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H.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

relating to public school interventions for truancy and eliminating a criminal penalty and authorizing a civil penalty for truancy.

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

SECTION 1. Article 45.0216(g), Code of Criminal Procedure, is amended to read as follows:

(g) This article does not apply to any offense otherwise covered by:

(1) Chapter 106, Alcoholic Beverage Code; or

(2) Chapter 161, Health and Safety Code [~~, or~~

~~(3) Section 25.094, Education Code].~~

SECTION 2. Articles 45.054(a) and (i), Code of Criminal Procedure, are amended to read as follows:

(a) On a finding by a county, justice, or municipal court that an individual has engaged in conduct that violates [~~committed an offense under~~] Section 25.094, Education Code, the court has jurisdiction to enter an order that includes one or more of the following provisions requiring that:

(1) the individual:

(A) attend school without unexcused absences;

(B) attend a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code, if the court determines that the individual is too old to do well in a formal classroom environment; or

1 (C) if the individual is at least 16 years of age,
2 take the high school equivalency examination administered under
3 Section 7.111, Education Code;

4 (2) the individual attend a special program that the
5 court determines to be in the best interest of the individual,
6 including:

7 (A) an alcohol and drug abuse program;

8 (B) a rehabilitation program;

9 (C) a counseling program, including
10 self-improvement counseling;

11 (D) a program that provides training in
12 self-esteem and leadership;

13 (E) a work and job skills training program;

14 (F) a program that provides training in
15 parenting, including parental responsibility;

16 (G) a program that provides training in manners;

17 (H) a program that provides training in violence
18 avoidance;

19 (I) a program that provides sensitivity
20 training; and

21 (J) a program that provides training in advocacy
22 and mentoring;

23 (3) the individual and the individual's parent attend
24 a class for students at risk of dropping out of school designed for
25 both the individual and the individual's parent;

26 (4) the individual complete reasonable community
27 service requirements; or

1 (5) for the total number of hours ordered by the court,
2 the individual participate in a tutorial program covering the
3 academic subjects in which the student is enrolled provided by the
4 school the individual attends.

5 (i) A county, justice, or municipal court shall dismiss the
6 complaint against an individual alleging that the individual has
7 engaged in conduct that violates [~~committed an offense under~~]
8 Section 25.094, Education Code, if:

9 (1) the court finds that the individual has
10 successfully complied with the conditions imposed on the individual
11 by the court under this article; or

12 (2) the individual presents to the court proof that
13 the individual has obtained a high school diploma or a high school
14 equivalency certificate.

15 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
16 Procedure, is amended by adding Article 45.0541 to read as follows:

17 Art. 45.0541. AUTOMATIC EXPUNCTION OF TRUANCY RECORDS. (a)
18 In this article, "truancy offense" means an offense committed under
19 Section 25.094, Education Code.

20 (b) An individual who has been convicted of a truancy
21 offense or has had a complaint for a truancy offense dismissed is
22 entitled to have the conviction or complaint and records relating
23 to the conviction or complaint automatically expunged.

24 (c) The court in which the individual was convicted or a
25 complaint for a truancy offense was filed shall order the
26 conviction, complaints, verdicts, sentences, and other documents
27 relating to the offense, including any documents in the possession

1 of a school district or law enforcement agency, to be expunged from
2 the individual's record. After entry of the order, the individual
3 is released from all disabilities resulting from the conviction or
4 complaint, and the conviction or complaint may not be shown or made
5 known for any purpose. The court shall inform the individual of the
6 expunction.

7 SECTION 4. Article 102.014(d), Code of Criminal Procedure,
8 is amended to read as follows:

9 (d) A person convicted of an offense under Section 25.093,
10 Education Code, or found to have engaged in conduct that violates
11 Section 25.094, Education Code, shall pay as taxable court costs
12 \$20 in addition to other taxable court costs. The additional court
13 costs under this subsection shall be collected in the same manner
14 that other fines and taxable court costs in the case are collected.

