

BILL ANALYSIS

Senate Research Center
88R22259 CJD-F

H.B. 3186
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Tragic events like the one in Uvalde have increased awareness about the importance of identifying and responding to at-risk youth and those with mental illness, leading to the drafting of the Texas Youth Diversion and Early Intervention Act. Experts believe that early intervention is crucial in reducing recidivism, system involvement, costs, and in helping youth access necessary services. With the majority of juvenile justice cases involving Class C misdemeanors, municipal and justice courts have become the first line of response for these cases due to the civil courts' inability to accommodate the high volume.

In 2019 and 2021, the Texas Judicial Council worked with representatives of the justice and municipal courts, juvenile prosecutors, and juvenile defense attorneys to propose statutory changes. These proposed changes intend to help identify at-risk youth and those living with mental illness, and to keep such youth from spiraling deeper into the criminal justice system, all while holding them accountable for their actions.

H.B. 3186 would increase opportunities for early identification and for redirecting children accused of Class C Misdemeanors. This bill would allow local governments to adopt a youth diversion plan consisting of a wide array of youth diversion programs. Currently, municipal and justice courts can only order diversion strategies after a case has been convicted or deferred, whereas H.B. 3186 would make these strategies available at the front end of a case, where they can be more effective. This aligns municipal and justice court practice with that of the juvenile court system.

H.B. 3186 amends current law relating to youth diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts and related criminal justice matters and authorizes fees.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Texas Youth Diversion and Early Intervention Act.

SECTION 2. Amends Chapter 45, Code of Criminal Procedure, by adding Subchapter E, as follows:

SUBCHAPTER E. YOUTH DIVERSION

Art. 45.301. DEFINITIONS. Defines "charge," "child," "court," "diversion," "offense," "parent," "service provider," and "youth diversion plan."

Art. 45.302. APPLICABILITY. Provides that this subchapter applies only to a child who is alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.

Art. 45.303. TRANSFER TO JUVENILE COURT NOT AFFECTED. Provides that nothing in this subchapter precludes:

- (1) a case involving a child from being referred, adjudicated, or disposed of as conduct indicating a need for supervision under Title 3 (Juvenile Justice Code), Family Code; or
- (2) a waiver of criminal jurisdiction and transfer of a child's case as provided by Section 51.08 (Transfer From Criminal Court), Family Code.

Art. 45.304. DIVERSION ELIGIBILITY. (a) Requires a child to be diverted from formal criminal prosecution as provided by this subchapter, except as otherwise provided by this subchapter.

- (b) Provides that a child is eligible to enter into a diversion agreement under this subchapter only once every 365 days.
- (c) Provides that a child is not eligible for diversion if the child has previously had an unsuccessful diversion under this subchapter.
- (d) Provides that a child is not eligible for diversion if a diversion is objected to by the attorney representing the state.
- (e) Prohibits a court from diverting a child from criminal prosecution as provided by this subchapter without the written consent of the child and the child's parent.

Art. 45.305. DIVERSION STRATEGIES. (a) Provides that diversion strategies include:

- (1) requiring a child to participate in a program, including:
 - (A) a court-approved teen court program operated by a service provider;
 - (B) a school-related program;
 - (C) an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program;
 - (D) a rehabilitation program; or
 - (E) a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution;
- (2) referring a child to a service provider for services, including:
 - (A) at-risk youth services under Subchapter D (Evidence-Based Programs and Practices), Chapter 264, Family Code;
 - (B) juvenile case manager services under Article 45.056 (Juvenile Case Managers);
 - (C) work and job skills training, including job interviewing and work preparation;

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

(E) community-based services;

(F) mental health screening and clinical assessment;

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

(H) mentoring services;

(3) requiring a child to:

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

(B) submit to alcohol or drug testing; or

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

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

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

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

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

(b) Authorizes a diversion strategy to be imposed under:

(1) an intermediate diversion under Article 45.309;

(2) a diversion by a justice or judge under Article 45.310; or

(3) a system of graduated sanctions for certain school offenses under Section 37.144 (Graduated Sanctions for Certain School Offenses), Education Code.

(c) Prohibits a diversion strategy under this subchapter from requiring a child who is a home-schooled student, as defined by Section 29.916 (Home-Schooled Student Merit Scholarship and Advanced Placement Testing), Education Code, to:

(1) attend an elementary or secondary school; or

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

Art. 45.306. YOUTH DIVERSION PLAN. (a) Provides that a youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. Provides that a youth diversion plan does not limit the types of diversion strategies that are authorized to be imposed under a diversion agreement under Article 45.308.

(b) Requires each justice and municipal court to adopt a youth diversion plan.

