

By: Guillen

H.B. No. 567

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authorizing justice, municipal, and juvenile courts to
3 obtain evidence that certain minors are in compliance with
4 mandatory school attendance requirements and suspend driver's
5 licenses or permits for failure to comply.

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

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

10 (b) Except as provided by Subsection (b-3), on ~~[On]~~ a
11 finding by a justice or municipal court that a child committed an
12 offense that the court has jurisdiction of under Article 4.11 or
13 4.14, including a traffic offense, the court:

14 (1) may enter an order under Subsection (b-1); and

15 (2) has jurisdiction to enter an order:

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

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

1 avoidance, tutoring, sensitivity training, parental
2 responsibility, community service, restitution, advocacy, or
3 mentoring program; or

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

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

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

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

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

27 (2) if the child is at least 15 years of age, order the

1 Department of Public Safety to suspend the child's driver's license
2 or permit or, if the child does not have a license or permit, deny
3 the issuance of a license or permit to the child for a period
4 specified by the court not to exceed 365 days.

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

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

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

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

15 SECTION 2. Section 54.041, Family Code, is amended by
16 amending Subsection (a) and adding Subsection (a-1) to read as
17 follows:

18 (a) When a child has been found to have engaged in
19 delinquent conduct or conduct indicating a need for supervision and
20 the juvenile court has made a finding that the child is in need of
21 rehabilitation or that the protection of the public or the child
22 requires that disposition be made, the juvenile court, on notice by
23 any reasonable method to all persons affected, may:

24 (1) order any person found by the juvenile court to
25 have, by a wilful act or omission, contributed to, caused, or
26 encouraged the child's delinquent conduct or conduct indicating a
27 need for supervision to do any act that the juvenile court

1 determines to be reasonable and necessary for the welfare of the
2 child or to refrain from doing any act that the juvenile court
3 determines to be injurious to the welfare of the child;

4 (2) enjoin all contact between the child and a person
5 who is found to be a contributing cause of the child's delinquent
6 conduct or conduct indicating a need for supervision;

7 (3) after notice and a hearing of all persons affected
8 order any person living in the same household with the child to
9 participate in social or psychological counseling to assist in the
10 rehabilitation of the child and to strengthen the child's family
11 environment; ~~or~~

12 (4) after notice and a hearing of all persons affected
13 order the child's parent or other person responsible for the child's
14 support to pay all or part of the reasonable costs of treatment
15 programs in which the child is required to participate during the
16 period of probation if the court finds the child's parent or person
17 responsible for the child's support is able to pay the costs; or

18 (5) order the child and the child's parent to provide
19 the court with evidence regarding the child's school attendance in
20 the manner described by Article 45.057, Code of Criminal Procedure,
21 and, if satisfactory evidence is not provided, order the Department
22 of Public Safety, in accordance with Section 54.042(f), to suspend
23 the child's driver's license or permit or deny the issuance of a
24 license or permit to the child.

25 (a-1) Subsection (a)(5) does not apply in a case involving
26 conduct described by Section 51.03(b)(2).

27 SECTION 3. Section 54.042(f), Family Code, is amended to

1 read as follows:

2 (f) A juvenile court, in a disposition hearing under Section
3 54.04, may order the Department of Public Safety to suspend a
4 child's driver's license or permit or, if the child does not have a
5 license or permit, to deny the issuance of a license or permit to
6 the child for a period not to exceed 12 months if the court finds
7 that the child has:

8 (1) engaged in conduct indicating a [~~in~~] need for [~~of~~]
9 supervision or delinquent conduct other than the conduct described
10 by Subsection (a); or

11 (2) failed to provide satisfactory evidence of school
12 attendance if required under Section 54.041(a)(5).

13 SECTION 4. The changes in law made by this Act apply only to
14 conduct that occurs on or after the effective date of this Act.
15 Conduct violating the penal law of this state occurs on or after the
16 effective date of this Act if any element of the violation occurs on
17 or after that date. Conduct that occurs before the effective date
18 of this Act is governed by the law in effect at the time the conduct
19 occurred, and that law is continued in effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2011.