Family Code, is amended to  
 15-11 read as follows:

15-12 (e) The department shall provide services for a child and  
 15-13 the child's family if a contract to provide services under this  
 15-14 section is available in the county and the child is referred to the  
 15-15 department as an at-risk child by:

15-16 (1) a juvenile court or probation department as part  
 15-17 of a progressive sanctions program under Chapter 59;

15-18 (2) a law enforcement officer or agency under Article  
 15-19 45.310 or 45.311, Code of Criminal Procedure, or Section 52.03 of  
 15-20 this code; or

15-21 (3) a justice or municipal court under Article 45.057,  
 15-22 45.313, or 45.314, Code of Criminal Procedure.

15-23 SECTION 18. Section 133.102(e), Local Government Code, is  
 15-24 amended to read as follows:

15-25 (e) The comptroller shall allocate the court costs received  
 15-26 under this section to the following accounts and funds so that each  
 15-27 receives to the extent practicable, utilizing historical data as  
 15-28 applicable, the same amount of money the account or fund would have  
 15-29 received if the court costs for the accounts and funds had been  
 15-30 collected and reported separately, except that the account or fund  
 15-31 may not receive less than the following percentages:

15-32 (1) crime stoppers assistance account  
 15-33 0.2427 percent;

15-34 (2) breath alcohol testing account  
 15-35 0.3900 percent;

15-36 (3) Bill Blackwood Law Enforcement Management  
 15-37 Institute account  
 15-38 1.4741 percent;

15-39 (4) Texas Commission on Law Enforcement account  
 15-40 3.4418 percent;

15-41 (5) law enforcement and custodial officer supplement  
 15-42 retirement trust fund  
 15-43 7.2674 percent;

15-44 (6) criminal justice planning account  
 15-45 8.5748 percent;

15-46 (7) an account in the state treasury to be used only  
 15-47 for the establishment and operation of the Center for the Study and  
 15-48 Prevention of Juvenile Crime and Delinquency at Prairie View A&M  
 15-49 University  
 15-50 0.8540 percent;

15-51 (8) compensation to victims of crime account  
 15-52 24.6704 percent;

15-53 (9) emergency radio infrastructure account  
 15-54 3.6913 percent;

15-55 (10) judicial and court personnel training account  
 15-56 3.3224 percent;

15-57 (11) an account in the state treasury to be used for  
 15-58 the establishment and operation of the Correctional Management  
 15-59 Institute of Texas and Criminal Justice Center account [~~Account~~]

15-60 0.8522 percent;

15-61 (12) fair defense account  
 15-62 17.8857 percent;

15-63 (13) judicial fund  
 15-64 12.2667 percent;

15-65 (14) DNA testing account  
 15-66 0.1394 percent;

15-67 (15) specialty court account  
 15-68 1.0377 percent;

15-69 (16) statewide electronic filing system account

16-1 0.5485 percent;  
 16-2 (17) jury service fund  
 16-3 6.4090 percent;  
 16-4 (18) youth [~~truancy prevention and~~] diversion account  
 16-5 2.5956 percent; and  
 16-6 (19) transportation administrative fee account  
 16-7 4.3363 percent.

16-8 SECTION 19. Section [133.125](#), Local Government Code, is  
 16-9 amended to read as follows:

16-10 Sec. 133.125. ALLOCATION OF FEES TO YOUTH [~~TRUANCY~~  
 16-11 ~~PREVENTION AND~~] DIVERSION ACCOUNT. (a) The youth [~~truancy~~  
 16-12 ~~prevention and~~] diversion account is a dedicated account in the  
 16-13 general revenue fund. The account consists of money allocated to  
 16-14 the account under Section [133.102](#)(e).

16-15 (b) The legislature may appropriate money from the youth  
 16-16 [~~truancy prevention and~~] diversion account only to the criminal  
 16-17 justice division of the governor's office for distribution to local  
 16-18 governmental entities for youth diversion [~~truancy prevention and~~  
 16-19 ~~intervention~~] services.