15 SECTION 5. Sections 25.091(a) and (b), Education Code, are
16 amended to read as follows:

17 (a) A peace officer serving as an attendance officer has the
18 following powers and duties concerning enforcement of compulsory
19 school attendance requirements:

20 (1) to investigate each case of a violation of
21 compulsory school attendance requirements referred to the peace
22 officer;

23 (2) to enforce compulsory school attendance
24 requirements by:

25 (A) applying truancy prevention measures and, if
26 applicable, progressive truancy interventions adopted under
27 Section 25.0915 to the student; and

1 (B) if the truancy prevention measures and, if
2 applicable, progressive truancy interventions fail to meaningfully
3 address the student's conduct:

4 (i) referring the student to a juvenile
5 court or filing a complaint against the student in a county,
6 justice, or municipal court if the student has unexcused absences
7 for the amount of time specified under Section 25.094 or under
8 Section 51.03(b)(2), Family Code; or

9 (ii) filing a complaint in a county,
10 justice, or municipal court against a parent who violates Section
11 25.093;

12 (3) to serve court-ordered legal process;

13 (4) to review school attendance records for compliance
14 by each student investigated by the officer;

15 (5) to maintain an investigative record on each
16 compulsory school attendance requirement violation and related
17 court action and, at the request of a court, the board of trustees
18 of a school district, or the commissioner, to provide a record to
19 the individual or entity requesting the record;

20 (6) to make a home visit or otherwise contact the
21 parent of a student who is in violation of compulsory school
22 attendance requirements, except that a peace officer may not enter
23 a residence without the permission of the parent of a student
24 required under this subchapter to attend school or of the tenant or
25 owner of the residence except to lawfully serve court-ordered legal
26 process on the parent; and

27 (7) to take a student into custody with the permission

1 of the student's parent or in obedience to a court-ordered legal
2 process.

3 (b) An attendance officer employed by a school district who
4 is not commissioned as a peace officer has the following powers and
5 duties with respect to enforcement of compulsory school attendance
6 requirements:

7 (1) to investigate each case of a violation of the
8 compulsory school attendance requirements referred to the
9 attendance officer;

10 (2) to enforce compulsory school attendance
11 requirements by:

12 (A) applying truancy prevention measures and, if
13 applicable, progressive truancy interventions adopted under
14 Section 25.0915 to the student; and

15 (B) if the truancy prevention measures and, if
16 applicable, progressive truancy interventions fail to meaningfully
17 address the student's conduct:

18 (i) referring the student to a juvenile
19 court or filing a complaint against the student in a county,
20 justice, or municipal court if the student has unexcused absences
21 for the amount of time specified under Section 25.094 or under
22 Section 51.03(b)(2), Family Code; and

23 (ii) filing a complaint in a county,
24 justice, or municipal court against a parent who violates Section
25 25.093;

26 (3) to monitor school attendance compliance by each
27 student investigated by the officer;

1 (4) to maintain an investigative record on each
2 compulsory school attendance requirement violation and related
3 court action and, at the request of a court, the board of trustees
4 of a school district, or the commissioner, to provide a record to
5 the individual or entity requesting the record;

6 (5) to make a home visit or otherwise contact the
7 parent of a student who is in violation of compulsory school
8 attendance requirements, except that the attendance officer may not
9 enter a residence without permission of the parent or of the owner
10 or tenant of the residence;

11 (6) at the request of a parent, to escort a student
12 from any location to a school campus to ensure the student's
13 compliance with compulsory school attendance requirements; and

14 (7) if the attendance officer has or is informed of a
15 court-ordered legal process directing that a student be taken into
16 custody and the school district employing the officer does not
17 employ its own police department, to contact the sheriff,
18 constable, or any peace officer to request that the student be taken
19 into custody and processed according to the legal process.

