

By: Huberty, Deshotel

H.B. No. 1490

Substitute the following for H.B. No. 1490:

By: Dutton

C.S.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
26 progressive truancy interventions adopted under Section 25.0915 to
27 the student; and

1 (B) if the truancy prevention measures or
2 progressive truancy interventions fail to meaningfully address the
3 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
13 progressive truancy interventions adopted under Section 25.0915 to
14 the student; and

15 (B) if the truancy prevention measures and
16 progressive truancy interventions fail to meaningfully address the
17 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) and (b), Education Code, are
25 amended to read as follows:

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

1 violate compulsory attendance requirements that are designed to:

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

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

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

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

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

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

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

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

23 SECTION 8. Subchapter C, Chapter 25, Education Code, is
24 amended by adding Section 25.0917 to read as follows:

25 Sec. 25.0917. PROGRESSIVE TRUANCY INTERVENTION SYSTEM. (a)

26 A system of progressive interventions for truancy adopted by a

27 school district under Section 25.0915 must include at least three

1 tiers of interventions.

2 (b) A school district shall apply the first tier of
3 interventions to a student who has at least three unexcused
4 absences within a school year, and shall apply successive tiers of
5 interventions to the student if the student continues to accumulate
6 unexcused absences following the application of the first tier
7 consequences.

8 (c) The first tier of progressive truancy interventions
9 must include:

10 (1) a conference with the student, the student's
11 parent or guardian, and an employee of the school that the student
12 attends and regularly scheduled follow-up meetings to assess the
13 student's progress; and

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

16 (A) a description of the attendance expectations
17 that the school has for the student;

18 (B) the period for which the contract is in
19 effect, not to exceed 45 days following the date the contract is
20 signed; and

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

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

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

3 (2) refers the student to counseling, if necessary;
4 and

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

8 (e) The consequences imposed on a student who has
9 accumulated additional unexcused absences following the
10 application of the first tier of progressive truancy intervention
11 consequences may include:

12 (1) school-based community service;

13 (2) participation in a school-based restorative
14 justice program;

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

16 (4) weekend courses designed to improve attendance and
17 behavior;

18 (5) if the student is eligible for or is receiving
19 special education services under Subchapter A, Chapter 29, from a
20 school district, or is covered by Section 504, Rehabilitation Act
21 of 1973 (29 U.S.C. Section 794), a full reevaluation under Section
22 29.004 or under Section 504 of the Rehabilitation Act of 1973, as
23 appropriate, or an assessment of the student's individualized
24 education program to address the causes of the student's unexcused
25 absences, as necessary; or

26 (6) if the student is not receiving special education
27 services from a school district, an initial evaluation for special

1 education services under Section 29.004 or under Section 504,
2 Rehabilitation Act of 1973 (29 U.S.C. Section 794), as appropriate.

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

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

8 (1) is 12 years of age or older and younger than 18
9 years of age;

10 (2) is required to attend school under Section 25.085;
11 and

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

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

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

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

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

24 (c) On a finding by the county, justice, or municipal court
25 [~~that the individual has committed an offense under Subsection (a)~~
26 ~~or on a finding by a juvenile court in a county with a population of~~
27 ~~less than 100,000~~] that the individual has engaged in conduct that

1 violates Subsection (a), the court may enter an order that includes
2 one or more of the requirements listed in Article 45.054, Code of
3 Criminal Procedure [~~, as added by Chapter 1514, Acts of the 77th~~
4 ~~Legislature, Regular Session, 2001~~].

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

11 (1) promptly notify the individual's parent, guardian,
12 or custodian of the officer's action and the reason for that action;
13 and

14 (2) without unnecessary delay:

15 (A) release the individual to the individual's
16 parent, guardian, or custodian or to another responsible adult, if
17 the person promises to bring the individual to the county, justice,
18 or municipal court as requested by the court; or

19 (B) bring the individual to a county, justice, or
20 municipal court with venue over the offense.

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

24 (e-2) The district or county attorney of the county in which
25 the conduct described by this section is alleged to have occurred
26 shall bring an action in a county, justice, or municipal court to
27 collect the civil penalty of a person who is taken into custody or

1 is issued a citation for a violation under this section.