16-20 (c) A local governmental entity may request funds from the  
 16-21 criminal justice division of the governor's office for providing  
 16-22 youth diversion [~~truancy prevention and intervention~~] services.  
 16-23 The division may award the requested funds based on the  
 16-24 availability of appropriated funds and subject to the application  
 16-25 procedure and eligibility requirements specified by division rule.

16-26 SECTION 20. Section [134.103](#)(b), Local Government Code, is  
 16-27 amended to read as follows:

16-28 (b) The treasurer shall allocate the court costs received  
 16-29 under this section to the following accounts and funds so that each  
 16-30 receives to the extent practicable, utilizing historical data as  
 16-31 applicable, the same amount of money the account or fund would have  
 16-32 received if the court costs for the accounts and funds had been  
 16-33 collected and reported separately, except that the account or fund  
 16-34 may not receive less than the following percentages:

16-35 (1) the courthouse security fund or municipal court  
 16-36 building security fund, as appropriate  
 16-37 35 percent;

16-38 (2) the local youth [~~truancy prevention and~~] diversion  
 16-39 fund  
 16-40 35.7143 percent;

16-41 (3) the justice court technology fund or municipal  
 16-42 court technology fund, as appropriate  
 16-43 28.5714 percent; and

16-44 (4) the county or municipal jury fund, as appropriate  
 16-45 0.7143 percent.

16-46 SECTION 21. The heading to Section [134.156](#), Local  
 16-47 Government Code, is amended to read as follows:

16-48 Sec. 134.156. LOCAL YOUTH [~~TRUANCY PREVENTION AND~~]  
 16-49 DIVERSION FUND.

16-50 SECTION 22. Section [134.156](#)(a), Local Government Code, is  
 16-51 amended to read as follows:

16-52 (a) Money allocated under Section [134.103](#) to the local youth  
 16-53 [~~truancy prevention and~~] diversion fund maintained in the county or  
 16-54 municipal treasury as required by Section [134.151](#) may be used by a  
 16-55 county or municipality to finance the salary, benefits, training,  
 16-56 travel expenses, office supplies, and other necessary expenses  
 16-57 relating to the position of a juvenile case manager employed or  
 16-58 contracted under Article [45.056](#), Code of Criminal Procedure. If  
 16-59 there is money in the fund after those costs are paid, subject to  
 16-60 the direction of the governing body of the county or municipality  
 16-61 and on approval by the employing court, a juvenile case manager may  
 16-62 direct the remaining money to be used to implement programs  
 16-63 directly related to the duties of the juvenile case manager,  
 16-64 including juvenile alcohol and substance abuse programs,  
 16-65 educational and leadership programs, and any other projects  
 16-66 designed to prevent or reduce the number of juvenile referrals to  
 16-67 the court.

16-68 SECTION 23. The following laws are repealed:

16-69 (1) Article [45.0492](#), Code of Criminal Procedure, as



17-1 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,  
17-2 Regular Session, 2011;

17-3 (2) Article 45.0492, Code of Criminal Procedure, as  
17-4 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,  
17-5 Regular Session, 2011;

17-6 (3) Article 42.15(f), Code of Criminal Procedure; and

17-7 (4) Section 52.031(a-1), Family Code.

17-8 SECTION 24. Not later than September 1, 2022, each justice  
17-9 and municipal court shall implement a youth diversion plan under  
17-10 Subchapter E, Chapter 45, Code of Criminal Procedure, as added by  
17-11 this Act.

17-12 SECTION 25. The changes in law made by this Act apply only  
17-13 to an offense committed on or after September 1, 2022. An offense  
17-14 committed before September 1, 2022, is governed by the law in effect  
17-15 on the date the offense was committed, and the former law is  
17-16 continued in effect for that purpose. For purposes of this section,  
17-17 an offense was committed before September 1, 2022, if any element of  
17-18 the offense occurred before that date.

17-19 SECTION 26. This Act takes effect September 1, 2021.

17-20 \* \* \* \* \*