20 SECTION 6. The heading to Section 25.0915, Education Code,
21 is amended to read as follows:

22 Sec. 25.0915. TRUANCY PREVENTION MEASURES AND PROGRESSIVE
23 TRUANCY INTERVENTIONS; REFERRAL AND FILING REQUIREMENT.

24 SECTION 7. Sections 25.0915(a), (b), and (c), Education
25 Code, are amended to read as follows:

26 (a) A school district shall adopt truancy prevention
27 measures and may adopt progressive truancy interventions for

1 students who violate compulsory attendance requirements that are
2 designed to:

3 (1) address student conduct related to truancy in the
4 school setting;

5 (2) minimize the need for referrals to juvenile court
6 for conduct described by Section 51.03(b)(2), Family Code; and

7 (3) minimize the filing of complaints in county,
8 justice, and municipal courts alleging a violation of Section
9 25.094.

10 (b) Each referral to juvenile court for conduct described by
11 Section 51.03(b)(2), Family Code, or complaint filed in county,
12 justice, or municipal court alleging a violation by a student of
13 Section 25.094 must:

14 (1) be accompanied by a statement from the student's
15 school certifying that:

16 (A) the school applied the truancy prevention
17 measures and, if applicable, the progressive truancy interventions
18 adopted under Subsection (a) to the student; and

19 (B) the truancy prevention measures and, if
20 applicable, the progressive truancy interventions failed to
21 meaningfully address the student's school attendance; and

22 (2) specify whether the student is eligible for or
23 receives special education services under Subchapter A, Chapter 29.

24 (c) 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 Subsection (b), 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 8. Subchapter C, Chapter 25, Education Code, is
5 amended by adding Section 25.0917 to read as follows:

6 Sec. 25.0917. PROGRESSIVE TRUANCY INTERVENTION SYSTEM. (a)
7 A system of progressive interventions for truancy adopted by a
8 school district under Section 25.0915 must include at least three
9 tiers of interventions.

10 (b) A school district may apply the first tier of
11 interventions to a student who has at least three unexcused
12 absences within a school year, and may apply successive tiers of
13 interventions to the student if the student continues to accumulate
14 unexcused absences following the application of the first tier
15 consequences.

16 (c) The first tier of progressive truancy interventions
17 must include:

18 (1) a conference with the student, the student's
19 parent or guardian, and an employee of the school that the student
20 attends and regularly scheduled follow-up meetings to assess the
21 student's progress; and

22 (2) an attendance contract, signed by the attendees of
23 the conference under Subdivision (1), that includes:

24 (A) a description of the attendance expectations
25 that the school has for the student;

26 (B) the period for which the contract is in
27 effect, not to exceed 45 days following the date the contract is

1 signed; and

2 (C) a description of the consequences that may be
3 imposed on the student if the student accumulates additional
4 absences or commits school offenses, which may include additional
5 disciplinary actions or a referral to juvenile court.

6 (d) At least one of the tiers of truancy interventions after
7 the first tier must include an individualized assessment of the
8 student by a school employee that:

9 (1) identifies the reasons that the student has
10 accumulated unexcused absences;

11 (2) refers the student to counseling, if necessary;
12 and

13 (3) refers the student to any services, including
14 school-sponsored or community-based services, that focus on
15 addressing the student's absences from school.

16 (e) The consequences imposed on a student who has
17 accumulated additional unexcused absences following the
18 application of the first tier of progressive truancy intervention
19 consequences may include:

20 (1) school-based community service;

21 (2) participation in a school-based restorative
22 justice program;

23 (3) referral to a school-based teen court;

24 (4) weekend courses designed to improve attendance and
25 behavior;

26 (5) if the student is eligible for or is receiving
27 special education services under Subchapter A, Chapter 29, from a

1 school district, or is covered by Section 504, Rehabilitation Act
2 of 1973 (29 U.S.C. Section 794), a full reevaluation under Section
3 29.004 or under Section 504 of the Rehabilitation Act of 1973, as
4 appropriate, or an assessment of the student's individualized
5 education program to address the causes of the student's unexcused
6 absences, as necessary; or

7 (6) if the student is not receiving special education
8 services from a school district, an initial evaluation for special
9 education services under Section 29.004 or under Section 504,
10 Rehabilitation Act of 1973 (29 U.S.C. Section 794), as appropriate.

