

By: Wu

H.B. No. 1359

A BILL TO BE ENTITLED

AN ACT

relating to procedures involving truancy and other fine-only misdemeanors committed by children.

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

SECTION 1. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.02151 to read as follows:

Art. 45.02151. INSTRUCTION TO MINOR BEFORE PLEA. (a) This article applies to a defendant who is younger than 18 years of age.

(b) Before the court takes the defendant's plea, the court shall inform the defendant of the potential consequences a criminal record may have on the defendant, including an impact on the defendant's:

(1) college applications;

(2) future military service; and

(3) employment prospects.

(c) The supreme court, after consultation with the court of criminal appeals, shall develop language for the statement required by Subsection (b).

SECTION 2. Article 45.054, Code of Criminal Procedure, is amended by adding Subsection (a-3) to read as follows:

(a-3) A court having jurisdiction under this article shall offer the defendant the option of deferring further proceedings in accordance with Article 45.051 if the defendant has not previously:

- 1           (1) participated in a pretrial diversion program for  
2 truancy;  
3           (2) been convicted of an offense under Section 25.094,  
4 Education Code; or  
5           (3) been the subject of a dispositional order under  
6 this article.

7           SECTION 3. Section 25.0915, Education Code, is amended by  
8 amending Subsection (c) and adding Subsection (d) to read as  
9 follows:

10           (c) A court shall dismiss a complaint or referral made by a  
11 school district under this section that is not made in compliance  
12 with Subsection (b), does not satisfy the elements required for the  
13 offense, is not timely filed, or is otherwise defective. A  
14 dismissal under this section must be made before a hearing of the  
15 complaint or referral is scheduled and without requiring the  
16 presence of the defendant.

17           (d) The agency shall adopt rules:

- 18                   (1) creating minimum standards for truancy prevention  
19 measures adopted by a school district under this section; and  
20                   (2) establishing a set of best practices for truancy  
21 prevention measures.

22           SECTION 4. Section 25.0951(d), Education Code, is amended  
23 to read as follows:

24           (d) A court shall dismiss a complaint or referral made by a  
25 school district under this section that is not made in compliance  
26 with this section, does not satisfy the elements required for the  
27 offense, is not timely filed, or is otherwise defective. A

1 dismissal under this section must be made before a hearing of the  
2 complaint or referral is scheduled and without requiring the  
3 presence of the defendant.

4         SECTION 5. The changes in law made by this Act do not apply  
5 to an offense committed under Section 25.094, Education Code,  
6 before the effective date of this Act or to a criminal action  
7 pending on the effective date of this Act for an offense under that  
8 section. An offense committed before the effective date of this Act  
9 or a criminal action pending on that date is governed by the law in  
10 effect at the time the offense was committed, and the former law is  
11 continued in effect for that purpose. For the purposes of this Act,  
12 an offense is committed before the effective date of this Act if any  
13 element of the offense was committed before that date.

14         SECTION 6. This Act takes effect September 1, 2015.