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

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

19 SECTION 10. Sections 25.095(a), (b), and (c), Education
20 Code, are amended to read as follows:

21 (a) A school district or open-enrollment charter school
22 shall notify a student's parent in writing at the beginning of the
23 school year that if the student is absent from school on 10 or more
24 days or parts of days within a six-month period in the same school
25 year or on three or more days or parts of days within a four-week
26 period:

27 (1) the student's parent is subject to prosecution

1 under Section 25.093; and

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

7 (b) A school district shall notify a student's parent if the
8 student has been absent from school, without excuse under Section
9 25.087, on three days or parts of days within a four-week period.
10 The notice must:

11 (1) inform the parent that:

12 (A) it is the parent's duty to monitor the
13 student's school attendance and require the student to attend
14 school; and

15 (B) the parent is subject to prosecution under
16 Section 25.093; and

17 (2) request a first-tier progressive truancy
18 intervention conference under Section 25.0917(c)(1) ~~[between~~
19 ~~school officials and the parent]~~ to discuss the absences.

20 (c) The fact that a parent did not receive a notice under
21 Subsection (a) or (b) does not create a defense to prosecution under
22 Section 25.093, a defense to an action brought under Section ~~[or]~~
23 25.094, or a defense in a disposition hearing on an issue as to
24 whether the child engaged in conduct indicating a need for
25 supervision.

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

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

5 (1) file a complaint against the [~~student or the~~]
6 student's parent [~~or both~~] in a county, justice, or municipal court
7 for an offense under Section 25.093, bring an action in a county,
8 justice, or municipal court for conduct that violates Section [~~or~~]
9 25.094, [as appropriate,] or refer the student to a juvenile court
10 for a determination as to whether the child engaged in conduct
11 indicating a need for supervision [~~in a county with a population of~~
12 ~~less than 100,000 for conduct that violates Section 25.094~~]; or

13 (2) refer the student to a juvenile court for conduct
14 indicating a need for supervision under Section 51.03(b)(2), Family
15 Code.

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

20 (1) file a complaint against the [~~student or the~~]
21 student's parent [~~or both~~] in a county, justice, or municipal court
22 for an offense under Section 25.093, bring an action in a county,
23 justice, or municipal court for conduct that violates Section [~~or~~]
24 25.094, [as appropriate,] or refer the student to a juvenile court
25 for a determination as to whether the child engaged in conduct
26 indicating a need for supervision [~~in a county with a population of~~
27 ~~less than 100,000 for conduct that violates Section 25.094~~]; or

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

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

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

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

10 (B) running away from home under Section
11 51.03(b)(3);

12 (C) a fineable only offense under Section
13 51.03(b)(1) transferred to the juvenile court under Section
14 51.08(b), but only if the conduct constituting the offense would
15 not have been criminal if engaged in by an adult;

16 (D) ~~[failure to attend school under Section~~
17 ~~25.094, Education Code,~~

18 ~~(E)~~ a violation of standards of student conduct
19 as described by Section 51.03(b)(5);

20 (E) ~~(F)~~ a violation of a juvenile curfew
21 ordinance or order;

22 (F) ~~(G)~~ a violation of a provision of the
23 Alcoholic Beverage Code applicable to minors only; or

24 (G) ~~(H)~~ a violation of any other fineable only
25 offense under Section 8.07(a)(4) or (5), Penal Code, but only if the
26 conduct constituting the offense would not have been criminal if
27 engaged in by an adult.

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

3 (b) A county, justice, or municipal court may exercise
4 jurisdiction over a person alleged to have engaged in conduct
5 indicating a need for supervision by engaging in conduct described
6 in Section 51.03(b)(2) in a case where:

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

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

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

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

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

25 (e) The proceedings before a constitutional county court
26 related to an offense under Section 25.093, Education Code, or
27 conduct that violates Section 25.094, Education Code, may be

1 recorded in any manner provided by Section 30.00010, Government
2 Code, for recording proceedings in a municipal court of record.

3 SECTION 14. Section 54.1955, Government Code, is amended to
4 read as follows:

5 Sec. 54.1955. POWERS. (a) Except as limited by an order of
6 the county judge, a magistrate appointed under this subchapter may:

- 7 (1) conduct hearings;
- 8 (2) hear evidence;
- 9 (3) issue summons for the appearance of witnesses;
- 10 (4) examine witnesses;
- 11 (5) swear witnesses for hearings;
- 12 (6) recommend rulings or orders or a judgment in a
13 case;
- 14 (7) regulate proceedings in a hearing;
- 15 (8) accept a plea of guilty or nolo contendere in a
16 case alleging a violation of Section 25.093 [~~or 25.094~~], Education
17 Code, and assess a fine or court costs or order community service in
18 satisfaction of a fine or costs in accordance with Article 45.049,
19 Code of Criminal Procedure;
- 20 (9) enter an order suspending a sentence or deferring
21 a final disposition that includes at least one of the requirements
22 listed in Article 45.051, Code of Criminal Procedure;
- 23 (10) perform any act and take any measure necessary
24 and proper for the efficient performance of the duties required by
25 the referral order, including the entry of an order that includes at
26 least one of the requirements in Article 45.054, Code of Criminal
27 Procedure; and

1 (11) if the magistrate finds that a child as defined by
2 Article 45.058, Code of Criminal Procedure, has violated an order
3 under Article 45.054, Code of Criminal Procedure, proceed as
4 authorized by Article 45.050, Code of Criminal Procedure.