11 SECTION 9. Section 25.094, Education Code, is amended by
12 amending Subsections (a), (b), (c), (d-1), (f), and (g) and adding
13 Subsections (e-1) and (e-2) to read as follows:

14 (a) An individual is liable to the state for a civil penalty
15 not to exceed \$100 [~~commits an offense~~] if the individual:

16 (1) is 12 years of age or older and younger than 18
17 years of age;

18 (2) is required to attend school under Section 25.085;
19 and

20 (3) fails to attend school on 10 or more days or parts
21 of days within a six-month period in the same school year or on
22 three or more days or parts of days within a four-week period.

23 (b) An action [~~offense~~] under this section may be brought
24 [~~prosecuted~~] in:

25 (1) the constitutional county court of the county in
26 which the individual resides or in which the school is located, if
27 the county has a population of 1.75 million or more;

1 (2) a justice court of any precinct in the county in
2 which the individual resides or in which the school is located; or

3 (3) a municipal court in the municipality in which the
4 individual resides or in which the school is located.

5 (c) On a finding by the county, justice, or municipal court
6 ~~[that the individual has committed an offense under Subsection (a)~~
7 ~~or on a finding by a juvenile court in a county with a population of~~
8 ~~less than 100,000]~~ that the individual has engaged in conduct that
9 violates Subsection (a), the court may enter an order that includes
10 one or more of the requirements listed in Article 45.054, Code of
11 Criminal Procedure~~[, as added by Chapter 1514, Acts of the 77th~~
12 ~~Legislature, Regular Session, 2001]~~.

13 (d-1) Pursuant to an order of the county, justice, or
14 municipal court based on an affidavit showing probable cause to
15 believe that an individual has violated ~~[committed an offense~~
16 ~~under]~~ this section, a peace officer may issue a citation or take
17 the individual into custody. A peace officer taking an individual
18 into custody under this subsection shall:

19 (1) promptly notify the individual's parent, guardian,
20 or custodian of the officer's action and the reason for that action;
21 and

22 (2) without unnecessary delay:

23 (A) release the individual to the individual's
24 parent, guardian, or custodian or to another responsible adult, if
25 the person promises to bring the individual to the county, justice,
26 or municipal court as requested by the court; or

27 (B) bring the individual to a county, justice, or

1 municipal court with venue over the offense.

2 (e-1) The imposition of a civil penalty under this section
3 is not a conviction and may not be considered a conviction for any
4 purpose.

5 (e-2) The district or county attorney of the county in which
6 the conduct described by this section is alleged to have occurred
7 shall bring an action in a county, justice, or municipal court to
8 collect the civil penalty of a person who is taken into custody or
9 is issued a citation for a violation under this section.

10 (f) It is a [~~an affirmative~~] defense [~~to prosecution~~] under
11 this section that one or more of the absences required to be proven
12 under Subsection (a) were excused by a school official or by the
13 court or that one or more of the absences were involuntary, but only
14 if there is an insufficient number of unexcused or voluntary
15 absences remaining to constitute an offense under this section. The
16 burden is on the respondent [~~defendant~~] to show by a preponderance
17 of the evidence that the absence has been excused or that the
18 absence was involuntary. A decision by the court to excuse an
19 absence for purposes of this section does not affect the ability of
20 the school district to determine whether to excuse the absence for
21 another purpose.

22 (g) It is a [~~an affirmative~~] defense [~~to prosecution~~] under
23 this section that one or more of the absences required to be proven
24 under Subsection (a) was involuntary. The burden is on the
25 respondent [~~defendant~~] to show by a preponderance of the evidence
26 that the absence was involuntary.

27 SECTION 10. Sections [25.095](#)(a) and (c), Education Code, are

1 amended to read as follows:

2 (a) A school district or open-enrollment charter school
3 shall notify a student's parent in writing at the beginning of the
4 school year that if the student is absent from school on 10 or more
5 days or parts of days within a six-month period in the same school
6 year or on three or more days or parts of days within a four-week
7 period:

8 (1) the student's parent is subject to prosecution
9 under Section 25.093; and

10 (2) the student is subject to an action brought
11 ~~[prosecution]~~ under Section 25.094 or to referral to a juvenile
12 court ~~[in a county with a population of less than 100,000]~~ for
13 conduct indicating a need for supervision ~~[that violates that~~
14 ~~section]~~.

15 (c) The fact that a parent did not receive a notice under
16 Subsection (a) or (b) does not create a defense to prosecution under
17 Section 25.093, a defense to an action brought under Section ~~[or]~~
18 25.094, or a defense in a disposition hearing on an issue as to
19 whether the child engaged in conduct indicating a need for
20 supervision.

21 SECTION 11. Sections 25.0951(a) and (b), Education Code,
22 are amended to read as follows:

23 (a) If a student fails to attend school without excuse on 10
24 or more days or parts of days within a six-month period in the same
25 school year, a school district may ~~[shall]~~ within 10 school days of
26 the student's most recent ~~[10th]~~ absence:

27 (1) file a complaint against the ~~[student or the]~~

1 student's parent [~~or both~~] in a county, justice, or municipal court
2 for an offense under Section 25.093, bring an action in a county,
3 justice, or municipal court for conduct that violates Section [or]
4 25.094, [as appropriate,] or refer the student to a juvenile court
5 for a determination as to whether the child engaged in conduct
6 indicating a need for supervision [in a county with a population of
7 less than 100,000 for conduct that violates Section 25.094]; or

8 (2) refer the student to a juvenile court for conduct
9 indicating a need for supervision under Section 51.03(b)(2), Family
10 Code.

11 (b) If a student fails to attend school without excuse on
12 three or more days or parts of days within a four-week period but
13 does not fail to attend school for the time described by Subsection
14 (a), the school district may:

15 (1) file a complaint against the [~~student or the~~]
16 student's parent [~~or both~~] in a county, justice, or municipal court
17 for an offense under Section 25.093, bring an action in a county,
18 justice, or municipal court for conduct that violates Section [or]
19 25.094, [as appropriate,] or refer the student to a juvenile court
20 for a determination as to whether the child engaged in conduct
21 indicating a need for supervision [in a county with a population of
22 less than 100,000 for conduct that violates Section 25.094]; or

23 (2) refer the student to a juvenile court for conduct
24 indicating a need for supervision under Section 51.03(b)(2), Family
25 Code.

26 SECTION 12. Section 51.02(15), Family Code, is amended to
27 read as follows:

1 (15) "Status offender" means a child who is accused,
2 adjudicated, or convicted for conduct that would not, under state
3 law, be a crime if committed by an adult, including:

4 (A) truancy under Section 51.03(b)(2);

5 (B) running away from home under Section
6 51.03(b)(3);

7 (C) a fineable only offense under Section
8 51.03(b)(1) transferred to the juvenile court under Section
9 51.08(b), but only if the conduct constituting the offense would
10 not have been criminal if engaged in by an adult;

11 (D) [~~failure to attend school under Section~~
12 ~~25.094, Education Code,~~

13 [~~(E)~~] a violation of standards of student conduct
14 as described by Section 51.03(b)(5);

15 (E) [~~(F)~~] a violation of a juvenile curfew
16 ordinance or order;

17 (F) [~~(G)~~] a violation of a provision of the
18 Alcoholic Beverage Code applicable to minors only; or

19 (G) [~~(H)~~] a violation of any other fineable only
20 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
21 conduct constituting the offense would not have been criminal if
22 engaged in by an adult.

