

**SUBJECT:** Jurisdiction of justice and municipal courts in juvenile cases

**COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment

**VOTE:** 6 ayes — Goodman, Isett, P. King, Morrison, A. Reyna, E. Reyna  
0 nays  
3 absent — Pickett, Naishtat, Truitt

**WITNESSES:** For — Penny L. Pope, Texas Judicial Council, Committee on Juvenile Justice Reform/Impact on Courts  
Against — None  
On — James D. Bethke, Office of Court Administration

**BACKGROUND:** Juvenile boards in each county designate courts to handle cases of juveniles accused of criminal or status offenses. (Status offenses are violations that are not crimes if committed by adults, such as truancy and running away.) Any district court, criminal district court, domestic relations court, statutory juvenile court, constitutional county court, and county court-at-law can be designated as the juvenile court.

In addition, justice and municipal courts can handle some types of juvenile cases, including traffic offenses, fine-only offenses (Class C misdemeanors), alcohol violations, and some truancy cases transferred from juvenile courts.

The Code of Criminal Procedure gives justice and municipal courts jurisdiction over offenses punishable by a fine only; over offenses punishable by a fine and a sanction authorized by statute, if the sanction is not confinement; and over alcohol offenses involving minors, if the punishment is not confinement. In addition, municipal courts' criminal jurisdiction includes violations of some municipal ordinances with fine-only punishments.

**DIGEST:** HB 688 would link justice and municipal courts' Family Code jurisdiction

over juvenile cases to the general jurisdiction of these courts listed in the Code of Criminal Procedure. This would replace current references giving the courts jurisdiction over juvenile cases involving traffic offenses and fine-only offenses. Jurisdiction for public intoxication would remain with juvenile courts. The bill also would lower the age at which justice and municipal courts could consider juvenile offenders to have become adults for purposes of enforcing court orders that resulted from offenses under the court's jurisdiction. These courts could consider as adults 17-year-olds, instead of 18-year-olds, who commit their offenses before they turn 17.

Among other changes, HB 688 would expand justice and municipal courts' authority in juvenile contempt-of-court cases and in orders to adults who are responsible for juvenile offenders.

HB 688 would take effect September 1, 1999.

**Contempt of court.** HB 688 would authorize municipal and justice courts to hold juveniles in contempt of court if they intentionally or knowingly failed to obey lawful court orders issued after they had been found guilty of an offense. The courts could assess a fine of up to \$500 on juveniles held in contempt, but the courts could not order confinement. The courts would continue to have the option of referring juveniles accused of contempt to a juvenile court.

**Authority over adults responsible for juvenile offenders.** HB 688 would replace with broader authority the municipal and justice courts' current authority to order adults who are responsible for repeat juvenile offenders to attend parenting classes and the child's school classes or functions. Courts would have authority to order adults who are responsible for any juvenile offenders, not just repeat offenders, to attend parenting classes or school classes and to do any act or refrain from any act if the court determines that either would increase the likelihood that the child would comply with the court's orders and if the order was reasonable and necessary for the child's welfare.

**Alcohol-related offenses.** Justice and municipal court-ordered community service for certain alcohol-related offenses by minors would no longer have to be related to education about or prevention of the misuse of alcohol. If these types of programs were not available in the community where the court was

located, the court could order any rehabilitative community service it considered appropriate.

If minors did not give courts evidence that they had completed court-ordered alcohol awareness programs or community service, courts could order the minors or the adult responsible for them to do any act or refrain from any act if the court determined that it would increase the likelihood that the minor would obey the court's order.

**County approval of special programs.** Instead of requiring the county commissioners court to approve all special programs that a justice or municipal court ordered a child to attend, the commissioners would have to approve only programs that involved the expenditure of county funds.

**Orders to take the high school equivalency exam.** In addition to municipal and justice courts' current authority to order truant juveniles to attend preparatory classes for the high school equivalency exam, the courts also could order truants who were at least 16 years old to *take* the exam. The bill would authorize the Texas Education Agency (TEA) to give the exam to these juveniles.

**Transfer of cases.** HB 688 would allow justice and municipal courts to transfer cases that were deferred because a juvenile was going through a teen court program to any other county that accepted jurisdiction, instead of only to contiguous counties.

SUPPORTERS  
SAY:

HB 688 would clarify the jurisdiction of justice and municipal courts over juvenile cases. In general, the Family Code lists these courts' jurisdiction as applying to juveniles involved with traffic offenses and fine-only offenses, except for public intoxication. However, the Code of Criminal Procedure gives justice and municipal courts more general authority over fine-only offenses and over offenses punishable by a fine *and* statutory sanctions that do not involve confinement or imprisonment. For example, some violations of the Alcoholic Beverage Code involving minors are punishable by a fine and community service or attendance at an alcohol-awareness class. HB 688 would clear up this confusion by giving justice and municipal courts clear authority over juvenile cases that fall under the courts' general jurisdiction as defined by the Code of Criminal Procedure. The bill also would clarify that for these cases, not just for traffic cases, justice and municipal courts could

treat 17-year-olds as adults to enforce a court order relating to offenses committed when they were younger.