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

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

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

(f) Authorizes a youth diversion plan to contain guidelines for disposition or diversion of a child's case by law enforcement. Provides that the guidelines are not mandatory.

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

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

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

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

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

(3) presenting and maintaining diversion agreements;

(4) monitoring diversions;

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

(6) coordinating referrals to court.

(b) Authorizes the responsibilities of the youth diversion coordinator to be performed by:

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

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

(3) a court-related services office;

(4) a community supervision and corrections department, including a juvenile probation department;

(5) a county or municipal employee, including a peace officer;

(6) a community volunteer;

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

(8) a qualified nonprofit organization as determined by the court.

Art. 45.308. DIVERSION AGREEMENT. (a) Requires a diversion agreement to identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under Article 45.309 or 45.310.

(b) Requires that stated objectives in a diversion agreement be measurable, realistic, and reasonable and consider the circumstances of the child, the best interests of the child, and the long-term safety of the community.

(c) Requires that a diversion agreement include:

(1) the terms of the agreement, including one or more diversions required to be completed by the child, written in a clear and concise manner and identifying any offense or charge being diverted;

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

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

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

(5) the period of the diversion;

(6) a verification that:

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

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

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

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

(e) Provides that a charge is prohibited from being filed against a child or, if filed, is required to be dismissed by the court if the child:

(1) does not contest the charge;

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

(3) accepts the terms of the agreement.

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

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

Art. 45.309. INTERMEDIATE DIVERSION. (a) Requires a youth diversion coordinator or juvenile case manager, if provided by a youth diversion plan, to advise the

child and the child's parent before a case is filed that the case is authorized to be diverted under this article for a reasonable period not to exceed 180 days if:

- (1) the child is eligible for diversion under Article 45.304;
- (2) diversion is in the best interests of the child and promotes the long-term safety of the community;
- (3) the child and the child's parent consent to diversion with the knowledge that diversion is optional; and
- (4) the child and the child's parent are informed that they are authorized to terminate the diversion at any time and, if terminated, the case will be referred to court.

(b) Provides that the terms of a diversion agreement under this article are required to be in writing and are authorized to include any of the diversion strategies under Article 45.305.

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

(d) Requires a child who does not comply with the terms of a diversion agreement under this article to be referred to court under Article 45.311.

Art. 45.310. DIVERSION BY JUSTICE OR JUDGE. (a) Requires a justice or judge, if a charge involving a child who is eligible for diversion is filed with a court, to divert the case under this article as follows:

- (1) if the child does not contest the charge, a justice or judge is required to divert the case under this article without the child having to enter a plea; or
- (2) if the child contests the charge, a justice or judge is required to divert the case under this article at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041 (Judgment).

(b) Prohibits a diversion under this article from exceeding 180 days.

(c) Provides that the terms of a diversion agreement under this article are required to be in writing and are authorized to include any of the diversion strategies described by Article 45.305.

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

(e) Requires a child who does not comply with the terms of a diversion agreement under this article to be referred to court for a hearing under Article 45.311.

Art. 45.311. REFERRAL TO COURT. (a) Requires a court to conduct a non-adversarial hearing for a child who does not successfully complete the terms of a diversion under Article 45.309 or 45.310 and is referred to the court.

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

- (c) Authorizes a court, after the hearing, to enter an order:
 - (1) amending or setting aside terms in the diversion agreement;
 - (2) extending the diversion for a period not to exceed one year from the initial start date of the diversion;
 - (3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion;
 - (4) subject to Subsection (d), requiring the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the child;
 - (5) finding the diversion successful on the basis of substantial compliance; or
 - (6) finding the diversion unsuccessful and:
 - (A) transferring the child to juvenile court for alleged conduct indicating a need for supervision under Section 51.08 (Transfer From Criminal Court), Family Code; or
 - (B) referring the charge to the prosecutor for consideration of re-filing.
- (d) Prohibits an order under Subsection (c)(4) from having the substantive effect of interfering with a parent's fundamental right to determine how to raise the parent's child, unless the court finds that the interference is necessary to prevent significant impairment of the child's physical, mental, or emotional health.
- (e) Provides that an order under Subsection (c)(4) is enforceable against the parent by contempt.
- (f) Provides that the statute of limitations in Article 12.02(b) (relating to authorizing a complaint or information from any Class C misdemeanor to be presented within two years from the date of the commission of the offense, and not afterward) is tolled during the diversion period for purposes of Subsection (c)(6)(B).

Art. 45.312. LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE. (a) Authorizes the clerk of a justice or municipal court to collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case under this subchapter.

- (b) Prohibits the fee under this article from being collected unless specified as a term of the diversion agreement accepted by the child's parent. Requires the court to order the parent, if financially able, to pay the fee to the clerk of the court, if the fee is not paid after giving the child's parent an opportunity to be heard.
- (c) Requires a court to waive the fee if the child's parent is indigent or does not have sufficient resources or income to pay the fee.
- (d) Authorizes a court to adopt rules for the waiver of a fee for financial hardship under this article.

(e) Provides that an order under Subsection (b) is enforceable against the parent by contempt.

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

(g) Requires that the fee collected under this article be deposited in a special account that can be used only to offset the cost of the operations of youth diversion programs under this subchapter.

(h) Prohibits a fee from being assessed for a child diverted under this subchapter, except for the fee authorized under Subsection (a).

(i) Prohibits the diversion of a child from being contingent on payment of a fee under this article.

Art. 45.313. DIVERSION RECORDS. (a) Requires a justice or municipal court to maintain statistics for each diversion strategy authorized by this subchapter.

(b) Provides that all records generated under this subchapter, other than statistical records, are confidential under Article 45.0217 (Confidential Records Relating to Charges Against or Conviction of a Child).

(c) Requires that all records of a diversion pertaining to a child under this subchapter be expunged without the requirement of a motion or request, on the child's 18th birthday.

SECTION 3. Amends Article 45.0215(a), Code of Criminal Procedure, as follows:

(a) Provides that this article, subject to the requirements of Subchapter E, applies to a defendant who has not had the disabilities of minority removed and has been charged with certain offenses. Makes a nonsubstantive change.

SECTION 4. Amends Article 45.041, Code of Criminal Procedure, by adding Subsection (a-2) and amending Subsection (b-3), as follows:

(a-2) Requires the court to provide the child and the child's parents the opportunity to accept placement in diversion, under Article 45.310, instead of entering an adjudication of guilt, in a case involving a child who is eligible for diversion under Article 45.304 that results in a trial, if the court determines that the evidence presented in a bench trial would support a finding of guilt, or if a jury returns a verdict of guilty. Requires the court to place the child in diversion if the child and the child's parents accept the opportunity for placement in diversion under Article 45.310. Requires the court to find the child guilty and proceed to sentencing if the child and the child's parents decline the opportunity for placement in diversion under Article 45.310.

(b-3) Requires, rather than authorizes, a judge, if a diversion is not required under Subchapter E or Subsection (a-2), to allow a defendant who is a child, as defined by Article 45.058(h) (relating to defining "child"), to elect at the time of conviction, as defined by Section 133.101 (Meaning of Conviction), Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.049 (Community Service in Satisfaction of Fine or Costs), rather than under Article 45.0492 (Community Service in Satisfaction of Fine or Cost for Juvenile Defendants), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; or

(2) makes no changes to this subdivision.

SECTION 5. Amends Articles 45.049(f) and (i), Code of Criminal Procedure, as follows:

(f) Provides that 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 was under certain circumstances.

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

SECTION 6. Amends Articles 45.056(a), (b), (d), (g), and (h), Code of Criminal Procedure, as follows:

(a) Authorizes a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity, on approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, to:

(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, rather than 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) makes no changes to this paragraph;

(B) is authorized to provide:

(i) makes no changes to this subparagraph;

(ii) youth diversion services, rather than intervention services, to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

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

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

(d) Authorizes the court or governing body to pay from the local youth diversion fund established under Section 134.156 (Local Truancy Prevention and Diversion Fund), Local Government Code:

- (1) creates this subdivision from existing text and makes nonsubstantive changes;
- (2) the costs of contracting for juvenile case manager services; and
- (3) the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager and juvenile case manager services. Makes nonsubstantive changes.

(g) Requires a court, rather than the employing court, or governmental entity under this article to implement the rules adopted under Subsection (f) (relating to requiring the governing body of the employing governmental entity under Subsection (a) to adopt reasonable rules for juvenile case managers that provide certain information).

(h) Requires the commissioners court or governing body of the municipality that administers a local youth diversion fund, rather than a local truancy prevention and diversion fund, under Section 134.156, Local Government Code, to require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (f).

SECTION 7. Reenacts Article 45.056(c), Code of Criminal Procedure, as amended by Chapters 1213 (S.B. 1419) and 1407 (S.B. 393), Acts of the 83rd Legislature, Regular Session, 2013, and amends it, as follows:

(c) Provides that an entity that jointly employs a juvenile case manager, jointly contracts for juvenile case manager services, or jointly contributes to the costs of a juvenile case manager or juvenile case manager services under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 (Costs, Fees, and Fines Paid by Defendants) of this code and Chapter 102, Government Code.