23 SECTION 13. Sections 54.021(b), (c), (d), and (e), Family
24 Code, are amended to read as follows:

25 (b) A county, justice, or municipal court may exercise
26 jurisdiction over a person alleged to have engaged in conduct
27 indicating a need for supervision by engaging in conduct described

1 in Section 51.03(b)(2) in a case where:

2 (1) the person is 12 years of age or older;

3 (2) the juvenile court has waived its original
4 jurisdiction under this section; and

5 (3) an action [~~a complaint~~] is filed by the
6 appropriate authority in the county, justice, or municipal court
7 for a violation [~~charging an offense~~] under Section 25.094,
8 Education Code.

9 (c) A proceeding in a county, justice, or municipal court on
10 a complaint charging conduct that violates [~~an offense under~~]
11 Section 25.094, Education Code, is governed by Chapter 45, Code of
12 Criminal Procedure.

13 (d) Notwithstanding any other law, the costs assessed in a
14 case filed in or transferred to a constitutional county court for an
15 offense under Section 25.093, Education Code, or for conduct that
16 violates Section 25.094, Education Code, must be the same as the
17 costs assessed for a case filed in a justice court for an offense
18 under Section 25.093, Education Code, or for conduct that violates
19 Section 25.094, Education Code.

20 (e) The proceedings before a constitutional county court
21 related to an offense under Section 25.093, Education Code, or
22 conduct that violates Section 25.094, Education Code, may be
23 recorded in any manner provided by Section 30.00010, Government
24 Code, for recording proceedings in a municipal court of record.

25 SECTION 14. Section 54.1955, Government Code, is amended to
26 read as follows:

27 Sec. 54.1955. POWERS. (a) Except as limited by an order of

1 the county judge, a magistrate appointed under this subchapter may:

- 2 (1) conduct hearings;
- 3 (2) hear evidence;
- 4 (3) issue summons for the appearance of witnesses;
- 5 (4) examine witnesses;
- 6 (5) swear witnesses for hearings;
- 7 (6) recommend rulings or orders or a judgment in a
- 8 case;

9 (7) regulate proceedings in a hearing;

10 (8) accept a plea of guilty or nolo contendere in a

11 case alleging a violation of Section 25.093 [~~or 25.094~~], Education

12 Code, and assess a fine or court costs or order community service in

13 satisfaction of a fine or costs in accordance with Article 45.049,

14 Code of Criminal Procedure;

15 (9) enter an order suspending a sentence or deferring

16 a final disposition that includes at least one of the requirements

17 listed in Article 45.051, Code of Criminal Procedure;

18 (10) perform any act and take any measure necessary

19 and proper for the efficient performance of the duties required by

20 the referral order, including the entry of an order that includes at

21 least one of the requirements in Article 45.054, Code of Criminal

22 Procedure; and

23 (11) if the magistrate finds that a child as defined by

24 Article 45.058, Code of Criminal Procedure, has violated an order

25 under Article 45.054, Code of Criminal Procedure, proceed as

26 authorized by Article 45.050, Code of Criminal Procedure.

27 (b) With respect to an issue of law or fact the ruling on

1 which could result in the dismissal of a prosecution under Section
2 [25.093](#), Education Code, or an action brought under Section 25.094,
3 Education Code, a magistrate may not rule on the issue but may make
4 findings, conclusions, and recommendations on the issue.

