

BILL ANALYSIS

C.S.H.B. 4280
By: Lambert
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the manner in which the 32nd Judicial District Juvenile Board currently operates is inconsistent with the manner in which similar juvenile boards operate. C.S.H.B. 4280 seeks to better meet the judicial needs of the district's area by clarifying the operation, administration, and composition of the 32nd Judicial District Juvenile Board.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4280 amends the Human Resources Code to remove and repeal provisions relating to the Fisher, Mitchell, and Nolan counties juvenile board and to instead include those counties in the 32nd Judicial District Juvenile Board, as composed of the county judges, statutory county judges, and district judges in those counties. The bill requires the juvenile board to elect one of the members as chairman, authorizes the commissioners courts of the counties to pay the members of the juvenile board an annual supplemental compensation from the general fund or any other available fund of the counties, and requires the juvenile board to hold regular meetings on dates set by the board and special meetings at the call of the chairman. The bill requires the juvenile board to designate the treasurer or auditor of Fisher County, Mitchell County, or Nolan County to serve as the board's fiscal officer. The bill requires the juvenile board to appoint an advisory council composed of one person from each county.

C.S.H.B. 4280 repeals the following provisions of the Human Resources Code:

- Sections 152.0821(c), (d), (e), (f), and (g)
- Sections 152.1741(c), (d), (e), (f), and (g)
- Section 152.1831(f)

EFFECTIVE DATE

October 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4280 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 152.0821(a) and (b), Human Resources Code, are amended.

SECTION 2. Sections 152.1741(a) and (b), Human Resources Code, are amended.

SECTION 3. Section 152.1831, Human Resources Code, is amended to read as follows:

Sec. 152.1831. NOLAN COUNTY.

(a) Nolan County is included in the 32nd Judicial District Juvenile Board [~~Fisher, Mitchell, and Nolan counties juvenile board~~]. The juvenile board is composed of the county judges, statutory county judges, and district judges in Fisher, Mitchell, and Nolan counties[:

[~~(1) a county judge from Fisher, Mitchell, or Nolan County elected by a majority vote of the county judges from those counties;~~

[~~(2) the 32nd Judicial District judge or the judge of the county court at law in Nolan County who is selected by agreement between those two judges;~~

[~~(3) one person appointed by the Nolan County Commissioners Court;~~

[~~(4) subject to Subsection (f), the city manager of Sweetwater or another person appointed by the Sweetwater City Commission;~~

[~~(5) subject to Subsection (g), the superintendent of the Sweetwater Independent School District or another person appointed by the board of trustees of the Sweetwater Independent School District;~~

[~~(6) one person appointed by the Mitchell County Commissioners Court;~~

[~~(7) one person appointed by the Fisher County Commissioners Court;~~

[~~(8) the county attorney of Fisher, Mitchell, or Nolan County selected by a majority vote of the county judges of those counties; and~~

[~~(9) one person selected by majority vote of the county judges of Fisher, Mitchell, and Nolan counties, subject to confirmation by a vote of the commissioners courts of each of those counties].~~

(b) The juvenile board shall elect one of the members as chairman [~~of the board is the county judge appointed under Subsection~~

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Section 152.1831, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), and (g) and adding Subsection (h) to read as follows:

(a) Nolan County is included in the 32nd Judicial District Juvenile Board [~~Fisher, Mitchell, and Nolan counties juvenile board~~]. The juvenile board is composed of the county judges, statutory county judges, and district judges in Fisher, Mitchell, and Nolan Counties[:

[~~(1) a county judge from Fisher, Mitchell, or Nolan County elected by a majority vote of the county judges from those counties;~~

[~~(2) the 32nd Judicial District judge or the judge of the county court at law in Nolan County who is selected by agreement between those two judges;~~

[~~(3) one person appointed by the Nolan County Commissioners Court;~~

[~~(4) subject to Subsection (f), the city manager of Sweetwater or another person appointed by the Sweetwater City Commission;~~

[~~(5) subject to Subsection (g), the superintendent of the Sweetwater Independent School District or another person appointed by the board of trustees of the Sweetwater Independent School District;~~

[~~(6) one person appointed by the Mitchell County Commissioners Court;~~

[~~(7) one person appointed by the Fisher County Commissioners Court;~~

[~~(8) the county attorney of Fisher, Mitchell, or Nolan County selected by a majority vote of the county judges of those counties; and~~

