

- SUBJECT:** Adding justices of peace and municipal judges to juvenile boards
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 7 ayes — Dutton, Eiland, Bolton, Farrar, Gonzalez Toureilles, Hernandez, Vaught  
0 nays  
2 absent — Farias, Strama
- WITNESSES:** For — John Vasquez, Municipal Courts Association; (*Registered, but did not testify*: David M. Cobos, Justices of the Peace and Constables Association of Texas; Ray Martinez, Texas Municipal Court Association; Michael Pichinson, Texas Conference of Urban Counties; David Puribe, Unidos De Austin)  
  
Against — Jay Monkerud, Chief Juvenile Probation Officer; Randy Turner, Tarrant County Juvenile Services; Marc Bittner, 33rd and 424th Judicial District Juvenile Probation Department; (*Registered, but did not testify*: Riley Shaw, Tarrant County District Attorney's Office)  
  
On — Wesley Shackelford, Texas Judicial Council
- BACKGROUND:** Human Resources Code, ch. 152 creates juvenile boards for every county in the state to oversee the local juvenile probation department and to designate which courts will serve as juvenile courts. The juvenile boards usually consist of the county judge, district judges in the county, and judges of any county court statutorily designated as a juvenile court. Various sections of Human Resources Code, ch. 152 designate the composition of individual county's juvenile boards and establish compensation for serving on the boards.
- DIGEST:** CSHB 1909 would amend various sections of Human Resources Code, ch. 152 to require that a juvenile board also include a justice of the peace from the county and a municipal judge, selected by a majority vote of all justices of the peace and municipal judges, respectively. The justice of the peace and municipal judge would serve as nonvoting members of the board and would not receive compensation for their service.

The bill would take effect October 1, 2007, and apply to all juvenile boards created before, on, or after that date. Juvenile boards would be required to conform to the provisions of the bill as soon as possible after it took effect.

**SUPPORTERS  
SAY:**

CSHB 1909 would open a channel of communication among all levels of the court system that deal with troubled youths. Increasingly, municipal courts and justice of the peace courts are the entry point for juveniles into the criminal justice system. These judges have jurisdiction over class C misdemeanor (maximum fine of \$500) cases against juveniles, including “Failure to Attend School” offenses, and they should be included in the discussion about county juvenile justice systems.

Juvenile boards are policymaking bodies and should include a diverse range of stakeholders. Members should be encouraged to brainstorm about ways to coordinate services and develop new approaches to increase awareness of the needs of troubled youth.

Municipal judges and justices of the peace want a formal place at the table and to be recognized for their efforts in the juvenile justice system. They have agreed to the provisions that would make them nonvoting members serving with no compensation. These judges are civic-minded and believe that service on the juvenile boards in some capacity would be part of their duties and obligation as sitting judges. In addition, the author intends to offer a floor amendment that would make CSHB 1909 apply only to counties with populations of 650,000 or more, alleviating concerns about the unwieldiness of adding members to juvenile boards in multi-county jurisdictions.

El Paso and Galveston counties already include both a municipal judge and justice of the peace on their juvenile boards, and Harris County includes a justice of the peace. The policy should be adopted for all urban counties as well.

Admittedly, juvenile probation departments serve a different clientele of juvenile offenders than those typically handled through the municipal courts and justice of peace courts. Better communication and coordination among these offices should prevent youths who commit relatively minor offenses from graduating to more serious crimes.

OPPONENTS  
SAY:

Placing municipal judges and justices of the peace on juvenile boards would add another layer of politics in an already over-politicized process. The juvenile board's primary duty is to guide the juvenile probation departments that are responsible for protecting the public against the most serious juvenile offenders. This is not an arena where decisions should be based on political allegiances and aspirations.

Adding more members to a juvenile board, particularly in multi-county jurisdictions, would in many cases double the size of the board and further complicate setting times to meet. County and district judges are busy people, and it is difficult enough to find a convenient schedule for them without adding other members.

Municipal court judges and justices of the peace would have little incentive to attend juvenile board meetings if they did not have a vote and would not be compensated for their time. Juvenile board meetings already are open to the public so these judges could attend without being made a formal member of the board.

NOTES:

Rep. Bolton intends to offer a floor amendment that would make CSHB 1909 apply only to counties with populations of 650,000 or more (Harris, Dallas, Tarrant, Bexar, Travis, El Paso).

HB 1909 as introduced would have allowed municipal court judges and justices of the peace to serve as voting members of the juvenile boards and receive compensation. The Legislative Budget Board fiscal note estimated that the original bill could have increased the pay of certain judges.