Other provisions of HB 688 would give justice and municipal courts more flexibility to handle juvenile cases. Many of the proposals come from a study done by the Texas Judicial Council's Committee on Juvenile Justice Reform/Impact on the Courts.

**Contempt of court.** Current law does not give justice and municipal courts enough options to handle contempt-of-court charges. All of these cases must be sent to juvenile courts, which often are unable to give them the attention they deserve due the demands of more serious felony and misdemeanor cases. HB 688 would give justice and municipal courts more enforcement tools by allowing them to hold juveniles in contempt of court and to assess fines up to \$500, but it would not allow them to confine juveniles. Justice and municipal courts would keep their current ability to transfer contempt cases to juvenile courts if necessary.

**Authority over adults responsible for juvenile offenders.** HB 688 would give municipal and justice courts the necessary flexibility to handle juvenile cases appropriately by authorizing the courts to order adults who are responsible for any juvenile offenders to take certain actions or to refrain from certain acts. Currently, these courts can issue orders only to adults responsible for repeat offenders. Authorizing the courts to issue orders to adults responsible for first-time offenders could help ensure that all juveniles comply with the courts' orders by allowing the courts to involve adults from the beginning of the juveniles' contact with the court.

HB 688 would remove unnecessary restrictions on the types of programs that adults can be ordered to attend by allowing the courts to send adults to any appropriate programs from which these adults — and, by extension, the juveniles — could benefit. HB 688 would ensure that the court-ordered actions would be appropriate by requiring that the programs increase the likelihood that the child will comply with the orders and be reasonable and necessary for the child's welfare.

**Alcohol-related offenses.** HB 688 would give the courts more flexibility to impose various types of community service on juveniles for certain alcohol-related offenses. Currently, community service for offenses such as the

purchase, consumption, and possession of alcohol by a minor must be related to education about or prevention of the misuse of alcohol. This is too restrictive because these types of programs may not be available in some areas. HB 688 would give courts in areas where these programs are unavailable leeway in ordering community service, but it properly would restrict the orders to service that the court considered appropriate for rehabilitative purposes.

Currently, if juveniles do not give a justice or municipal court evidence that they completed a required alcohol-awareness class or community service, the courts must order the juvenile's driver's license to be suspended for up to six months or, if the juvenile does not have a license, must order the denial of a license for six months. This sanction has little effect on juveniles who do not have a license or do not anticipate getting one for a long time. By allowing courts to impose broader sanctions on juveniles or the adults responsible for them, HB 688 would give the courts additional tools to handle these situations effectively.

**County approval of special programs.** The current requirement that county commissioners courts approve all special programs that a justice or municipal court orders juveniles or the adults responsible for them to attend is burdensome and unnecessary. County commissioners courts should have to approve only programs that use county funds, since they have no jurisdiction over any other programs. This layer of approval is unnecessary because justices of the peace and municipal court judges are public officials who can be held accountable for any program that they order a juvenile or adult to attend.

**Orders to take the high school equivalency exam.** Currently, while courts can order truants to attend courses to prepare them for the high school equivalency exam, they cannot order juveniles to take the exam. TEA has only limited authority to offer the exam to certain 16-year-olds. HB 688 would allow courts to order juveniles to take the exam and would allow TEA to administer it to these youths. This would let juveniles take the exam when they ready instead of forcing them to wait until they turn 17.

OPPONENTS  
SAY:

Taken together, the provisions of HB 688 could possibly expand juvenile and municipal courts' authority too broadly.

**Contempt of court.** Contempt-of-court charges are serious matters that should continue to be transferred to juvenile courts, where the most serious offenses are handled.

**Authority over adults responsible for juvenile offenders.** HB 688 would give too much authority to justice and municipal courts to order adults responsible for juvenile offenders to take or refrain from certain acts. This authority should remain limited to adults responsible for repeat offenders so that the adults have at least one chance to deal with the juveniles on their own before being subject to court orders.

**Alcohol-related offenses.** Requirements that juvenile offenders involved in alcohol offenses attend classes specifically for alcohol education or awareness should not be relaxed, because they ensure that the sanctions are related to the juvenile's offense.

**County approval of special programs.** It would be unwise to eliminate the checks and balances in current law that require county commissioners to approve programs that justice and municipal court judges order juveniles and adults to attend. The current requirement was designed to ensure oversight of the quality of all programs used by justice and municipal court judges.