

- SUBJECT:** \$10 fee for teen court participants
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 5 ayes — Goodman, Brady, H. Cuellar, Puente, Van de Putte
0 nays
4 absent — Cook, De La Garza, Naishtat, Williamson
- WITNESSES:** For — Hartley Sappington, Teen Court Association
Against — None
- BACKGROUND:** A teen court program for high school students age 17 or younger who are charged with violations of local ordinances or Class C misdemeanors is created by Family Code sec. 54.032 and Code of Criminal Procedure art. 45.55. Children who ask a court to let them participate in a teen court program must first plead guilty or no contest at the municipal or justice court level. The court may then defer adjudication for 90 days to allow the child to complete the teen court program.
- In teen courts sentencing hearings are held before a jury of the defendant's peers. Defendants are represented and prosecuted in these proceedings by fellow teens. Defendants are usually sentenced to a certain number of hours of community service. The defendants' cases then may be dismissed by the municipal or justice court and their record cleared of the original offense. Defendants may not have a case heard in a teen court more often than every two years.
- Current law allows courts to assess a fee of up to \$10 to cover the administrative costs associated with teen courts. These fees are deposited in the treasury of the county in which the court is located. Also, defendants cannot be referred to a teen court program without first paying court costs.
- DIGEST:** HB 120 would amend the Family Code and the Code of Criminal Procedure to allow justice and municipal courts to charge an additional \$10 fee to a child requesting to participate in a teen court program. The new

fee would be paid directly to the teen court program and would be nonrefundable, regardless of whether the child successfully completed the program. The teen court program would be responsible for accounting to the court for the fee.

The bill would take effect on September 1, 1995, and would apply only in teen court cases in which the offense occurred after that date.

**SUPPORTERS
SAY:**

HB 120 would provide teen court programs with a direct revenue source that would allow them to expand to reach more children who could benefit from this worthwhile program. Teen court programs receive no state assistance and are supported exclusively by local, county and/or school district appropriations or by nonprofit organizations such as the United Way and the Junior League. The programs are staffed largely by volunteers, local school district and court personnel. The \$10 fee already collected at the court level goes directly into the county treasury, with no direct financial benefit to the teen court program.

The bill would merely allow a judge to decide on a case-by case basis whether to assess an additional \$10 fee on a teen defendant, easing the burden on low-income teens and parents.

**OPPONENTS
SAY:**

It seems somewhat contradictory to impose a new fee on teen court participants, as this bill would do, while also considering waiving of court costs for the same group, as HB 330, also on today's calendar, proposes. Waivers of court costs would be a drain on local court systems, which would not benefit from this fee. Also, earmarking the \$10 for the teen court program would reduce the discretion of local officials about how to spend their money.

NOTES:

Also on today's calendar is HB 330 by Dear et al., which would give municipal and justice courts discretion to waive court costs for teen defendants seeking to participate in a teen court program.