SECTION 8. Reenacts Article 45.056(e), Code of Criminal Procedure, as amended by Chapter 1055 (S.B. 209), Acts of the 82nd Legislature, Regular Session, 2011, and repealed by Chapter 1098 (S.B. 1489), Acts of the 82nd Legislature, Regular Session, 2011, and amends it, as follows:

(e) Requires a juvenile case manager, rather than a juvenile case manager employed under Subsection (c), to give priority to cases brought under Section 25.093 (Parent Contributing to Nonattendance), Education Code, rather than Sections 25.093 and 25.094 (Failure to Attend School), Education Code, Chapter 65 (Truancy Court Proceedings), Family Code, and youth diversion under Subchapter E of this chapter.

SECTION 9. Amends the heading to Article 102.014, Code of Criminal Procedure, to read as follows:

Art. 102.014. FINES FOR CHILD SAFETY FUND.

SECTION 10. Amends Articles 102.014(g) and (h), Code of Criminal Procedure, as follows:

(g) Authorizes a municipality, if the municipality does not operate a school crossing guard program or if the money received from fines from municipal court cases exceeds the amount necessary to fund the school crossing guard program, to:

(1) makes no changes to this subdivision;

(2) expend the additional money for certain programs, including youth diversion;
or

(3) makes no changes to this subdivision.

(h) Makes a conforming change to this subsection.

SECTION 11. Amends Article 102.0171, Code of Criminal Procedure, by amending Subsections (a) and (c) and adding Subsection (e), as follows:

(a) Requires a defendant convicted of an offense under Section 28.08 (Graffiti), Penal Code, in a municipal court, justice court, county court, county court at law, or district court to pay a fine of \$50 for juvenile delinquency prevention and graffiti eradication.

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

(1)-(5) makes no changes to these subdivisions;

(6)-(7) makes nonsubstantive changes to these subdivisions; and

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

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

SECTION 12. Amends Section 264.302(e), Family Code, as follows:

(e) Requires the Department of Family and Protective Services (DFPS) to provide services for a child and the child's family if a contract to provide services under this Section 264.302 (Early Youth Intervention Services) is available in the county and the child is referred to DFPS as an at-risk child by:

(1)-(2) makes no changes to these subdivisions; or

(3) a justice or municipal court under Article 45.057 (Offenses Committed by Juveniles), 45.309, or 45.310, Code of Criminal Procedure.

SECTION 13. Amends Section 22.1105(a), Government Code, as follows:

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

SECTION 14. Amends Section 133.102(e), Local Government Code, as follows:

(e) Requires the Comptroller of Public Accounts of the State of Texas (comptroller) to allocate the court costs received under Section 133.102 (Consolidated Fees on Conviction) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund is prohibited from receiving less than the following percentages:

(1)-(10) makes no changes to these subdivisions;

(11) makes a nonsubstantive change to this subdivision;

(12)-(17) makes no changes to these subdivisions;

(18) youth diversion account, rather than truancy prevention and diversion account, 2.5956 percent; and

(19) makes no changes to this subdivision.

SECTION 15. Amends Section 133.125, Local Government Code, as follows:

Sec. 133.125. New heading: ALLOCATION OF FEES TO YOUTH DIVERSION ACCOUNT. (a) Provides that the youth diversion account, rather than the truancy prevention and diversion account, is a dedicated account in the general revenue fund.

(b)-(c) Makes conforming changes to these subsections.

SECTION 16. Amends Section 134.103(b), Local Government Code, to make conforming changes.

SECTION 17. Amends the heading to Section 134.156, Local Government Code, to read as follows:

Sec. 134.156. LOCAL YOUTH DIVERSION FUND.

SECTION 18. Amends Section 134.156, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes money allocated under Section 134.103 (Local Consolidated Fee on Conviction of Nonjailable Misdemeanor) to the local youth diversion fund maintained in the county or municipal treasury as required by Section 134.151 (Maintenance of Funds and Accounts), in a county or municipality that employs or contracts with a juvenile case manager under Article 45.056, Code of Criminal Procedure, to be used by a county or municipality to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager, rather than a juvenile case manager employed under Article 45.056, Code of Criminal Procedure. Makes nonsubstantive and conforming changes.

(a-1) Authorizes the governing body of the county or municipality, in consultation with the court, in a county or municipality that does not employ or contract with a juvenile case manager to direct money described by Subsection (a) to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile referrals to the court.

SECTION 19. Requires each justice and municipal court to implement a youth diversion plan under Subchapter E, Chapter 45, Code of Criminal Procedure, as added by this Act, not later than January 1, 2025.

SECTION 20. Makes application of this Act prospective to January 1, 2025.

SECTION 21. Effective date: January 1, 2024.