

By: Kolkhorst

H.B. No. 504

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 37.127 to read as follows:

9 Sec. 37.127. 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. The term does not include a person as to whom the
14 parent-child relationship has been terminated or a person not
15 entitled to possession of or access to a child under a court order.

16 (b) A parent commits an offense if:

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

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

24 (3) the parent with criminal negligence has

1 contributed to, caused, or encouraged the child to fail to comply
2 with the terms of the child's sentence or a court order relating to
3 the conviction or adjudication.

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

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

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

13 (A) the school district in which the parent's
14 child attends school;

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

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

19 (2) one-half shall be deposited to the credit of:

20 (A) if the offense is prosecuted in a municipal
21 court, the general fund of the municipality in which the offense is
22 prosecuted; or

23 (B) if the offense is prosecuted in a court that
24 is not a municipal court, the general fund of the county in which
25 the offense is prosecuted.

26 (e) In the case of a parent whose child attends a private
27 school, a fine collected under this section shall be deposited in

1 its entirety to the credit of:

2 (1) if the offense is prosecuted in a municipal court,
3 the general fund of the municipality in which the offense is
4 prosecuted; or

5 (2) if the offense is prosecuted in a court that is not
6 a municipal court, the general fund of the county in which the
7 offense is prosecuted.

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

11 (g) A school district or open-enrollment charter school
12 shall notify a student's parent in writing at the beginning of the
13 school year of the provisions of Subsections (b), (c), and (f). The
14 fact that a parent does not receive a notice under this subsection
15 does not create a defense to prosecution under this section.

16 (h) For the 2009-2010 school year, a school district or
17 open-enrollment charter school shall provide the notice required
18 under Subsection (g) as soon as practicable after the beginning of
19 the school year. This subsection expires September 1, 2010.

20 SECTION 2. Section 37.127, Education Code, as added by this
21 Act, applies only to a parent's conduct relating to a child's
22 failure to comply with the terms of a sentence or a court order
23 imposed or rendered on or after the effective date of this Act. A
24 parent's conduct relating to a child's failure to comply with the
25 terms of a sentence or a court order imposed or rendered before the
26 effective date of this Act is governed by the law in effect at the
27 time the failure to comply occurred, and the former law is continued

1 in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.