

By: Guillen

H.B. No. 767

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a requirement that justice and municipal courts obtain
3 evidence that certain minors are in compliance with mandatory
4 school attendance requirements.

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

6 SECTION 1. Article 45.057, Code of Criminal Procedure, is
7 amended by amending Subsection (b) and adding Subsections (b-1),
8 (b-2), and (b-3) to read as follows:

9 (b) Except as provided by Subsection (b-3), on ~~[On]~~ a
10 finding by a justice or municipal court that a child committed an
11 offense that the court has jurisdiction of under Article 4.11 or
12 4.14, including a traffic offense, the court:

13 (1) shall enter an order under Subsection (b-1); and

14 (2) has jurisdiction to enter an order:

15 (A) [~~(1)~~] referring the child or the child's
16 parent for services under Section 264.302, Family Code;

17 (B) [~~(2)~~] requiring that the child attend a
18 special program that the court determines to be in the best interest
19 of the child and, if the program involves the expenditure of county
20 funds, that is approved by the county commissioners court,
21 including a rehabilitation, counseling, self-esteem and
22 leadership, work and job skills training, job interviewing and work
23 preparation, self-improvement, parenting, manners, violence
24 avoidance, tutoring, sensitivity training, parental

1 responsibility, community service, restitution, advocacy, or
2 mentoring program; or

3 (C) [~~(3)~~] requiring that the child's parent do
4 any act or refrain from doing any act that the court determines will
5 increase the likelihood that the child will comply with the orders
6 of the court and that is reasonable and necessary for the welfare of
7 the child, including:

8 (i) [~~(A)~~] attend a parenting class or
9 parental responsibility program; and

10 (ii) [~~(B)~~] attend the child's school
11 classes or functions.

12 (b-1) On a finding described by Subsection (b), the court
13 shall enter an order requiring the parent and child to provide the
14 court, by not later than the fifth day after the date of the order,
15 with evidence satisfactory to the court that the child is in
16 compliance with the compulsory school attendance requirements
17 prescribed by Section 25.085, Education Code, or is exempt from
18 those requirements under Section 25.086, Education Code. If the
19 court determines that the child is not in compliance with the
20 compulsory school attendance requirements and is not exempt from
21 those requirements, the court shall:

22 (1) include in the judgment an order for the parent and
23 child to comply with Section 25.085, Education Code, and provide
24 evidence satisfactory to the court that the child is in compliance
25 with that section; and

26 (2) if the child is at least 15 years of age, order the
27 Department of Public Safety to suspend the child's driver's license

1 or permit or, if the child does not have a license or permit, deny
2 the issuance of a license or permit to the child for a period
3 specified by the court not to exceed 365 days.

4 (b-2) For purposes of Subsection (b-1):

5 (1) a summary of a child's school attendance record
6 during the preceding six-month period signed by the school
7 principal may be provided as evidence of the child's compliance
8 with compulsory school attendance requirements; and

9 (2) written documentation indicating the basis on
10 which a child is exempt from compulsory school attendance
11 requirements may be provided to establish that the child is exempt.

12 (b-3) Subsections (b)(1) and (b-1) do not apply to a child
13 who commits an offense under Section 25.094, Education Code.

14 SECTION 2. The changes in law made by this Act to Article
15 45.057, Code of Criminal Procedure, apply only to conduct that
16 occurs on or after the effective date of this Act. Conduct
17 violating the penal law of this state occurs on or after the
18 effective date of this Act if any element of the violation occurs on
19 or after that date. Conduct that occurs before the effective date
20 of this Act is governed by the law in effect at the time the conduct
21 occurred, and that law is continued in effect for that purpose.

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