[~~(9) one person selected by majority vote of the county judges of Fisher, Mitchell, and Nolan counties, subject to confirmation by a vote of the commissioners courts of each of those counties].~~

(b) The juvenile board shall elect one of the members as chairman [~~of the board is the county judge appointed under Subsection~~

~~(a)(1). The chairman presides at meetings scheduled by the board].~~

~~(c) The commissioners courts of the counties shall pay the members of the juvenile board annual supplemental compensation of \$2,400 from the general fund or any other available fund of the counties. [The appointed members serve without compensation. Each member serves a two-year term.]~~

~~(d) The juvenile board shall hold regular meetings on dates set by the board and special meetings at the call of the chairman. [The Nolan County Commissioners Court, the Sweetwater City Commission, and the board of trustees of the Sweetwater Independent School District may agree to provide the funds for the salaries of the personnel assigned to Nolan County and the other expenses the board chairman certifies as necessary to provide adequate juvenile services to Nolan County. The commissioners court, city council, and board of trustees shall each provide one-third of the funds.]~~

~~(e) The commissioners courts may reimburse a juvenile board member for the member's reasonable and necessary job-related expenses. Reimbursable expenses include travel, lodging, training, and educational activities. [Sections 152.0002, 152.0003, 152.0004, and 152.0005 do not apply to the juvenile board in Fisher, Mitchell, and Nolan counties.]~~

~~(f) The juvenile board shall pay the salaries of juvenile probation personnel and other expenses the chairman certifies as essential to provide services to children from the juvenile board fund to the extent of the state aid received in the fund. [The board member appointed by the Sweetwater City Commission under Subsection (a)(4) may be appointed only if the City of Sweetwater agrees to provide funds for the salaries of the personnel assigned to Nolan County and other expenses the board chairman certifies as necessary to provide adequate juvenile services to Nolan County as provided by Subsection (d).]~~

~~(g) The juvenile board shall designate the treasurer or auditor of Fisher County, Mitchell County, or Nolan County to serve as the board's fiscal officer. [The board member appointed by the Sweetwater Independent School District under~~

~~(a)(1). The chairman presides at meetings scheduled by the board].~~

~~(c) The commissioners courts of the counties may pay the members of the juvenile board an annual supplemental compensation from the general fund or any other available fund of the counties. [The appointed members serve without compensation. Each member serves a two-year term.]~~

~~(d) The juvenile board shall hold regular meetings on dates set by the board and special meetings at the call of the chairman. [The Nolan County Commissioners Court, the Sweetwater City Commission, and the board of trustees of the Sweetwater Independent School District may agree to provide the funds for the salaries of the personnel assigned to Nolan County and the other expenses the board chairman certifies as necessary to provide adequate juvenile services to Nolan County. The commissioners court, city council, and board of trustees shall each provide one-third of the funds.]~~

(See SECTION 4 below.)

~~(g) The juvenile board shall designate the treasurer or auditor of Fisher County, Mitchell County, or Nolan County to serve as the board's fiscal officer. [The board member appointed by the Sweetwater Independent School District under~~

~~Subsection (a)(5) may be appointed only if that school district agrees to provide funds for the salaries of the personnel assigned to Nolan County and other expenses the board chairman certifies as necessary to provide adequate juvenile services to Nolan County as provided by Subsection (d).]~~

(h) The juvenile board shall appoint an advisory council composed of one person from each county.

SECTION 4. The following provisions of the Human Resources Code are repealed:

- (1) Sections 152.0821(c), (d), (e), (f), and (g); and
- (2) Sections 152.1741(c), (d), (e), (f), and (g).

(See SECTION 3, Sec. 152.1831(f) above.)

SECTION 5. This Act takes effect October 1, 2017.

~~Subsection (a)(5) may be appointed only if that school district agrees to provide funds for the salaries of the personnel assigned to Nolan County and other expenses the board chairman certifies as necessary to provide adequate juvenile services to Nolan County as provided by Subsection (d).]~~

(h) The juvenile board shall appoint an advisory council composed of one person from each county.

SECTION 4. The following provisions of the Human Resources Code are repealed:

- (1) Sections 152.0821(c), (d), (e), (f), and (g);
- (2) Sections 152.1741(c), (d), (e), (f), and (g); and

(3) Section 152.1831(f).

SECTION 5. Same as introduced version.