5 SECTION 15. Section [71.0352](#), Government Code, is amended to
6 read as follows:

7 Sec. 71.0352. JUVENILE DATE: JUSTICE, MUNICIPAL, AND
8 JUVENILE COURTS. As a component of the official monthly report
9 submitted to the Office of Court Administration of the Texas
10 Judicial System:

11 (1) justice and municipal courts shall report the
12 number of cases filed for the following [~~offenses~~]:

13 (A) failure to attend school under Section
14 [25.094](#), Education Code;

15 (B) parent contributing to nonattendance under
16 Section [25.093](#), Education Code; and

17 (C) violation of a local daytime curfew ordinance
18 adopted under Section [341.905](#) or [351.903](#), Local Government Code;
19 and

20 (2) in cases in which a child fails to obey an order of
21 a justice or municipal court under circumstances that would
22 constitute contempt of court, the justice or municipal court shall
23 report the number of incidents in which the child is:

24 (A) referred to the appropriate juvenile court
25 for delinquent conduct as provided by Article [45.050](#)(c)(1), Code of
26 Criminal Procedure, and Section [51.03](#)(a)(2), Family Code; or

27 (B) held in contempt, fined, or denied driving

1 privileges as provided by Article 45.050(c)(2), Code of Criminal
2 Procedure.

3 SECTION 16. Section 103.021, Government Code, is amended to
4 read as follows:

5 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
6 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or
7 defendant, or a party to a civil suit, as applicable, shall pay the
8 following fees and costs under the Code of Criminal Procedure if
9 ordered by the court or otherwise required:

10 (1) a personal bond fee (Art. 17.42, Code of Criminal
11 Procedure) . . . the greater of \$20 or three percent of the amount
12 of the bail fixed for the accused;

13 (2) cost of electronic monitoring as a condition of
14 release on personal bond (Art. 17.43, Code of Criminal Procedure)
15 . . . actual cost;

16 (3) a fee for verification of and monitoring of motor
17 vehicle ignition interlock (Art. 17.441, Code of Criminal
18 Procedure) . . . not to exceed \$10;

19 (3-a) costs associated with operating a global
20 positioning monitoring system as a condition of release on bond
21 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
22 subject to a determination of indigency;

23 (3-b) costs associated with providing a defendant's
24 victim with an electronic receptor device as a condition of the
25 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
26 Procedure) . . . actual costs, subject to a determination of
27 indigency;

1 (4) repayment of reward paid by a crime stoppers
2 organization on conviction of a felony (Art. 37.073, Code of
3 Criminal Procedure) . . . amount ordered;

4 (5) reimbursement to general revenue fund for payments
5 made to victim of an offense as condition of community supervision
6 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
7 a misdemeanor offense or \$100 for a felony offense;

8 (6) payment to a crime stoppers organization as
9 condition of community supervision (Art. 42.12, Code of Criminal
10 Procedure) . . . not to exceed \$50;

11 (7) children's advocacy center fee (Art. 42.12, Code
12 of Criminal Procedure) . . . not to exceed \$50;

13 (8) family violence center fee (Art. 42.12, Code of
14 Criminal Procedure) . . . \$100;

15 (9) community supervision fee (Art. 42.12, Code of
16 Criminal Procedure) . . . not less than \$25 or more than \$60 per
17 month;

18 (10) additional community supervision fee for certain
19 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
20 month;

21 (11) for certain financially able sex offenders as a
22 condition of community supervision, the costs of treatment,
23 specialized supervision, or rehabilitation (Art. 42.12, Code of
24 Criminal Procedure) . . . all or part of the reasonable and
25 necessary costs of the treatment, supervision, or rehabilitation as
26 determined by the judge;

27 (12) fee for failure to appear for trial in a justice

1 or municipal court if a jury trial is not waived (Art. 45.026, Code
2 of Criminal Procedure) . . . costs incurred for impaneling the
3 jury;

4 (13) costs of certain testing, assessments, or
5 programs during a deferral period (Art. 45.051, Code of Criminal
6 Procedure) . . . amount ordered;

7 (14) special expense on dismissal of certain
8 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
9 . . . not to exceed amount of fine assessed;

