

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Municipal Clerk  
**AGENDA DATE:** August 27, 2013  
**CONTACT PERSON NAME AND PHONE NUMBER:** Richarda Duffy Momsen 541-4531  
**DISTRICT(S) AFFECTED:** ALL

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

*That the City Council of the City of El Paso approve a resolution that the City retain 50 % of a statutorily mandated \$2.00 court cost to establish a Juvenile Case Manager program. Pursuant to Senate Bill 1419, the \$2.00 court cost will be effective September 1, 2013, and will be added to Class C convictions, including those cases that receive deferred disposition. The City will retain \$1.00 to hire a case manager and to fund the program. No General Fund money will be used. The court costs will be implemented January 1, 2014, pursuant to state statute. It is important to note that the City is required to impose the \$2.00 Court cost by State Law. Either the City sends the whole \$2.00 to the State or the City retains \$1.00 to fund a Juvenile Case Manager. Given these options, the Municipal Clerk recommends retaining the \$1.00 locally to fund the Juvenile Case Manager.*

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

*The City will retain \$ 1.00 on each offense where sentence is imposed or deferred disposition is granted to hire a Juvenile Case Manager and for the purpose of operating a case manager program to administering the court's juvenile docket, supervising the court's orders in juvenile cases and to address prevention and intervention services for juvenile offenders.*

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

*No. Senate Bill 1419 will be effective September 1, 2013, and implemented January 1, 2014.*

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

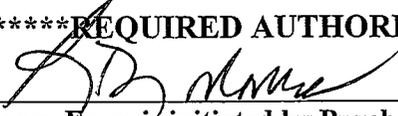
*The \$2.00 court cost will be accounted for in 2 separate accounts. \$1.00 will be remitted to the State on a quarterly basis and the other \$ 1.00 will be retained by the City in a separate fund. Once sufficient funds are available, the Case Manager will be hired and the program will be implemented, including grant account number designation.*

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**BOARD / COMMISSION ACTION:** N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**   
**(If Department Head Summary Form is initiated by Purchasing, client department should sign also)**  
*Information copy to appropriate Deputy City Manager*

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council authorize the Municipal Court to establish a Juvenile Case Manager program to assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases and may provide prevention and intervention services to at risk juveniles. The program will be funded by retaining \$ 1.00 of the State's Truancy Prevention and Diversion fund as authorized by Senate Bill 1419, effective September 1, 2013; court cost collection to be implemented January 1, 2014.

ADOPTED this \_\_\_\_\_ day of August 2013

THE CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
Municipal Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Batton  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Richarda Duffy Momsen  
Municipal Clerk

S.B. No. 1419

## AN ACT

relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (c), Article 45.056, 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 case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or 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; [or]

(2) employ one or more juvenile case managers who:  
(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and  
(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, to jointly employ a case manager to provide services described by Subdivisions (1) and (2).

(c) An entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code [A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council may employ one or more juvenile case managers to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases].

SECTION 2. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.015 to read as follows:

Art. 102.015. COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND. (a) The truancy prevention and diversion fund is a dedicated account in the general revenue fund.

(b) A person convicted in municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost \$2 in addition to other court costs.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed; or

(2) the defendant receives deferred disposition in the case.

(d) Court costs under this article are collected in the same

manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury or municipal treasury, as applicable.

(e) The custodian of a county treasury or municipal treasury, as applicable, shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article for the purpose of operating or establishing a juvenile case manager program, if the county or municipality has established or is attempting to establish a juvenile case manager program.

(f) If no funds due as costs under this article are deposited in a county treasury or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the truancy prevention and diversion fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services.

(h) A local governmental entity may request funds from the criminal justice division of the governor's office for providing truancy prevention and intervention services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION 3. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.034 to read as follows:

Sec. 103.034. MISCELLANEOUS COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND. Court costs of \$2 for the truancy prevention and diversion fund established under Article 102.015, Code of Criminal Procedure, shall be collected under that article.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1419 passed the Senate on April 23, 2013, by the following vote: Yeas 21, Nays 10; and that the Senate concurred in House amendment on May 25, 2013, by the

following vote: Yeas 26, Nays 4.

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Secretary of the Senate

I hereby certify that S.B. No. 1419 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 139, Nays 9, two present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor