

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 15, 2021

TO: Honorable Victoria Neave, Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2108 by Wu (Relating to the waiver of jurisdiction and discretionary transfer of a child from a juvenile court to a criminal court.), **Committee Report 1st House, Substituted**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Family Code to require a juvenile court to admonish a child in open court about the court's consideration of waiving its jurisdiction and transferring the child to a criminal court and a child's right to participate or decline to participate in any diagnostic study, social evaluation, or investigation ordered by the court. If the child were to decline to participate in a study, evaluation, or investigation ordered by the court, the bill would require child's attorney to state the refusal in open court or in writing by the fifth business day after the court ordered the study, evaluation, or investigation.

The bill would provide that in a hearing under section 52.02 a presumption would exist that it is in the best interest of the child and of justice that the juvenile court retain jurisdiction over the child. Under the bill's provisions, the burden would be on the state to overcome this presumption. The bill would require a court that waives jurisdiction to include a rational basis for the waiver and case-specific findings in its order.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, BH