10 (15) an additional fee:

11 (A) for a copy of the defendant's driving record
12 to be requested from the Department of Public Safety by the judge
13 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
14 to the sum of the fee established by Section 521.048,
15 Transportation Code, and the state electronic Internet portal fee;

16 (B) as an administrative fee for requesting a
17 driving safety course or a course under the motorcycle operator
18 training and safety program for certain traffic offenses to cover
19 the cost of administering the article (Art. 45.0511(f)(1), Code of
20 Criminal Procedure) . . . not to exceed \$10; or

21 (C) for requesting a driving safety course or a
22 course under the motorcycle operator training and safety program
23 before the final disposition of the case (Art. 45.0511(f)(2), Code
24 of Criminal Procedure) . . . not to exceed the maximum amount of the
25 fine for the offense committed by the defendant;

26 (16) a request fee for teen court program (Art.
27 45.052, Code of Criminal Procedure) . . . \$20, if the court

1 ordering the fee is located in the Texas-Louisiana border region,
2 but otherwise not to exceed \$10;

3 (17) a fee to cover costs of required duties of teen
4 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
5 court ordering the fee is located in the Texas-Louisiana border
6 region, but otherwise \$10;

7 (18) a mileage fee for officer performing certain
8 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
9 mile;

10 (19) certified mailing of notice of hearing date (Art.
11 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

12 (20) certified mailing of certified copies of an order
13 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
14 plus postage;

15 (20-a) a fee to defray the cost of notifying state
16 agencies of orders of expungement (Art. 45.0216, Code of Criminal
17 Procedure) . . . \$30 per application;

18 [~~(20-b) a fee to defray the cost of notifying state~~
19 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~
20 ~~Procedure) . . . \$30 per application;~~]

21 (21) sight orders:

22 (A) if the face amount of the check or sight order
23 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
24 . . . not to exceed \$10;

25 (B) if the face amount of the check or sight order
26 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
27 Criminal Procedure) . . . not to exceed \$15;

1 (C) if the face amount of the check or sight order
2 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
3 Criminal Procedure) . . . not to exceed \$30;

4 (D) if the face amount of the check or sight order
5 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
6 Criminal Procedure) . . . not to exceed \$50; and

7 (E) if the face amount of the check or sight order
8 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
9 . . . not to exceed \$75;

10 (22) fees for a pretrial intervention program:

11 (A) a supervision fee (Art. 102.012(a), Code of
12 Criminal Procedure) . . . \$60 a month plus expenses; and

13 (B) a district attorney, criminal district
14 attorney, or county attorney administrative fee (Art. 102.0121,
15 Code of Criminal Procedure) . . . not to exceed \$500;

16 (23) parking fee violations for child safety fund in
17 municipalities with populations:

18 (A) greater than 850,000 (Art. 102.014, Code of
19 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

20 (B) less than 850,000 (Art. 102.014, Code of
21 Criminal Procedure) . . . not to exceed \$5;

22 (24) an administrative fee for collection of fines,
23 fees, restitution, or other costs (Art. 102.072, Code of Criminal
24 Procedure) . . . not to exceed \$2 for each transaction; and

25 (25) a collection fee, if authorized by the
26 commissioners court of a county or the governing body of a
27 municipality, for certain debts and accounts receivable, including

1 unpaid fines, fees, court costs, forfeited bonds, and restitution
2 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
3 percent of an amount more than 60 days past due.

4 SECTION 17. The following provisions are repealed:

5 (1) Article 45.055, Code of Criminal Procedure; and

6 (2) Section 25.094(e), Education Code.

7 SECTION 18. The changes in law made by this Act apply to a
8 person taken into custody or issued a citation on or after the
9 effective date of this Act, regardless of whether the conduct for
10 which the person was taken into custody or issued a citation
11 occurred before, on, or after that date.

12 SECTION 19. This Act takes effect September 1, 2015.