5 (b) With respect to an issue of law or fact the ruling on
6 which could result in the dismissal of a prosecution under Section
7 25.093, Education Code, or an action brought under Section 25.094,
8 Education Code, a magistrate may not rule on the issue but may make
9 findings, conclusions, and recommendations on the issue.

10 SECTION 15. Section 71.0352, Government Code, is amended to
11 read as follows:

12 Sec. 71.0352. JUVENILE DATE: JUSTICE, MUNICIPAL, AND
13 JUVENILE COURTS. As a component of the official monthly report
14 submitted to the Office of Court Administration of the Texas
15 Judicial System:

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

18 (A) failure to attend school under Section
19 25.094, Education Code;

20 (B) parent contributing to nonattendance under
21 Section 25.093, Education Code; and

22 (C) violation of a local daytime curfew ordinance
23 adopted under Section 341.905 or 351.903, Local Government Code;
24 and

25 (2) in cases in which a child fails to obey an order of
26 a justice or municipal court under circumstances that would
27 constitute contempt of court, the justice or municipal court shall

1 report the number of incidents in which the child is:

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

5 (B) held in contempt, fined, or denied driving
6 privileges as provided by Article 45.050(c)(2), Code of Criminal
7 Procedure.

8 SECTION 16. Section 103.021, Government Code, is amended to
9 read as follows:

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

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

18 (2) cost of electronic monitoring as a condition of
19 release on personal bond (Art. 17.43, Code of Criminal Procedure)
20 . . . actual cost;

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

24 (3-a) costs associated with operating a global
25 positioning monitoring system as a condition of release on bond
26 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
27 subject to a determination of indigency;

1 (3-b) costs associated with providing a defendant's
2 victim with an electronic receptor device as a condition of the
3 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
4 Procedure) . . . actual costs, subject to a determination of
5 indigency;

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

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

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

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

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

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

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

26 (11) for certain financially able sex offenders as a
27 condition of community supervision, the costs of treatment,

1 specialized supervision, or rehabilitation (Art. 42.12, Code of
2 Criminal Procedure) . . . all or part of the reasonable and
3 necessary costs of the treatment, supervision, or rehabilitation as
4 determined by the judge;

5 (12) fee for failure to appear for trial in a justice
6 or municipal court if a jury trial is not waived (Art. 45.026, Code
7 of Criminal Procedure) . . . costs incurred for impaneling the
8 jury;

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

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

15 (15) an additional fee:

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

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

26 (C) for requesting a driving safety course or a
27 course under the motorcycle operator training and safety program

1 before the final disposition of the case (Art. 45.0511(f)(2), Code
2 of Criminal Procedure) . . . not to exceed the maximum amount of the
3 fine for the offense committed by the defendant;

4 (16) a request fee for teen court program (Art.
5 45.052, Code of Criminal Procedure) . . . \$20, if the court
6 ordering the fee is located in the Texas-Louisiana border region,
7 but otherwise not to exceed \$10;

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

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

15 (19) certified mailing of notice of hearing date (Art.
16 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

17 (20) certified mailing of certified copies of an order
18 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
19 plus postage;

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

23 [~~(20-b) a fee to defray the cost of notifying state~~
24 ~~agencies of orders of expunction (Art. 45.055, Code of Criminal~~
25 ~~Procedure) . . . \$30 per application,]~~

26 (21) sight orders:

27 (A) if the face amount of the check or sight order

1 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
2 . . . not to exceed \$10;

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

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

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

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

15 (22) fees for a pretrial intervention program:

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

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

21 (23) parking fee violations for child safety fund in
22 municipalities with populations:

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

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

27 (24) an administrative fee for collection of fines,

1 fees, restitution, or other costs (Art. 102.072, Code of Criminal
2 Procedure) . . . not to exceed \$2 for each transaction; and

3 (25) a collection fee, if authorized by the
4 commissioners court of a county or the governing body of a
5 municipality, for certain debts and accounts receivable, including
6 unpaid fines, fees, court costs, forfeited bonds, and restitution
7 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
8 percent of an amount more than 60 days past due.

9 SECTION 17. The following provisions are repealed:

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

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

12 SECTION 18. The changes in law made by this Act apply to a
13 person taken into custody or issued a citation on or after the
14 effective date of this Act, regardless of whether the conduct for
15 which the person was taken into custody or issued a citation
16 occurred before, on, or after that date.

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