

By: Armbrister

S.B. No. 1255

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the penalty for contempt in a failure to attend school
3 proceeding in a justice court.

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

5 SECTION 1. Section 54.023, Family Code, is amended by
6 adding Subsection (g) to read as follows:

7 (g) Notwithstanding Subsections (c)-(e), and in addition to
8 the remedies authorized by Subsection (a)(2), a justice court may
9 hold a child in contempt and order the child confined to a facility
10 that meets the requirements of Section 51.12 for not more than three
11 days if:

12 (1) the child was placed under an order of the justice
13 court for committing an offense under Section 25.094, Education
14 Code;

15 (2) the child failed to obey the order while the child
16 was 12 years of age or older; and

17 (3) the failure to obey occurred under circumstances
18 that constitute contempt of court.

19 SECTION 2. Article 45.050, Code of Criminal Procedure, is
20 amended by adding Subsection (e) to read as follows:

21 (e) Notwithstanding Subsection (b) and in addition to the
22 remedies authorized by Subsection (c)(2), a justice court may hold
23 a child in contempt and order the child confined to a facility that
24 meets the requirements of Section 51.12, Family Code, for not more

1 than three days if:

2 (1) the child was placed under an order of the justice
3 court for committing an offense under Section 25.094, Education
4 Code;

5 (2) the child failed to obey the order while the person
6 was 12 years of age or older; and

7 (3) the failure to obey occurred under circumstances
8 that constitute contempt of court.

9 SECTION 3. Article 45.058, Code of Criminal Procedure, is
10 amended by adding Subsection (i) to read as follows:

11 (i) Notwithstanding any other provision of this section, if
12 a justice court believes that a child has violated an order issued
13 under Section 25.094(c), Education Code, the court may proceed as
14 authorized by Section 54.023, Family Code, by holding the child in
15 contempt and ordering the child confined for not more than three
16 days in a facility that meets the requirements of Section 51.12,
17 Family Code, without a detention hearing.

18 SECTION 4. Section 25.094, Education Code, is amended by
19 adding Subsection (h) to read as follows:

20 (h) In addition to the remedies authorized by this section,
21 if a justice court believes that a child has violated an order
22 issued under Subsection (c), the court may proceed as authorized by
23 Section 54.023, Family Code, by holding the child in contempt and
24 ordering the child confined to a facility that meets the
25 requirements of Section 51.12, Family Code, for not more than three
26 days.

27 SECTION 5. Section 52.027, Family Code, is repealed.

1 SECTION 6. The change in law made by this Act applies only
2 to a person found in contempt of court on or after the effective
3 date of this Act, regardless of whether the conduct that is the
4 basis of the contempt order occurred before, on, or after that date.

5 SECTION 7. This Act takes effect September 1, 2003.