

# 2007 Legislation Affecting Juvenile Justice

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## Why do Juveniles matter to Municipal Court Judges?

- In FY 2006, Texas Municipal Courts handled 154,000 juvenile cases.
- Beginning January 1, 2006, Municipal Courts were permitted to collect up to \$5 on each conviction to pay Juvenile Case Managers.
- Unlike other defendants, juveniles must appear in front of a Muni Court Judge.



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## HB 2455 - Something for Everyone

Amends §25.087 of the Texas Education Code

- **For Courts** - Schools now required to excuse students to attend required court appearances.
- **For Schools** - Students attending required court appearances can now be counted toward Average Daily Attendance.
- **For Students** - Schools are required to allow students a reasonable time to make up school work missed on court dates.

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## What does HB 2455 mean for Municipal Courts?



1. Municipal Courts may want to schedule juvenile dockets during the day when school officials and community program staff can be contacted.
2. If you have daytime juvenile dockets, you may want to create a standard letter or note confirming the presence of the juvenile in court.

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## HB 278 - Order from chaos

Amends §37.102(c) of the Texas Education Code

- School Trustees can no longer adopt rules which, if violated, would be class “C” misdemeanors. No more citations for chewing gum in school!
- Violation of School Trustee rules based upon the operation and parking of vehicles on school property can still be charged as class “C” misdemeanors.

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## What does HB 278 mean for Municipal Courts?

- Likely, fewer cases being filed in municipal courts.
- Judges must be watchful of cases filed by school police for the near future.



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## HB 2884 - No more Alphabet Soup

Section 2 amends art. 45.054 of the Tex Code of Criminal Proc and Section 8 amends §51.095(f) of the Tex Family Code

- **Section 2.** Juveniles found to have violated §25.094 of the Texas Education Code may not be ordered into a Juvenile Justice Alternative Education Program (JJAEP).
- **Section 8.** Tools that may be used to record warnings expanded to include digital devices. New law also requires that the magistrate's determination of voluntariness be reduced to writing and signed and dated by the magistrate

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## What does HB 2884 mean for Municipal Courts?



- No more ordering Juveniles into a JJAEP! (Has anyone ordered Juveniles into a JJAEP?)
- If juvenile's statement is taken with a recording device, the magistrate must reduce the determination that the statement was voluntary to writing.

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## HB 3692 - Texas, a State of Grace

Amends Art. 45.049 of the Texas Code of Criminal Procedure

- Defendants may now elect to perform required community service in either the county where the court is located or in the county where the defendant resides, under certain conditions.
- If programs for drug abuse are not available in the county where the juvenile resides, Judges have the option of ordering *other* community service for rehabilitative purposes.

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## HB 776 - Law follows Practice

### Amends § 53.02(a) of the Texas Family Code

Authorizes law enforcement officers to do what they have been doing all along – to bring truant children to their school campus. Although this was the common practice of most police, it was not actually authorized by the law. Now it is.



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## HB 2237 - Peace or Law Enforcement?

### Amends §25.091 Tex. Ed. Code & §52.01 Tex. Family Code

- Children at least 6 YOA and under 18 YOA are required to attend school. §25.085 Tex. Ed. Code
- Section 5. Peace officers who believe they have probable cause may take violators into custody to return the child to their school campus.
- Section 16. Law-enforcement officers who believe they have probable cause may take violators into custody to return the child to their school campus.

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## HB 2237 - Peace or Law Enforcement?

### Amends §25.091 Tex. Ed. Code & §52.01 Tex. Family Code

- What is the difference?
- Peace officers are identified in Art. 2.12 Tex. Code of Criminal Procedure. School district police are not included.
- Law-enforcement officers are persons who have limited law enforcement powers as they relate to their employment. This definition includes school district police. §37.081 Tex. Ed. Code.

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### HB566 Compulsory Voluntary Attendance

Amends §25.085 Tex. Ed. Code

- Authorizes school trustees to adopt policies requiring the attendance of persons over 18 YOA who voluntarily enroll or attend school for the entire period of the program.
- The parents of a child who fails to attend school can not be charged with contributing to non-attendance.

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### What does HB 566 mean for Municipal Courts?



- Children who are 18 YOA may be charged with FTA school. If they fail to appear in court, a warrant can be issued. However, check on local school policy before issuing the warrant.
- Parents of children 18 YOA who are charged with FTA can not be charged with contribution.

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### HB 1137 - Education extended

- Section 1. Amends §25.001 Tx Ed Code to allow school districts to enroll persons at least 21 under 26 YOA for the purpose of obtaining their HS diploma.
- Section 2. Amends §25.085(f) Tx Ed Code to allow schools to require persons under age 21 who voluntarily enroll in school to attend school and be subject to FTA for unexcused absences.

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### What does HB1137 mean for Muni Crts?



- Persons up to age 21 may be charged with FTA.
- If your court has adopted a problem solving court model, you may consider ordering a defendant to complete their education.
- Maintain or establish contacts with your school district to find out what they are planning to do.

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### SB 1161 - The Saga Continues

Amends §25.0951 of the Texas Education Code

Schools will now have 10 school days to file charges against children and their parents when a child has 10 or more absences in a six month period.



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### What does SB1161 mean for Muni Crts?

- Fewer dismissals for failure to timely file FTA charges.
- Schools that were not able to meet the 7 school day rule may now begin filing FTA cases.
- RQ 584 GA is pending. Does a school's failure to timely file a charge for FTA affect the school's ability to timely file a FTA charge based upon a subsequent absence? If it does not, expect more FTA cases.

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Thank you for your attention!  
The End



*"There is no greater insight into the future than recognizing when we save our children, we save ourselves"*

Margaret Mead, Anthropologist

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