

BILL ANALYSIS

Senate Research Center
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H.B. 688
By: Gallego (Ellis)
Jurisprudence
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Engrossed

DIGEST

The Texas Judicial Council's Committee on Juvenile Justice Reform/Impact on Court reviewed the juvenile justice system for improvements on juvenile justice in the state. Among the duties of the courts, the Council proposed clarifying the jurisdiction of the justice and municipal courts, allowing a justice or municipal court to find a juvenile in contempt of court, and authorizing a justice or municipal court to order a child to take the GED exam. The Council also recommended broadening the scope of orders a court may give a parent of a juvenile defendant and allow a court the flexibility in ordering rehabilitative community service for an alcohol-related offense if the county does not offer programs involving alcohol awareness. H.B. 688 would amend the jurisdiction and authority of a justice or municipal court concerning a child and the parent, managing conservator, or guardian of the child.

PURPOSE

As proposed, H.B. 688 amends the jurisdiction and authority of a justice or municipal court concerning a child and the parent, managing conservator, or guardian of the child.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52.027, Family Code, by amending Subsections (a), (f), (h), and (i) and adding Subsection (j), to authorize a child taken into custody for an offense in which a justice or municipal court has jurisdiction under Article 4.11 or 4.14, Code of Criminal Procedure, other than a public intoxication case, to be released to the child's parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the juvenile court at the request of the court. Authorizes a municipal or justice court to hold a child in contempt of a court order and to impose a fine of up to \$500 if the child intentionally or knowingly fails to obey a lawful order of disposition after an adjudication of guilt of an offense under the municipal or justice court's jurisdiction, except as provided by Subsection (j). Redefines "child." Prohibits a municipal or justice court from ordering a child to a term of confinement or imprisonment for contempt of a municipal or justice court order under Subsection (h). Deletes text authorizing the release of a child for a traffic offense or for an offense punishable by fine only. Makes conforming changes.

SECTION 2. Amends Section 54.021(d), Family Code, to authorize a justice or a municipal court the option to enter an order requiring a person who has engaged in certain truant conduct or violations to take the high school equivalence examination under Section 7.111, Education Code, if the person is at least 16 years of age. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 54.022, Family Code, to authorize a justice or municipal court to enter an order that requires a child's keeper to attend a special program or require the child to attend a special program, if the program involves the expenditure of county funds, that is approved by the county commissioners court, upon a finding that the child committed certain offenses under Article 4.11 or 4.14, Code of Criminal Procedure, rather than committed a misdemeanor offense punishable by fine only or committed a violation of a penal ordinance of a political subdivision other than a traffic offense. Deletes a jurisdiction for a court to enter certain order if a child committed certain offenses. Makes conforming changes.

SECTION 4. Amends Section 106.071(e), Alcoholic Beverage Code, to require a community service order to be related to an education program if such service and programs are available in the community. Authorizes a court to order the service that it considers appropriate for rehabilitation purposes, if programs or services providing the education are not available.

SECTION 5. Amends Section 106.115(d), Alcoholic Beverage Code, to authorize a court to order a defendant who is a minor or the parent, managing conservator, or guardian to refrain from an act or do an act if the court determines that doing the act or refraining from the act will increase the likelihood that the defendant will present evidence to the court that the defendant has satisfactorily completed an alcohol awareness program or performed the prescribed community service with a certain period. Makes conforming changes.

SECTION 6. Amends Articles 45.55(a) and (f), Code of Criminal Procedure, to authorize a court to defer proceedings for certain defendants if the defendant is charged with an offense under which the court has certain jurisdictions, rather than offenses regarding misdemeanors and other violations. Authorizes a court to transfer certain cases to another county, rather than a contiguous county.

SECTION 7. Amends Article 45.522(b), Code of Criminal Procedure, to provide that a justice or municipal court has jurisdiction regarding a child under Section 51.02, Family Code, to hold a child in contempt or to refer the child to a juvenile court for certain delinquent conduct.

SECTION 8. Amends Section 7.111(a), Education Code, to authorize a person who does not have a high school diploma to take a high school equivalency examination in accordance with the rules of the State Board of Education if the person is required to take the examination under a justice or municipal court order issued under Section 54.021(d)(1)(B), Family Code. Makes conforming changes.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 1999.

SECTION 11. Emergency clause.