

By: Kolkhorst

H.B. No. 1074

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of an offense for a parent's contribution  
3 to a child's failure to comply with a sentence or court order  
4 relating to a disruptive activity or disruption of class on school  
5 property.

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

7 SECTION 1. Subchapter E, Chapter 37, Education Code, is  
8 amended by adding Section 37.1241 to read as follows:

9 Sec. 37.1241. PARENT CONTRIBUTING TO CHILD'S FAILURE TO  
10 COMPLY WITH TERMS OF SENTENCE OR COURT ORDER. (a) In this section:

11 (1) "Child" means a person under 17 years of age.

12 (2) "Parent" includes a person standing in parental  
13 relation.

14 (b) A parent commits an offense if:

15 (1) the parent's child is convicted of or adjudicated  
16 as having engaged in delinquent conduct or conduct indicating a  
17 need for supervision for conduct constituting the commission of an  
18 offense under Section 37.123, 37.124, or 37.126;

19 (2) the child has not complied with the terms of the  
20 child's sentence or a court order relating to the conviction or  
21 adjudication; and

22 (3) the parent has, by a wilful act or omission,  
23 contributed to, caused, or encouraged the child to fail to comply  
24 with the terms of the child's sentence or a court order relating to

1 the conviction or adjudication.

2 (c) An offense under this section is a Class C misdemeanor.  
3 If the court orders deferred disposition for the parent under  
4 Article 45.051, Code of Criminal Procedure, the court may require  
5 the parent to provide personal services to a charitable or  
6 educational institution as a condition of deferral.

7 (d) Except as provided by Subsection (e), a fine collected  
8 under this section shall be deposited as follows:

9 (1) one-half shall be deposited to the credit of the  
10 operating fund of, as applicable:

11 (A) the school district in which the parent's  
12 child attends school;

13 (B) the open-enrollment charter school the  
14 parent's child attends; or

15 (C) the juvenile justice alternative education  
16 program that the parent's child has been ordered to attend; and

17 (2) one-half shall be deposited to the credit of the  
18 general fund of the county in which the offense is prosecuted.

19 (e) In the case of a parent whose child attends a private  
20 school, a fine collected under this section shall be deposited in  
21 its entirety to the credit of the general fund of the county in  
22 which the offense is prosecuted.

23 (f) If a parent refuses to obey a court order entered under  
24 this section, the court may punish the parent for contempt of court  
25 under Section 21.002, Government Code.

26 (g) A school district or open-enrollment charter school  
27 shall notify a student's parent in writing at the beginning of the

1 school year of the provisions of Subsections (b), (c), and (f). The  
2 fact that a parent does not receive a notice under this subsection  
3 does not create a defense to prosecution under this section.

4 (h) For the 2007-2008 school year, a school district or  
5 open-enrollment charter school shall provide the notice required  
6 under Subsection (g) as soon as practicable after the beginning of  
7 the school year. This subsection expires September 1, 2008.

8 SECTION 2. Section 37.1241, Education Code, as added by  
9 this Act, applies only to a parent's conduct relating to a child's  
10 failure to comply with the terms of a sentence or a court order  
11 imposed or rendered on or after the effective date of this Act. A  
12 parent's conduct relating to a child's failure to comply with the  
13 terms of a sentence or a court order imposed or rendered before the  
14 effective date of this Act is governed by the law in effect at the  
15 time the failure to comply occurred, and the former law is continued  
16 in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2007.