

By: Buckley

H.B. No. 3917

A BILL TO BE ENTITLED

AN ACT

relating to dismissal of a complaint alleging a parent contributing to nonattendance on the parent's fulfillment of certain terms.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.0531, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0531. DISMISSAL OF PARENT CONTRIBUTING TO NONATTENDANCE CHARGE. (a) Subject to Subsection (b) and notwithstanding ~~[Notwithstanding]~~ any other law, a county, justice, or municipal court, at the court's discretion, may dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the court finds that a dismissal would be in the interest of justice because:

(1) there is a low likelihood of recidivism by the defendant; or

(2) sufficient justification exists for the failure to attend school.

(b) Notwithstanding any other law, a county, justice, or municipal court shall dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093, Education Code, if the parent completes the terms of an agreement entered into by the parent and the school district at which the parent's child attends under Section 25.094, Education Code, within the period required by Subsection (b) of that section. If agreed to by the

1 school district that is a party to the agreement, the court may  
2 extend the period under Section 25.094(b), Education Code, during  
3 which a parent may fulfill the terms of the agreement.

4 SECTION 2. Subchapter C, Chapter 25, Education Code, is  
5 amended by adding Section 25.094 to read as follows:

6 Sec. 25.094. AGREEMENT FOR DISMISSAL OF PARENT CONTRIBUTING  
7 TO NONATTENDANCE CHARGE. (a) A parent against whom a complaint  
8 under Section 25.093 has been filed and the school district at which  
9 the parent's child is enrolled may enter into a written agreement  
10 requiring the parent to complete counseling, training, or another  
11 program as designated by the school district.

12 (b) A parent who fulfills the terms of an agreement  
13 described by Subsection (a) not later than the 30th day after the  
14 date on which the complaint was filed or within the period provided  
15 by the agreement is entitled to dismissal of the complaint in  
16 accordance with Article 45.0531(b), Code of Criminal Procedure.

17 (c) The agency may adopt rules and materials necessary to  
18 implement this section, including by:

19 (1) making standardized agreement forms available to  
20 school districts;

21 (2) recommending state and local counseling,  
22 training, or other program options that a school district may  
23 require in an agreement under this section, which may include:

24 (A) faith-based counseling or training programs;  
25 or

26 (B) other programs that provide instruction  
27 designed to assist a parent in identifying problems that contribute

1 to unexcused absences by the parent's child and in developing  
2 strategies for resolving those problems; and

3 (3) requiring relevant programs, resources, and  
4 materials to be made available through regional educational service  
5 centers.

6 SECTION 3. The change in law made by this Act applies only  
7 to an offense committed on or after the effective date of this Act.  
8 An offense committed before the effective date of this Act is  
9 governed by the law in effect on the date the offense was committed,  
10 and the former law is continued in effect for that purpose. For  
11 purposes of this section, an offense was committed before the  
12 effective date of this Act if any element of the offense occurred  
13 before that date.

14 SECTION 4. This Act takes effect September 1, 2023.