

- SUBJECT:** Re-establishing the Truancy Prevention and Diversion Fund
- COMMITTEE:** Appropriations — favorable, without amendment
- VOTE:** 16 ayes — Otto, Ashby, Bell, G. Bonnen, Burkett, S. Davis, Gonzales, Howard, Hughes, Koop, Márquez, Miles, Phelan, Raney, Sheffield, VanDeaver
- 0 nays
- 11 absent — Sylvester Turner, Capriglione, Dukes, Giddings, Longoria, McClendon, R. Miller, Muñoz, Price, J. Rodriguez, Walle
- SENATE VOTE:** On final passage, May 4 — 25-6 (Campbell, Fraser, Hancock, Kolkhorst, Nichols, V. Taylor)
- WITNESSES:** No public hearing
- BACKGROUND:** The 83rd Legislature in 2013 enacted SB 1419 by West, which established a court fee to fund truancy prevention and intervention. Under this legislation, individuals convicted of certain offenses in municipal or justice courts are required to pay the \$2 court fee, in addition to other court costs. The bill established a Truancy Prevention and Diversion Fund as a general revenue-dedicated account, into which fee revenue would have been deposited.
- Funds in the Truancy Prevention and Diversion Fund would have been appropriated to the Office of the Governor’s criminal justice division, which would have distributed the funds as grants to local government entities for truancy prevention and intervention services, such as juvenile case managers.
- Because the Truancy Prevention and Diversion Fund was not exempted from the consolidation of funds under HB 6 by Otto, also enacted by the 83rd Legislature, revenues dedicated to the fund instead have been deposited into the general revenue fund.

DIGEST: SB 1925 would re-enact portions of SB 1419 by West, 83rd Legislature, and would re-establish the Truancy Prevention and Diversion Fund as a dedicated account in the general revenue fund. Funds collected through the \$2 court fee in municipal and justice courts would be deposited into that fund. SB 1925 also would rededicate money dedicated to the fund since January 1, 2014, when collections from the court cost began.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY: SB 1925 would carry out the original intent of SB 1419, which was not specifically exempted from the consolidation of certain funds following the enactment of HB 6 last session.

SB 1419 was an important piece of legislation that would have helped local governments across Texas implement needed truancy prevention and intervention services. Truancy charges can have serious legal consequences for youth, and some truant students are absent from school due to factors outside of their control. SB 1419 would have helped address these issues, keeping students in school and out of the courtroom by providing needed resources.

According to the Legislative Budget Board (LBB), lack of funding can be a barrier to courts starting new juvenile case manager programs. SB 1925 would implement an LBB recommendation to re-establish the Truancy Prevention and Diversion Fund, which would help address this issue.

The bill would not authorize a new fee and would not be reauthorizing a fee, because the fee has been collected continuously since the beginning of 2014 and was not intended to be temporary. The bill simply would dedicate an existing revenue source for its intended purpose, serving another priority of the 84th Legislature.

The relatively small amount collected in the truancy fund would not have

a significant impact on other major state funding priorities, such as education or border security, and was never intended for these purposes in any case.

**OPPONENTS
SAY:**

SB 1925 would work against efforts by the state to reduce reliance on general revenue dedicated accounts. Holding special funds outside of general revenue limits the amount of available funds for general purpose spending, which could be directed toward important state priorities such as education and public safety. Directing these funds toward a limited purpose such as truancy, for which other interventions and sources of funding exist, hampers the state's ability to tackle larger state priorities and micromanages the state's money.

SB 1925 also would present a cost to general revenue, as indicated by the fiscal note, which projects a negative impact of \$5.4 million during fiscal 2016-17.

NOTES:

According to the Legislative Budget Board, SB 1925 would result in a negative fiscal impact to general revenue of about \$5.4 million during fiscal 2016-17 due to the rededication of court fee money to the Truancy Prevention and Diversion Fund.