

**SUBJECT:** Extending adjudication deferral period for teen court program

**COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended

**VOTE:** 8 ayes — Goodman, A. Reyna, E. Reyna, P. King, Menendez, Morrison, Naishtat, Tillery

0 nays

1 absent — Nixon

**WITNESSES:** For — Anne Dubinsky, City of Lewisville; Jean Griffin, City of Irving Teen Court; Olivia Harrington, City of Duncanville

Against — None

On — Ryan Turner, Texas Municipal Courts Education Center

**BACKGROUND:** In 1989, Family Code, art. 54.032 and Code of Criminal Procedure, art. 45.052 were added to allow justice, municipal, or juvenile courts to defer adjudication proceedings for children under 18 or full-time high school students in exchange for their participation in the teen court program. Teen courts are authorized only to hear cases involving violations of local ordinances or class C misdemeanors (maximum fine of \$500). In teen courts, defendants are represented, prosecuted, judged, and sentenced by fellow teens. Defendants usually are sentenced to perform community service. If they complete the teen court program, participants will have their cases dismissed and their records cleared of the original offense. Defendants may not have a case heard in a teen court more than once every two years.

To participate in teen court, defendants must plead guilty or no contest at the justice, municipal, or juvenile court level and request to attend the program. The court then may defer adjudication for 90 days to allow the defendant to complete the teen court program. The 90-day period includes any time lapsed between the initial court hearing and the teen court hearing.

**DIGEST:** HB 822 would amend Family Code, art. 54.032(a) and (c) and Code of Criminal Procedure, art. 45.052(a) and (c) to allow justice, municipal, or juvenile courts to defer proceedings for not more than 180 days for teen court participants. Those defendants would have 90 days to complete the program after the date of the teen court hearing.

The bill would take effect on September 1, 2001 and only applies to offenses committed on or after that date.

**SUPPORTERS SAY:** CSHB 822 is needed because many smaller courts in the state are not able to move teenage defendants into teen courts by the current deadline in a timely manner. When a court has a backlog of cases, it may be four to six weeks before defendants enter the teen court program, receive their hearing, and learn what amount of community service they must perform. The 90-day clock starts at the teen's initial hearing, often leaving only 45 to 60 days to complete the required community service after teen court hands down its ruling. The bill would in most cases give teens a full 90 days to complete their community service after their teen court hearing.

While the bill would help ensure that teens have sufficient time to complete their community service, they still would have a deadline to fulfil their obligation. For example, if the teen court met within 20 days after the justice, municipal, or juvenile court deferred its proceedings, the teen would not have 160 days to complete his or her community service. The bill would set a deadline of not later than 90 days for completing the community service requirement.

Teen courts often are just as backlogged as other courts. Therefore, when overburdened teen courts hold hearings for defendants with only 45 to 60 days left to complete their sentences, court officials are sometimes unable to find suitable community service work sites in time for the defendants to complete their hours. Teen courts give defendants the opportunity to provide restitution for their offenses and to clear their records. Local communities benefit from the equivalent of thousands of dollars of work these teens perform without pay.

In some smaller counties, teen courts are not in session during the summer. A teen who commits a Class C misdemeanor in late May would not have the opportunity to attend this program under the 90-day limitation.

Even if teens wanted to start performing community service hours before their teen court hearing, some courts will not allow it.

OPPONENTS  
SAY:

CSHB 822 would not go far enough to protect teens in counties with overburdened courts. If the bill were enacted, teens still could have to wait more than 90 days from the time of their justice, municipal, or juvenile court hearing for their teen court hearing to be set, leaving them with less than 90 days to complete their sentences. In addition, if a teen's case were left pending for the maximum time allowed under this bill, it would take six months to resolve something as basic as a traffic violation instead of the current maximum of 90 days.

NOTES:

The companion bill, SB 678 by West, was reported favorably, as substituted, by the Senate Jurisprudence Committee on February 19 and recommended for the Local and Uncontested Calendar.

Under the bill as originally filed, the justice or municipal court could have deferred proceedings until the 90th day after the teen court hearing. It did not specify a maximum allowable time period for the deferral inclusive of the justice or municipal court hearing and the teen court hearing. The committee substitute specifies that the maximum time allowed for the entire deferral is 180 days, including the 90-day deferral from the time of the teen court hearing.